POST COMMISSION SERIOUS MISCONDUCT HEARING

September 10, 2025
AGENDA
9:00 AM

Meeting Location: Golden West College (Regional Criminal Justice Training Center Multipurpose Room) 15744 Goldenwest Street, Huntington Beach, CA 92647

The Commission on Peace Officer Standards and Training (Commission) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Commission publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Commission Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Commission's jurisdiction. The Commission cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comments relating to specific peace officer revocation cases will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting or by submitting written public comment.

Written public comments are intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comments will not be accepted or distributed to the Commission. To be considered for inclusion in the meeting record, written comments must be received by POST no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to commissionpc@post.ca.gov.

Persons requesting disability-related accommodations or modifications may do so by contacting the Commission assistant at (916) 227-3909 (voice), commissionpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations.

Please note: This meeting and all public meetings will be recorded.

CALL TO ORDER AND WELCOME

COMMISSION MEMBERS

Alan Barcelona
Ingrid Braun
Rick Braziel - Vice Chair
Jim Cooper
Justin Doering
P. Lamont Ewell
Kelly Gordon
Jacob Johnson
Geoff Long - Chair
Shannan Moon
Tina Nieto
Freddie Rodriguez
Benjamin Therriault
Stephen Woolery- Ex-Officio
Vacant (Elected City Official)
Vacant (Elected County Official)
Vacant (Public Member)
Vacant (Sergeant or Below)

ROLL CALL OF COMMISSION MEMBERS

INTRODUCTION OF POSAAB COUNSEL AND THE EXECUTIVE DIRECTOR

The Commission Chair will introduce the POSAAB Counsel and the Executive Director.

PUBLIC COMMENT

The Commission Chair will advise the audience of the following:

This is the time on the agenda for public comment. This time is set aside for members of the public to comment on either items on the Commission agenda or issues not on the agenda but pertaining to POST Commission business. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak are asked to limit their remarks to no more than three minutes each. Please be advised the Commission cannot take action on items not on the agenda.

I. CASE REVIEW OF RECOMMENDATIONS MADE BY THE PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

The Commission will review the recommendations made by the Peace Officer Standards Accountability Advisory Board from the last Board Hearing held on July 16th and 17th, 2025 in West Sacramento, CA.

a. POST2306324 - Luke Baxter Walden (POST ID: A95-T18) Last employing Agency: Los Angeles Police Department (Current)

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.

b. POST2316745 - Jared Brittain (POST ID: C63-Z34) Employing Agency: Orange County Sheriff's Department (Current)

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.

c. POST2318309 - Robert Sasek (POST ID:C81-Z88) Last Employing Agency: Oroville Police Department

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.

II. **CLOSED SESSION**

At this time the meeting will adjourn into closed session for deliberations on the cases presented today.

ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2306324 - LUKE BAXTER WALDEN (POST ID: A95-T18)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
09/10/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
William Imboden	Mike Radford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

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:

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Peace Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of “Supervisor”. On June 5, 2022, Respondent was demoted back to the rank of Detective.

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

The case before the Board alleges the Respondent, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as

the mailing address. During the Administrative Investigation into the alleged serious misconduct of “Acts That Violate the Law” (attempting to purchase an illegal firearm silencer, a Felony), the Respondent was found to be dishonest when he stated he did not try to purchase a firearm silencer. These actions constituted Acts that Violate the Law as defined in Commission Regulation 1205(a)(6) and Dishonesty as defined in Commission Regulation 1205(a)(1).

Audio/Video Evidence Link(s):

- BR14_POST2306324_Walden Luke_Attachment K IA Interview Redacted.m4a

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent’s actions constitute serious misconduct, specifically, Dishonesty as defined in Commission Regulation 1205(a)(1), and Acts that Violate the Law as described in Commission Regulation Regulation 1205(a)(6), in that Respondent researched threaded barrels for firearms, firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead “No Contest” to the misdemeanor charge of Penal Code sections 664 and 30605(a); Attempt to Possess an Assault Weapon. The Felony charge was only dismissed as part of the plea agreement. During the internal investigation, Respondent was dishonest when he stated he was only purchasing a fuel filter for two vehicles he was rebuilding, neither of which would use a fuel filter like the item that was seized by U.S. Customs and Border Protection (CBP). He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The item CBP seized, which was addressed to Respondent at his home address. The item purchased may be advertised on the internet as a fuel filter (or solvent trap) to otherwise disguise its intended use; as manufactured it is functionally inoperable as a fuel filter (it had no filtering properties), and there are dozens of internet sites discussing and showing how to convert this item into a firearm silencer.

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):

BR01_POST2306324_Walden_Luke_ISF.pdf
BR02_POST2306324_Walden_Luke_ExecReviewDivisonRec.pdf
BR03_POST2306324_Walden_Luke_Attachment_A_POSTProfile_Redacted.pdf
BR04_POST2306324_Walden_Luke_Attachment_B_Package_Picture_Redacted.pdf
BR05_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin1.pdf
BR06_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin2.pdf
BR07_POST2306324_Walden_Luke_Attachment_D_Seized_Item.PNG
BR08_POST2306324_Walden_Luke_Attachment_E_DOJ_Printout_Redacted.pdf
BR09_POST2306324_Walden_Luke_Attachment F_LAPD Audit screenshot.png
BR10_POST2306324_Walden_Luke_Attachment_G_Search_Warrant_Supplement_Redacted
BR11_POST2306324_Walden_Luke_Attachment_H_Amazon_Purchase.pdf
BR12_POST2306324_Walden_Luke_Attachment_I_Criminal_Court_Documents_Redacted.pd
BR13_POST2306324_Walden_Luke_Attachment_J_BOR_Rationale.pdf
BR15_POST2306324_Walden_Luke_Attachment_L_Criminalist_Report.pdf
POST2306324_Walden_Luke_July_2025_POSAAB_Agenda_Record.pdf
POST2306324_Walden_Luke_Board_Recommendation_Signed.pdf
POST2306324_Walden_Luke_Transcript_Board_07.16.2025.pdf

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Luke Baxter Walden

POST ID NUMBER: A95 – T18

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: POST2306324

WRITTEN BY: William Imboden

DATE: 3/13/2025

Contents

I. Executive Summary I-2

II. Background Information 3

a. Identity of Respondent 3

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline 3

c. Prior Employment History 3

d. Peace Officer Certification 3

e. The Present Allegations of Serious Misconduct 4

III. Investigative Methodology 4

IV. Factual Summary 5

V. Analysis and Findings 15

a. Does the alleged conduct violate California Regulation 1205(a)(1) –Dishonesty 15

b. Does the alleged conduct violate California Regulation 1205(a)(6) – Illegal Acts 20

VI. Supporting Evidence and Documentation 23

VII. Findings 23

I. Executive Summary

Beginning in January 2021, through March 2021, Respondent Officer, Detective Luke Baxter Walden, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address.

In April 2021, the package was intercepted by Custom and Border Protection (CBP) and an investigation was conducted into the purchaser by Homeland Security Investigations (HSI), when it was discovered that the package contained a silencer. In November 2022, Respondent was arrested for attempted possession of a silencer under Penal Code section 33410, a felony, and held to answer at a preliminary hearing in Los Angeles County. In September 2023, Respondent pled no contest to the misdemeanor crime of attempting to possess an assault weapon under Penal Code section 30605(a), a Misdemeanor, and was sentenced to one day in county jail and fines.

During the course of the administrative investigation conducted by LAPD, Respondent denied he was trying to purchase a firearm silencer and stated he was merely trying to purchase a high-end fuel filter for an early 1980’s Toyota Celica he was restoring.

In April 2023, LAPD sustained the allegation of attempting to obtain a firearm silencer. The respondent was served with a notice of intent to terminate his employment with the LAPD and directed to a Board of Rights (BOR) hearing. In February 2024, the Board of Rights unanimously found Respondent “Guilty” of the charge of trying to obtain a firearm silencer, however they reduced the recommended discipline from termination to 30 days of unpaid leave.

The thorough investigation conducted by LAPD clearly establishes that Respondent was purposefully seeking out firearm silencers and suppressors that could be purchased overseas and masked as fuel filters, for specific types of weapons to include

ones the respondent owned. After reviewing the investigation, the Peace Officer Standards and Accountability Division (POSAAD) determined that in addition to an allegation of Acts that Violate the Law in violation of Penal Code section 13510.8(b)(6), an allegation of Dishonesty in violation of Penal Code section 13510.8(b)(1) - Serious Misconduct, be included herein.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent Officer Luke Walden was employed as a Detective with the Los Angeles Police Department (LAPD).

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

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Police Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of "Supervisor". On June 5, 2022, Respondent was demoted back to the rank of Detective.

In addition to attending the Basic Intensive Police Academy in 1999, prior to his arrest in November 2022, the respondent attended the following in-service training applicable to this investigation:

- 2/17/2000 .45 Pistol Transition Course
- 2/19/2001 Firearms Bean Bag Course
- 7/11/2001 Firearms/Tactical Handgun Course
- 3/2/2004 Firearms/Semi-Auto Pistol Course
- 6/21/2005 Firearms/Tactical Rifle Course
- 2/14/2006 Pedestrian Stops/Weapons Course
- 5/4/2006 Firearms/Tactical Rifle Course
- 9/14/2006 Firearms/Tactical Handgun Course
- 11/8/2006 Firearms/Tactical Rifle Course

- 5/23/2007 Firearms/Tactical Rifle Course
- 7/31/2007 Pedestrian Stops/Weapons Course
- 9/6/2007 Firearms/Tactical Rifle Course
- 12/04/2007 Firearms/Tactical Rifle Course
- 11/02/2009 Firearms/Tactical – Advanced Course
- 5/25/2010 Firearms/Tactical Rifle Update
- 7/3/2012 Firearms/Tactical Rifle Update
- 3/05/2013 Firearms/Tactical Rifle Update
- 10/17/2013 Firearms/Tactical Rifle Update
- 3/25/2014 Firearms/Tactical Rifle Update
- 9/18/2014 Firearms/Tactical Shotgun
- 10/20/2014 Firearms/Tactical Rifle Update
- 4/13/2015 Firearms/Tactical Rifle Update
- 4/06/2016 Firearms/Tactical Rifle Update
- 11/02/2016 Firearms/Tactical Rifle Update
- 11/10/2016 Undercover Operations/Tactical Response
- 4/25/2017 Firearms/Tactical Rifle Update
- 11/09/2017 Firearms/Tactical Rifle Update
- 4/12/2018 Firearms/Tactical Rifle Update
- 12/05/2018 Firearms/Tactical Rifle Update
- 10/01/2019 Firearms/Tactical Rifle Update
- 7/23/2020 Undercover Operations/Tactical Response
- 4/18/2021 Firearms – Sighting Systems

In addition to the above firearms related courses, Respondent attended Tactical Rapid Entry Courses for Narcotics Officers.

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and California Regulation section 1213(a)(5) provide that the Commission must consider Respondent's prior conduct, discipline and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

During Respondent's 24-year career he has received 155 Citizen and Department commendations. His service records do not show any prior discipline or complaints for similar allegations.

c. Prior Employment History

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

d. Peace Officer Certification

Respondent is assigned POST ID A95 – T18. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic (1/20/2000)
- Intermediate (6/03/2008)
- Advanced (2/10/2011)
- Supervisory (10/24/2016)

e. The Present Allegations of Serious Misconduct

1. Filing of Complaint With Agency

The parcel was intercepted on April 22, 2021, and LAPD IA responded to HSI on April 26, 2021, however, their report does not specify a notification date.

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

On February 23, 2022 LAPD concluded their investigation with a recommended finding of Sustained. On February 21, 2023 The Chief of Police upheld the findings and referred the respondent to a Board of Rights for termination. On February 14, 2024 the Board of Rights upheld the findings as well but reduced the discipline to thirty (30) days of unpaid leave/suspension, with no explanation to justify the reduction.

3. Date of Receipt By POST

POST received this initial report on April 13, 2023 with a notification that the case was sent to the BOR on appeal. On January 3, 2025 LAPD notified POST that the BOR appeal was concluded and the discipline was reduced.

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 Los Angeles Police Department administrative investigation which included interviews of two witnesses and the subject officer, as well as summaries of the investigation conducted by Homeland Security Investigations. The LAPD investigation included conversations with agents from the Department of Homeland Security (DHS), Homeland Security Investigations, Custom and Border Patrol, and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The conversations were conducted for background information and factfinding, and not investigative

interviews. In addition, POSAAD interviewed several LAPD personnel involved with the investigation and conducted independent research into fuel filters and solvent traps, and how to convert them into firearms silencers and suppressors.

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

On April 22, 2021, CBP Officer Marisela Pena was assigned to the Los Angeles International Airport mail facility. While screening a bin of parcels received from the People's Republic of China using dedicated X-ray equipment, Officer Pena identified 13 objects that were consistent with firearm silencers. The objects were contained in thirteen separate parcels addressed to recipients throughout California. The parcels were declared as "fuel filters". Upon opening the parcels CBP determined that they were in fact illegal firearms silencers. [1]

CBP generated a list of the recipients and contacted HSI for possible investigation. One of the parcels was addressed to "Luke Waldon" with an address in Granada Hills, CA, and was assigned to HSI Special Agent Razmik Madoyan for follow-up.

[1] *Authority provided in Title 19, Code of Federal Regulations section 162.6 known as "Border Search Authority" allows CBP Officers to conduct examinations of all goods entering the United States. Additionally, these searches at the border do not require probable cause or a warrant as recognized in United States v. Ramsey, 431 U.S. 606, 619 (1977).*

During his initial research into “Luke Waldon”, Agent Madoyan discovered he was an active Los Angeles Police Officer. LAPD was contacted and took over the criminal investigation and initiated an administrative investigation. Prior to accepting the investigation, LAPD confirmed Respondent was a current LAPD Detective assigned to the Gang and Narcotics Division (GND). His home address of record with the Department matched the one on the shipping label in Granada Hills, CA. Respondent had been assigned to GND since April 2009 and had worked several assignments including the Buy Team, the Gun Unit, and an FBI Gang Task Force.

Upon inspection of the parcel, LAPD noted that it was shipped by Xu Shi Ming, from Wuhan, China. The packing described the item as a “fuel filter” with a value of 10 dollars. The label also contained graphics in Chinese, which when translated stated, “Spiral ½ - 28 single-core automobile fuel filter (6-inch ½”- 28-black spiral P0171289910).”[2]

> **Note:** ATF published a Technical Bulletin on October 30, 2019, titled “*Inline Filter” Firearms Silencers* which stated among other things that a ½ - 28 righthand bolt thread can be applied to the following firearms: AR-15, M-16, AR-180, most threaded .223/5.56 rifles, most threaded .22 rifles and pistols, most threaded 9mm pistols, Ruger 10/22 Tactical Rifle, newer Mini 14 .223/5.56 rifles, MPA57 submachine pistol, and an MPA 9mm submachine pistol.

LAPD further described the item as a black colored cylindrical object which had a mono-core baffle with a threaded opening on one end. There was also an outer metal tube, a threaded center marked endcap, a threaded ring and a plastic tube. After the item was booked into Evidence, LAPD criminalist Fadil Biraimah of the Forensic Science Division examined it and its components. Criminalist Biraimah’s report stated the following:

[2] “1/2 – 28” and “5/8 – 24” as seen throughout this report refers to thread size and count (e.g. ½” diameter shaft with 28 threads per inch (tpi))

> "The external inspection revealed the assembly to be in good condition. It has the general appearance of a silencer. The components are all consistent with machined aluminum with a dark, smooth surface finish. There is an internally threaded collar at one end and an unthreaded opening at the other. There are no indications of amateur or improvised production processes. There are no indications of repurposed material or components. The internal inspection revealed a well-made single piece (monocore) baffle with an open channel from end to end. The monocore baffle divides the tube volume into 8 chambers which are open to the central channel. The first area is larger and is consistent with an entrance chamber. The threaded collar is consistent with a muzzle attachment point. These features are conspicuous suppressor/ silencer design elements that substantiate the classification as a silencer."

He concluded by writing in his report that the assembly, as received, was a firearm silencer as described in California Penal Code section 17210.[3]

LAPD contacted the California Department of Justice (Cal DOJ) and obtained a list of all the firearms that were registered to Respondent. With assistance from Cal DOJ and through further investigation, LAPD determined Respondent had fifty-four (54) registered firearms (41 handguns, 12 rifles, 1 shotgun), many of which were compatible with a ½ - 28 barrel thread size.

LAPD conducted an internal audit of Respondent's internet search history on department computers between January 1, 2020, and April 28, 2021. The audit contained keyword searches for "Silencer", "Fuel Filter", "Solvent Trap", "China", "Threaded Barrel", "Firearm", "Barrel", "33410" (California Penal Code section 33410 makes it a Felony for a person, firm, or corporation to possess a silencer) and "Rifle". The audit determined Respondent searched numerous websites that advertised the sale of threaded barrels for weapons that matched several of the handguns that were registered to Respondent, a rifle that was registered to him, and threaded barrels for weapons not registered to

[3] California Penal Code section 17210 defines a "silencer" as any device or attachment designed to silence, diminish, or muffle the report of a firearm, or any parts intended for their assembly or fabrication

him. The audit determined that Respondent conducted twenty-one (21) internet searches using LAPD computers between December 21, 2020, and April 28, 2021, as follows:

www.kimberamerica.com

- .45 ACP Stainless Steel Threaded Barrel SKU: 4000005
- 9mm Stainless Steel Threaded Barrel SKU: 4000006
    - Respondent had 2 Kimber .45 cal. handguns registered to him
    - Respondent did not have a Kimber 9mm handgun registered to him.

www.brownells.com

- 1911 Threaded Barrel
- Handgun-parts/barrel-parts/barrels/1911-45-acp-suppressor-ready-threaded-barrels

www.opplanet-trybe.com

- TRYBE Defense Glock 22/31 9mm threaded Conversion Pistol Barrel
- TRYBE Defense Glock 23/32 9mm Threaded Conversion Pistol Barrel
- TRYBE Defense Glock 34 9mm match grade threaded Pistol Barrel
- TRYBE Defense AR Pistol Barrel 9mm
- TRYBE Defense Sig Sauer P320
    - Respondent had a Glock 22 registered to him
    - Respondent did not have a Glock 23/32 registered to him
    - Respondent had a Glock 34 registered to him
    - Respondent had an AR 9mm Pistol registered to him
    - Respondent did not have a Sig Sauer P320 registered to him

www.pealtier.com

- Aluminum Barrel End Thread Protector for Ruger 1022 10/22 .223 .308 Compensator
    - Respondent had a Ruger .22 rifle registered to him

The LAPD audit also revealed that Respondent searched websites that advertised the sale of "fuel filters". The search focused on filters that had an inner thread size of ½ - 28 converting to an outer thread size of 5/8 – 24. The ½ - 28 thread size would apply to many of the weapons registered to Respondent.

www.pealtier.com

- New Fuel Filter Suit for Napa 4003 WIX 24003 5/8"- 24 & ½" Turbo Air Filter Threaded End Cap

www.carid.com

- WIX WF10429 Fuel Filter (unknown thread size)

www.yhothe.com

- Fuel Filter for 4002 WIX ½ - 28 5/8 – 24

www.rallyset.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

www.napa4003solventtraps.com

- Aluminum 12-10-6-extension spiral 12-20-12-28-58-24-m141car fuel filter car solvent for Napa 4003 WIX 24003

www.bupuff.com

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

www.riorrkids.com

- Clearance Price Car Oil Fuel Filter for 4003 WIX ½ - 28 5/8 -24

www.kikogift.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

www.solventtrapfuelfilter.com

- Fuel Filter Solvent Trap

www.goopuff.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

Respondent was interviewed by LAPD for the administrative investigation on January 11, 2022, and stated he was in the process of rebuilding two vehicles: a 1983 Toyota Celica and a 1985 Toyota Celica. The respondent stated he ordered a fuel filter for the 1985 which never arrived. He could not recall the vendor, or when he ordered the filter. He later ordered another fuel filter through Amazon.com (on August 21, 2021) which he did receive. Respondent denied ordering or attempting to obtain a firearm silencer. He provided pictures of the vehicles he was restoring along with pictures of the type of fuel filter he ordered, and the bracket used to install it.

The respondent said he had some knowledge of silencers which he obtained during his assignments, however he was not an expert. He knew that firearm silencers were illegal to possess. Furthermore, he did not dispute the results of the internet search audit. Respondent stated he used department computers to research silencers for work related purposes only, however he couldn't provide specific cases or reports that required the specific searches he conducted.

LAPD consulted their Acting General Automotive Supervisor, Gregory Field, who reviewed the websites Respondent visited that advertised the sale of fuel filters, and the item CBP seized. It was his opinion, based on the dimensions of the items Respondent researched that none of them were consistent with any fuel filter for a vehicle and the

item seized could not be used as a fuel filter because it had no internal filtration component.[4]

Because the Respondent was under criminal investigation simultaneously LAPD did not conduct any follow-up administrative interviews. They did try to contact the vendor of the intercepted item only to discover all of the contact information in the package was fraudulent (the phone number was not correct for Wuhan, China; the address does not exist on a Google Maps® search), and the Chinese mail service did not provide any information on the sender's information.

During the criminal investigation of Respondent, LAPD served a search warrant on Respondent's PayPal® account. The search revealed that on March 17, 2021, at 0828 hrs. a transaction was completed for $45.96 for the purchase of a "Napa 4003 WIX 24003-1/2-28 5/8-24 Fuel Filter Aluminum Solvent Trap / ½-28-XH". The recipient of the payment was: "Xu Shi Qi International Limited" in Hong Kong, China.

At the conclusion of their criminal investigation, LAPD obtained an arrest warrant for Respondent, who was subsequently booked into the LA County Jail on November 14, 2022. On November 16, 2022, the LA County District Attorney's Office filed one Felony count of Attempted Possession of a Silencer in violation of Penal Code sections 664 and 33410.

In April 2023, LAPD sustained the allegation of attempting to possess a firearm silencer, referred Respondent to a Board of Rights, and recommended termination as the

[4] In-line automobile fuel filters work by trapping dirt, rust, and other debris as fuel flows through them, preventing these contaminants from reaching the engine's fuel system. The filter contains a pleated paper element or other filter medium that captures particles and contaminants as the fuel passes through. Modern fuel filters are designed to trap all particles larger than 30 microns (0.03 millimeters).

appropriate discipline. A the BOR hearing LAPD Criminalist Biraimah stated that “Napa 4003” is a code word for suppressors known to firearms buyers. After examining the seized item, he determined it was a firearm suppressor compatible with a number of firearms. After examining the list of firearms possessed by Respondent Mr. Biraimah found a number of them could be used with the silencer if modified with a threaded barrel.

Respondent’s supervisor, LAPD Lieutenant Eric Bixler, testified at the BOR hearing that one of Respondent’s job responsibilities was to identify suppressors and that Respondent would have been aware of the seized item’s purpose as a suppressor.

At the conclusion of the BOR hearing the board unanimously agreed that Respondent was guilty of the allegation that he, “attempted to obtain a firearm silencer”. However, the board did not impose the recommended termination and instead reduced the discipline to 30 days of unpaid suspension. At the conclusion of which Respondent was restored to full duty with LAPD. The board did not offer any written explanation for the reduction in discipline.

With respect to the criminal charges, on March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, Respondent pled Nolo Contendre (No Contest) to the misdemeanor charge of Attempt to Possess an Assault Weapon and sentenced to one day in jail, one year of informal probation, community service and $150 in fines. The Felony charge was dismissed as part of the plea agreement.

During the criminal investigation, LAPD’s Internal Criminal Investigations Bureau , consulted Agents and Officers of the Department of Homeland Security, Department of

Justice, Homeland Security Investigations, Custom and Border Protection and Bureau of Alcohol, Tobacco, Firearms, and Explosives in an effort to gain an understanding of the market for illegal silencers, the influx of illegal silencers coming into the country, and how importers and purchasers are attempting to skirt the laws and evade detection. As of the time of their report, LAPD learned that CBP had intercepted thousands of suppressors or parts of suppressors, being shipped into the United States from various vendors based out of China.

The intercepted packages are often mislabeled and incorrectly manifested. Senders often identify the contents of the packages as “filter”, “machine filter nozzle”, “motorcycle filter”, “fuel filter”, or other items with the word “filter” or “solvent trap” in the commodity description.

ATF provided Technical Bulletins regarding the detection and identification of firearm silencers which have been marketed as “in-line filters” and “solvent traps”. A legitimate solvent trap is a device that is attached to a firearm muzzle to catch or “trap” dirty cleaning solvent as it is pushed through the barrel. One end of the trap must be solid and have no hole that will allow a projectile to pass through. Devices that have a hole or an index mark for a hole in the endcap are classified as a “firearm silencer” under the National Firearm Act (NFA), which the United States enacted in 1934.

Purchasers may modify these devices into unregistered (illegal) silencers by simply coring a hole into the enclosed/indexed end, which would prevent the device from trapping dirt or solvents. Some devices marketed as “solvent traps” and “fuel filters” have an index mark showing where to drill a hole to modify the device into a silencer. Some also include silencer baffles, which are common in firearm silencers but serve no purpose in a solvent trap or fuel filter.

Title 18, USC 921(a)(24) defines a firearm silencer or “suppressor” as any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts designed or redesigned and intended for the use in assembling or fabricating a firearm silencer or a firearm muffler, any part intended only for use in such assembly or fabrication. The state of California defined the term “silencer” as a device that reduces the sound of a gun when the gun is fired. California Penal Code section 33410 makes it a Felony for a person, firm, or corporation to possess a silencer.

In order to legally possess a silencer in the United States an individual must apply for and receive advanced approval from the ATF. The silencer must have a registered serial number and bear that number. An individual who had received advanced permission to possess a silencer would appear on the National Firearms Registration and Transfer Record.

The National Firearms Act prohibits the importation of suppressors unless they are for the use by the United States for research, for testing by a registered manufacturer, or to be used as a sample by a registered importer. United States Code, Title 26, section 5844. Additionally, the United States maintains an arms embargo against China making it illegal to import silencers from that country according to the Code of Federal Regulations, Title 27, sections 447.21 and 447.52.

At the conclusion of reviewing the LAPD investigation, POSAAD conducted a simple search of YouTube using the keyword sentence “firearm silencer from fuel filter”. The ensuing search resulted in dozens and dozens of YouTube videos ranging from several seconds to over 45 minutes, discussing the purchasing, packaging, manufacturing and quality of “1/2 – 28 5/8 – 24 fuel filter / solvent traps”, and many not only explained how to easily modify them to silencers, but some showed the silencers in use after modification.

https://www.youtube.com/watch?v=qktwL8KNdw8

https://www.youtube.com/watch?v=R1i0JrRaWPo&t=676s

https://www.youtube.com/watch?v=fMZMbLg2MBc

V. Analysis and Findings

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

11 CCR §1205(a)(1) defines Dishonesty 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.

Clear and convincing evidence exists to show that Respondent was dishonest in his answers during the Administrative Investigation into his alleged misconduct.

During the Administrative Investigation into the alleged serious misconduct of "Acts That Violate the Law" (attempting to purchase an illegal firearm silencer, a Felony), the Respondent stated he did not try to purchase a firearm silencer.

I.A. Interview conducted on January 11, 2022

At 5 minutes and 19 seconds (5:19):

Q: [describing the package label to Respondent] "… saying half inch to twenty-eight single core automobile fuel filter. Your name, Luke Walden, and home address were on the shipping label. Do you recall ordering such an item?"

A: "I ordered a fuel filter in the past, I don't remember when. It never got to my house, so I went on Amazon and bought another one ..."

Q: "Who was the vendor… for the fuel filter, do you remember?"

A: "No. I [unintelligible]"

Q: "Can you give me an approximate time frame of when you ordered it"

A: "No. I'm being honest. I can't remember."

At 11:08

Q: "Did you ever order a firearm silencer or suppressor?"

A: "Hell no"

Q: "You do understand what a firearm silencer or suppressor is, is that correct?"

A: "I understand the concept… I've shot them (at department training) but I'm not one hundred percent on how they work … I'm not really well versed."

At 12:56

Q: "Did you ever buy an object or a product that was sold to you under the guise of it being a fuel filter but in actuality it was a firearm suppressor or silencer?"

A: "No"

At 17:17

Q: "have you done internet searches on silencers or firearm suppressors on your department computer?"

A: "yes."

Q: "Why don't you expand on that?"

(Respondent explained that based on sources through the FBI, "bad guys" are going to sell them weapons, mostly ghost guns.)

A: "If you build a gun with a threaded barrel, it becomes an assault pistol at the State level. Me looking that stuff up is based on what I work on."

Respondent claimed to be restoring two old cars, neither of which would use a fuel filter like the item that was seized by CBP. He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The picture of this item, purchased on Amazon in 2021, is vastly different than the item seized by CBP, and is clearly meant to be used as an in-line fuel filter. Additionally, this fuel filter was purchased on August 21, 2021, well after Respondent knew he was under investigation for purchasing the "fuel filter" from China.

At 6:41

Q: "Okay, you're saying you ordered a fuel filter for a vehicle, is that correct?"

A: "yes, sir."

Q: "And that never arrived, right?"

A: "Yes, sir."

Q: "What was the purpose of this fuel filter?"

A: "I have two cars I am rebuilding. One with my son and one for myself …. One is an '83 Celica …. I've done a bunch of suspension and body work to it … we're doing a family project, its something I learned from my dad … and then I have the '85 Celica … on the '85 I'm going to switch the motor to get a bigger engine in there … a super engine … I'm trying to update the fuel system so the car can take the fuel. If you put a bigger engine in you need more gas."

Q: "The fuel filter that you say you ordered that never arrived, was that for the '85 Toyota Celica?"

A: "Yes."

At the **8:10** mark the Respondent stated he was buying a universal fuel filter.

Q: "So you're buying a universal fuel filter you said?"

A: "Yeah. Universal fuel filter. Um, since the one never came, I purchased another one on Amazon. I have photos of all that."

At 20:40

Q: "And you never did any internet searches on your work computer looking to buy a firearm suppressor or silencer shipped to you. Is that correct?"

A: "No. That's correct."

The item CBP seized, which was addressed to Respondent at his home address, while it might be advertised on the internet as a fuel filter (or solvent trap), as manufactured it is functionally inoperable as a fuel filter (it had no filtering

properties), and there are dozens upon dozens of internet sites discussing and showing how to convert this item into a firearm silencer. The item is the exact same brand and size as was located in LAPD's internet audit of the Respondent's internet searches for firearm silencers and was determined to fit many of the firearms Respondent owned. Additionally, the exact name, type, and size are listed on ATF training documents to help law enforcement recognize illegal firearms silencers.

The item purchased using the Respondent's PayPal account was sold by "Xu Shi Qi" in China. The item seized by CBP addressed to Respondent was shipped by "Xu Shi Ming" from China.

The respondent was asked about his internet searches for fuel filters and solvent traps on department computers during his I.A. interview:

Q: "What about fuel filters? Do you recall doing internet searches for that?"
A: "Not independently. No."
Q: "What about solvent traps?"
A: "Not independently."

Respondent's supervisor at LAPD testified at his Board of Rights hearing that one of Respondent's job responsibilities was to identify suppressors and that Respondent would have been aware of the seized item's purpose as a suppressor. However, at the 11 minute and 24 second mark during his I.A. interview when asked if he knew what a firearm silencer or suppressor was, the Respondent stated, "I understand the concept …. I'm not really well versed", in an attempt to downplay his knowledge.

During his I.A. interview on January 11, 2022, in closing, the Respondent stated, "I've been doing this for twenty-three years. There's no way in heck I'm going to jeopardize a twenty-three-year career and a Top Secret FBI security clearance for something that is illegal and could be a felony."

The Board of Review unanimously found the Respondent guilty of the allegation of trying to purchase a firearm silencer, despite the respondent repeatedly denying this fact during the BOR hearing and claiming he only tried to purchase a fuel filter.

> *"Detective Walden maintained that he intended to purchase a high-performance fuel filter. Detective Walden explained that he is a car enthusiast, who Rebuilds cars and has a number of pending and Incomplete projects" – B.O.R. Rationale of Findings Page 2, lines 20 - 24*

b. Does the alleged conduct violate California Regulation 1205(a)(6) – Acts That Violate the Law?

11 CCR § 1205(a)(6) defines Acts That Violate the Law as "*Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the commission*".

On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead "No Contest" to the misdemeanor charge of Penal Code sections 664 and 30605(a); *Attempt to Possess an Assault Weapon*. The Felony charge was only dismissed as part of the plea agreement.

Despite Respondent's misdemeanor plea resulting in the dismissal of the felony charge, clear and convincing evidence exists to show that Respondent committed the act of purchasing an illegal firearm silencer, in violation of California Penal Code section 33410, a Felony. This conduct occurred despite his extensive firearms training through POST, in-service training, and on the job exposure to firearm crimes both generally and as part of LAPD's Gun Unit. Although the investigation was turned over to local law enforcement for prosecution, Respondent violated Federal law under section 27 CFR 447.21 and 27 CFR 447.52, as well as the National Firearms Act (USC, Title 26, section 5844).

Respondent spent several weeks between December 21, 2020, and April 28, 2021, searching the internet for "fuel filter" and/or "solvent trap" with some variation of the words and numbers "Napa", "WIX", "1/2", "28", "5/8", "24", "24003", and "4003" as well as various sites advertising threaded pistol barrels. All of these key search words are identified in ATF Technical Bulletin 20-01 "Inline Filter Firearms Silencers" dated October 30, 2019, and/or ATF Technical Bulletin 17-02 "Solvent Traps" dated April 20, 2017. Additionally, LAPD Criminalist Biraimah testified at Respondent's BOR hearing that "Napa 4003" is a well known code for firearms suppressors among firearms enthusiasts. Respondent's searches for Fuel Filter or Solvent Trap ended on March 15, 2021 – two days prior to his purchase of the silencer.

On March 17, 2021, Respondent used his personal PayPal account to purchase a "Napa 4003 WIX 24003 ½ - 28 5/8 -24 Fuel Filter Aluminum Solvent Trap" while off duty. After that date the LAPD internet use audit into Respondent's web searches showed he only searched for websites that sold threaded firearm barrels. His searches for Fuel Filter or Solvent Trap ended on March 15, 2021. On April 22, 2021, a CBP Officer intercepted a package addressed to Respondent at Respondent's home address with the customs description of "Fuel Filter" on the outside. The shipping label also contained the description, "Spiral ½ - 28 single-core automobile fuel filter".

An LAPD Criminalist inspected the item and stated it was his professional opinion that the item was a firearm silencer. An LAPD automotive supervisor inspected the item and stated not only would the item not fit a Toyota Celica, but the item was also incapable of being used as a fuel filter as it had no internal filtering capabilities; it was an open core.

During his career as a peace officer, Respondent served on the LAPD's Gang and Narcotics Division's Gun Unit. Respondent's supervisor at LAPD testified at his personnel Board of Rights hearing that one of Respondent's job

responsibilities was to identify suppressors and that Respondent would have been aware of the seized item's purpose as a suppressor. Additionally, Respondent has qualified as a gun expert for purposes of testifying in State court proceedings[5]. During his IA interview, Respondent claimed to have used department computers to research silencers for work related purposes only, although he could not provide specific cases or reports that required the specific searches he conducted. Even assuming Respondent's statement to be true, it demonstrates that he was fully aware that these products – the same type as the one he ordered for himself shortly thereafter – were firearm silencers.

Respondent is an experienced peace officer with almost twenty-seven years in the LAPD. In his position as an LAPD Officer, Respondent was not only charged generally with getting illegal guns off the streets but had been a part of the LAPD's Gun and Narcotic Division's Gun Unit for approximately three years. By illegally purchasing a silencer from China, Respondent was in effect, committing the same type of crime that he was sworn to prevent.

During Respondent's IA interview on January 11, 2022, beginning at the 14 minute and 11 second mark, he was asked by his attorney to explain why he never owned any firearm suppressors or silencers, he stated, "Because that's illegal". This, together with Respondent's training, knowledge, and admitted research, demonstrates that his purchase of the silencer was an intentional violation of the law.

At the 22 minute and 55 second mark of the interview the I/O asked, "So you're telling me you're obviously aware a firearm suppressor or silencer is illegal in California, is that correct?". To which the Respondent replied, "Yeah, and apparently parts as well, based on the law." This response shows not only Respondent's culpability, but also a persistent lack of accountability by continuing to refer to the silencer as a "part."

Based on the facts and analysis presented, this intentional violation of the law committed by the respondent peace officer is egregious.

[5] Noted by the Board of Rights in its Rationale on Findings, dated February 14, 2024; pg 2, line 24 – pg 3, line 1.

VI. Supporting Evidence and Documentation

- Attachment A – Respondent's POST Profile Report
- Attachment B – Picture of Package as Addressed
- Attachment C – ATF Technical Bulletins
- Attachment D – Picture of Seized Item
- Attachment E – DOJ Printout of Registered Weapons
- Attachment F – LAPD Internal Audit Report
- Attachment G – Search Warrant Supplement (PayPal)
- Attachment H – Amazon Purchase Picture
- Attachment I – Criminal Court Documents
- Attachment J – BOR Rationale Documents
- Attachment K – IA Interview Audio
- Attachment L – LAPD Criminalist 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.

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: April 30, 2025

CASE #: POST2306324

PEACE OFFICER: Luke Walden

POST ID#: A95 - T18

AGENCY: Los Angeles Police Department

POST CONSULTANT / BC: William Imboden / Mike Radford

ALLEGATION(S):

Commission Regulation 1205(a)(1) Dishonesty

Commission Regulation 1205 (a)(6) Acts that Violate the Law

January 2021, through March 2021, Respondent Officer, Detective Luke Walden, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, firearm silencers, and noise suppressors commonly sold as "oil filters". On March 17, 2021, Respondent, made an online purchase of a purported automotive oil filter from a company in China, listing his home address as the mailing address.

In April 2021, the package was intercepted by Custom and Border Protection and an investigation was conducted by Homeland Security Investigations when it was discovered that the package contained a silencer.

In November 2022, Respondent was arrested for attempted possession of a silencer under Penal Code section 33410F, a felony, and held to answer at a preliminary hearing in Los Angeles County. In September 2023, Respondent pled no contest to the crime of attempting to possess an assault weapon under Penal Code section 30605(a), a Misdemeanor, and was sentenced to one day in county jail and fines.

During the course of the administrative investigation conducted by LAPD, Respondent denied he was trying to purchase a firearm silencer and stated he was merely trying to purchase a high-end oil filter for an early 1980's Toyota Celica he was restoring.

In April 2023, LAPD sustained the allegation of attempting to obtain a firearm silencer. The respondent was served with a notice of intent to terminate his employment with the LAPD and directed to a Board of Rights hearing. In February 2024, the Board of Rights unanimously found Respondent "Guilty" of the charge of trying to obtain a firearm silencer, however they reduced the recommended discipline from termination to 30 days of unpaid leave.

The investigation conducted by LAPD clearly establishes that Respondent was purposefully seeking out firearm silencers and suppressors that could be purchased overseas and masked as oil filters, for specific types of weapons to include ones the respondent owned.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent attempted to purchase an illegal firearm silencer and then was dishonest in his internal affairs investigation. These acts were sufficiently egregious to warrant revocation of peace officer certification pursuant to 13510.8(b)(1) and 13510.8(b)(6).

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	Signature	5/8/25 Date
Annemarie Del Mugnaio Assistant Executive Director	Signature	5/8/25 Date
Manny Alvarez Executive Director	Signature	05/09/2025 Date

cc: Mike Radford

cc: Jason Morlock

cc: Chandler Knapp

cc:

POST PROFILE NAME:

WALDEN, LUKE BAXTER

CALIFORNIA COMMISSION ON **POST**

Certification Status: Temporary Suspension

AKA: N/A

DATE: 05/19/2023

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
A95-T18	LOS ANGELES PD	[redacted]		[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
97748	B	01/20/2000		53.00		Invalid
93079	I	06/03/2008	42	53.00		Invalid
86768	A	02/10/2011	78	53.00	0.00	Invalid
85863	S	10/24/2016	78.00	0.00	0.00	Invalid

Total Number of Certificates: 4

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
07/06/1998	10/07/2012	7	PO	07/06/1998	19420	LOS ANGELES PD	F	P	
07/06/1998	06/15/2014	7	DET	10/07/2012	19420	LOS ANGELES PD	F	P	
07/06/1998	06/05/2022	7	SUP	06/15/2014	19420	LOS ANGELES PD	F	P	
07/06/1998			DET	06/05/2022	19420	LOS ANGELES PD	F	P	

*Reason for Separation: 7 = Promotion/Demotion

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
08/31/1998	K	4890-23272-98-072	8		Y	19420	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE
01/15/1999	A	1850-00100-98-001	1064	R	Y	19420	LAPD		BASIC COURSE-INTENSIVE
02/18/1999	K	1850-21025-98-021	16	R	Y	19420	LAPD		ARREST/CONTROL TACTICS UPDATE
04/08/1999	K	1850-20680-98-110	6		Y	19420	LAPD		NETWORK COMMUNICATIONS UPDATE
04/08/1999	K	1850-29901-98-258	2		Y	19420	LAPD		S&K-INTOXIMETER
08/03/1999	K	1850-23761-99-014	8		Y	19420	LAPD		MOBILE FIELD FORCE TRAINING
02/08/2000	K	1850-29900-99-314	8		Y	19420	LAPD		S&K-CRIME SCENE INVEST
02/17/2000	K	1850-29900-99-388	8		Y	19420	LAPD		S&K-.45 PISTOL TRANSITION COUR
05/23/2000	K	1850-29900-99-665	8		Y	19420	LAPD		S&K-DNC FIELD EXERCISES II
01/15/2001	K	1850-29900-00-299	8		Y	19420	LAPD		S&K-FIELD OFFICER UPDATE
01/19/2001	K	1850-32290-00-003	32		Y	19420	LAPD		JUVENILE LAW ENFORCEMENT
02/19/2001	K	1850-29900-00-421	8		Y	19420	LAPD		S&K-FIREARMS BEAN BAG
07/11/2001	K	1850-32095-01-023	8		Y	19420	LAPD		FIREARMS/TACTICAL HANDGUN
10/03/2001	K	1850-22405-01-021	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
04/10/2002	K	1850-22405-01-139	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
05/14/2002	K	1850-21025-01-054	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
06/13/2002	K	1850-22405-01-089	32		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
10/04/2002	K	1850-32651-02-001	40		Y	19420	LAPD		NARC INVESTIGATION
10/21/2002	K	4890-23284-02-001	8		Y	19420	M TOLERNCE		RACIAL PROFILING-MOT
03/06/2003	K	1850-29900-02-415	8		Y	19420	LAPD		S&K-WEAPONS OF MASS DEST
03/25/2003	K	1850-29900-02-473	4		Y	19420	LAPD		S&K-MENTAL ILLNESS FIRST RESP
07/11/2003	K	1850-22120-03-001	24		Y	19420	LAPD		SURVEILLANCE TECHNIQUES
08/04/2003	K	1850-29900-03-024	8		Y	19420	LAPD		S&K-MANAG WORKPLACE MOD #248
10/23/2003	K	1850-23161-03-009	8		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
11/07/2003	K	1850-31725-03-004	40		Y	19420	LAPD		FIELD TRAINING OFFICER
11/19/2003	K	1850-29900-03-083	8		Y	19420	LAPD		S&K-FIELD OFCR UPDATE MOD #247
03/02/2004	K	1850-31810-03-025	16		Y	19420	LAPD	*	FIREARMS/SEMI-AUTO PISTOL
01/20/2005	K	1850-21025-04-031	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
06/21/2005	K	1850-32075-04-039	16		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
10/10/2005	K	1850-22414-05-008	2	X	Y	19420	LAPD		FIREARMS/OFCR SURVL SHOOTING

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
10/24/2005	K	1850-31767-05-032	16	X	Y	19420	LAPD		WMD/L.E. FIELD RESPONSE
02/14/2006	K	1850-22418-05-002	4		Y	19420	LAPD		PEDESTRIAN STOPS/WEAPONS
02/14/2006	K	1850-20832-05-002	4		Y	19420	LAPD	*	VEHICLE STOPS, ADVANCED
04/27/2006	K	1850-23161-05-023	16		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
05/04/2006	K	1850-32075-05-023	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
05/30/2006	K	1850-24270-05-016	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
09/14/2006	K	1850-32095-06-017	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
10/10/2006	K	1850-32693-06-026	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
11/28/2006	K	1850-32075-06-020	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
01/10/2007	K	1850-29502-06-064	4	X	Y	19420	LAPD	*	DRIVING(PSP)
01/10/2007	K	1850-21124-06-059	4	R	Y	19420	LAPD	*	FOOT PURSUITS
01/10/2007	K	1850-29000-06-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
05/23/2007	K	1850-32075-06-050	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
07/31/2007	K	1850-21018-07-017	2		Y	19420	LAPD		BUILDING SEARCHES
07/31/2007	K	1850-22418-07-009	4		Y	19420	LAPD	*	PEDESTRIAN STOPS/WEAPONS
07/31/2007	K	1850-20832-07-010	4	R	Y	19420	LAPD	*	VEHICLE STOPS, ADVANCED
09/06/2007	K	1850-32075-07-022	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
10/02/2007	K	1850-21752-07-010	10	R	Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
12/04/2007	K	1850-32075-07-048	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
03/05/2008	K	1850-32693-07-013	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
10/24/2008	K	1850-31725-08-001	40		Y	19420	LAPD		FIELD TRAINING OFFICER
11/07/2008	K	1850-21165-08-006	4		Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
01/05/2009	K	1850-31789-08-091	8	X	Y	19420	LAPD		WMD UPDATE
01/21/2009	K	1850-20662-08-009	4	X	Y	19420	LAPD		CRIMINAL RECORDS SYSTEM
04/15/2009	K	1850-24270-08-014	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/02/2009	K	1850-24270-09-004	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/02/2009	K	1850-21647-09-027	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
01/13/2010	K	1850-32693-09-012	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
05/12/2010	K	1850-29503-09-109	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
05/25/2010	K	1850-32078-09-037	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/07/2010	K	1850-20147-09-208	10		Y	19420	LAPD		MACTAC BASIC
07/06/2010	K	1850-21165-10-042	4		Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
07/06/2010	K	1850-21065-10-140	4		Y	19420	LAPD	*	FORCE OPTION-SIMULATOR
07/29/2010	K	1850-22680-10-001	8		Y	19420	LAPD		P.R.O.A.C.T.
04/26/2011	K	1850-24270-10-007	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
07/13/2011	K	1850-32693-11-002	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
03/15/2012	K	1850-21752-11-036	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
05/29/2012	K	1850-24270-11-024	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
07/03/2012	K	1850-32078-12-067	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/28/2012	K	1850-22435-12-003	2	X	Y	19420	LAPD		OFFICER SAFETY/FIELD TACTICS UPDATE-PLAINCLOTHES
03/05/2013	K	1850-32078-12-085	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/04/2013	K	9260-22020-12-025	8		Y	19420	DOJ		ELECTRONIC SURVEILLANCE
06/19/2013	K	1850-32693-12-025	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
09/10/2013	K	1850-24270-13-004	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
10/17/2013	K	1850-32078-13-010	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
11/06/2013	K	1850-24270-13-015	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
02/20/2014	K	1850-32693-13-024	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
03/19/2014	K	1850-29502-13-140	4	X	Y	19420	LAPD	*	DRIVING(PSP)
03/19/2014	K	1850-21124-13-073	4	X	Y	19420	LAPD	*	FOOT PURSUITS
03/25/2014	K	1850-32078-13-076	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/12/2014	K	1850-32693-13-034	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
06/27/2014	D	1850-00400-13-008	80		Y	19420	LAPD		SUPERVISORY COURSE
06/30/2014	K	9180-25554-13-365	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
07/02/2014	K	1850-29000-14-258	2	X	Y	19420	LAPD		HUMAN TRAFFICKING: IDENTIFY & RESPOND
08/05/2014	K	1850-29000-14-255	2	X	Y	19420	LAPD		MENTAL HEALTH UPDATE
09/18/2014	K	1850-32085-14-001	24	X	Y	19420	LAPD	*	FIREARMS/TACTICAL SHOTGUN
10/20/2014	K	1850-32078-14-048	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
10/30/2014	G	1850-31487-14-001	24	X	Y	19420	LAPD		INVESTIGATIVE SUPERVISORY OPERATIONS-DETECTIVES
04/13/2015	K	1850-32078-14-147	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/10/2015	K	1850-21124-15-013	4		Y	19420	LAPD	*	FOOT PURSUITS
08/13/2015	K	1850-32691-15-014	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
10/17/2015	K	1850-20167-15-005	6	X	Y	19420	LAPD		MAC TAC UPDATE
01/14/2016	K	1850-24270-15-022	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
03/16/2016	K	1850-21165-15-019	4	R	Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
03/30/2016	K	1820-21842-15-018	8	X	Y	19420	LASD		COPLINK BASIC USERS' COURSE
04/06/2016	K	1850-32078-15-055	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/29/2016	K	1850-32691-15-012	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
07/07/2016	K	9180-25554-16-007	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
11/02/2016	K	1850-32078-16-072	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
11/10/2016	K	1850-32592-16-011	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/15/2016	K	1850-21185-16-070	9	X	Y	19420	LAPD	*	USE OF FORCE UPDATE
04/25/2017	K	1850-32078-16-155	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/22/2017	K	1850-29303-17-029	4	X	Y	19420	LAPD		BELOW 100
08/22/2017	K	1850-20268-17-028	4	X	Y	19420	LAPD		IMPLICIT BIAS AND COMMUNITY POLICING
10/03/2017	K	1850-24270-17-007	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
10/24/2017	K	9180-25585-17-116	2	X	Y	19420	POST	*	TACTICAL COMMUNICATION (WEB)
11/09/2017	K	1850-32078-17-077	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
02/01/2018	K	1850-29502-17-058	4	X	Y	19420	LAPD	*	DRIVING(PSP)
02/01/2018	K	1850-21124-17-008	4	X	Y	19420	LAPD	*	FOOT PURSUITS
04/12/2018	K	1850-32078-17-187	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
09/20/2018	K	9180-25587-18-082	2	X	Y	19420	POST		VEHICLE PURSUIT POLICY (WEB)
10/04/2018	K	1850-24270-18-015	6	X	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/01/2018	K	1850-29503-18-043	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
11/14/2018	K	1850-32691-18-015	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
12/05/2018	K	1850-32078-18-084	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
12/18/2018	K	1850-21954-18-071	9	X	Y	19420	LAPD	*	CROWD CONTROL
10/01/2019	K	1850-32078-19-020	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
12/02/2019	K	1850-29503-19-038	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
02/18/2020	K	9180-25585-19-233	2	X	Y	19420	POST	*	TACTICAL COMMUNICATION (WEB)
06/17/2020	K	1850-20799-19-078	8		Y	19420	LAPD	*	DE-ESCALATION & TACTICAL COMMUNICATION
07/23/2020	K	1850-32592-20-004	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/01/2020	K	9180-25590-20-154	2	X	Y	19420	POST		COURTROOM TESTIMONY (WEB)

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
12/08/2020	K	1850-21954-20-014	9	X	Y	19420	LAPD	*	CROWD CONTROL
12/15/2020	K	9180-25588-20-168	4	X	Y	19420	POST		CALLERS IN CRISIS: SUICIDAL CALLERS (WEB)
04/28/2021	K	1850-32063-20-024	8	X	Y	19420	LAPD		FIREARMS - SIGHTING SYSTEMS

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.


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13

October 30, 2019

"Inline Filter" Firearm Silencers

This information is provided to assist ATF personnel in identifying devices marketed as "inline filters" that are actually firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean, "*...any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

ATF Firearms & Ammunition Technology Division Technical Bulletin 17-02 addressed various types of filters used as "solvent traps" and "firearm silencers." Bulletin 17-02 determined that an unmodified "spin-on" automotive filter is suitable for use as a "solvent trap." With regard to an "inline fuel filter" (IFF), the bulletin acknowledged holes on each end but, relying on solid filter interior, stated "*Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.*"

Recently, FTCB has observed an increased number of criminal cases involving firearm silencers manufactured from IFFs. This increase in the use of IFFs as silencers, as well as the need for more thorough analysis of these items, prompted FTCB personnel to clarify the classification of inline filters purportedly used as solvent traps.

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Solvent traps

Legitimate solvent traps are devices attached to the muzzle of a firearm barrel designed to catch or "trap" dirty cleaning solvent pushed through the barrel from the chamber end and out through the muzzle. Solvent traps are intended to prevent solvent from dripping, spraying, or spattering when pushed out the muzzle end of a firearm barrel. **The front end-cap of a solvent trap must be solid and have no hole that will allow a projectile to pass-through (including "pilot" holes that can be widened to allow a projectile to pass-through or marks indicating the location to drill such a hole). Devices that have a hole in or indexing mark for a hole in the front end-cap are classified as a "firearm silencer" under the NFA.**

Inline filters

In contrast to spin-on filters, IFFs have holes at both ends and are specifically designed to allow fluid to pass through; therefore, inline filters are not objectively suitable for use as solvent traps. Therefore, the only logical purpose for attaching an IFF to the muzzle of a firearm is for use as a firearm silencer.

As referenced in Bulletin 17-02, IFFs are designed to use filter elements or flow valves without center holes. This is a design characteristic IFFs share with some firearm silencers. For example, U.S. Patent 4,530,417 mentions creating a center hole through baffles or wipes installed in a firearm silencer using the first round fired through the device. FTCB personnel tested several commercially sourced IFFs and found that an *unmodified* IFF attached to the barrel of a firearm functions to reduce the report of a portable firearm utilizing this method and would therefore meet the definition of a "firearm silencer."

Fuel dispensing system hoses and nozzles typically utilize 3/4" or 1" National Pipe Tapered (NPT) threads, but threaded firearm barrels are not compatible. Adapters are therefore needed to attach IFFs to firearms (see chart below). FTCB research found no fuel fittings of the same size and pitch as those commonly found on firearm barrels. NOTE: Multiple adapters may be needed between the barrel and IFF.

Accordingly, FTCB has determined that an inline fuel filter possessed with a firearm modified to accept it, or with an adaptor(s) designed to affix the filter to the muzzle of a firearm (multiple adapters may be required), demonstrates intent to use the inline fuel filter to silence, muffle, or diminish the report of a portable firearm; therefore, it is a "**firearm silencer**" as defined. Further, as discussed below, an inline fuel filter with an end-cap having threads of the same size and pitch of those commonly found on threaded firearm barrels is a "**firearm silencer**" as defined.

YouTube contains a plethora of videos demonstrating IFFs (attached to firearm barrels) being used as silencers. Additionally, there are numerous websites on the Internet marketing various parts and kits intended for use in IFFs. A simple Google search for "NAPA 4003" will return

13

multiple sites advertising items promoted as "fuel filters" that have no filtering capability. Similar parts and kits are also marketed as "solvent traps," "solvent trap accessories," or "dry storage containers."

Such deceptive advertisements sometimes include an "NFA Warning" or a legal disclaimer regarding the use or modification of these devices as, or in the fabrication of, firearm silencers. The inclusion of these disclaimers or statements, as well as customer comments and reviews, suggest the seller's knowledge of the intended end use of those items.

Some of the devices marketed as IFFs come assembled with end-caps threaded with the same sizes as found on firearm barrels, which negates the need for a thread adapter. These devices may contain the same threads in each end-cap, different sized threads in each end-cap, or even a threaded rear end-cap along with an unthreaded front end-cap.

EXAMPLES OF "FIREARM SILENCERS"

Threaded adapter and NAPA 4003 IFF

Threaded adapter for use with spin-on and inline filters. Multiple external thread pitches for use with different sized threads. Most common internal thread pitches are: 1/2-28 or 5/8-24 for compatibility with threaded firearm barrels. The adapter pictured is for use in attaching various sized automotive filters and is externally threaded with: 3/4-16, 13/16-16, and 3/4NPT (tapered pipe threads). NAPA/WIX IFFs are assembled with 3/4NPT internal threads in both end-caps.



Inline filter marketed as NAPA 4003

End-caps typically contain internal threads compatible with threaded firearm barrels. Most common sizes are 1/2x28 or 5/8x24. Filter element is too short for housing and will allow fluids to bypass without filtering. May have different size threads in each end cap or may have threads in only one end while other end has an unthreaded hole. End-cap may be marked inside or out with thread size.

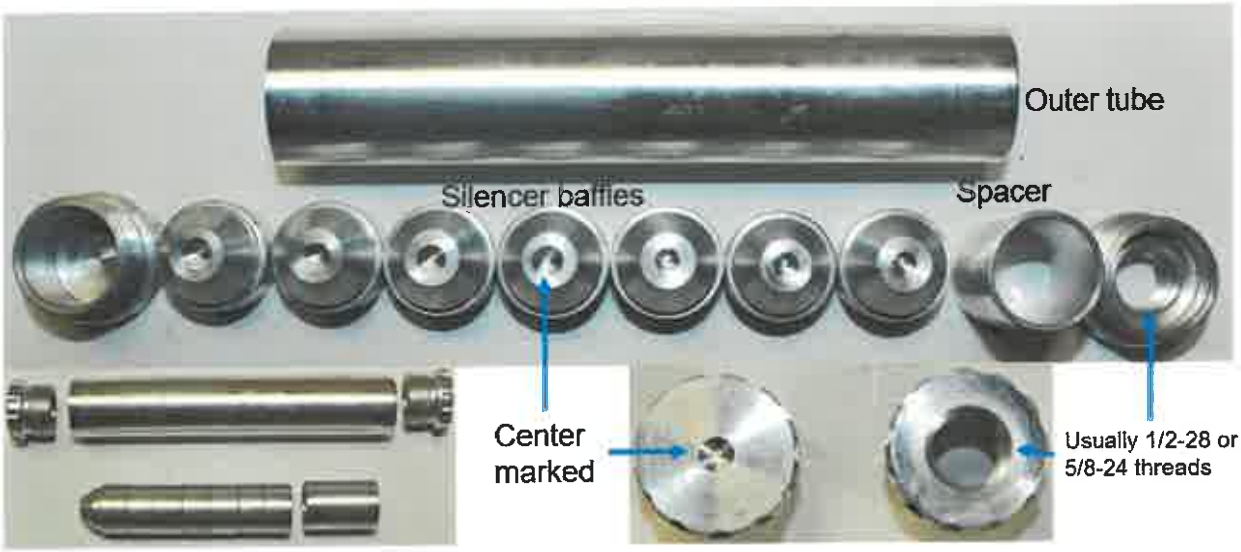




1C

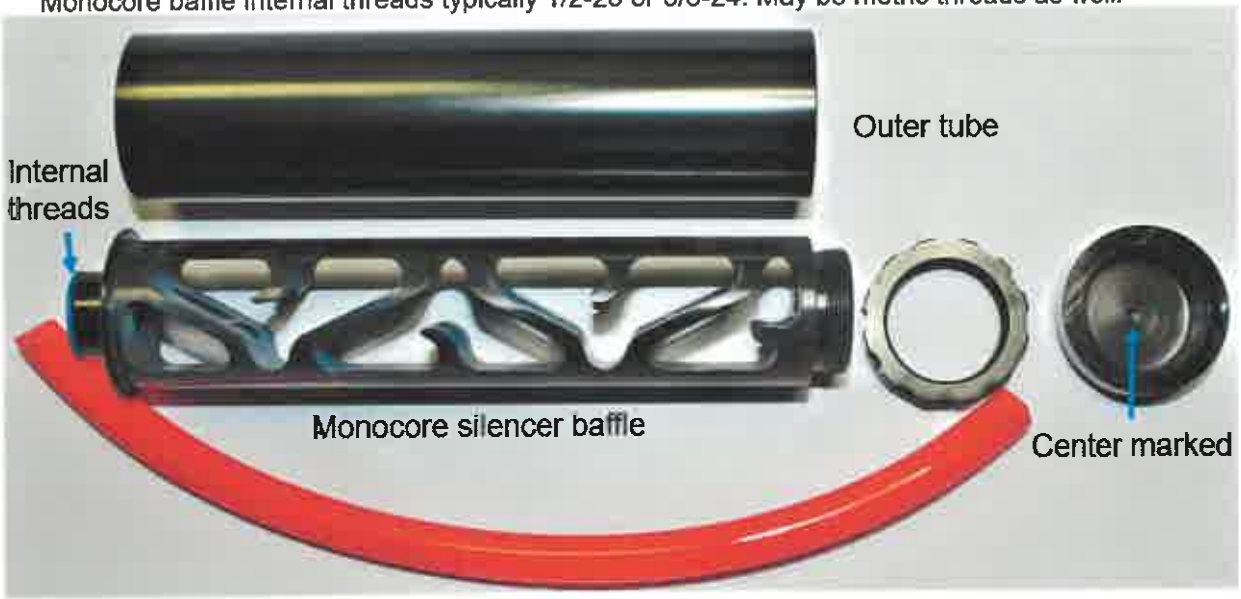
Marketed as NAPA 4003 filter

No filtering capability. Multiple silencer baffles and end-cap with center indicated. Includes a spacer to create a "blast chamber" at barrel end of device, a known silencer feature.



Marketed as NAPA 4003 filter

No filtering capability. Monocore silencer baffle with one end threaded for attachment to firearm barrel. Pictures on website may include mock-up of device, with hose attached, on a car or motorcycle engine. Includes an open nut to retain tube over monocore baffle and a closed end-cap with a mark indicating the center, and a length of hose. No fittings for included hose. Monocore baffle internal threads typically 1/2-28 or 5/8-24. May be metric threads as well.



ID

The following list of known firearm barrel thread sizes is not all-inclusive and intended only as a general reference.

AMERICAN STANDARD THREADS

THREAD	APPLICATION	CALIBER	TYPE
1/2-20 RH	Tec 22	.22 Caliber	Pistol
1/2-20 RH	CZ-452/455	.22 / 17 HMR	Rifle
1/2-28 RH	AR-15, M-16, AR-180	.223 / 5.56	Rifle
1/2-28 RH	Most Threaded .223 / 5:56		Rifle
1/2-28 RH	Most Threaded .22's		Rifle / Pistol
1/2-28 RH	Most Threaded 9mm		Pistol
1/2-28 RH	Ruger 10/22 Tactical	.22 Caliber	Rifle
1/2-28 RH	Newer Mini 14	.223 / 5.56	Rifle
1/2-28 RH	MPA57	5.7x28 MM	Submachine Pistol
1/2-28 RH	MPA "Mini"	9MM	Submachine Pistol
1/2-36 RH	AR-15, M-16, AR-180	9mm	Rifle
9/16-24 LH	FN FAL	.308 Caliber	Rifle
9/16-24 RH	Most Threaded .40		Pistol
9/16-24 RH	AR Grendel	6.50	Rifle
9/16-24 RH	Older Mini 14	.223 / 5.56	Rifle
9/16-24 RH	L1-A1	.308 Caliber	Rifle
9/16-24 RH	Glock 20	10 mm	Pistol
9/16-24 RH	H&K 94	9x19mm	Rifle
9/16-24 RH	MP5	9mm	Submachine Pistol
.578x28 RH	Most Threaded .45 Caliber		Pistol
.578x28 RH	Threaded 1911	.45 Caliber	Pistol
5/8 x 11 RH	M11/M12	.380 Caliber	Submachine Pistol
5/8-24 RH	Most Threaded .308		Rifle
5/8-24 RH	Many Threaded .30		Rifle
5/8-24 RH	UZI Carbine/ SMG	9mm	Rifle
5/8-24 RH	Ruger Mini 30	.30 Caliber	Rifle
5/8-24 RH	AR-10 / M14	.308 Caliber	Rifle
5/8-24 RH	300 Blackout	.300 Caliber	Rifle
5/8-24 RH	AR-15	7.62x39	Rifle
11/16x16 RH	MPA .45 Caliber Rifles		
11/16x24 RH	.450 Bushmaster		Rifle
11/16x24 RH	Alternative .308 Threading		Rifle
11/16x24 RH	Alternative bull barrel Threading		Rifle
3/4-10 RH	M10 / M11	9mm	Submachine Pistol
3/4-24 RH	Desert Arms Tactical Rifles		
7/8" x 9 RH	MPA10	.45 Caliber	Submachine Pistol
7/8" x 14 RH	All Barretts & EDM	.50 BMG	Rifle
1" x 14 RH	AR450	.50 BMG	Rifle
1" x 14 RH	McMillian TAC-50	.50 BGM	Rifle

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METRIC THREADS

THREAD	APPLICATION	CALIBER	TYPE
M8 x .75 RH	Walter p22	.22 Caliber	Pistol
M8 x .75 RH	M&P 22	.22 Caliber	Pistol
M8 x .75 RH	Colt/Umarex 1911 A1	.22 Caliber	Pistol
M8 x .75 RH	Colt Gold Trophy	.22 Caliber	Pistol
13mm x 1 LH	Steyr Aug	.223 /5.56	Rifle
13mm x 1 RH	Galil	.223 / 5.56	Rifle
13mm x 1 RH	Galil	.308 / 7.62	Rifle
13mm x 1 RH	Older Glock 26	9x19mm	Pistol
13.5mm x 1 LH	Sig P228/P229/P239	9mm	Pistol
14mm x 1 LH	AK-47	7.62x39	Rifle
14mm x 1 RH	VZ58	7.62x39	Rifle
14mm x 1 RH	Yugo SKS	7.62x39	Rifle
15mm x 1 RH	H&K 91 / G3	7.62x39	Rifle
15mm x 1 RH	H&K 93 / 33 / G-53	5.56	Rifle
16mm x 1 LH	Threaded H&K .45 Barrels		Pistol
16mm x 1 RH	H&K Mark 23 (Socom)	.45 Caliber	Pistol
17mm x 1 RH	MAS 1949-56	.308 Caliber	Rifle
18mm x 1 RH	Sako TRG	.338 Caliber	Rifle
18mm x 1.5 RH	Accuracy International	.338 Caliber	Rifle
22mm x.75 RH	Saiga 12 Gauge		Shotgun
		7.62x39, 7.62x54	
24mm x 1.5 RH	AK-74	5.45x39	Rifle
		5.56x45	
26mm x 1.5 LH	PAP M92 / M85	7.62x39	Pistol

COMMON FILTER THREADS

THREAD	APPLICATION
3/4-16 RH	Ford, Dodge, & Jeep Spin-on Oil Filters
13/16-16 RH	Chevy & GM Spin-on Oil Filters
3/4 NPT	Standard Pipe fittings
3/4 NPT	Napa 4003 Inline Fuel Filter
3/4 NPT	Wix 24003 Inline Fuel Filter

This information is intended to assist ATF and law enforcement personnel in identifying items marketed as "inline filters" that are "firearm silencers" as defined. If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.

IF

April 20, 2017

"Solvent Traps"

This information is provided to assist ATF personnel tasked with differentiating so-called "solvent traps" from firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

Background:

Numerous manufacturers and sellers are marketing devices that they call "solvent traps." These devices often resemble firearm silencers, and many contain multiple design characteristics of firearm silencers. "Solvent traps" are marketed as devices which are attached to the barrel of a firearm during cleaning in order to catch excess cleaning fluids. These devices attach to firearm barrels in the same method as firearm silencers.

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean—

"*...any device **for** silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and **intended** for use in assembling or fabricating a firearm silencer or firearm muffler, and any part **intended** only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

As highlighted in the above definition, a key factor in distinguishing between a "solvent trap" and a firearm silencer is the **intended** use for the device. Some devices called "solvent traps" may have a legitimate purpose as a firearm accessory. However, while the manufacturer's stated intent for the item may be useful in classifying that item, the objective design characteristics must support this use.

2A

Background (cont.):

Certain commercially available items such as cleaning solvent traps, automotive oil/fuel filters, flashlights, and freeze plugs are sometimes used to assemble firearm silencers. Such items are unregulated *until* a possessor assembles, accumulates, or otherwise demonstrates these articles are to be used for making a firearm silencer. Once such an item(s) is possessed with the intent to be used in assembling or fabricating a firearm silencer, it comes within the purview of the GCA and NFA and is properly classified as a "firearm silencer."

Identification:

The first "solvent traps" that the Firearms & Ammunition Technology Division examined were in the form of repurposed oil filters. While some sellers marketed these devices as "solvent traps," others sold them as NFA registered firearm silencers, under names such as the "Econo-can." Registered firearm silencers of this type may have the thread adaptor as the registered part.

Many unmodified oil filters are recognized as having a legitimate purpose as "solvent traps" and are not generally classified as firearm silencers unless used as a firearm silencer.



Oil Filter



"Solvent trap"



Firearm with solvent trap attached

2B

Identification (cont.):

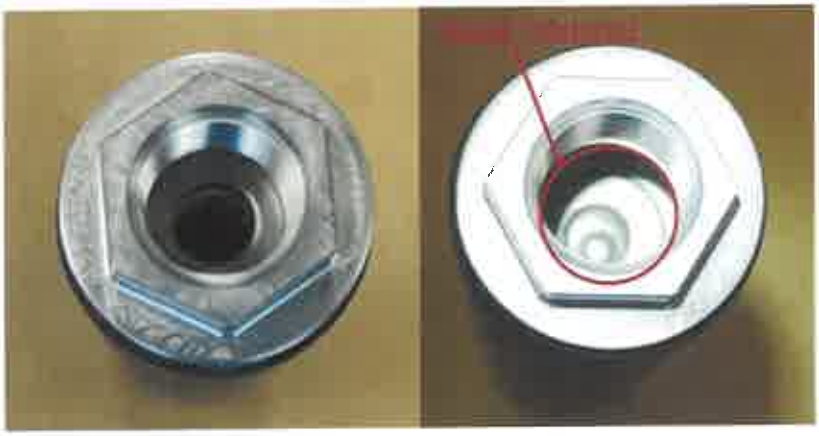


Firearm Silencer

The next phase of "solvent traps" evolution was the use of fuel filters, which more closely resembled the appearance of traditional firearm silencers. Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.



Fuel Filter "Solvent trap"



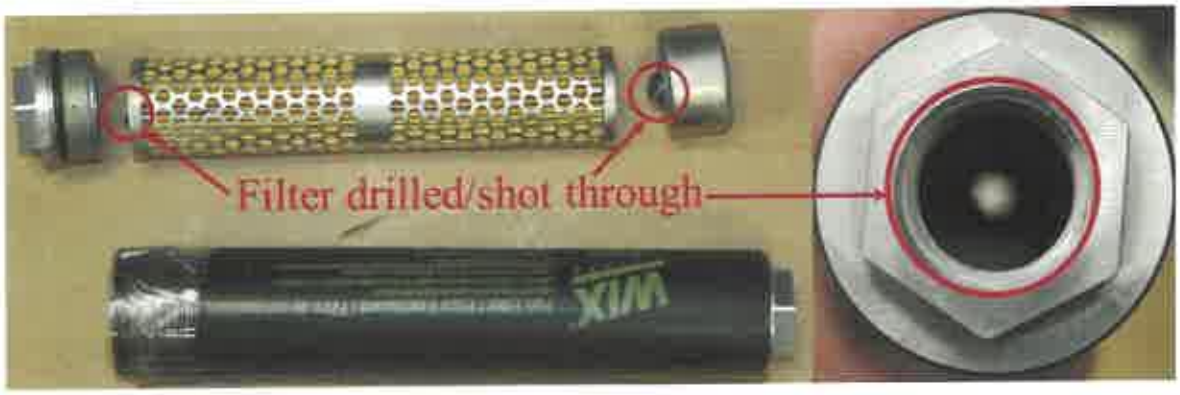
Fuel Filter "Solvent trap"

2C

Identification (cont.):



Firearm Silencer



Firearm Silencer

Flashlight bodies are also sold as "solvent traps," with one end threaded to attach to a firearm barrel and the forward end-cap solid. Like unmodified oil filters or fuel filters, many flashlight "solvent traps" have been determined to have a legitimate purpose of catching excess cleaning fluids.



Flashlight "Solvent trap"



Flashlight "Solvent trap"

20

Identification (cont.):

However, flashlight "solvent traps" are sometimes sold with index markings, showing where the hole would need to be drilled in order to modify the "solvent trap" into a firearm silencer. FATD has consistently held the opinion that any index marking is the same as having a hole in the location of the index. Accordingly, any flashlight "solvent trap" with a hole drilled in the forward end-cap could be classified as a firearm silencer.



Flashlight Firearm Silencer



Flashlight Firearm Silencer



Flashlight Firearm Silencer

The current trend in the "solvent trap" market are devices which utilize the characteristics of firearm silencers. Unlike the previously mentioned oil/fuel filters and flashlight "solvent traps," these devices are not repurposed. These devices are specifically manufactured as firearm silencers while being marketed as "solvent traps." These devices often come with a set of "spacers" which resemble firearm silencer baffles.

These "spacers" serve no legitimate purpose in a "solvent trap" as they prevent the collection of cleaning fluids. Some sellers have also marketed their devices as "dry storage containers" which are reportedly or allegedly designed to safely store items such as heirloom seeds. FATD does not recognize this stated purpose as a legitimate reason to attach such a device to a firearm barrel as the objective design features support classification as a firearm silencer.

2E

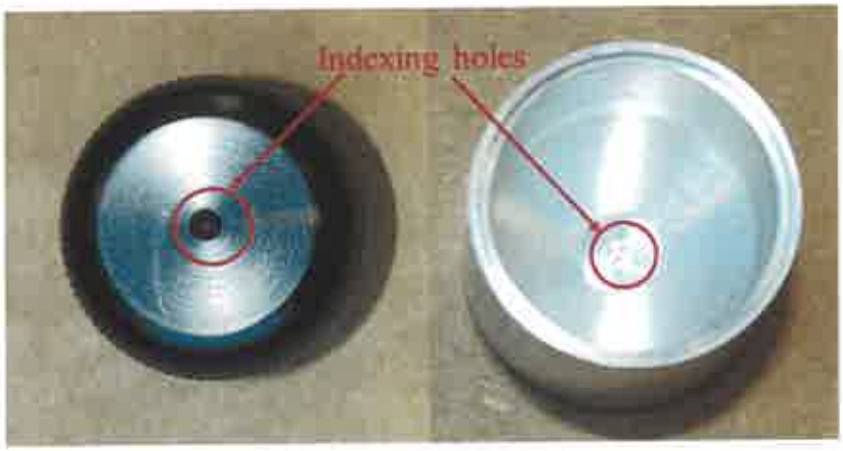
Identification (cont.):



Firearm Silencer



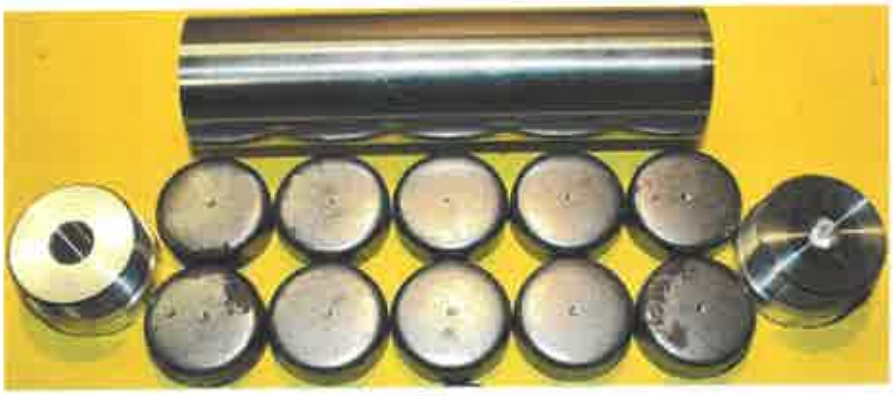
Firearm Silencer baffles



Firearm Silencer components

2F

Identification (cont.):



Firearm Silencer



End-cap Modified freeze plug

In conclusion, for a device to be considered a "solvent trap" and not a firearm silencer, it must be designed and actually function in such a way to trap and hold cleaning fluids without holes, index markings or other design features that demonstrate it is actually intended to be used for silencing the report of a firearm. Such an item is considered a solvent trap because the statutory definition of silencer does not include otherwise unregulated items simply because they have the capability, or may be adapted, to be used as silencers. Instead, the statute speaks of a device "for" silencing or muffling. Therefore, mere possession of a "solvent trap" or components which *could* be used in the assembly of a firearm silencer does not necessarily constitute possession of a firearm silencer. Intent must be demonstrated or communicated. For example, indexing holes as shown above demonstrate such intent because these serve no benefit in collecting solvent or debris, but demonstrate the location of holes if these parts are to be used in a silencer.

26

Identification (cont.):

Finally, an unregulated device such as a "solvent trap" may be repurposed by an individual such that a regulated NFA firearm silencer is made. Where the objective design or characteristics of the item do not make it clear that the item is now "for" silencing or diminishing the report of a portable firearm, it is the Special Agent's responsibility to establish the requisite intent.

This general guidance is provided to assist ATF Special Agents and Industry Operations Investigators and our Federal, State and local law enforcement partners, but is not meant to be used in lieu of a formal determination. FATD cannot render a formal determination without physically examining a submitted sample.

If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.



L4Q30606

RE: LAPD Inquiry

BOFAFS <BOFAFS@doj.ca.gov>
Thu 4/22/2021 10:38 AM
To: Ross Nemeroff <31679@lapd.online>

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Here are his records. You will her from another agency concerning the permit.

Thanks,

Chris

RE: NAM/WALDEN,LUKE DOB[redacted]
RESPONSE TO QGM INQUIRY

DATA IN AFS.

* DROS - PRIVATE PARTY TRANSFER
SER/ZMP794 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 4
DOT/20200127 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/PAPIK,GREGORY MATTHEW DOB/[redacted]
ADR/[redacted]
CTY/[redacted] CCC/1900
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]/91344 CCC/1900
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI[redacted] - LAPD OCA/[redacted]
FCN/2742003701606

* DROS - PRIVATE PARTY TRANSFER
SER/C145718 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ 75 SP 01
DOT/20180816 BBL/4 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

10A

ADR[redacted]
CTY/[redacted]CCC/1900
*** SELLER/TRANSFEROR INFORMATION ***
SNM/BROWN,VICTOR ARNOLD SDB/[redacted]
SDD/[redacted]
SCY/[redacted]CCC/1900
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741823905491

* DROS - PRIVATE PARTY TRANSFER
SER/HRZ3204 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MP 9 PRO SERIES
DOT/20180529 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/NOSKI,CHRISTOPHER EDMUND DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/CALIFORNIA GUN GIRLS LLC DID/21517
DDD/23121 COLTRANE AVE
DCY/NEWHALL DST/CA DZC/91321 DCC/1900 DTN/661-373-4658
ORI/[redacted] LOS ANGELES CO SD OCA/[redacted]
FCN/2321815901738

* DROS - PRIVATE PARTY TRANSFER
SER/NKW568 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/35
DOT/20180514 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/KENNEDY,SCOTT HAYES DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/CALIFORNIA GUN GIRLS LLC DID/21517
DDD/23121 COLTRANE AVE
DCY/NEWHALL DST/CA DZC/91321 DCC/1900 DTN/661-373-4658
ORI/[redacted] LOS ANGELES CO SD OCA/[redacted]

10B

FCN/2321815507694

* DROS - DEALER SALE
SER/BFSA761 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/17L
DOT/20170801 BBL/6-02 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741722601601

* DROS - DEALER SALE
SER/BEXS296 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 4
DOT/20170801 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741722601600

* DROS - PRIVATE PARTY TRANSFER
SER/HSJ6436 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/M P 9L
DOT/20170418 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/DIAZ,DANIEL DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]

10C

FCN/2741712202714

* DROS - DEALER SALE
SER/Y090900Q16 MAK/BNL BENELLI SPA CAL/12
TYP/SI SHOTGUN SEMI-AUTOMATIC MOD/M4
DOT/20170202 BBL/18-5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741704401799

* DROS - DEALER SALE
SER/ZMP794 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN4
DOT/20151214 BBL/5-3 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741536205963

* DROS - DEALER SALE
SER/ZMP792 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN4
DOT/20151214 BBL/5-3 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741536205932

* DROS - DEALER SALE
SER/WH014908 MAK/WAL CARL WALTHER CAL/22

(01)

TYP/RI RIFLE SEMI-AUTOMATIC ...OD/HK 416D
DOT/20150619 BBL/16-1 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/BIG 5 SPORTING GOODS 104 DID/16683
DDD/24329 W MAGIC MOUNTAIN PKWY
DCY/VALENCIA DST/CA DZC/91355 DCC/1900 DTN/661-253-1832
ORI/[redacted] - LOS ANGELES CO SD OCA/[redacted]
FCN/2321518202820

* DROS - DEALER SALE
SER/349480 MAK/SR STURM, RUGER & CO CAL/22
TYP/RI RIFLE SEMI-AUTOMATIC MOD/10 22
DOT/20150604 BBL/18 COL/BROWN
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/BIG 5 SPORTING GOODS 104 DID/16683
DDD/24329 W MAGIC MOUNTAIN PKWY
DCY/VALENCIA DST/CA DZC/91355 DCC/1900 DTN/661-253-1832
ORI/[redacted] - LOS ANGELES CO SD OCA/[redacted]
FCN/2321516600950

* DROS - DEALER SALE
SER/XEC899 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/41 GEN4
DOT/20140925 BBL/5-31 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741428002372

* DROS - DEALER SALE
SER/XEC904 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/41 GEN4
DOT/20140925 BBL/5-31 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

10E

ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741428002371

* DROS - PRIVATE PARTY TRANSFER
SER/GLB949 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20140519 BBL/4-49 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/BANCROFT,VINCENT LAWRENCE III DOB[redacted]
ADR[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/FIRING-LINE INC DID/12985
DDD/18348 EDDY ST
DCY/NORTHRIDGE DST/CA DZC/91324 DCC/1900 DTN/818-349-1420
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741414902598

* DROS - DEALER SALE
SER/HSJ6436 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MP9L
DOT/20140412 BBL/5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB[redacted]
ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/ALL STATE POLICE EQUIPMENT CO INC DID/20611
DDD/2821 METROPOLITAN PL
DCY/POMONA DST/CA DZC/91767 DCC/1900 DTN/909-596-2470
ORI/[redacted] POMONA PD OCA/[redacted]
FCN/2871412301211

* DROS - DEALER SALE
SER/HRZ3204 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/M AND P 9 PRO
DOT/20140303 BBL/5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

10F

ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/GRETA'S GUNS INC DID/16324
DDD/4228 LOS ANGELES AVE
DCY/SIMI VALLEY DST/CA DZC/93063 DCC/5600 DTN/805-520-4867
ORI/[redacted]- SIMI VALLEY PD OCA/[redacted]
FCN/7931407401216

* DROS - PRIVATE PARTY TRANSFER
SER/RH12559 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P14
DOT/20130614 BBL/5 COL/CHROME/STAINLESS
*** PURCHASER INFORMATION ***
NAM/GLOVER,JOSHUA ADAM DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/FIRING-LINE INC DID/12985
DDD/18348 EDDY ST
DCY/NORTHRIDGE DST/CA DZC/91324 DCC/1900 DTN/818-349-1420
ORI/[redacted]- LAPD OCA/[redacted]
MIS/P U 06 24 2013
FCN/2741317102395

* DROS - PRIVATE PARTY TRANSFER
SER/GLB949 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20130520 BBL/4-5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/LLOYD,THOMAS ALLEN SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/GRETA'S GUNS INC DID/16324
DDD/4228 LOS ANGELES AVE
DCY/SIMI VALLEY DST/CA DZC/93063 DCC/5600 DTN/805-520-4867
ORI/[redacted] SIMI VALLEY PD OCA[redacted]
FCN/7931314500461

* DROS - PRIVATE PARTY TRANSFER

SER/TDM7281 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4566
DOT/20120229 BBL/4 COL/CHROME/STAINLESS
*** PURCHASER INFORMATION ***
NAM/HOM,JAPHET CHOY DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741206600348

* DROS - DEALER SALE
SER/EAR8523 MAK/SW SMITH AND WESSON CAL/380
TYP/PI PISTOL SEMI-AUTOMATIC MOD/BG380
DOT/20110729 BBL/2-75 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/ALL STATE POLICE EQUIPMENT CO INC DID/20611
DDD/2821 METROPOLITAN PL
DCY/POMONA DST/CA DZC/91767 DCC/1900 DTN/909-596-2470
ORI/[redacted] POMONA PD OCA/[redacted]
FCN/2871121500130

* DROS - DEALER SALE
SER/NKW568 MAK/GLC GLOCK,INC CAL/40
TYP/P PISTOL MOD/35
DOT/20091007 BBL/5-32
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
MIS/P U 10 17
FCN/2740928600489

* DROS - DEALER SALE
SER/X14688 MAK/UBE ALDO UBERTI CAL/45
TYP/P PISTOL MOD/1860ARMYC
DOT/20080109 BBL/5-5

*** PURCHASER INFORMATION *
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740801201818

* DROS - DEALER SALE
SER/HBN744 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34
DOT/20050610 BBL/5-25
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740516601240

* DROS - DEALER SALE
SER/FWA730 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/21
DOT/20040304 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - BURBANK PD OCA/[redacted]
MIS/INV530
FCN/2440407000960

* DROS - DEALER SALE
SER/FNA947 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/17
DOT/20031116 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - BURBANK PD OCA/[redacted]
MIS/25
FCN/2440332400446

* DROS - DEALER SALE
SER/FTG718 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20031009 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]

10 I

CTY/[redacted]
ORI/[redacted] BURBANK PD OCA/[redacted]
MIS/32
FCN/2440328801172

* DROS - DEALER SALE
SER/TDT8880 MAK/SW SMITH AND WESSON CAL/454
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4506
DOT/20030428 BBL/4-5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740312200306

* DROS - DEALER SALE
SER/NM169623 MAK/SPH SPRINGFIELD ARMORY CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/1911AI
DOT/20021001 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
MIS/34898 DEV
FCN/2740228100285

* DROS - DEALER SALE
SER/CV20798 MAK/CLT COLT CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/1091M1991A1
DOT/20011004 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740127800159

* DROS - DEALER SALE
SER/DA7331 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/LDA14
DOT/20010709 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740119201220

10J

* DROS - DEALER SALE
SER/RH12559 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/D1445ER
DOT/20010614 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740116600160

* DROS - DEALER SALE
SER/A1720 MAK/FOZ CESKA ZBROJOVKA FOX CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ97B
DOT/20010223 BBL/4-84
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740105700095

* DROS - DEALER SALE
SER/G151016 MAK/SSS SAUER, J. P., & SONS CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P220
DOT/20010116 BBL/4-4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740101700184

* DROS - DEALER SALE
SER/K067705 MAK/KIE KIMBER CAL/454
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CLASICCUST
DOT/20001107 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740031300319

* DROS - DEALER SALE
SER/CBS6119 MAK/SW SMITH AND WESSON CAL/38
TYP/PR PISTOL REVOLVER MOD/49-3
DOT/19990125 BBL/2

10K

*** PURCHASER INFORMATION *
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2749902600114

* DROS - DEALER SALE
SER/CBS6119 MAK/SW SMITH AND WESSON CAL/38
TYP/PR PISTOL REVOLVER MOD/49
DOT/19981222 BBL/2
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2749835700171

* DROS - DEALER SALE
SER/UB05585 MAK/FOZ CESKA ZBROJOVKA FOX CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P10 F
DOT/20200312 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2742009000219

* DROS - DEALER SALE
SER/UB01996 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P 10 F
DOT/20200121 BBL/4-25 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2742003400213

* DROS - DEALER SALE

SER/1374685 MAK/SR STURM, RUGER & CO CAL/22
TYP/RI RIFLE SEMI-AUTOMATIC MOD/10 22
DOT/20191205 BBL/16 UOM/IN COL/BROWN
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741935001003

* DROS - DEALER SALE
SER/UB02001 MAK/FOZ CESKA ZBROJOVKA FOX CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P10F OR
DOT/20191016 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741930500843

* DROS - DEALER SALE
SER/BLRH981 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/45 GEN 5 MOS
DOT/20190619 BBL/4 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741918400739

* DROS - DEALER SALE
SER/CVF8325 MAK/SW SMITH AND WESSON CAL/357
TYP/PR PISTOL REVOLVER MOD/M327
DOT/20190502 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***

10 M

NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741913303195

* DROS - DEALER SALE
SER/ADGL428 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 5 MOS
DOT/20190221 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741906500550

* DROS - DEALER SALE
SER/C540418 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ SHADOW 2
DOT/20180816 BBL/4-5 UOM/IN COL/GRAY
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI[redacted] LAPD OCA/[redacted]
FCN/2741823905521

* DROS - DEALER SALE
SER/A5403 MAK/FOZ CESKA ZBROJOVKA FOX CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/97
DOT/20000428 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]

ION

FCN/2740012200417

* DROS - DEALER SALE
SER/TDM7281 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4566
DOT/20000224 BBL/4-25
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI[redacted] LAPD OCA/[redacted]
FCN/2740005600199

* DROS - DEALER SALE
SER/TDN1967 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4506
DOT/19990819 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749923200118

* DROS - DEALER SALE
SER/K040569 MAK/KIE KIMBER CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CLASSIC CUS
DOT/19990609 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749916100193

* DROS - DEALER SALE
SER/VZE3898 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/5906
DOT/19981212 BBL/4-5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749834800410

* DROS - DEALER SALE
SER/22191991 MAK/SR STURM, RUGER & CO CAL/22
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MK2

100

DOT/19980219 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
ORI/[redacted]- LAPD OCA/[redacted]
FCN/2749805400052

* DROS - DEALER SALE
SER/AF19030 MAK/SSS SAUER, J. P., & SONS CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P229
DOT/19970616 BBL/3-75
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
ORI/[redacted]- LAPD OCA/[redacted]
FCN/2749716800268

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/SM72384 MAK/SW SMITH AND WESSON CAL/556
TYP/R RIFLE MOD/MP15
DOT/20180606
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted]- CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1861816315008

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/DS29163 MAK/DBS DOUBLE STAR CORP CAL/556
TYP/R RIFLE MOD/STAR 15
DOT/20180517
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted]- CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1861813704605

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/LE036468 MAK/CLT COLT CAL/223
TYP/R RIFLE MOD/LE6920
DOT/20080820
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

10P

ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860823300266

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/9362530 MAK/KSI KASSNAR-FIAS IMPORTS CAL/762
TYP/R RIFLE MOD/MAK90
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301302

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/SL002434 MAK/CLT COLT CAL/556
TYP/R RIFLE MOD/SPORTER
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301300

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/K4320 MAK/AAR AMERICAN ARMS INC CAL/9
TYP/P PISTOL MOD/SITES
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301299

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/65907 MAK/KSI KASSNAR-FIAS IMPORTS CAL/762
TYP/R RIFLE MOD/MAK90
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
AD[redacted]

10 Q

CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301298

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/9420 MAK/MEI MERIDIAN FIREARMS CO CAL/308
TYP/R RIFLE MOD/FA91G3
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301297

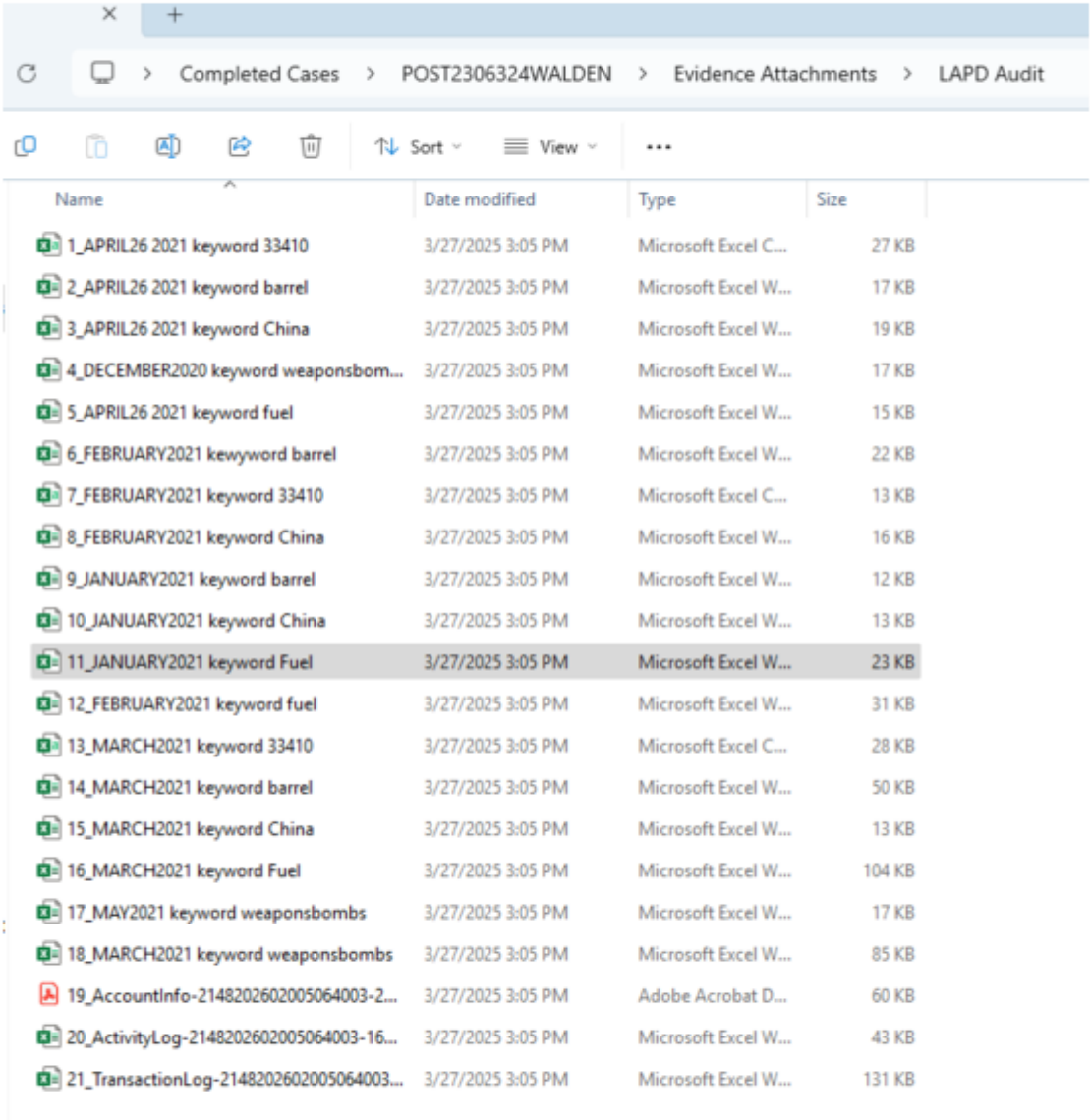
* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/A91277 MAK/US UNITED STATES CAL/9
TYP/R RIFLE MOD/AT9
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301295

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/10089 MAK/EAA EAGLE ARMS CAL/556
TYP/R RIFLE MOD/EA15
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301294

END AFS RESPONSE.

From: Ross Nemeroff <31679@lapd.online>
Sent: Thursday, April 22, 2021 9:40 AM
To: BOFAFS <BOFAFS@doj.ca.gov>
Subject: LAPD Inquiry

10 R


Completed Cases
POST2306324WALDEN
Evidence Attachments
LAPD Audit
Sort
View
Name
Date modified
Type
Size
1_APRIL26 2021 keyword 33410 3/27/2025 3:05 PM Microsoft Excel C... 27 KB
2_APRIL26 2021 keyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 17 KB
3_APRIL26 2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 19 KB
4_DECEMBER2020 keyword weaponsbom... 3/27/2025 3:05 PM Microsoft Excel W... 17 KB
5_APRIL26 2021 keyword fuel 3/27/2025 3:05 PM Microsoft Excel W... 15 KB
6_FEBRUARY2021 kewyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 22 KB
7_FEBRUARY2021 keyword 33410 3/27/2025 3:05 PM Microsoft Excel C... 13 KB
8_FEBRUARY2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 16 KB
9_JANUARY2021 keyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 12 KB
10_JANUARY2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 13 KB
11_JANUARY2021 keyword Fuel 3/27/2025 3:05 PM Microsoft Excel W... 23 KB
12_FEBRUARY2021 keyword fuel 3/27/2025 3:05 PM Microsoft Excel W... 31 KB
13_MARCH2021 keyword 33410 3/27/2025 3:05 PM Microsoft Excel C... 28 KB
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16_MARCH2021 keyword Fuel 3/27/2025 3:05 PM Microsoft Excel W... 104 KB
17_MAY2021 keyword weaponsbombs 3/27/2025 3:05 PM Microsoft Excel W... 17 KB
18_MARCH2021 keyword weaponsbombs 3/27/2025 3:05 PM Microsoft Excel W... 85 KB
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20_ActivityLog-2148202602005064003-16... 3/27/2025 3:05 PM Microsoft Excel W... 43 KB
21_TransactionLog-2148202602005064003... 3/27/2025 3:05 PM Microsoft Excel W... 131 KB

LOS ANGELES POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION

CORONER CASE NUMBER | ☐ MULTIPLE

DATE THIS REPORT	DATE ORIGINAL RPT.	SPECIFIC TYPE OF ORIGINAL RPT. (ADW, TFV, EVID., ARREST/BURG., ETC.)	RD	DR NO.
7/12/2022	6/2/2022	17210 PC	9999	21-991310

VICTIM BOOKED TO / ARRESTEE (AS ON ORIGINAL REPORT)	IF RECLASSIFYING TO HOMICIDE SEX / DESCENT / AGE VICT'S	BKG NO. (SUPPL TO ARREST)	WORK FOLDER PERIOD ORIG. RPT / INDEX NO.

CASE STATUS 1 ☐ CLEARED BY ARREST 2 ☐ CLEARED OTHER 3 ☐ REPORT UNFOUNDED 4 ☒ INVESTIGATION CONTINUED

Use this section only to add or correct info - do not repeat info from previous reports. Exception: Complete entire suspect info if making final disposition.

DATE OCCURRED	CHANGE TO - ON OR BETWEEN MO DAY YEAR TIME	&	MO DAY YEAR TIME	TYPE ORIGINAL REPORT - CHANGE TO	RD- CHG. TO	DR NO. CHG. TO	INV DIV CHG TO

PROPERTY VALUE:	ADDITIONAL LOSS	PARTIAL RECOVERY	TOTAL RECOVERY	DELETED FROM ORIG. RPT.	DESCRIPTION CHANGE ☐	ITEM NOS. RECOVERED/DELETED (ON MULTI. RPTS. USE NARRATIVE)

	SEX	DESC	HAIR	EYES	HEIGHT	WEIGHT	DOB	AGE	NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)
S-1	[redacted]								Walden, Luke [redacted]
									ACTION TAKEN: IC
S-2									NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)
									ACTION TAKEN
S-3									NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)
									ACTION TAKEN

NARRATIVE (USE BELOW COLUMNS FOR MULTIPLE REPORTS ONLY)

P/T/D	MULTIPLE RPT: DR NOS.	TYPE OF CRIME	RD	VICTIM'S NAME	DATE ORIG. RPT.	VALUE

SUPPLEMENTAL

I, Detective II Nemeroff, conducted an additional review of Walden's internet searches, which included specific dates and times, as well as other websites visited. I noted that a web link to Paypal.com succeded the internet searches for either a threaded barrel or "fuel filter".

I believed that a search of Walden's Paypal account may have revealed evidence of the purchase of threaded barrels, and compatible threaded "fuel filters", with the potential of creating an illegal silencer. Additionally, Walden's Paypal account may have revealed the origin of the contraband. Thus, I authored a search warrant for Walden's Paypal account. On June 2, 2022, the Honorable Judge Margaret Bernal, reviewed and signed the warrant.

I electronically served Paypal Holdings Inc. on June 2, 2022. On June 8, 2022, Paypal Holdings Inc. responded to the warrant and provided the following; Paypal Registration information, email address, phone number, addresses, financial information, bank accounts, credit cards, debit cards, for Luke Walden. Walden activity and transaction log confidentiality notice and disclaimer.

The information provided from Paypal Holdings Inc.was contained within a Microsoft Excel document. The following information was discovered in the "Payments Sent" tab, line 79; March 17, 2021, 8:28 AM, Hong Kong Xu Shi Qi International Limited, Mobile Express Checkout Payment Sent, Completed, $45.96, transaction ID 0NJ604204B558012M, Instant transfer [redacted] Checking [redacted] com, [redacted] com, Walden Luke, [redacted] United States, Item ID LWL012102, BUY 1 GET 1 FREE LAST DAY FOR **NAPA 4003 WIX 24003 - 1/2-28 5/8-24 FUEL FILTER ALUMINUM SOLVENT TRAP / 1 / 2-28-XH-**

WAS PROPERTY BOOKED IN CONJUNCTION WITH THIS REPORT OR INCIDENT?	☐ NO ☐ YES	IF YES, HAS 10.08.00 BEEN COMPLETED?	☒ NO ☐ YES
SUPERVISOR APPROVING	SERIAL NO. 34507	REPORTING OFFICER(S) NEMEROFF	SERIAL NO. 31679 / DIVISION SOD
DATE & TIME REPRODUCED / DIVISION / CLERK		REPORTING OFFICER(S)	SERIAL NO. / DIVISION

Search Amazon

Visit the EVIL ENERGY Store

4.5 out of 5 stars 925

EVIL ENERGY Inline 100 Micron Fuel Filter 6AN 8AN 10AN Adapter Universal 50MM

Amazon's Choice in Automotive Replacement Fuel Filters by E...



Last purchased Aug 21, 2021.

50mm-Bracket , Black-1

View order | Set reminder

Visit the EVIL ENERGY Store ★★★★½ 925

EVIL ENERGY 50mm car Oil/Fuel/Gas Pump Mounting Bracket Single Filter Clamp Cradle Black

Amazon's Choice in Automotive Replacement Fuel Filters by E...



SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA VS.
LUKE BAXTER WALDEN

CASE NUMBER : BA510524 (LAC-BA510524-01)
VIOLATION DATE : 04/22/21
CASE FILING DATE: 11/22/22
WITH THE FOLLOWING OFFENSE(S):

COUNT 01: 664-33410 PC FELONY

12/07/22 AT 830 AM IN CRIM JUSTICE CTR (LAC) DEPT 030

CASE CALLED FOR ARRAIGNMENT

PARTIES: ARMENUI A. ASHVANIAN (JUDGE) ROSARIO S. GARCIA (CLERK)

LORI CASILLAS (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 664-33410 PC.

THE COURT ORDERS A PRE-PLEA REPORT PURSUANT TO PENAL CODE SECTION 1203.7.

THE DEFENDANT'S COUNSEL DOES NOT CONSENT TO A PRE-PLEA INTERVIEW.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

THE DEFENDANT DENIES ANY AND ALL SPECIAL ALLEGATIONS.

.
THE MATTER IS SET FOR PRELIMINARY HEARING SETTING ON JANUARY 25, 2023, AT 8:30 A.M., IN DEPARTMENT 34.
.
TIME ESTIMATE: 2 HOURS.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
01/25/23 830 AM PRELIM SETTING/RESETTING DIST CRIM JUSTICE CTR (LAC) DEPT 034

DAY 00 OF 30

12/07/22 BAIL TO STAND, # U2521467128

CUSTODY STATUS: BAIL TO STAND.

ON 12/07/22 at 0830:

ON 01/23/23 at 0830:

PROBATION OFFICERS REPORT RECEIVED THIS DATE

AND DELIVERED TO DIVISION 34. (3 COPIES) MAIL BIN

ENTRY BY: TTANG

NEXT SCHEDULED EVENT:

PRELIM SETTING/RESETTING

01/25/23 AT 830 AM IN CRIM JUSTICE CTR (LAC) DEPT 034

CASE CALLED FOR PRELIM SETTING/RESETTING

PARTIES: MICHAEL D. ABZUG (JUDGE) STEPHEN REYES (CLERK)

CARMEN KERR (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

THE MATTER IS CONTINUED FOR PRELIMINARY HARING TO MARCH 9, 2023
AT 8:30 A.M., IN DEPARTMENT 34, AS THE STIPULATED 28 OF 30 DATE.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:
03/09/23 830 AM PRELIMINARY HEARING DIST CRIM JUSTICE CTR (LAC) DEPT 034

DAY 28 OF 30

01/25/23 BAIL TO STAND, # U2521467128
01/25/23 BAIL TO STAND, # U2521467128

CUSTODY STATUS: BAIL TO STAND.

ON 01/25/23 at 0830:

ON 01/25/23 at 0830:

03/09/23 AT 830 AM IN CRIM JUSTICE CTR (LAC) DEPT 034

CASE CALLED FOR PRELIMINARY HEARING

PARTIES: EFRAIN M. ACEVES (JUDGE) STEPHEN REYES (CLERK)

CARMEN KERR (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

THE MATTER IS CALLED FOR PRELIMINARY HEARING.
.
BOTH SIDES ANNOUNCE READY FOR PRELIMINARY HEARING.
.
THE MATTER IS TRANSFERRED TO DEPARTMENT 43 FOR PRELIMINARY HEARING FORTHWITH. ALL PARTIES ARE ORDERED TO DEPARTMENT 43 FORTHWITH.
.
THE DEFENDANT WAIVES CONTINUOUS PRELIMINARY HEARING.
.
THE PEOPLE TO TRANSPORT CASE FILE.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:
03/09/23 1000 AM PRELIMINARY HEARING DIST CRIM JUSTICE CTR (LAC) DEPT 043

DAY 28 OF 30

03/09/23 BAIL TO STAND, # U2521467128

CUSTODY STATUS: BAIL TO STAND.

ON 03/09/23 at 0830:

03/09/23 AT 1000 AM IN CRIM JUSTICE CTR (LAC) DEPT 043

CASE CALLED FOR PRELIMINARY HEARING
.
PARTIES: KIMBERLEY BAKER GUILLEMET (JUDGE) MICHELLE GARCIA (CLERK)

PRISCILLA MIRELES (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

COUNT (01) : DISPOSITION: HELD TO ANSWER

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

THE MATTER IS CALLED FOR PRELIMINARY HEARING.
.
BOTH SIDES ANNOUNCE READY.
.
THE DEFENDANT, IN OPEN COURT, WAIVES FORMAL READING OF THE COMPLAINT AND STATEMENTOF CONSTITUTIONAL AND STATUTORY RIGHTS.
.
THE DEFENDANT WAIVES CONTINUOUS PRELIMINARY HEARING.
.

PEOPLE'S ORAL REQUEST TO DESIGNATE ROSS NEMEROFF AS THE INVESTIGATING OFFICER IS GRANTED.

.
WITNESS, ROSS NEMEROFF, IS SWORN AND TESTIFIES FOR THE PEOPLE.
.
THE FOLLOWING PEOPLE'S EXHIBITS ARE MARKED FOR IDENTIFICATION
AND LATER ADMITTED IN EVIDENCE:
.
1) COLOR PHOTOGRAPH OF 4 IMAGES
2) COLOR PHOTOGRAPH OF 4 IMAGES WITH PURPLE PACKAGING
3) COLOR PHOTOGRAPH OF 4 IMAGES WITH MULTIPLE OBJECTS
4) COLOR PHOTOGRAPH OF 4 IMAGES WITH MULTIPLE OBJECTS
5) 1 PAGE SCREENSHOT OF QOOPUFF WEBSITE

6) 1 PAGE SCREENSHOT OF KIKOGIFT WEBSITE
7) 1 PAGE SCREENSHOT OF KIMBER WEBSITE
8) 1 PAGE SCREENSHOT OF SOLVENTTRAPFUELFILTER WEBSITE
9) 1 PAGE DOCUMENT WITH INFORMATION HIGHLIGHTED IN YELLOW
.
DEFENSE COUNSEL CROSS EXAMINES THE WITNESS.
.
PEOPLE REST.
.
THERE IS NO AFFIRMATIVE DEFENSE.
.
THE DEFENDANT'S ORAL MOTION TO DISMISS DUE TO INSUFFICIENCY OF
THE EVIDENCE IS HEARD AND DENIED.
.
THE COURT FINDS SUFFICIENT CAUSE AS TO COUNT 1 AND THE
DEFENDANT IS HELD TO ANSWER TO DEPARTMENT 119 OF THE GENERAL
JURISDICTION COURT FOR ARRAIGNMENT ON MARCH 23, 2023
AT 8:30 A.M.
.
THE CASE IS TRANSFERRED TO THE GENERAL JURISDICTION COURT.

BOND TO REMAIN. BOND TRANSFERRED TO SUPERIOR COURT.

NEXT SCHEDULED EVENT:

FELONY ARRAIGNMENT/PLEA, ON MARCH 23, 2023, IN SUPERIOR COURT OF LOS ANGELES
COUNTY, CENTRAL DISTRICT, DEPT 119, AT 830 AM.

CUSTODY STATUS: BAIL TO STAND.

ON 03/09/23 at 1000:

ON 03/20/23 at 0830:

PRELIMINARY HEARING TRANSCRIPTS RECEIVED 03-20-23

FROM COURT REPORTER P. MIRELES

FOR HEARING(S) CONCLUDING 03-09-23.

DELIVERED TO DEPT. 119 MAIL BIN. -AUDITOR: V. DOMINGUEZ

NEXT SCHEDULED EVENT:

MATTER PREV SET/REMAIN ON CLDR

03/23/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR ARRAIGNMENT

PARTIES: DAVID R. FIELDS (JUDGE) SYLVIA M. CEDENO (CLERK)
FRANKI DALTON (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

INFORMATION FILED AND THE DEFENDANT IS ARRAIGNED.

DEFENDANT WAIVES ARRAIGNMENT, READING OF INFORMATION/INDICTMENT, AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 664-33410 PC.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

-BOND
-DDA: KRISTOPHER GAY
DEFENDANT ENTERS PLEA OF NOT GUILTY TO THE CHARGES AND DENIES ANY AND ALL SPECIAL ALLEGATIONS.
.
ON DEFENSE MOTION, THE MATTER IS CONTINUED AS INDICATED BELOW.
.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
05/10/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 03/23/23 at 0830:

05/10/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: DAVID R. FIELDS (JUDGE) CHRISTIAN LARA (CLERK)
FRANKI DALTON (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

- BOND // DDA: KRISTOPHER GAY
.
THE MATTER IS SET FOR PRETRAIL HEARING
AS INDICATED BELOW.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
07/06/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 05/10/23 at 0830:

07/06/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CRAIG RICHMAN (JUDGE) GABRIELA LOPEZ (CLERK)
ANNE STEWART (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

- ON BOND / DDA: KRISTOPHER GAY
.
MATTER IS CONTINUED TO 08-23-23 AT 8:30 A.M. IN THIS DEPARTMENT
FOR PRETRIAL HEARING AS DAY 0 OF 30.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
08/23/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 07/06/23 at 0830:

08/23/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CRAIG RICHMAN (JUDGE) GABRIELA LOPEZ (CLERK)
RAQUEL RODRIGUEZ (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

- DDA: KRISTOPHER GAY / ON BOND
.
MATTER IS CONTINUED TO 09-29-23 AT 8:30 A.M. IN THIS DEPARTMENT
FOR PRETRIAL HEARING AS DAY 0 OF 30.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
09/29/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 08/23/23 at 0830:

09/29/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CRAIG RICHMAN (JUDGE) GABRIELA LOPEZ (CLERK)
RAQUEL RODRIGUEZ (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.

ON PEOPLE'S MOTION, COURT ORDERS INFORMATION AMENDED BY INTERLINEATION TO ADD VIOLATION 664-30605(A) PC MISD AS COUNT 02.

DEFENDANT ADVISED OF AND PERSONALLY AND EXPLICITLY WAIVES THE FOLLOWING RIGHTS:

TRIAL BY COURT AND TRIAL BY JURY

CONFRONTATION AND CROSS-EXAMINATION OF WITNESSES;

SUBPOENA OF WITNESSES INTO COURT TO TESTIFY IN YOUR DEFENSE;

AGAINST SELF-INCRIMINATION;

DEFENDANT ADVISED OF THE FOLLOWING:

THE NATURE OF THE CHARGES AGAINST HIM, THE ELEMENT OF THE OFFENSE IN THE INFORMATION AND POSSIBLE DEFENSES TO SUCH CHARGES;

THE POSSIBLE CONSEQUENCES OF A PLEA OF GUILTY OR NOLO CONTENDERE, INCLUDING THE MAXIMUM PENALTY AND ADMINISTRATIVE SANCTIONS AND THE POSSIBLE LEGAL EFFECTS

AND MAXIMUM PENALTIES INCIDENT TO SUBSEQUENT CONVICTIONS FOR THE SAME OR SIMILAR OFFENSES;

THE EFFECTS OF PROBATION;

IF YOU ARE NOT A CITIZEN, YOU ARE HEREBY ADVISED THAT A CONVICTION OF THE OFFENSE FOR WHICH YOU HAVE BEEN CHARGED WILL HAVE THE CONSEQUENCES OF DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.

COUNSEL FOR THE DEFENDANT JOINS IN THE WAIVERS AND CONCURS IN THE PLEA.

COURT FINDS THAT EACH SUCH WAIVER IS KNOWINGLY, UNDERSTANDINGLY, AND EXPLICITLY

MADE;

THE DEFENDANT WITH THE COURTS APPROVAL, PLEADS NOLO CONTENDERE TO COUNT 02 A VIOLATION OF SECTION 664-30605(A) PC. THE COURT FINDS THE DEFENDANT GUILTY.

COUNT (02) : DISPOSITION: CONVICTED

COURT ORDERS AND FINDINGS:

-THE COURT ADVISES THE DEFENDANT OF PAROLE RIGHTS.

COURT FINDS THAT THERE IS A FACTUAL BASIS FOR DEFENDANT'S PLEA, AND COURT ACCEPTS PLEA.

ON PEOPLE'S ORAL MOTION, THE INFORMATION IS AMENDED BY INTERLINEATION ADDING COUNT 2, 664/30605(A) PENAL CODE, ATTEMPTED POSSESSION OF AN ASSAULT WEAPON, A MISDEMEANOR.
.
DEFENSE COUNSEL STIPULATES TO A FACTUAL BASIS PURSUANT TO PEOPLE V WEST AND THE DISCOVERY PROVIDED.
.

THE COURT IMPOSES SENTENCE PURSUANT TO THE PLEA AGREEMENT.

WAIVES TIME FOR SENTENCE.

NEXT SCHEDULED EVENT:
SENTENCING

DEFENDANT WAIVES ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING JUDGMENT:

AS TO COUNT (02):

IMPOSITION OF SENTENCE SUSPENDED

DEFENDANT PLACED ON SUMMARY PROBATION

FOR A PERIOD OF 001 YEARS UNDER THE FOLLOWING TERMS AND CONDITIONS:

SERVE 001 DAYS IN LOS ANGELES COUNTY JAIL

DEFENDANT GIVEN TOTAL CREDIT FOR 1 DAYS IN CUSTODY 1 DAYS ACTUAL CUSTODY AND 0 GOOD TIME/WORK TIME

PLUS $40.00 COURT OPERATIONS ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)

$30.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)

PERFORM 100 HOURS OF COMMUNITY SERVICE

DEFENDANT SHALL PAY A RESTITUTION FINE IN THE AMOUNT OF $150.00 TO THE COURT

TOTAL DUE: $220.00

IN ADDITION:

-DEFENDANT IS ORDERED TO PAY A PROBATION REVOCATION RESTITUTION FINE PURSUANT TO PENAL CODE SECTION 1202.44, IN THE AMOUNT OF $ 150.00. THIS FINE SHALL BECOME EFFECTIVE UPON THE REVOCATION OF PROBATION.

COURT ORDERS AND FINDINGS:

-OBEY ALL LAWS AND ORDERS OF THE COURT.

-DEFENDANT ACKNOWLEDGES TO THE COURT THAT THE DEFENDANT UNDERSTANDS AND ACCEPTS ALL THE PROBATION CONDITIONS, AND DEFENDANT AGREES TO ABIDE BY SAME.

ANY MANDATORY AND NON-PUNITIVE FEES OR ASSESSMENTS ORDERED IN THIS CASE ARE NOT CONDITIONS OF PROBATION

- ONLY POSSESS WEAPONS APPROVED BETWEEN THE PARTIES.
.

- COMMUNITY SERVICE MAY BE COMPLETED AT ANY NON-PROFIT ORGANIZATION.
.
FINES AND FEES ARE STAYED. ABILITY-TO-PAY HEARING IS NOT HELD.
.
ANY REMAINING COUNTS/ALLEGATIONS ARE ORDERED DISMISSED/STRICKEN PURSUANT TO PENAL CODE SECTION 1385.
.
DEFENDANT IS ORDERED TO PROVIDE PROOF OF COMPLETION OF THE COMMUNITY SERVICE ON OR BEFORE FEBRUARY 29, 2023, IN THE CLERK'S OFFICE.
.
BOND IS EXONERATED.
.
NUNC PRO TUNC LANGUAGE IS GENERATED IN ERROR.

COUNT (02): DISPOSITION: CONVICTED

REMAINING COUNTS DISMISSED:

COUNT (01): DISMISSED DUE TO PLEA NEGOTIATION

DMV ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:
02/29/24 830 AM FINES/FEES DIST CENTRAL DISTRICT DEPT CLK

CUSTODY STATUS: ON PROBATION

ON 09/29/23 at 0830:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Clara Shortridge Foltz Criminal Justice Center Dept. - 119

XCNBA510524-01 **July 2, 2024**

The People of the State of California **8:30 AM**

vs.

WALDEN, LUKE BAXTER

Honorable Craig Richman, Judge
G. Lopez, Judicial Assistant

Raquel Rodriguez (#9485), Court Reporter

PC664-33410, PC664-30605(a)

NATURE OF PROCEEDINGS: Probation Modification Hearing

The following parties are present for the aforementioned proceeding:

LUKE BAXTER WALDEN, Defendant
Kristopher E. Gay, Deputy District Attorney
Bill Howard Seki, Private Counsel

The matter is called for Probation Modification Hearing.

There being no objection by the People, defense written motion for early termination is heard and granted.

Probation terminated.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Clara Shortridge Foltz Criminal Justice Center Dept. - 56

XCNBA510524-01 **October 23, 2024**

The People of the State of California **8:30 AM**

vs.

WALDEN, LUKE BAXTER

Honorable Kevin S Rosenberg, Judge
G. Solorio, Judicial Assistant Marianna Donner (#7504), Court Reporter

---

PC664-33410, PC664-30605(a)

NATURE OF PROCEEDINGS: Petition for Dismissal 1203.4 PC

The following parties are present for the aforementioned proceeding:

No Appearances

The matter is called for Petition for Dismissal 1203.4 PC.

The matter is handled in Chambers.

The People waive their appearance as to this hearing only.

The People have indicated that they oppose the petition.

The Court having read and considered the petition pursuant to Penal Code section 1203.4, rules as follows:

As to Count 002: The Court grants the petition for dismissal pursuant to Penal Code section 1203.4, plea of guilty or nolo contendere, or verdicts or findings of guilt be set aside and vacated and a plea of not guilty be entered, and that the Complaint or Information be, and is hereby, dismissed.

Order for Dismissal is signed and filed.

Pursuant to Penal Code section 1203.425, this record shall not be disclosed to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency.

The Court waives/suspends the balance of fine and fees.

Clerk's office to give notice.

Date: _____ By: _____, Deputy

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 11 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 03/06/2025 By _____, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

FILED
Superior Court of California
County of Los Angeles
MAR 23 2023
David W. Slayton, Executive Officer/Clerk of Court
By: S. Cedeno, Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. 01 LUKE BAXTER WALDEN [redacted] Defendant(s).	**CASE NO. BA510524** *INFORMATION* Arraignment Hearing Date: 03/23/2023 Department: CEN 119

INFORMATION
SUMMARY

Ct. No.	Charge	Charge Range	Defendant	Allegation	Alleg. Effect
1	PC 664/33410	16-2-3 County Jail	WALDEN, LUKE BAXTER		

The District Attorney of the County of Los Angeles, by this Information alleges that:

COUNT 1

On or about April 22, 2021, in the County of Los Angeles, the crime of ATTEMPTED POSSESSION OF A SILENCER, in violation of PENAL CODE SECTIONS 664 and 33410, a Felony, was committed by LUKE BAXTER WALDEN, who did unlawfully possess a silencer for firearms.

It is further alleged that probation shall not be granted except in an unusual case where the interests of justice would best be served. Penal Code section 1203(e)(11).

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

NOTICE: Conviction of this offense prohibits you from owning, purchasing, receiving, possessing, or having under your custody and control any firearms, and effective January 1, 2018, will require you to complete a Prohibited Persons Relinquishment Form ("PPR") pursuant to Penal Code § 29810.

THIS INFORMATION CONSISTS OF 1 COUNT(S).

Filed in Superior Court,
County of Los Angeles

DATED: 3/24/23

GEORGE GASCÓN
DISTRICT ATTORNEY
County of Los Angeles,
State of California

BY: _____
KRISTOPHER E GAY
DEPUTY DISTRICT ATTORNEY

/MAP

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of __ pages.

DAVID W. SLAY TON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

By: _____ Deputy

Date: _____

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 2 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 03/18/2025 By: _____, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. **01 LUKE BAXTER WALDEN** [redacted] Defendant(s).	**CASE NO. BA510524** ***FELONY COMPLAINT***

The undersigned is informed and believes that:

COUNT 1

On or about April 22, 2021, in the County of Los Angeles, the crime of ATTEMPTED POSSESSION OF A SILENCER, in violation of PENAL CODE SECTIONS 664 and 33410, a Felony, was committed by LUKE BAXTER WALDEN, who did unlawfully possess a silencer for firearms.

It is further alleged that probation shall not be granted except in an unusual case where the interests of justice would best be served. Penal Code section 1203(e)(11).

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: The People of the State of California intend to present evidence and seek jury findings regarding all applicable circumstances in aggravation, pursuant to Penal Code section 1170(b) and *Cunningham v. California* (2007) 549 U.S. 270.

NOTICE: A Suspected Child Abuse Report (SCAR) may have been generated within the meaning of Penal Code §§ 11166 and 11168 involving the charges alleged in this complaint. Dissemination of a SCAR is limited by Penal Code §§ 11167 and 11167.5 and a court order is required for full disclosure of the contents of a SCAR.

NOTICE: Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

NOTICE: Conviction of this offense prohibits you from owning, purchasing, receiving, possessing, or having under your custody and control any firearms, and effective January 1, 2018, will require you to complete a Prohibited Persons Relinquishment Form ("PPR") pursuant to Penal Code § 29810.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER BA510524, CONSISTS OF 1 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on November 14, 2022.

ROSS NEMEROFF
DECLARANT AND COMPLAINANT

GEORGE GASCÓN, DISTRICT ATTORNEY

BY: KRISTOPHER E GAY, DEPUTY

AGENCY:	LAPD - SPECIAL OPERATION DIV.	I/O: ROSS NEMEROFF	ID NO.: 31679	PHONE : (213) 484-6700
DR NO.:	21001210	OPERATOR: MAP	PRELIM. TIME EST.:	2 HOUR(S)

DEFENDANT	CII NO.	DOB	BOOKING NO.	BAIL RECOM'D	CUSTODY R'TN DATE
WALDEN, LUKE BAXTER	[redacted]	[redacted]		$1	

It appearing to the Court that probable cause exists for the issuance of a warrant of arrest for the above-named defendant(s), the warrant is so ordered.

LUKE WALDEN

BAIL: $_____

DATE: _____

_____
Judge of the Above Entitled Court

NON-WARRANT DEFENDANTS:

DEFENDANT	CII NO.	DOB	BOOKING NO.	BAIL RECOM'D	CUSTODY R'TN DATE

FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

LUKE BAXTER WALDEN

Ct.	Charge	Charge Range	Allegation	Alleg. Effect
1	PC 664/33410	16-2-3 County Jail		

I order that the defendant(s) be held to answer therefore and be admitted to bail in the sum of:

LUKE BAXTER WALDEN 20,000 Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

LUKE BAXTER WALDEN 3/23/23 in Dept 119

at: 8:30 A.M.

Date: 3/9/23

Committing Magistrate

Kimberley Baker Guillemet

GRANT OF PROBATION 1203 PC

1. ☒ SERVE 365 DAYS IN THE LOS ANGELES COUNTY JAIL, ☐ CONCURRENT WITH _____ ☐ CONSECUTIVE TO _____ ☒ ALL TIME.
   DEFENDANT TO RECEIVE TOTAL CUSTODY CREDIT OF _____ DAYS (CREDIT OF DAYS ACTUAL PLUS _____ DAYS GOOD TIME/WORK TIME).
2. ☐ SERVE _____DAYS IN A ☐ RESIDENTIAL ☐ OUTPATIENT TREATMENT PROGRAM: _____.
   DEFENDANT TO BE RELEASED TO AN AUTHORIZED REPRESENTATIVE OF THAT PROGRAM AND IS TO COMPLY WITH ALL PROGRAM TERMS AND CONDITIONS. (013)
   IF DEFENDANT LEAVES OR IS DISCHARGED FROM THE PROGRAM PRIOR TO COMPLETION, DEFENDANT IS TO REPORT TO COURT ON THE NEXT COURT DAY. (013)
3. ☒ PAY A **FINE** IN THE SUM OF $_____ PLUS PENALTY ASSESSMENTS, OR SERVE _____ ADDITIONAL DAY (S) IN COUNTY JAIL, CONSECUTIVE.
4. ☐ MAKE **RESTITUTION TO VICTIM** _____ PURSUANT TO PC 1202.4 (f) IN THE SUM OF $_____. (048) ADDITIONALLY, 10% PER ANNUM INTEREST PURSUANT TO PC 1202.4 (f) (3) (G).
   ☐ IN AN AMOUNT AND IN THE MANNER AS THE PROBATION OFFICER SHALL PRESCRIBE, SUBJECT TO A HEARING IF REQUESTED. (052/060)
   ☐ IN THE STIPULATED SUM OF $_____. (051) ☐ IN A SUM STIPULATED NOT TO EXCEED $_____. (055)
5. ☒ PERFORM 20 (DAYS) (HOURS) OF (CAL TRANS) (COMMUNITY SERVICE), COMPLETION DATE DUE TO BE DETERMINED BY THE COURT. (189, 190)
6. ☒ **OBEY ALL LAWS, RULES, REGULATIONS AND ORDERS OF THE COURT AND OF THE PROBATION DEPARTMENT**. (541/542)
7. ☐ **PARTICIPATE** IN A PROGRAM OF EDUCATION, TREATMENT OR REHABILITATION AIMED AT DRUG ABUSE, AS DIRECTED BY THE PROBATION OFFICER (539).
8. ☐ **COOPERATE WITH THE PROBATION OFFICER** IN A PLAN FOR. (530)
9. ☒ SEEK AND MAINTAIN TRAINING, SCHOOLING OR EMPLOYMENT AS DIRECTED BY THE PROBATION OFFICER. (500)
10. ☒ SUPPORT DEPENDENTS AS DIRECTED BY THE PROBATION OFFICER. (503)
11. ☒ REPORT TO THE PROBATION DEPARTMENT WITHIN 48 HOURS AFTER RELEASE FROM CUSTODY EAST SAN FERNANDO VALLEY AREA OFFICE AT 14414 DELANO ST. VAN NUYS, CA 91401 (817)
12. ☒ **SUBMIT YOUR PERSON AND PROPERTY TO SEARCH AND SEIZURE** AT ANY TIME OF THE DAY OR NIGHT BY ANY PROBATION OFFICER OR OTHER PEACE OFFICER, WITH OR WITHOUT A WARRANT, PROBABLE CAUSE OR REASONABLE SUSPICION. (576)
13. ☒ **DO NOT OWN, USE, OR POSSESS ANY DEADLY OR DANGEROUS WEAPONS**, INCLUDING ANY FIREARMS, KNIVES OR OTHER CONCEALABLE WEAPONS. (934)
    ☐ *THIS PROHIBITION IS FOR 10 YEARS PER PENAL CODE SECTION 12021 (c) (1).*
14. ☒ **THE WEAPON INVOLVED IN THIS CASE** IS ORDERED CONFISCATED AND DESTROYED BY THE ARRESTING AGENCY. (234)
15. ☒ USE ONLY YOUR TRUE NAME, DATE OF BIRTH AND ADDRESS, AND DO NOT GIVE FALSE INFORMATION TO ANY PEACE OFFICER AT ANY TIME. (535)
16. ☐ IF YOU LEAVE THE COUNTRY, YOU SHALL NOT RE-ENTER THE UNITED STATES ILLEGALLY. IF YOU DO RETURN, REPORT TO THE PROBATION OFFICER WITHIN (3) DAYS, AND PRESENT DOCUMENTATION WHICH PROVES YOU ARE IN THE U.S. LEGALLY. (469)
17. ☒ **DO NOT OWN, USE, POSSESS, BUY OR SELL ANY CONTROLLED SUBSTANCES**, OR ASSOCIATED PARAPHERNALIA, EXCEPT WITH VALID PRESCRIPTION, AND STAY AWAY FROM PLACES WHERE USERS, BUYERS, OR SELLERS CONGREGATE. DO NOT ASSOCIATE WITH PERSONS KNOWN BY YOU TO BE CONTROLLED SUBSTANCE USERS OR SELLERS, EXCEPT IN AN AUTHORIZED TREATMENT PROGRAM. (926)
18. ☐ **SUBMIT TO PERIODIC CONTROLLED SUBSTANCE TESTING** WHEN REQUESTED BY THE PROBATION OFFICER OR ANY OTHER PEACE OFFICER. (584)
19. ☐ **REGISTER** WITH YOUR LOCAL POLICE AGENCY AS A ☐ CONTROLLED SUBSTANCE – H&S 11590 (925) ☐ SEX - PC 290 (927) ☐ ARSON - PC 457.1 (902) ☐ GANG MEMBER – PC 186.30 (877) OFFENDER, CARRY PROOF OF REGISTRATION AT ALL TIMES, AND DISPLAY REGISTRATION TO ANY PEACE OFFICER UPON REQUEST.
20. ☐ ABSTAIN FROM THE PURCHASE, POSSESSION AND CONSUMPTION OF ALL ALCOHOL AND ALCOHOLIC BEVERAGES AND STAY OUT OF PLACES WHERE THEY ARE THE CHIEF ITEM OF SALE. (350)
21. ☐ NOT USE FORCE OR VIOLENCE ON THE VICTIM _____. (418)
22. ☐ DO NOT USE OR THREATEN TO USE FORCE OR VIOLENCE AGAINST ANY PERSON. DO NOT ANNOY, HARASS OR, MOLEST ANY PERSON OR WITNESS INVOLVED IN THIS CASE ESPECIALLY _____. (913)

23. ☐ DO NOT HARASS, BOTHER, MOLEST, ANNOY OR COMMUNICATE WITH _____ AND STAY AWAY FROM SAID PERSON (S), THEIR RESIDENCE OR PLACE OF EMPLOYMENT. (413)
24. ☐ STAY 100 YARDS AWAY FROM AND HAVE NO CONTACT WITH _____. (904)
25. ☐ STAY AWAY FROM LOCATION OF ARREST. (904) ☐ STAY AWAY FROM _____. (904)
26. ☐ ENROLL WITHIN 30 DAYS IN AND SUCCESSFULLY COMPLETE A 52 WEEK BATTERER'S TREATMENT PROGRAM BY THE PROBATION DEPARTMENT. ATTEND ALL COUNSELING SESSIONS, KEEP ALL PROGRAM APPOINTMENTS AND PAY ALL PROGRAM FEES IN ACCORDANCE WITH DEFENDANT'S ABILITY TO PAY. (369)
27. ☐ OBEY THE PROTECTIVE ORDER ISSUED IN THIS OR ANY OTHER CASE. (579) ☐ DEFENDANT SERVED WITH A COPY OF THE PROTECTIVE ORDER IN OPEN COURT. (578)
28. ☒ PROVIDE A DNA SAMPLE AND PALM PRINTS IMPRESSION PURSUANT TO PC SECTIONS 296 AND 296.1 (790)

29. ☒ **PAY ALL OF THE FOLLOWING (CHECK ALL THAT APPLY):**
☒ **A RESTITUTION FINE** OF A MINIMUM OF $200.00 CALCULATED PER 1202.4 (b)-(e) AND A 10% RESTITUTION FINE SERVICE CHARGED PER 1202.4 (l).
☐ **A PROBATION REVOCATION RESTITUTION FINE** IN THE SAME AMOUNT AS THE RESTITUTION FINE, PER PC 1202.44, PAYMENT IS STAYED UNTIL PROBATION IS REVOKED AND SENTENCE IMPOSED. (107)
☒ **A PAROLE REVOCATION RESTITUTION FINE** IN THE SAME AMOUNT AS THE RESTITUTION FINE, PER PC SECTION 1202.44, PAYMENT IS STAYED UNTIL PAROLE IS REVOKED AND YOU ARE RETURNED TO PRISON. (106)
☐ **LAB ANALYSIS** THE DEFENDANT IS TO PAY A FINE IN THE AMOUNT OF $50.00 (11372.5 HEALTH &SAFETY, LAB ANALYSIS) PLUS A PENALTY ASSESSMENT OF $85.00 ($50.00 PURSUANT TO SECTION 1464 OF THE PENAL CODE AND $35.00 SECTION 76000 GOVERNMENT CODE) (184)
☒ **A COURT SECURITY FEE** OF $30.00 PER PC 1465.8(A) (l) {PER COUNT}. (SF)
☒ **A CRIMINAL CONVICTION/FACILITIES ASSESSMENT** OF $30.00 PER GOVT. CODE SECTION 70373 (a) GC. (CC)
☐ **A DRUG PROGRAM** OF $150.00 (PER DRUG COUNT EXCEPT 11357 (B) H&S) PER HEALTH AND SAFETY CODE SECTION 11372.7 (a).
☐ **A CRIME PREVENTION FINE** OF $10.00 PER PENAL CODE SECTION 1202.5 (PC THEFT-RELATED AND VANDALISM CASES) (CP)
☐ **A SEX OFFENDER FINE** OF ☐ $300.00 (1ST OFFENSE) ☐ $500 (2ND AND SUBSEQUENT OFFENSES) PER PENAL CODE 290.3, PLUS PENAL ASSESSMENT.
☐ **A DOMESTIC VIOLENCE PAYMENT** OF ☐ $400.00 ☐ $ _____PER PENAL CODE SECTION 1203.097 (a)(5). ($400.00 MINIMUM)
☐ **A DEJ RESTITUTION FINE** OF $ _____PER PENAL CODE SECTION 1001.90/PENAL CODE SECTION 1001.3. (112)

30. ☐ _____

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of __ pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: _____ By: _____, Deputy



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 12 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 03/04/2025 By: _____, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MISDEMEANOR SENTENCING MEMORANDUM – GENERAL MISDEMEANORS

Defendant: Walden, Luke			Case No.: BA510524
Date: 9-29-23	Dept./Div.: 119	Prosecutor: K. Gay, DA	Defense Att'y: B. Seki, Pvt
Judge: C. Richman	Clerk: G Lopez	Reporter: R. Rodriguez	Interpreter/Language: —

Arraignment for Judgment

☐ **Arraignment for judgment and time for sentencing is waived.** There is no legal cause why judgment should not now be pronounced.
As to Count _____, a violation of § _____ of the ☐ Penal Code ☐ H&S Code ☐ W&I Code ☐ Vehicle Code ☐ _____ Code

Sentence

1. ☐ **Probation is denied. Defendant is to serve** _____ **days in the Los Angeles County Jail**, forthwith. ☐ consecutive to _____ ☐ concurrent _____
Defendant to receive **custody credit** of _____ days actual plus _____ days GT/WT, for a total of _____ days ☐ Time may be served in any penal institution.
2. ☐ **Pay a fine of** $_____ plus penalty assessments.
3. ☐ Pay the fines, fees, and assessments as set forth in paragraph 21 below.
4. ☐ **Execution of the foregoing sentence is suspended (ESS)**, and the following conditional sentence is imposed:

Conditional Sentence (PC § 1203b) / Order of Probation (PC § 1203a)

☑ **Imposition of sentence is suspended (ISS)** ☐ With supervision by county probation officer (formal probation),
for a period of 1 years/months upon the following terms and conditions:

1 ☑ **Serve** 1 **days in the Los Angeles County jail,** ☐ consecutive to _____ ☐ concurrent with _____ ☐ Suspended.
Defendant to receive **custody credit** of 1 days actual plus 0 days GT/WT, for a total of 1 days. ☐ Time may be served in any penal institution.
☐ Time may be served on consecutive weekends of two days each, beginning _____. **(772)**
☐ Time may be served in any city jail having actual confinement, at Defendant's expense. **(021)**
☑ Defendant may not participate in Sheriff's home detention/EHM per PC § 1203.016(e). **(771)** ☐ Work furlough not allowed per PC § 1208(b).

2 ☑ **Perform** _____ **days of Community Labor** (CalTrans, MTA-MAARS, HBT, graffiti removal, beach cleanup, community cleanup, _____), **or perform** 100 **hours of approved Community Service,** with credit for _____ days actual. Sign up for such work only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. ☐ This work is in lieu of the days of jail specified in paragraph 1 above.

3 ☐ **Pay a fine** of $_____ plus penalty assessments, **or** in default thereof serve _____ additional days in County jail, consecutive, **or** perform an additional _____ days/hours of Community Labor or Community service/_____. ☐ **Defendant elects jail in lieu of fine**, forthwith, consecutive to all other time.
☐ Fine may be paid in monthly installments of not less than $_____. **(124)** ☐ Defendant to report to Financial Evaluator to work out a payment plan. **(163)**

4 ☐ **Make restitution to victim** _____ pursuant to PC § 1202.4(f) **(048)** ☐ in an amount to be determined at a hearing. **(067)** ☐ *Harvey* waiver taken. ☐ in the stipulated sum of $_____. **(048)** ☐ per any final civil judgment against you. **(100)** ☐ Liability is admitted but amount disputed.

5. ☐ **Do not own, use, or possess any dangerous or deadly weapons**, including any firearms, knives, or other concealable weapons. **(230)** ☐ The weapon involved in this case is ordered confiscated and destroyed by the arresting agency. **(234)** ☐ This prohibition is for 10 years as to any firearm pursuant to PC § 29805(a).
6. ☐ **Do not use or threaten to use force or violence against any person**. Do not annoy, harass, or molest any victim or witness in this case, especially _____. **(913)**
7. ☐ Stay ☐ _____ ☐ 100 yards away from and have no contact with _____. **(904)**
8. ☐ Stay ☐ _____ ☐ 100 yards away from ☐ the location of the arrest ☐ _____. **(904)**
9. ☐ **Obey any Protective Order** issued in this or any other case. **(579)** ☐ Defendant is served with a copy of the Protective Order in open court. **(578)**
10. ☐ Enroll within 30 days and successfully complete: _____. **(373)**
11. ☐ **Do not own, use, or possess any controlled substances, or associated paraphernalia,** except with valid prescription, and stay away from places where users or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, unless attending a drug treatment program. **(926)**
12. ☐ **Do not drink or possess any alcoholic beverage**, and stay out of the places where they are the chief item of sale. **(901)**
☐ Do not drink or possess any alcoholic beverages before you turn age 21. **(344)**
13. ☐ **Attend** _____ **Alcoholics/Narcotics/Sexual Compulsives Anonymous** meetings at the rate of _____ meeting(s) per week for _____ weeks. **(356/473)**
14. ☐ **Submit your person and property to search and seizure** at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause, or reasonable suspicion. **(576)**
15. ☐ **Use only your true name**, stated to be: _____. **(924)** Do not give any false information to any peace officer at any time. **(535)**
16. ☐ **Do not associate with any persons known by you to be criminal street gang members**, affiliates, or associates, and stay away from all places where you know such persons congregate, except in an authorized anti-gang program. **(918)** Obey any gang injunction that applies to you. **(399)**
17. ☐ **Do not own, use, possess,** buy or attempt to buy, or sell any aerosol paint containers, felt tip markers, any glass or metal scribes, any masonry, glass or carbide drill bit, any grinding stone, awl, chisel, carbide scribe, and any other device or implement capable of marking or marring any property or writing any graffiti. **(921)**
18. ☐ Vandalism cases (VC § 13202.6): **Your driver's license is suspended** for ☐ 2 years (max.) ☐ _____. **(247)** ☐ Surrender your driver's license forthwith **(273)**
19. ☐ Submit to booking (PC § 7(21)) and release within 7 days.
20. ☐ If you are deported from/otherwise leave the United States, notify the Court (& Probation) in writing of your address and telephone number outside the United States within 72 hours of deportation/departure. Continue to pay all of your financial obligation to the Court (& to Probation) while outside the United States. **(474)**

21. ☐ **Pay all of the following (check all that apply):**

☑ **A restitution fine** of ☐ $150.00 ☐ $_____ ($1,000 max.) per PC § 1202.4(b). **(098)**	☐ **Cost of probation services** per PC § 1203.1b, ☐ as determined by the Probation Officer, subject to a hearing if requested ☐ in the amount of $_____ per month
☑ **A probation revocation restitution fine** in the same amount as the restitution fine, per PC 1202.44, payment is stayed until probation is revoked and sentence imposed.	☐ **A drug program fee** of $_____ per drug count (except H&S § 11357(b)) per H&S § 11372.7(a). (Drug convictions only, $150 max.)
☑ **A court facilities assessment** of $30.00 per GC § 70373(a) (Per count.) (SA:CC)	☐ **A crime prevention fine** of $10 per PC § 1202.5 (PC theft-related & vandalism) (SA:CP)
☐ **A state surcharge** of $_____ per PC § 1465.7 (20% of base fine) (SA:AB)	☐ **A sex offender fine** of ☐ $300 (1st off.) ☐ $500 (2nd/sub. off.) PC § 290.3, plus penalty assessment.
☑ **A court operations assessment** of $40.00 per PC § 1465.8(a)(1). (Per count.) (SA:SF)	☐ **A child abuse prevention restitution fine** of $_____, per PC § 294 ($1,000 max.)
☐ **A crime lab fee** of $50.00 plus penalty assessment per H&S § 11372.5. **(184)**	☐ **A domestic violence payment** of ☐ $500 (min.) or ☐ $_____ per PC § 1203.097(a)(5).
☐ **An administrative screening fee** of $25.00 per PC § 1463.07/GC § 29550(f). (D OR)	☐ **A criminal justice administration fee** of $_____, payable to the local arresting agency, per GC §§ 29550(c), 29550.1, or 29550.2(a) (agency's actual cost).
☐ **A citation processing fee** of $10.00 per PC § 1463.07/GC § 29550(f). (D cited and released in field or at jail facility.)	
☐ _____	

22. ☑ ONLY to possess weapons approved by bureau parties
Court to be stayed w/o ability to pay
23. ☑ **Obey all laws and orders of the court (541)** ☐ and rules and regulations of the Probation Department. **(542)**

☐ **Defendant acknowledges that he/she understands and accepts the terms and conditions of probation. (810)**
☐ Defendant is ordered to pay attorney fees ☐ in the amount of $_____ ☐ in the amount determined by the Financial Evaluator, pursuant to PC § 987.8(b), through the Clerk's Office. **(182)** ☐ After a noticed ability to pay hearing.
☑ **Counts/Allegations** financing **are dismissed/stricken** on the People's motion pursuant to PC § 1385 as to this Defendant.

Compliance dates: Defendant is ordered to appear in person on each of the following compliance dates. (683)

Surrender for jail:		POE/Progress report on:	
Pay fines/fees by:		Restitution hearing in: Dept./Div. ____	
Complete work/c-s by:	2/29/24 AM 8:30	Other:	

I understand, accept, and will comply with the foregoing conditional sentence and compliance dates and will return to Court as ordered.

Defendant's Signature:	Attorney's Signature:

Defendant's Address: _____

Defendant's Telephone: _____

BX

_____
Judge/Commissioner of the Superior Court

CRIM 086 (Rev. 03/18) **DISTRIBUTION: White – Court Copy Canary – Defendant Copy**

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 02/08/2005 By: _____, Deputy

RATIONALE ON FINDINGS

LUKE WALDEN, #34898

B.F. NO. 31674

C.F. NO. 21-001144

WEDNESDAY, FEBRUARY 14, 2024

. . . . .

MS. AMIN: SO NOW THE BOARD IS NOW READY IN THE MATTER OF LUKE WALDEN, BOX 31674. THE BOARD WILL NOW PROVIDE THE RATIONALE ON ITS FINDINGS.

THIS CASE WAS HEARD DURING TWO HEARING DATES AND INCLUDES THE TESTIMONY FROM THE FOLLOWING FIVE WITNESSES: JOHN JIZMEJIAN, LUKE WALDEN, GREG FIELD, FADIL BIRAIMAH, AND ERIC BIXLER. THE BOARD ADMITTED INTO EVIDENCE DEPARTMENT'S EXHIBITS 1 THROUGH 18, ACCUSED EXHIBITS A THROUGH E, AND BOARD EXHIBIT NO. 1.

THE BOARD HAS CONSIDERED AND CAREFULLY REVIEWED AND WEIGHED ALL OF THE EVIDENCE INTRODUCED. ALTHOUGH OUR RATIONALE INCLUDES CITATIONS TO THE RECORD TO HIGHLIGHT PARTICULAR TESTIMONY OR EXHIBITS, THE BOARD'S FINDINGS AND CONCLUSIONS ARE NOT BASED SOLELY ON THOSE SPECIFIC RECORD CITATIONS BUT RATHER ON THE BOARD'S REVIEW OF THE ENTIRE RECORD OF THIS CASE.

FURTHER, THE BOARD NOTES THAT ITS FINDINGS OF FACT ENCOMPASS THE CREDIBLE TESTIMONY AND EVIDENCE

PRESENTED AT THE HEARING, AS WELL AS LOGICAL INFERENCES DRAWN THEREFROM. A CREDIBILITY DETERMINATION MAY RELY ON A VARIETY OFF FACTORS, INCLUDING THE CONTEXT OF THE WITNESS' TESTIMONY, THE WITNESS' DEMEANOR, THE WEIGHT OF THE RESPECTIVE EVIDENCE, ESTABLISHED OR ADMITTED FACTS, INHERENT PROBABILITIES, AND REASONABLE INFERENCES THAT MAY BE DRAWN FROM THE RECORD AS A WHOLE. CREDIBILITY FINDINGS NEED NOT BE AN ALL-OR-NOTHING PROPOSITION. INDEED, NOTHING IS MORE COMMON IN ALL KINDS OF ADJUDICATORY DECISIONS THAN TO BELIEVE SOME, BUT NOT ALL, OF A WITNESS' TESTIMONY.

THE DEPARTMENT HAS THE BURDEN TO PROVE BY A PREPONDERANCE OF THE EVIDENCE FOR COUNT 1 THAT "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

THE ESSENCE OF THE PARTIES' POSITION IS THAT, ON THE ONE HAND, THE DEPARTMENT ALLEGES THAT WALDEN ATTEMPTED TO PURCHASE A FIREARM SILENCER, WHEREAS DETECTIVE WALDEN MAINTAINED THAT HE INTENDED TO PURCHASE A HIGH-PERFORMANCE FUEL FILTER. DETECTIVE WALDEN EXPLAINED THAT HE IS A CAR ENTHUSIAST, WHO REBUILDS CARS AND HAS A NUMBER OF PENDING AND INCOMPLETE PROJECTS. AMONG OTHER THINGS, HE IS ALSO A WELDER AND HAS BEEN QUALIFIED AS A GUN EXPERT FOR THE

PURPOSES OF TESTIFYING IN STATE COURT PROCEEDINGS.

GREG FIELD, A SENIOR AUTOMOTIVE SUPERVISOR, TESTIFIED THAT THE ITEM CONFISCATED BY CBP CANNOT BE USED AS A FUEL FILTER BECAUSE IT HAS NO FILTRATION COMPONENT INSIDE IT. HE BELIEVED THAT, ACCORDING TO THE ONLINE SEARCHES, THE ITEM PURCHASED, WHICH WAS A NAPA 4003, INTENDED USE IS AS A FIREARM SILENCER.

BOARD EXHIBIT 1 DEPICTS A FEW OF THE URL WEBSITES DETECTIVE WALDEN SEARCHED PRIOR TO THE SUBJECT PURCHASE. MR. FIELD BELIEVED THEM NOT TO BE FUEL FILTERS.

MR. BIRAIMAH, THE FIREARM ANALYST, EXPLAINED THAT THE NAPA 4003 IS A CODE WORD FOR SUPPRESSORS KNOWN TO FIREARM BUYERS. HE FURTHER EXPLAINED THAT FUEL FILTERS AND SOLVENT TRAPS CANNOT BE INTERCHANGEABLY USED. MR. BIRAIMAH EXAMINED THE CONFISCATED ITEM AND DETERMINED IT TO BE A FIREARM SUPPRESSOR COMPATIBLE WITH A NUMBER OF FIREARMS. AND UPON EXAMINING DETECTIVE WALDEN'S LIST OF PURCHASED FIREARMS, MR. BIRAIMAH FOUND A NUMBER OF THOSE FIREARMS COULD BE USED IF MODIFIED.

ERIC BIXLER TESTIFIED THAT ONE OF DETECTIVE WALDEN'S RESPONSIBILITIES WAS TO IDENTIFY SUPPRESSORS, AND THAT DETECTIVE WALDEN WOULD HAVE BEEN AWARE OF THE CONFISCATED ITEM'S PURPOSE AS A SUPPRESSOR.

IN CONCLUSION, THE BOARD FINDS YOU UNANIMOUSLY GUILTY ON COUNT 1.

THIS CONCLUDES THE RATIONALE FOR THE FINDINGS PHASE OF THIS BOR CASE.

--OOO--

Los Angeles Police Department
Forensic Science Division
1800 Paseo Rancho Castilla, Los Angeles CA 90032

Laboratory Report

SID-21-007329 / Req. # 0001
Report finalized: June 1, 2021

DR #:	21-99-13105	**Name Associated:**	NEMEROFF
Requested By:	NEMEROFF #31679	**Offense:**	Other
Contact:	31679@lapd.online	**Service:**	Firearms - Test Fire Firearm

Analysis Requested: -- Determine if the assembly, as received, is a silencer as described in California penal code section 17210.

I, the undersigned analyst, as a Criminalist employed by the Los Angeles Police Department, am prepared to testify to the information provided in this report. The following results relate only to the items tested.

Evidence Item(s):

- Item 6 (LIMS #1-6): One (1) metal ring
- Item 7 (LIMS #1-7): One (1) outer tube
- Item 8 (LIMS #1-8): One (1) monocore baffle

Dates of Laboratory Activity: 5/14/2021 — 5/25/2021

Observation(s)

Items 6 through 8 were received as a single assembly. As received, the item 8 monocore baffle is secured within the item 7 outer tube by the item 6 metal ring.

TESTING:

- An external inspection of the assembly was conducted to assess its general appearance, condition and construction.

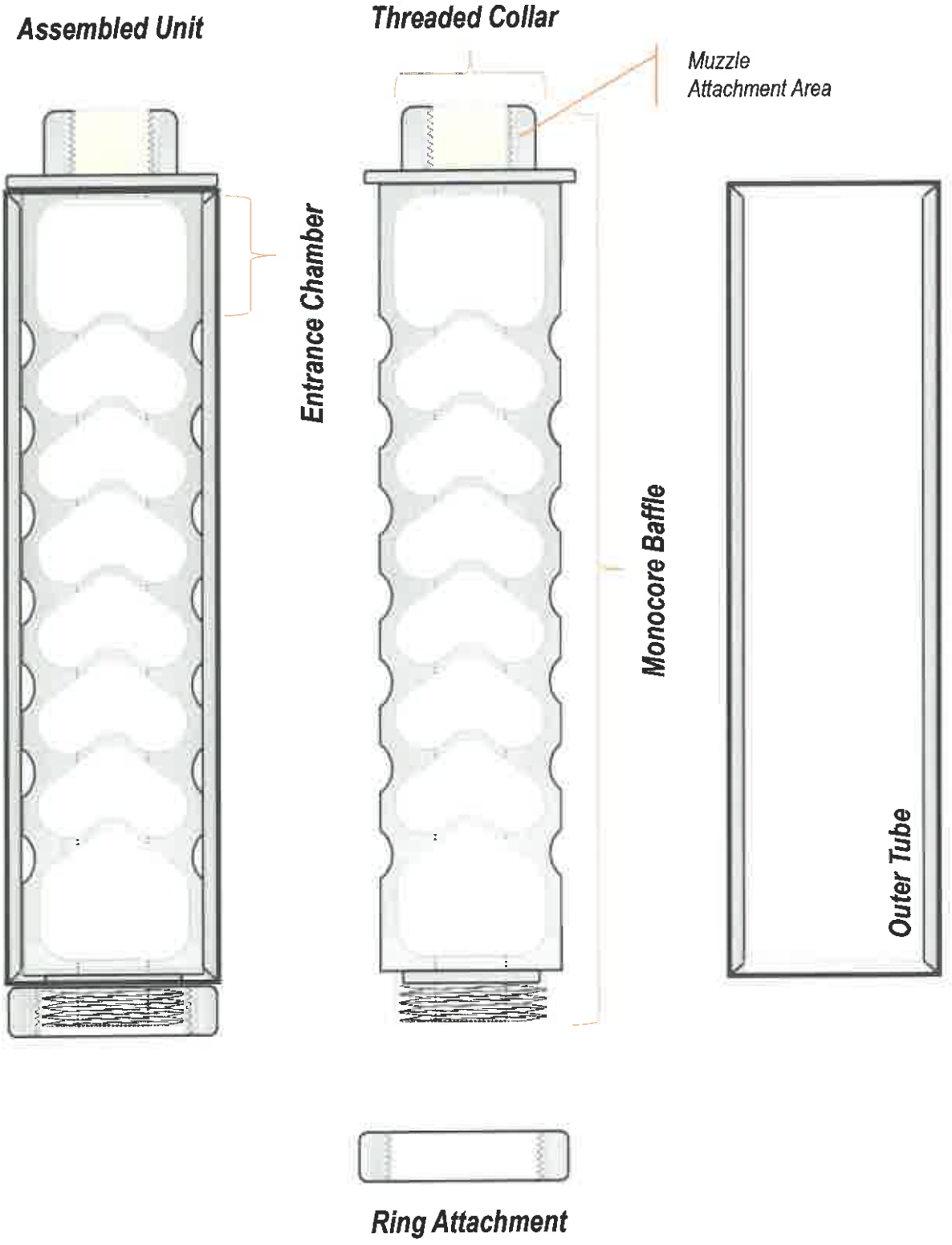
- The assembly was dismantled and inspected for distinctive silencer structural features.

TEST RESULTS:
The external inspection revealed the assembly to be in good condition. It has the general appearance of a silencer. The components are all consistent with machined aluminum with a dark, smooth surface finish. There is an internally threaded collar at one end and an unthreaded opening at the other. There are no indications of amateur or improvised production processes. There are no indications of repurposed material or components. The internal inspection revealed a well-made single piece (monocore) baffle with an open channel from end to end. The monocore baffle divides the tube volume into 8 chambers which are open to the central channel. The first area is larger and is consistent with an entrance chamber. The threaded collar is consistent with a muzzle attachment point. These features are conspicuous suppressor / silencer design elements that substantiate the classification as a silencer.

Conclusion(s)

The assembly, as received, is a silencer as described in California penal code section 17210.

Not to Scale


Assembled Unit
Threaded Collar
Muzzle
Attachment Area
Entrance Chamber
Monocore Baffle
Outer Tube
Ring Attachment

Analyst: F. Biraimah #N3140 323-415-8169 5-27-21

Admin Review: R. Garcia #G9120 6- 1-21

Tech Review: R. Garcia #G9120 6- 1-21

AGENDA ITEM REPORT

Title: POST2306324 - LUKE BAXTER WALDEN (POST ID: A95-T18)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
07/16/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
William Imboden	Mike Radford

REPORT DATE	**APPROVED BY**	**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:

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Peace Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of “Supervisor”. On June 5, 2022, Respondent was demoted back to the rank of Detective.

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

The case before the Board alleges the Respondent, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. During the Administrative Investigation into the alleged serious misconduct of “Acts That Violate the Law” (attempting to purchase an illegal firearm silencer, a Felony), the Respondent was found to be dishonest when he stated he did not try to purchase a firearm silencer. These

actions constituted Acts that Violate the Law as defined in Commission Regulation 1205(a)(6) and Dishonesty as defined in Commission Regulation 1205(a)(1).

Audio/Video Evidence Link(s):

- BR14_POST2306324_Walden Luke_Attachment K IA Interview Redacted.m4a

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent's actions constitute serious misconduct, specifically, Dishonesty as defined in Commission Regulation 1205(a)(1), and Acts that Violate the Law as described in Commission Regulation Regulation 1205(a)(6), in that Respondent researched threaded barrels for firearms, firearm silencers and noise suppressors commonly sold as "fuel filters" by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead "No Contest" to the misdemeanor charge of Penal Code sections 664 and 30605(a); Attempt to Possess an Assault Weapon. The Felony charge was only dismissed as part of the plea agreement. During the internal investigation, Respondent was dishonest when he stated he was only purchasing a fuel filter for two vehicles he was rebuilding, neither of which would use a fuel filter like the item that was seized by U.S. Customs and Border Protection (CBP). He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The item CBP seized, which was addressed to Respondent at his home address. The item purchased may be advertised on the internet as a fuel filter (or solvent trap) to otherwise disguise its intended use; as manufactured it is functionally inoperable as a fuel filter (it had no filtering properties), and there are dozens of internet sites discussing and showing how to convert this item into a firearm silencer.

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 make a recommendation regarding what action should be taken, suspension or revocation, on the certification

of the subject peace officer.

ATTACHMENT(S):

BR01_POST2306324_Walden_Luke_ISF.pdf
BR02_POST2306324_Walden_Luke_ExecReviewDivisonRec.pdf
BR03_POST2306324_Walden_Luke_Attachment_A_POSTProfile_Redacted.pdf
BR04_POST2306324_Walden_Luke_Attachment_B_Package_Picture_Redacted.pdf
BR05_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin1.pdf
BR06_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin2.pdf
BR07_POST2306324_Walden_Luke_Attachment_D_Seized_Item.PNG
BR08_POST2306324_Walden_Luke_Attachment_E_DOJ_Printout_Redacted.pdf
BR09_POST2306324_Walden_Luke_Attachment F_LAPD Audit screenshot.png
BR10_POST2306324_Walden_Luke_Attachment_G_Search_Warrant_Supplement_Redacted
BR11_POST2306324_Walden_Luke_Attachment_H_Amazon_Purchase.pdf
BR12_POST2306324_Walden_Luke_Attachment_I_Criminal_Court_Documents_Redacted.pd
BR13_POST2306324_Walden_Luke_Attachment_J_BOR_Rationale.pdf
BR15_POST2306324_Walden_Luke_Attachment_L_Criminalist_Report.pdf

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF Luke Walden, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke, notifying Respondent that the Division had found reasonable grounds for revocation of Respondent's POST certification, on May 14, 2025. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on May 21, 2025, and the Board scheduled the case for a hearing which was held on July 16, 2025. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☒ Intermediate
- ☒ Advanced
- ☒ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 7/16/25

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

WEDNESDAY, JULY 16, 2025

10:04 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Connie J. Parchman,
California Certified Shorthand Reporter #6137

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE DUDLEY
Governor Appointee
Attorney
(Chairperson)

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

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A P P E A R A N C E S C O N T I N U E D

POST STAFF

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Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

WILLIAM DARDEN
Chief Counsel
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WILLIAM IMBODEN
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

SIMONE RENTERIA
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

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A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT

LUKE BAXTER WALDEN
Peace Officer, POST ID A95-T18

MARLON MARRACHE

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I N D E X

PROCEEDINGS	PAGE
I. CALL TO ORDER	6
II. ROLL CALL OF POSAAB MEMBERS	6
III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA	8
IV. APPROVAL OF MEETING TRANSCRIPTS	10
V. ASSISTANT EXECUTIVE DIRECTOR & NEW BUSINESS	
A) Report on Outcome of Case Review from the March 05-06, 2025 Commission Meeting	11
VI. NEW BUSINESS	
a) Report on Data for Serious Misconduct Reporting, Investigtions and Disciplinary Action Outcomes	12
VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION	
1. POST2305110 - Brian Kawamoto (POST ID: C34-D38) Last employing Agency: Torrance Police Department	77
2. POST2305111 - Christopher Allen-Young (POST ID: C46-H76) Last employing Agency: Torrance Police Department	94
3. POST2306324 - Luke Baxter Walden (POST ID: A95-T18) Last employing Agency: Los Angeles Police Department	105
VIII. CLOSED SESSION	
(Transcripts prepared and bound under separate cover)	153
X. ADJOURNMENT	158
CERTIFICATE OF REPORTER	159
ERRATA SHEET	160

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WEDNESDAY, JULY 16, 2025 10:04 A.M.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning, everyone.

Great to see all of you.

Today is Wednesday, July 16th, and the time is 10:04.

Thank you all for attending the Peace Officer Standard Accountability Advisory Board hearing.

Please note that this hearing is being live streamed, recorded and transcribed.

Thank you so much to the transcriber.

Further, please note that the microphones are auto on/off. When you begin speaking, they will go live. With this, you will need to watch your crosstalk. That too will go live.

We will now call the roll of Board Members.

MR. KNAPP: Thank you, Madam Chair.

Good morning, Members of the Board.

Member Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Member Crawford.

MEMBER CRAWFORD: Present.

MR. KNAPP: Member Doyle.

(No response.)

MR. KNAPP: Member Dudley.
CHAIRPERSON DUDLEY: Here.
MR. KNAPP: Member Glaser.
MEMBER GLASER: Here.
MR. KNAPP: Member Johnson.
MEMBER JOHNSON: Here.
MR. KNAPP: Member Lara.
MEMBER LARA: Here.
MR. KNAPP: And Member Pena.
MEMBER PENA: Here.
MR. KNAPP: Thank you.
Madam Chair, seven of nine.
CHAIRPERSON DUDLEY: Thank you. A quorum has been established.
And thank you, Mr. Knapp, for all the work you did to get us all here today. Very much appreciated.
I would now like to introduce Board Counsel. To my left, Christopher Beatty.
And POST Assistant Executive Director, Annemarie Del Mugnaio. I do this every time. I have so much respect for our Assistant Director and I never can get the name just perfect. But, Del Mugnaio?
MS. DEL MUGNAIO: Del Mugnaio.
CHAIRPERSON DUDLEY: What?
MS. DEL MUGNAIO: Del Mugnaio.

CHAIRPERSON DUDLEY: Del Mugnaio.

MS. DEL MUGNAIO: There you go.

CHAIRPERSON DUDLEY: Del Mugnaio.

This time is set aside for members of the public who wish to comment on items not on the agenda, but those within the Board's jurisdiction.

Public comment on matters on the agenda will be heard after each item is presented. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each of the matters.

Please be advised that the Board cannot take action on items not on the agenda and may discuss those matters only to the extent necessary to determine whether any matter should be made an agenda item at a future meeting, to respond briefly to statements or questions posed, to request clarification or to refer the items to staff.

Please remember that this meeting is being transcribed, so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comment can be correctly captured in the transcript.

As the Board Chair, I may ask members of the public to limit their remarks to no more than three minutes, pursuant to existing Board policy.

I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements, and the 15-minute public comment period has expired.

You will be given five minutes to speak and the time limits will be strictly enforced, so please ensure that you complete your thoughts within the allotted time.

Before I open public comment on matters not on the agenda, please note that if you wish to comment on disciplinary matters scheduled to be heard today or tomorrow by the Board, you must wait until the matter is called to offer public comment.

If you have a specific complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer's employing agency. Staff will assist you in this regard.

I would like to remind individuals making comments to not discuss pending complaints or pending disciplinary actions that may later come before the Board for recommendation.

If the Board takes action on your complaint, you will have an opportunity to address the Board at that time.

Following these rules is necessary to comply with

the law and to avoid compromising the Board's mission.

Now, is there anyone present in the audience or appearing remotely who would like to address the Board during public comment?

Let's start with people present first. Anyone present?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, let me inquire, is there anybody remotely?

(No response.)

CHAIRPERSON DUDLEY: Okay. Moving on.

Let's go to the approval of the minutes.

Is there anyone present or appearing remotely or by phone who would like to address the Board regarding the approval of the January 16th, 2025, transcripts?

(No response.)

CHAIRPERSON DUDLEY: Seeing none. Are there any questions or comments from the Board regarding the minutes?

Seeing none.

If the Board concurs, the appropriate action would be a motion to approve the meeting transcript from the January 16, 2025, meeting.

Is there a motion?

MEMBER CLAVO: I make a motion to approve the

Pena.

MEMBER PENA: Aye.

MR. KNAPP: Pena, aye.

That's seven in favor. Motion carries.

CHAIRPERSON DUDLEY: Okay.

Let's move on to the next case.

This is -- thank you, both. I know that was a difficult case to report on. Very much appreciate your professionalism.

POST2306324, Luke Baxter Walden POST A95-T18.

At this time, I will now call upon law enforcement consultant William Imboden, Professional Conduct Los Angeles County Bureau and Simone Renteria, Attorney IV, Legal Affairs Bureau to provide a report on case POST2306324, Luke Baxter Walden, who at the time of the events at issue in this case was employed by the Los Angeles Police Department.

Thank you.

MR. IMBODEN: Good afternoon, Madam Chair, Members of the Board.

My name's William Imboden, I'm one of the law enforcement consultants assigned to the Professional Conduct Bureau for Southern California in the Peace Officer Standards and Accountability Division.

With me today is Simone Renteria, an attorney with

our Legal Affairs Bureau.

And I'm here today to present case POST2306324 involving Luke Baxter Walden with the Los Angeles Police Department.

It's the Division's determination that clear and convincing evidence exists to demonstrate that the respondent, Luke Walden, committed an act of serious misconduct as set forth in Penal Code Section 13510.8 on March 17th, 2021.

Specifically, the Division has determined that respondent committed the following acts of 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.

And acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public as determined by the

Commission.

In this presentation I will present a brief outline of the Division's findings of the investigation in this matter.

Respondent began his career with the Los Angeles Police Department on July 6, 1998; on October 7th, 2012, was promoted to the rank of detective; on June 15th, 2014, was promoted to the rank of supervisor.

On June 5th, 2022, respondent was demoted back to the rank of detective.

Respondent holds the following POST certifications: Basic, intermediate, advanced and supervisory.

During respondent's 24-year career, he has received 155 citizen and department commendations. His service records do not show any prior discipline or complaints for similar allegations.

On April 22nd, 2021, US Customs and Border Patrol -- Border Protection intercepted a suspicious package from China at the Los Angeles International Airport mail facility.

The package, which was labeled, quote, fuel filter, and addressed to respondent at his home address, actually contained an illegal firearm silencer.

The label also contained graphics in Chinese which,

when translated, stated, quote, "spiral 1/2 to 28 single core automobile fuel filter, parentheses, six-inch half to 28 black spiral P0171289910," close parentheses.

Half inch to 28 and 5/8 to 24, as will be mentioned throughout this presentation, refers to the thread size and count. For example half-inch diameter shaft with 28 threads per inch.

Upon learning respondent was a current LAPD officer, the investigation was turned over to the LAPD Internal Affairs Bureau.

Once the seized item was booked into evidence at LAPD, criminalist Fadil Biraimah of the Forensic Science Division examined it and its components. Next slide.

His report described the item as having the following characteristics:

Quote, "it has the general appearance of a silencer. The components are all consistent with machined aluminum with a dark, smooth surface finish.

"There is an internally threaded collar at one end and an unthreaded opening at the other.

"The internal inspection revealed a well-made, single piece monocore baffle with an open channel from end to end.

"The monocore baffle divides the tube into eight chambers which are open to the central channel.

"The first area is larger and is consistent with an entrance chamber. The threaded collar is consistent with a muzzle attachment point.

"These features are conspicuous suppressor silencer design elements that substantiate the classification as a silencer," end quote.

He concluded his report by stating, the assembly as received, was a firearm silencer as defined in California Penal Code Section 17210, which states: A silencer is any device or attachment designed to silence, diminish or muffle the report of a firearm or any parts intended for their assembly or fabrication.

A search through the California Department of Justice revealed respondent had 54 registered firearms, many of which were compatible with the half-inch, 28-thread barrel size.

LAPD conducted an audit of Respondent's internet search history on department computers between January 1, 2020, and April 28, 2021.

Using search words including, quote, silencer, fuel filter, solvent trap, China, threaded barrel and others.

The audit revealed that during that time frame, respondent conducted 21 internet searches and searched numerous websites that advertised the sale of threaded barrels for weapons registered to him as well as

additional weapons not registered to him.

The audit also revealed that respondent searched websites that are advertised -- that advertised the sale of, quote, fuel filters. The search focused on filters that had an inner thread size of half -- 1/2 to 28 converting to an outer thread side of 5/8 to 24.

The 1/2 to 28 thread size would apply to many of the weapons registered to respondent.

LAPD's IA consulted their acting general automotive supervisor who reviewed the websites that respondent visited that advertised the sale of fuel filters and inspected the item that Customs and Border Protection seized.

Next slide.

It was his opinion, based on the dimensions of the items respondent researched, that none of them were consistent with any fuel filter for a vehicle and that the items seized could not be used as a fuel filler because it had no internal filtration component.

Inline automobile fuel filters work by trapping dirt, rust and other debris as fuel flows through them preventing these contaminants from reaching the engine's fuel system.

The fuel -- sorry, the filter contains a pleated paper element or other filter medium that captures

particles and contaminants as the fuel passes through.

Modern fuel filters are designed to trap all particles larger than 30 microns or .03 millimeters.

Next slide.

The Bureau of Alcohol Tobacco and Firearms issued law enforcement bulletins on April -- in April of 2017 and October of 2019. These bulletins advised that devices that are specifically manufactured as firearm silencers were being marked online as inline fuel filters despite having no filtering medium.

One such product is marketed as a quote, "Napa 4003," end quote, inline fuel filter.

When LAPD served a search warrant on the Respondent's PayPal account, the search revealed that on March 17th, 2021, at 8:28 A.M. a transaction was completed for $45.96 for the purchase of a quote, "Napa 4003 WIX24003 1/2 to 28, 5/8 to 24 fuel filter, aluminum solvent trap, half inch to 28 XH," end quote.

The recipient of the payment was Xu Shi Qi International Limited in Hong Kong, China.

Respondent was arrested by LAPD on November 14th, 2022, and booked into the LA County Jail.

On November 16th, 2022, the LA County District Attorney Office filed one count of Penal Code Section 664 and 33410, attempted possession of a silencer, a

felony.

On March 9th, 2023, Respondent was held to answer for the felony at a preliminary hearing. And on September 29th, 2023, as a result of a plea bargain, Respondent pled no contest to one count of attempt to possess an assault weapon, a misdemeanor.

The felony was only dismissed as part of the plea agreement.

Despite Respondent's misdemeanor plea resulting in the dismissal of the felony charge, clear and convincing evidence exists to show that Respondent committed the act of purchasing an illegal firearm silencer in violation of California Penal Code Section 33410, a felony.

This conduct occurred despite his extensive firearms training through POST, in-service training, and on-the-job exposure to firearms crimes, both generally and as a part of Los Angeles PD's gun unit.

Although the investigation was turned over to local law enforcement for prosecution, Respondent also violated federal law under Section 27 CFR 447.21 and 27 CFR 447.52, as well as the National Firearms Act USC Title 26, Section 5844.

Respondent is an experienced peace officer with almost 27 years with the -- in the LAPD and his position

as an LAPD officer, Respondent was not only charged generally with getting illegal guns off the street, but had been part of the LAPD's gun and narcotics division gun unit for approximately three years.

By illegally purchasing a silencer from China, Respondent was, in effect, committing the same type of crime that he was sworn to prevent.

During the administrative investigation into the alleged serious misconduct of acts that violate the law, Respondent was dishonest when he stated several times to the IA investigators that he did not try to purchase a firearm silencer.

Respondent stated he ordered a fuel filter a, quote, "Universal fuel filter for a 1985 Toyota Celica, which never arrived." He could not recall the vendor or when he ordered the filter. He later ordered another fuel filter through Amazon.com which he did receive. In looking at them in comparison, they look nothing alike.

Respondent denied ordering or attempting to obtain a firearm silencer despite the ceased item being addressed to him at his home address and despite the use of his PayPal account to purchase it.

The item is the exact same brand and size as was located in LAPD's internet audit of the Respondent's internet searches for firearm silencers and was

determined to fit many of the firearms Respondent owned.

Next slide.

Additionally, the exact name, type and size of the item are listed on ATF training documents to help law enforcement recognize illegal firearm silencers.

Next slide.

Respondent stated he only had a cursory knowledge of silencers, but was not an expert. He admitted he knew they were illegal to possess and he did not dispute the results of the internet search audit, but said those searches were for work-related purposes only.

However, he could not provide specific cases or reports that required searches he conducted. And his internet searches ceased two days prior to the items being purchased using Respondent's personal PayPal account.

Next slide.

LAPD sustained the allegation of attempting to possess a firearm silencer and referred the Respondent to a Board of Rights with a recommendation for termination from employment.

At the Board of Rights Respondent continued to deny that he tried to buy a firearm silencer and repeated that he attempted to buy a fuel filter for his 1985 Toyota Celica.

However, the item seized would not only not fit a 1985 Toyota Celica, it would be useless as a fuel filter because it has no filtering properties.

At the Board of Rights hearing, LAPD criminalist Biraimah stated that, quote, Napa 4003, end quote, is a code word for suppressers known to firearm buyers.

After examining the seized item, he determined it was a firearm suppresser compatible with a number of firearms.

After examining the list of firearms possessed by Respondent, Mr. Biraimah found a number of them could be used with a silencer if modified with a threaded barrel.

Respondent's supervisor, LAPD Lieutenant Eric Bixler testified at the Board of Rights hearing that one of Respondent's job responsibilities was to identify suppressors and that the Respondent would have been aware of the seized item's purpose as a suppressor.

At the conclusion of the Board of Rights hearing, the Board unanimously agreed that Respondent was guilty of the allegation that he attempted to obtain a firearm silencer.

The facts I've just recited support the Division's finding that Respondent was involved in serious misconduct, specifically dishonesty and acts that

violate the law.

For purposes of the Division's analysis, clear and convincing evidence means evidence of a charge is clear and convincing so long as there's a high probability that the charge is true.

The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that Respondent's POST certification be suspended or revoked. And the Division's recommendation is based on the following:

Clear and convincing evidence exists to show Respondent purposefully committed a felony after conducting research for weeks in advance and then purchasing an item that was clearly intended to be used as a firearm silencer.

This is in direct conflict with Respondent's general duty to uphold the law. And is, in fact, the exact type of crime Respondent was charged with preventing as part of the specialty unit he was assigned to.

His blatant dismissal of the law alone is egregious enough to warrant revocation of Respondent's peace officer certification, but in addition to violating the laws he was sworn to uphold, Respondent lied repeatedly to IA, and at his Board of Rights, when he was

confronted with his behavior, in an obvious attempt to keep his job through consistent denial, despite the evidence of his guilt.

Respondent has broken the public trust through his actions and his words and cannot be entrusted to truthfully, honestly, and ethically uphold the law or to respect the rights of the members of the public.

With that, I'm happy to have answer any questions the Board may have.

CHAIRPERSON DUDLEY: Does the Board have any questions or comments?

Yes.

MEMBER PENA: There was an earlier slide that showed a -- an authentic filter; right? A real one; right?

MR. IMBODEN: Correct.

MEMBER PENA: Okay. I just wanted to make sure.

CHAIRPERSON DUDLEY: Any other comments?

(No Response.)

CHAIRPERSON DUDLEY: Questions?

(No Response.)

CHAIRPERSON DUDLEY: At this time, does the subject officer and/or their counsel wish to make public comment?

If so, you will each be given five minutes to speak

and the time limits will be strictly enforced. So please ensure that you complete your comments within the allotted time.

While commenting, keep in mind that the Board will only consider the facts as presented by the Division today and will not consider any additional facts or defense at this time.

The sole question before the Board today is the following:

If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate a high probability that a serious misconduct as defined by Penal Code Section 13510.8 and Commission Regulation 1205 occurred?

Is there anyone from the public who would like to address the Board at this time?

Looking to the audience?

(No response.)

CHAIRPERSON DUDLEY: Anyone on the phone?

MR. KNAPP: Yes.

CHAIRPERSON DUDLEY: Okay. Please.

MARLON MARRACHE: Hi, yeah, my name is Marlon, M-A-R-L-O-N, last name Marrache, M-A-R-R-A-C-H-E, representing my classmate, Luke Walden. Just wanted to add a couple of facts, if you will, about this

particular matter.

We want to talk about the dishonesty allegation.

In the presentation by Mr. Imboden that he said that March 17th, 2021, that the department considered dishonesty, that's not the case.

As a matter of fact, throughout this whole process, the allegation of dishonesty is what we consider a false statement or a misleading statement around truthfulness, et cetera, was never, ever discussed.

And we just wanted to point out that during this whole process, from the beginning, when there is an investigation of internal affairs initiated, all the way up to the levels of review, including the inspector general, please bear in mind that at no point did the Los Angeles Police Department in their process ever consider an allegation of dishonesty.

You're talking about a Captain I and a Captain III from the department in that division. You're talking about a commander and deputy chief from Internal Affairs; a commander and a deputy chief from the bureau as well.

And they all have to go to the tenth floor where the chief is and present these allegations.

And yes, it was directed to a Board of Rights, it was serious misconduct. But at no point was it ever

considered to have a dishonesty allegation.

In fact, what Mr. Imboden also forgot to mention is that there is a process with LAPD called a masked complaint, which means that the accused employee is unaware of the actual allegations or unaware that they're actually being investigated by Internal Affairs.

And so it wasn't until September 14th, 2021, when Luke Walden was actually aware of this particular matter, this particular alleged misconduct.

So I just really wanted to point that out to make sure that the Board understands what the process of the Los Angeles Police Department is.

And just a little bit of my background is I've been involved in discipline since 2008. I have put on over 30 Board of Rights when I worked Internal Affairs for over five years.

I actually teach a POST-certified course in Internal Affairs and I've been hired as a witness, expert, as it relates to IA matters alone.

So my expertise is -- my scope is very, very narrow. And just based on my experience -- not just because he's my classmate -- is the fact that this allegation should have never been framed in the first place. In fact, when I attended the SB 2 seminar, I was told that POBAR, Peace Officers Bill of Rights do not

apply.

And for the fact that the SB 2 panel, or Mr. Imboden, actually consider an allegation of dishonesty to frame, that would be considered a 3304 issue, which means it's beyond the statute of limitations.

So just wanted to that know.

And Luke is also present. And I'm going to hand the mike over to Luke to let you know what he's doing now and what he's been doing ever since his Board of Rights concluded.

Thank you.

LUKE WALDEN: Hello?

CHAIRPERSON DUDLEY: Yes.

LUKE WALDEN: Hello. Hello, this is Detective Walden.

Hey, so I have about -- I have over 27 years of service with the Los Angeles Police Department.

I've worked in multiple capacities within the department, undercover, buying narcotics, I've gone through multiple polygraphs.

When you go to a federal task force you're polygraphed. They do extensive background.

And based on the information provided in the rationale where I spoke to Mr. Imboden to kind of

understand what the whole process was, because I thought it was already done.

I had gone through the process, I made some decisions based on financial needs to not pursue fighting it all the way to the end, because it's either pay my mortgage and take care of my kids or be homeless. I made those decisions. And that's the reasons I did take the plea deal.

I know that we wrote an outline. We provided it to the Board.

I think it's a three-page document laying out all the discrepancies within the POST rationale.

When I spoke with Mr. Imboden regarding it, he advised me that he did not have all the information from the Los Angeles Police Department Internal Affairs.

When I asked how is a rationale written up without all the facts, being a detective of, I don't know, 15, 16 years, he couldn't give me an answer for that.

There's a lot of discrepancies in here. He talks about my training. As far as POST training that's all qualification. Has nothing to do with expertise, firearms expertise.

I was assigned to the gun unit. It was only for a year. The three years is incorrect.

Because after that year I went to the federal task

force. And I went through extensive background.

My sole purpose was to deal with apps, which is prohibited possessors, people who have mental illness and/or they have a criminal background.

And there were -- when I was there, we authored about 44 search warrants to deal with that. I never have nor attended any training regarding suppressors. I've never been trained on suppressors.

Currently the department has no training of suppressors or silencers.

When they provided the document regarding the ATF information, written by the ATF, I had never seen that, no one ever taught me that.

The other issues that were in there as far as training experience, yes, I was responsible for getting guns off the street.

That was part of the job that I did with the feds, because I did have experience with AR-15s, Glocks and 1911s and the ghost guns.

And I've testified as an expert.

There's issues with the firearms that they say that I own that will accept a suppressor. None of them were found during the preliminary hearing. And it was admitted to by the investigator to find threaded barrels, I didn't have threaded barrels. And during the

search of the computer, threaded barrels were not located.

I know Mr. Imboden talks about the search ending at a certain time. From what I understand, they had a scope of certain days that they chose to do.

I don't know that scope, but I think that's just a little bit reaching.

I haven't lied in the 27 years that I've been on the job. I haven't perjured myself. I have no complaints of lying and denying. I've currently been back to work about a year and a half.

I've currently filed probably over 100 cases.

I work with victims, suspects, interview them, I'm still working with -- still working as a police officer.

A Board of Rights deemed me, which is like yourself, civilians or sworn, that deemed me okay to return to work.

It didn't meet the egregious nature that is being told today.

So I hope that you guys take into consideration the write-up that was provided.

I understand that not everybody was privy to the Los Angeles Police Department's policies and procedures. And I understand that the Los Angeles Police Department doesn't always provide all the information when needed

because I work there.

So I understand how that works.

But I hope you that you take all this into consideration for your decision today.

Thank you.

CHAIRPERSON DUDLEY: Detective Walden, are you still there?

LUKE WALDEN: Yeah, I'm still here.

CHAIRPERSON DUDLEY: Okay. Good. This is Joyce Dudley, the Chair of this Board.

It was unclear to me whether the first person who spoke was an attorney or not. Or if he was just a colleague of yours?

LUKE WALDEN: He's acting as my attorney. He's not an attorney, but he has a law degree. He doesn't have a bar degree -- he's not bar -- he's my representation.

CHAIRPERSON DUDLEY: Okay. So I just want to be clear on this. He's representing you, but not as an -- but he is not someone who's been sworn in by the California Bar; is that correct?

LUKE WALDEN: That's correct.

CHAIRPERSON DUDLEY: Okay.

MARLON MARRACHE: That would be correct, ma'am.

CHAIRPERSON DUDLEY: That's fine. I understand.

And do you have an attorney representing you in

this matter?

LUKE WALDEN: No, I do not.

CHAIRPERSON DUDLEY: Okay. Fine.

Is there anything else you wanted to say?

LUKE WALDEN: No, ma'am.

CHAIRPERSON DUDLEY: Okay. Is there any questions from the Board?

MEMBER CLAVO: I have a question.

CHAIRPERSON DUDLEY: Yes. Dr. Clavo.

MEMBER CLAVO: The question I have, is, is it my understanding, did I mishear or did I hear correctly that you took a plea deal for the initial charges of purchasing a silencer?

LUKE WALDEN: No. The district attorney -- the district attorney offered a plea deal at the arraignment, which was like in January. And because he said based on the information provided by the Internal Affairs investigator, I guess there was a 13 seized -- 13 potential suppressors seized on that day when they went to go find it. And I was the only person charged.

No other people -- no other person in LA County. And it was because I was a police officer.

I was -- I believe I was targeted. It was not my intent in any way to purchase a suppressor.

I truly am -- I provided information to Internal

Affairs with all the stuff I'm doing with my kids, building cars. I had photos.

At the Board of Rights, Jiz Bagian (phonetic), who was the administrative investigator, when they asked -- when counsel asked him that, he said we didn't do anything with that evidence.

That could have exonerated me, so I kind of feel like I got shortchanged by my own department in our -- our -- in our due process of, you know, doing what's right.

I think that I'm supposed to do investigation, I'm supposed to take all the facts, put it together and present it to a district attorney and they make the ultimate decision whether or not they're going to file the case.

It was almost kind of like: We're going to let this guy take the hit. And I -- you know, when you're going through this, it's very stressful. It's high anxiety. You're not getting paid, you're -- I was assigned home for two years. I'm not getting paid.

And I have to live off of whatever I saved to combat this. And I just didn't have the money to battle this.

And so they offered a plea deal which was a misdemeanor. And I took it for financial reasons in

hopes that it didn't violate POST, which it did -- based on -- researched it, so I could go back to work if the Board allows me.

And the Board did.

And so I went back to work.

Yes, I got demoted. Yes, I worked a bunch of special details. Yes, I have probably a little bit more knowledge than most. But I don't have the experience that they're talking about.

I read the rationale and I seen the write-up regarding the training that I've had and that's all my qualification.

It has nothing to do with firearms training in the sense of how they work, how to take them apart. That's all qualification.

So to use that is like bolstering a report to make it look more egregious than it truly is.

CHAIRPERSON DUDLEY: Thank you, Detective Walden. One moment, please.

Dr. Clavo.

MEMBER CLAVO: Just a follow-up on that, Ma'am.

CHAIRPERSON DUDLEY: Yes.

Okay. Hang on one second.

Detective Walden, Dr. Clavo has a follow-up question or statement. Just standby.

MEMBER CLAVO: So just for clarity purposes, for myself. My initial question was: Did you take a plea deal?

You said no. But in the end of your statement you said yes.

So is it yes you took a plea deal, or no you took a plea deal?

LUKE WALDEN: All right. I think your initial question was for the silencer and the answer was no.

I took a plea deal for a lesser charge based on what the district attorney's office offered.

MS. RENTERIA: And Madam Chair, if I may answer that question for Board Member Clavo?

CHAIRPERSON DUDLEY: One moment, please.

Dr. Clavo, anything else?

MEMBER CLAVO: I'm fine.

CHAIRPERSON DUDLEY: Okay. Thank you. Yes.

MS. RENTERIA: Just to clarify, Mr. Walden was charged and arrested for a felony, which was attempted possession of a silencer. That was pled down. And so he pled no contest to a misdemeanor, which was attempted possession of an assault weapon.

CHAIRPERSON DUDLEY: Yes. I think Dr. Clavo understood that.

MEMBER CLAVO: Yes.

CHAIRPERSON DUDLEY: Thank you. Any other questions or comments from the Board?

Yes, Dr. Glaser.

MEMBER GLASER: Thank you.

So, Mr. Walden, I just would like to get clarity.

Are you -- are you denying that you ordered that item?

And that you conducted the internet searches that are in the record relating to a suppressor with a threaded barrel?

LUKE WALDEN: Am I -- did I -- no, I ordered the part. It was for my car. It was -- based on the information that was provided on the internet, I thought it was for my car. Because I'm putting in a bigger engine. And I thought it would allow additional -- more fuel. The car originally comes with a four cylinder, 22R. I'm putting in a V-8 because I want to hotrod it with my kid. So I can do drifting and rally and stuff.

So the way it was presented on the internet, is that it was a high-flow fuel filter. That's what I thought and --

MEMBER GLASER: Would you --

LUKE WALDEN: If I can explain, sir, about the searches on the internet.

MEMBER GLASER: Uh-huh.

LUKE WALDEN: That's the next question?

MEMBER GLASER: Yes, please do.

LUKE WALDEN: Okay. So, assigned to the FBI gang task force. I provided some expertise when it came to us purchasing guns. We bought a lot of guns. We worked the MS task force, MS-13, so we were buying guns and a lot of them were attached to murders.

We did have external informants. And when I say that, I worked with informants since 2009. The informants -- these informants are federal informants.

When you work with the fed -- when you work with an informant that's assigned to you and you're an LAPD agent, LAPD, those -- there's documentation that is required. It's called an informant contact sheet and every time you talk to them, every time, they call you 20 times you got to fill out 20 pieces of paper.

They give you information, you write it down.

With the federal informants, they are not required that, because their informant information is captured by the feds, we don't have that documentation.

So what had happened was, in over -- over that time frame, from January to February -- because we -- we were in a lull waiting for the Assistant US Attorney to give us direction on several of the murder suspects from MS-13 how they were going to, what we were going to do,

when we were going to make the takedowns and arrests.

And so we were -- we had these informants that were providing information regarding guns sales, firearms sale and narcotics sales.

But it was ultimately up to the federal -- the FBI agents to make the determination whether or not they wanted to move forward on these cases.

The -- since these -- these guns with suppressors -- that's how the pictures came through and the information came through. So I started researching it because I didn't have the knowledge base. And the guys would say, well, you should know this. You had worked the gun unit.

Yeah, but I didn't have the training.

So I went on Google and I put in "silencer." I put in -- and then I tried to figure out how it would work or how it would work based on what you need to get the filing. Or at least make the arrest.

As you guys may or may not know, federal charges are different than state charges.

And a lot of times if it's going to go federal, they need specific -- it needs to be from -- the gun was manufactured in -- from state to state. So state -- interstate commerce.

And so that's -- that's why I did it. We had three

separate cases from two informants that provided information, they provided pictures. I didn't see captured those pictures they were on the FBI's -- the agents' cell phones.

I think my phone died.

Can you guys still hear me?

MEMBER GLASER: Yeah, we hear you.

LUKE WALDEN: Okay. So --

CHAIRPERSON DUDLEY: Okay. Dr. Glaser, do you need more information?

MEMBER GLASER: I'm going to follow up.

CHAIRPERSON DUDLEY: Okay. I think Dr. Glaser has a follow-up question and that may address whatever else you wanted to add to this.

And I know that we have at least two more Board Members who want to be heard.

But go ahead, Dr. Glaser.

MEMBER GLASER: Yeah, I would just like more clarity. You are acknowledging that you ordered that item. And it's your claim that it's just coincidentally while you were trying to order a filter for a car, you -- the item that you ended up ordering happened to be a functioning suppressor for a firearm that would not function as a filter for a car?

LUKE WALDEN: Yeah, basically -- based on what I

was told, because I never received it. And over the course of a couple months, I didn't know I was under investigation.

So that was sometime in April, I believe, what I was told by the Internal Affairs.

Then I realized, hey, it never came, I figured the porch pirates stole my packages because I was working probably 12 to 15 hours a day, a week, because we were after -- we were working a lot of murder cases, so our hours were always crazy.

And then -- so I ordered another fuel filter -- because the other one didn't come.

So I said, well, at least with Amazon, I will get a receipt and I will get a -- I'll get confirmation. And also if it doesn't show up, you know, I can ask for an additional one. Which I should have done in the first place --

CHAIRPERSON DUDLEY: Okay. Thank you.

LUKE WALDEN: And this could have all been avoided.

CHAIRPERSON DUDLEY: Detective Walden, thank you. I think you've -- you've answered --

LUKE WALDEN: Oh. Okay. Sorry.

CHAIRPERSON DUDLEY: -- Dr. Glaser's question.

Now I know that next was Mr. -- Lieutenant Lara and then after that is Regina. Okay. Go ahead. Crawford.

MEMBER LARA: Charles would do just fine.

So normally speaking, my question is, say I go on to Amazon. And I'm going to order an item. I generally order online to the specific item that I need. Say if I -- it was for the Celica or the enhanced V-8, I would order the item to match the engine to which I -- I'm building out.

So how is it that by pure coincidence you end up with what is essentially a functioning silencer that's purely coincidentally, what you ordered online?

Can you explain that to me?

LUKE WALDEN: I was -- well, that's how it was presented. I ordered the part for my car. And it was a high-flow fuel filter. I never got it.

Then I went on Amazon and I did the same thing.

And, no, based on what you're saying, as a former mechanic, the -- because I worked on cars prior to becoming a law enforcement agent, police officer, I never -- these -- the fuel filter never came. So I ordered a second one.

And they're called universal fuel filters. I think it was in the slides. And that's the one I ordered.

And it's a high-flow universal fuel filter.

Based on all the research, there's -- in that -- in the ATF document, there's a ton of things in there

that -- I had no idea that could be used as a suppressor.

Which, I would assume that they're fuel filters based on what -- how they're sold. They're sold on Amazon. They're sold on eBay. They're sold on all these different websites, which is not illegal. And you're taking -- you're purchasing that.

So I didn't know that it was a suppressor. Otherwise, I would not have -- I would have avoided this whole situation.

MEMBER LARA: Okay. Presumably one buys a fuel filter to filter fuel.

Meaning there will be some medium by which particulate or contaminants will be extracted from said fuel.

So I'm not going to deny that it's high-flow, there's no baffling in this and there's an expression in Latin, caveat emptor, which means "buyer beware."

I imagine that with as much background as you have -- or purport to have in mechanics, that you would recognize that this item would not function as a fuel filter because it has no medium by which to filter fuel.

Can you explain that to me?

LUKE WALDEN: No. I believed it can because it showed -- I don't have the documentation, because I

didn't take pictures of it. I didn't know I was going to get in trouble for buying a fuel filter.

But it -- on the -- on the website, it showed filtration, it showed it hooked up to a car with a -- with a line going from the -- from the fuel line from the back, from the gas tank, up.

So based on the subject, I didn't look for the filament, which is the item that traps the debris, because it showed everything in the -- in the -- on the website.

And based on what I was understanding when they did the Board of Rights they tried to pull the link up from the website to use it in their investigation and they couldn't find it because it had been taken down.

MEMBER LARA: Thank you.

CHAIRPERSON DUDLEY: Detective Walden, were you being honest when you pled guilty or no contest to attempting to purchase an assault rifle? An assault weapon?

LUKE WALDEN: As far as honest how? Because that was the charge that they offered. So I wasn't trying to buy an assault weapon, but that's the charge that they gave me for the plea deal.

CHAIRPERSON DUDLEY: Okay. That was the one they offered.

LUKE WALDEN: Yeah.

CHAIRPERSON DUDLEY: And that was the one you pled guilty or no contest to.

LUKE WALDEN: Yes.

CHAIRPERSON DUDLEY: And when you did that, were you being honest?

LUKE WALDEN: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Thank you.

Ms. Crawford.

MEMBER CRAWFORD: So reading your report, you sound like you were a car enthusiast. And --

LUKE WALDEN: Yes.

MEMBER CRAWFORD: And given your background and being a mechanic and an officer of the law, one of the things that kind of caught me, and it was an "aha" moment, was how many guns that you owned in the house.

So answer this question.

As LAPD, if you were to come into my home and I owned -- what was it 54 guns, and rifles. That wouldn't be a little bit alarming?

LUKE WALDEN: No, ma'am. I know that it -- in today's society based on -- that people are afraid of guns.

I was raised around guns. I fired my first firearm at five years old. My family was raised on a farm. So

for me guns is kind of like having a hammer.

The intention is not there to run around murdering people.

It -- I shoot competitively. I have for years. Under IDPA.

As far as the amount of guns, I worked -- when I did work the gun unit, we did have a lot of people who owned guns.

Now a lot of the guns I owned, they're worth thousands and thousands of dollars. So they're -- it's like an investment. And I buy them. I sell them.

Of the guns that I owned, half of them were not mine. And when I say that they weren't originally mine.

My brother died in '96 in a car accident. And some of them were his. And then some of them were my father's, so I inherited them either from my father or from my brother, who passed away.

So most of the -- a bulk of them, maybe two-thirds of them, were originally not mine.

But because of registration and following the law and all the -- Senate Bills, I uphold the law and basically registered them to me so that they would be in safekeeping, because I was working in law enforcement. There are locked up in safes so that no one has access to them. Not even my kids.

If I go recreational, we take safety and take the kids and go through the safety rules and go shooting as -- you know, at the local range.

MEMBER CRAWFORD: Mr. Walden, you said something that was very interesting.

Being in law enforcement, you wanted to follow the law.

I work formerly for the Department of Defense. And knowingly, if I purchased something or had something in my house that could give pause or question to -- you didn't -- did you report that to your senior leadership?

LUKE WALDEN: Report what?

MEMBER CRAWFORD: That you were buying these items that --

LUKE WALDEN: No --

MEMBER CRAWFORD: You're an expert. You're an expert.

LUKE WALDEN: No, I'm not an expert in suppressors.

MEMBER CRAWFORD: You are not, okay.

LUKE WALDEN: I know that the POST has tried to frame it that way. But, no, I've never dealt with a suppressor. I've never seen one in real life.

Based on my -- as far as how they come apart, how they work, I've had no formal training.

When it comes to suppressors, I have -- based on

what I did, I would buy a fuel filter for my car. I never got it. I bought another one. And then all of a sudden I was under investigation.

If it had come and I found out that it was in this suppressor type form, I would have booked it into evidence and told them.

CHAIRPERSON DUDLEY: Okay. Thank you. Thank you, Detective Walden.

Anything else? Any other questions?

MEMBER CLAVO: I have two.

CHAIRPERSON DUDLEY: Yes, Dr. Clavo.

MEMBER CLAVO: The first one is for Mr. Imboden.

I want to make sure I heard you. I think -- I believe it was you and not Mr. Walden that stated that the fuel filter that was ordered was listed under a name that is known by gun enthusiasts or individuals who are purchasing illegal silencers and is known to be listed under the name in which the fuel -- fuel filter was purchased; is that correct? Did I make sense?

MR. IMBODEN: That's correct. The code -- the term "Napa 4003" is known amongst the gun enthusiasts as a code word for "silencer."

MEMBER CLAVO: Mr. Walden, did I understand that you said you are currently working back as a police officer for the last year and a half?

LUKE WALDEN: Yes.

MEMBER CLAVO: I lied. I have a third question.

So with that, you were doing research on silencers on a work computer prior -- two days prior, I believe, to receiving, or being arrested, or being notified that you had received silencers in the mail.

LUKE WALDEN: No. That's incorrect.

MEMBER CLAVO: Okay.

MS. RENTERIA: Two days prior to him purchasing the item, the silencer, he had been researching the Napa 4003 inline fuel filters, as well as threaded barrels.

Mr. Walden claimed that he was doing that for work-related purposes, based on FBI informants, information that they had received.

So from POST's perspective it demonstrates knowledge of the item that he was purchasing, because he had spent so much time researching those items, by his own admission, and then bought the item he was in fact researching.

MEMBER CLAVO: Thank you. That was the clarity I was seeking. Appreciate that.

CHAIRPERSON DUDLEY: And just so I'm clear on this, was he saying that he was researching filters? Or suppressors?

MS. RENTERIA: He said he was researching

suppressors, silencers, for an illegal firearm sales that they were investigating.

Those silencers were being marketed as Napa 4003 fuel filters or solvent traps.

CHAIRPERSON DUDLEY: Thank you.

Anything else?

Yes, Mr. Johnson?

MEMBER JOHNSON: For Mr. Walden.

LUKE WALDEN: Yes, sir.

MEMBER JOHNSON: The question I have is, has others bought this particular so-called fuel filter that you was confused on and made complaints?

Or did you make a complaint that this particular suppressor would not work as a fuel filter?

LUKE WALDEN: As far as people buying it and using it, I don't know.

I know that based on what was told to me that there were 13 fuel filters recovered that they believe to be silencers. And I was the only one charged, as far as the District Attorney's Office.

MEMBER CRAWFORD: So there were others is what you're implying?

LUKE WALDEN: Yeah. And they -- based on what I was told by the -- because I had -- in our FBI unit, we had members of HSI and Homeland Security and they do all

the checks on what comes in and out of the searches.

They basically told me that, generally, they send a letter to the person and say, hey, you can't own this.

And they said that they have thousands of those things coming in.

CHAIRPERSON DUDLEY: Okay. Thank you.

Yes, Ms. Clavo. Pena.

MEMBER PENA: Mr. Walden, I have a few questions for you.

What type of car was it that you were seeking to buy a filter for?

LUKE WALDEN: A 1985 Celica GT hatchback.

MEMBER PENA: What kind again? I'm sorry.

LUKE WALDEN: It's all right. Okay. It's a 1985 Toyota Celica.

MEMBER PENA: Okay. Is it running?

LUKE WALDEN: Right now it's been disassembled. So I took all of the -- the fuel system out. And I'm currently taking the engine out so that I can put a larger or better running engine in. Because the engine in there is old and I need to put a new bigger -- bigger engine in.

MEMBER PENA: Okay. So that's -- that's the car that you were attempting to order a filter for?

LUKE WALDEN: Yes.

MEMBER PENA: You said you subsequently ordered another filter when you didn't receive the first one; is that right?

LUKE WALDEN: Yes, ma'am.

MEMBER PENA: Did you install that filter?

LUKE WALDEN: No, because I was told I was under investigation. And then I was sent home. And I didn't have the money to work on the project.

MEMBER PENA: Okay. How soon after ordering the first filter that was intercepted by the Border Patrol, did you order the second filter?

LUKE WALDEN: I think April, so -- about four months. So the first one didn't come, which I assumed it got stolen.

And we were working the murder cases, so I was never home. I hadn't -- I was working seven days a week doing surveillance.

And so I realized, hey, that part never came. Because suspension pieces came, shocks came, brakes came, which was all being put together. And I realized that the fuel filter wasn't here. So I --

MEMBER PENA: Did you --

LUKE WALDEN: -- went on Amazon and ordered a new one.

MEMBER PENA: Did you know at that point that you

were under investigation?

LUKE WALDEN: No, ma'am. I wasn't told -- so I got a notice -- I ordered it in, I believe, August. I got an email from Internal Affairs, because it was masked, in September. Like middle of August is when it showed up. September I was told I was under investigation. I still wasn't told what for.

I had to get legal counsel.

Once I got legal counsel, it was like maybe the end of September, November, somewhere around there, where they told -- you know, IA told the -- my counsel. Then we set up an interview. And that was done over the phone I think in January.

I can't remember the exact dates.

MEMBER PENA: Okay. Thank you.

CHAIRPERSON DUDLEY: Yes. Okay. So Mr. Johnson, then Mr. Lara.

MEMBER JOHNSON: On that first fuel filter that you never received, did you make a complaint to Amazon?

Or is there some documentation that you have that you never received the first item you ordered? If --

LUKE WALDEN: No. So the -- I never received it. I was working -- I was working 15 hour days for -- every day. So I never received it.

Once I realized it was there, to me it was like --

I thought it was 20 bucks. But guess it was 45 bucks. I didn't remember the price.

So I figured it had got stolen. I went looking for the website. I couldn't remember how to find it.

So I said I'm going to go on Amazon and order my -- that part and I'll just eat the 20 bucks. Which, I thought -- the whole time I thought it was 20 bucks.

CHAIRPERSON DUDLEY: In the past when Amazon did not deliver items to you, did you complain and seek to get your money back?

LUKE WALDEN: In the past, I've had front bumpers for 300 bucks and I haven't gotten it. So sometimes I complain, sometimes I figure someone steals it. Sometimes there's no recourse if you don't do it within a certain time period.

This company, the website --

CHAIRPERSON DUDLEY: Okay. Thank you. Mr. Lara.

MEMBER LARA: Mr. Johnson asked the first question I was going to ask, which was have you requested a refund or filed a complaint?

But out of curiosity, why didn't you order the same filter you had previously ordered?

LUKE WALDEN: Why didn't I order the same -- it was a universal fuel filter. That's what I ordered on the first one. It never came.

The second one, I ordered a universal fuel filter and that came.

That's how it was -- that's how it was sold on the internet. It was a universal, high-flow fuel filter.

I ordered the first one, never came.

I went looking for the same thing on the Amazon, that one, they had a different versions and I wanted a more compact one so it wouldn't get swiped off the bottom of the car. And so I found the other one, which is the one that I purchased.

It's very similar in dimensions, as far as length, I believe.

CHAIRPERSON DUDLEY: I think I lost track.

When you got the second one, did you install it?

LUKE WALDEN: No. That was asked before.

CHAIRPERSON DUDLEY: Why didn't you install it?

LUKE WALDEN: Oh, because I had taken the whole car apart. I took the whole fuel system. I had to put a bigger -- I was putting in larger fuel pump to put the fuel through the fuel filter. So I bought all the fuel --

CHAIRPERSON DUDLEY: I'm sorry. I don't know much about cars. So just if you could give me a simple answer to this.

LUKE WALDEN: Okay.

CHAIRPERSON DUDLEY: You purchased a filter --
LUKE WALDEN: Yes.
CHAIRPERSON DUDLEY: -- that didn't come.
LUKE WALDEN: Right.
CHAIRPERSON DUDLEY: And then you purchased a filter that had the same name that did come. And --
LUKE WALDEN: Yes.
CHAIRPERSON DUDLEY: I'm asking if you attempted to install the second filter with the same name as the one that didn't come?
LUKE WALDEN: I attempted to install it? No, I did not, because that's when I was made aware -- like maybe a couple months later. Because we were still working a lot, I just didn't have the time to work on the project.
CHAIRPERSON DUDLEY: Okay. Thank you.
LUKE WALDEN: So I was ordering the entire fuel system.
CHAIRPERSON DUDLEY: Okay. Thank you.
Anything else?
MEMBER CLAVO: One more question.
CHAIRPERSON DUDLEY: Go ahead, Dr. Clavo.
MEMBER CLAVO: I'm not going to say one more. I might have several.
So it was my understanding that the initial fuel filter was purchased through PayPal. I believe one of

my fellow members here asked about filing a complaint.

I know with PayPal, because I'm a internet shopper, I have disputed many things that I've received or did not receive.

So did you -- and PayPal's pretty good about giving you your money back when you don't receive an item or it's the wrong item or you don't get it in time.

Did you -- and they usually have the purchaser's information listed there where you can send an email, because they ask you to send an email to the seller first.

LUKE WALDEN: Right. Right.

MEMBER CLAVO: Prior to them taking action.

Did you do any of those things?

LUKE WALDEN: No, because the website was down when I went to go look for the thing. So it wasn't -- it didn't work anymore, the link.

MEMBER CLAVO: The PayPal website was down or the --

LUKE WALDEN: No, no --

MEMBER CLAVO: Or the seller's website?

LUKE WALDEN: Seller's.

MEMBER CLAVO: Okay. I'm going to ask this question again. Maybe I didn't say it clear.

So when you go on to PayPal, if you have a PayPal

account and you log into your PayPal account it has all the purchases you bought through PayPal or through the original websites.

LUKE WALDEN: Right.

MEMBER CLAVO: And so when you go on there, and you hit the item that you purchased, you're able to say whether or not you received it, if you have an issue, whether it didn't come timely, whether it's the wrong thing.

And then you can dispute that purchase through PayPal. And PayPal's pretty good at crediting you your money back to your account.

So did you do any of those things?

LUKE WALDEN: No.

MEMBER CLAVO: Okay. Thank you.

CHAIRPERSON DUDLEY: Anything else?

MEMBER CLAVO: No, ma'am.

CHAIRPERSON DUDLEY: Okay. Any other Board Member?

Okay. Thank you, Detective Walden. You can hang --

MS. RENTERIA: I'm sorry, ma'am, if I may, just for the record, clarify two things or respond to two items from Mr. Marrache?

CHAIRPERSON DUDLEY: Do you need Detective Walden on the phone for that?

MS. RENTERIA: I do not.

CHAIRPERSON DUDLEY: Okay. Anything else, Detective Walden?

(No response.)

CHAIRPERSON DUDLEY: Okay. Thank you, Detective Walden.

Please go ahead.

MS. RENTERIA: I just wanted to respond to two statements that were made by Mr. Marrache, Mr. Walden's representative.

With regard to POST jurisdiction he had made a comment that the LAPD had not pursued a dishonesty charge and so therefore he questioned POST's ability to also do that.

I just wanted to clarify that POST, the Board and the Commission, are not bound by the decisions of the law enforcement agencies.

So therefore, LAPD's decision not to pursue a dishonesty charge has no bearing on whether or not POST can do so.

And then secondarily, he also seemed to, in the same vein, also make a statement that because the -- our claim of the dishonest conduct occurred before January 1st, 2022, that it was beyond POST's ability to hear that.

However, dishonesty is one of the categories of misconduct that POST can consider prior to January 1st, 2022. I just wanted to clarify that for the record.

CHAIRPERSON DUDLEY: Thank you. Those are helpful clarifications.

Okay. At this time, does the Board wish to adjourn into closed session for deliberations on this case?

Or is the Board ready to take a vote or recommendation of the case?

MEMBER CLAVO: We'll go into deliberation, I think.

CHAIRPERSON DUDLEY: Okay. So here we go.

(Time noted: 1:49 P.M.)

---o0o---

(Closed session was held:
1:55 P.M. to 2:07 P.M.)

---o0o---

(Time noted: 2:11 P.M.)

CHAIRPERSON DUDLEY: Okay. Are we all set?

We will now reconvene in the regular session to take a vote on the Board's recommendation in the matter of case POST2306324, Luke Baxter Walden, who at the time of the events at issue in this case was employed with the Los Angeles Police Department.

What comments does the Board have on this matter?

Okay. I have a few comments.

In listening to my fellow Board Members, it seemed critical to all of us that someone who has a badge and has authority and has the authority to arrest, has the authority to use potential great bodily injury, it's so important that that person be honest.

And what seemed very important to all of you was that law enforcement officials throughout California and our country be honest.

And that was what I heard over and over again from this Board.

Does anybody want to dispute that? Or add to that?

MEMBER CRAWFORD: I would like to add that just as you said, as law officials, we, as a people, expect for you to be there to protect and serve. And when we come across -- or the public comes or the community comes across an officer who seems dishonest, overzealous, it's a recipe, sometimes, for disaster.

And so I would like to make a motion if it's okay with my Board Members.

CHAIRPERSON DUDLEY: Please.

MEMBER GLASER: May I just add one more comment. So just to sort of close this circle here, in this particular case, I think it -- Mr. Walden's arguments just strained credulity, that he would have -- had been

researching suppressors and then within a few days order one. And that he had intended to order something else entirely. That just -- the probability of that occurring by chance is so vanishingly small that it -- that it seems like it can't be true.

And hence, there -- him having denied that raises an honesty issue, which is, as we say, so important to law enforcement.

CHAIRPERSON DUDLEY: Thank you. Anybody else want to make a comment?

MEMBER JOHNSON: I think --

CHAIRPERSON DUDLEY: Mr. Johnson.

MEMBER JOHNSON: Yes. Johnson.

In regards to that honesty, we definitely made it clear to ourselves, the Board that is, that though LA, Department of Police, didn't charge him or see any dishonesty, that wasn't the issue with us. It was the fact that he was dishonest.

CHAIRPERSON DUDLEY: Okay. Thank you.

Anything else before a motion is made?

Okay. You wanted to make a motion?

MEMBER CRAWFORD: Regina Crawford. And I would like to make a motion to decertify Mr. Walden.

CHAIRPERSON DUDLEY: Is there a second?

MEMBER LARA: I second.

CHAIRPERSON DUDLEY: Okay. Thank you.
Okay. We need roll call, please.
MR. KNAPP: Yes, Madam Chair. Thank you.
Clavo.
MEMBER CLAVO: Aye.
MR. KNAPP: Clavo, aye.
Crawford.
MEMBER CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Dudley.
CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Dudley, aye.
Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
That's seven ayes, motion passes.

CERTIFICATE OF REPORTER

I, CONNIE J. PARCHMAN, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Connie J. Parchman, Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of July 2025.



Connie J. Parchman, CSR
Certified Shorthand Reporter
License No. 6137

AGENDA ITEM REPORT

Title: POST2316745 - JARED BRITTAIN (POST ID: C63-Z34)
EMPLOYING AGENCY: ORANGE COUNTY SHERIFF'S DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE 09/10/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Southern Bureau	
RESEARCHED BY Paul Nanfito	**REVIEWED BY** Christine Ford	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/12/2025
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 employment with the Orange County Sheriff's Department as a Trainee on March 31, 2017. He was promoted to Deputy Sheriff on November 8, 2017. At the time of the events at issue, the Respondent was employed as a Deputy Sheriff II with the Orange County Sheriff's Department.

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).

On October 7, 2022, the Respondent pled guilty to a DUI and admitted to having a high blood alcohol content of .20 percent. As a result of this conviction, the California Department of

Motor Vehicles (“DMV”) imposed a 6-month suspension on the Respondent’s driving privileges.

On December 28, 2022, a citizen called to report finding a handgun in a vehicle she had rented from a local dealership. The firearm’s serial number was determined to belong to the Respondent, who had rented the vehicle immediately prior to the citizen.

During the internal affairs investigation for the DUI arrest, the Respondent was dishonest with the Department's investigators. During the subsequent internal affairs investigation prompted by the discovery of the unsecured firearm and discovery that Respondent had rented a vehicle during the period he reported his driving privileges were suspended, Respondent continued to be dishonest with investigators.

As a result of the initial internal affairs investigation regarding Respondent’s DUI arrest, the Department proposed a discipline of suspension.

Following the conclusion of the second internal affairs investigation, the Department found that the Respondent was dishonest in the previous internal affairs investigation and that he violated the law by leaving an unsecured firearm in a rental vehicle and by driving on a suspended license on multiple occasions. The Department recommended the Respondent be terminated; however, following a Skelly hearing, the Respondent was demoted to Deputy Sheriff I and reassigned. Respondent is currently employed with the Department.

Video Evidence Link(s):

- BRO9 POST2316745 Brittain Jared Attachment H Respondent's 12 21 22 IA Interview with OCSD1
- BRO10 POST2316745 Brittain Jared Attachment I Respondent's 2 15 23 IA Interview with OCSD1
- BRO13 POST2316745 Brittain Jared Attachment L Respondent's August 9, 2023 IA Interview with OCSD1
- BRO14 POST2316745 Brittain Jared Attachment M Respondent's 10 5 23 Interview with OCSD1
- BRO15 POST2316745 Brittain Jared Attachment N 10

23 24 Interview with POST Division1
- BRO23 POST2316745 Brittain Jared Attachment V Respondent's 1 14 25 IA Interview with POST Division1

ANALYSIS:

The clear and convincing evidence substantiated that Respondent violated California Penal Code §13510.8(b)(1) and Commission Regulation 1205(a)(1) in that the Respondent was dishonest in his verbal statements during his interviews with Internal Affairs investigators regarding the length of his driver's license suspension and driving a vehicle on a suspended or license on multiple occasions. Clear and convincing evidence also substantiated that Respondent violated Penal Code section 13510.8(b)(6), and Commission Regulation 1205(a)(6) acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public when on June 1, 2022, Respondent drove a vehicle with a blood alcohol content of .20 percent, and was ultimately convicted of a DUI offense, drove on a suspended license on multiple occasions both on and off-duty, and left an unsecured firearm in a rental vehicle.

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):

BR01_POST2316745_Brittain_Jared_ISF.pdf
BRO2_POST2316745_Brittain_Jared_ExecReviewDivisionRec.pdf
BR03_POST2316745_Brittain_Jared_POSTProfile.pdf
BR04_POST2316745_Brittain_Jared_Attachment_A_-_DUI_Arrest-_CHP_report.pdf
BR05_POST2316745_Brittain_Jared_Attachment_B_Orange_County_Crime_Lab_report_for_
22786_dated.pdf
BR06_POST2316745_Brittain_Jared_Attachment_C_D_E_Court_Documents.pdf
BR07_POST2316745_Brittain_Jared_Attachment_F_DMV_Order_of_Suspension_for_Respor

BR08_POST2316745_Brittain_Jared_Attachment_G_DMV_Verbal_Notice_of_Action_for_Res
20-22.pdf
BRO11_POST2316745_Brittain_Jared_Attachment_J_Anaheim_PD_report_2022-201698.pdf
BRO12_POST2316745_Brittain_Jared_Attachment_K_Respondents_BWC_screen_shots_and
BRO16_POST2316745_Brittain_Jared_Attchment_O_Skelly_rebuttal_letter_Sheriff_Kea_Reda
BRO17_POST2316745_Brittain_Jared_Attachment_P_Vehicle_Code_sec_13550.pdf
BRO18_POST2316745_Attachment_Q_Respondent_DMV_Records_Information_Redacted.pd
BR19_POST2316745_Brittain_Jared_Attachment_R__Respondent_Patrol_Schedule_.pdf
BR20_POST2316745_Brittain_Jared_Attachment_S-_Respondent_Bi-
weekly_time_sheets.pdf
BR21_POST2316745_Brittain_Jared_Attachment_T_-_FTO_Trainee_Schedules.pdf
BR22_POST2316745_Brittain_Jared_Attachment_U-
_Respondents_FTO_Trainee_schedules.pdf
POST2316745_Brittain_Jared_July_2025_POSAAB_Agenda_Record.pdf
POST2316745_Brittain_Jared_Board_Recommendation_Signed.pdf
POST2316745_Brittain_Jared_Transcript_Board_07.17.2025.pdf



INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Jared Nathaniel Brittain

POST ID NUMBER: C63-Z34

EMPLOYING AGENCY: Orange County Sheriff's Department

POST CASE NUMBER: POST2316745

WRITTEN BY: Paul Nanfito LEC II

DATE: 5/9/2025

Contents

I. Executive Summary: 3

II. Background Information 4

a. Identity of Respondent 4

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline: 4

c. Prior Employment History: 5

d. The Present Allegations of Serious Misconduct 5

III. Investigative Methodology 6

IV. Factual Summary 6

V. Analysis and Findings 27

a. Does the alleged conduct violate California Regulation 1205(a)(1) – Dishonesty. 27

b. Does the alleged conduct violate California Regulation 1205(a)(6) – Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public as determined by the commission. 34

VI. Supporting Evidence and Documentation 37

VII. Findings 38

I. Executive Summary:

On June 1, 2022, while employed by the Orange County Sheriff's Department ("the Department"), Deputy Jared Nathanial Brittain ("Respondent") was arrested for driving under the influence of alcohol (DUI). On October 7, 2022, the Respondent pled guilty to the DUI and admitted to having a high blood alcohol content of .20 percent. As a result of this conviction, the California Department of Motor Vehicles ("DMV") imposed a 6-month suspension on the Respondent's driving privileges from October 7, 2022 to April 7, 2023. Respondent did not inform the Department that his driver's license was suspended.

On December 28, 2022, a citizen called the Anaheim Police Department to report finding a handgun in a vehicle she had rented from a local dealership. The individual reported she was cleaning the vehicle, a Dodge Ram truck, prior to returning it to the dealership and located the firearm in a storage compartment in the vehicle's center armrest. The Anaheim Police Department officers ran the firearm's serial number and determined it belonged to the Respondent, who had rented the Dodge truck immediately prior to the reporting party. When questioned about the firearm, the Respondent admitted to its ownership, but indicated to officers that he could not recall when he had last seen the firearm.

During the internal affairs investigation for the DUI arrest, the Respondent was dishonest with Department investigators about the following: 1) the length of the suspension on his driver's license; 2) whether he drove himself to and from work; and 3) whether he or his assigned trainees drove the patrol car during the dates his license was suspended. In addition, during the subsequent internal affairs investigation prompted by the discovery of the unsecured firearm and discovery that Respondent had rented a vehicle during the period he reported his driving privileges were suspended, Respondent continued to be dishonest with investigators about the above areas, even when confronted with evidence that disproved his prior statements.

As a result of the initial internal affairs investigation regarding Respondent's DUI arrest, the Department proposed a discipline of an 80-hour unpaid suspension, which was reduced to a 60-hour unpaid suspension following Respondent's participation in a *Skelly* hearing.

Following the conclusion of the second internal affairs investigation, the Department found that the Respondent was dishonest in the previous internal affairs investigation and that he violated the law by leaving an unsecured firearm in a rental vehicle and by driving on a suspended license on multiple occasions and recommended that the Respondent be terminated. However, following a *Skelly* hearing, the Department and Respondent entered into a Last Chance Agreement, which resulted in the Respondent's demotion to Deputy Sheriff I and reassignment to either a custodial or Court assignment. In addition,

the Last Chance Agreement included a two-year waiver of Respondent's legal rights following any further sustained misconduct allegations involving the following: 1) dishonesty; 2) misconduct where alcohol was a causative factor or where there was a violation of any alcohol related policy; or 3) misconduct where a controlled substance was a causative factor or there is a violation of any drug related policy. Further, the Respondent waived his rights if the Division determined the Respondent was ineligible to be employed as a peace officer pursuant to Government Code section 1029(a), which would require that the Respondent be convicted of either a felony or a disqualifying misdemeanor offense.[1]

II. Background Information

a. Identity of Respondent

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

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

Respondent began employment with the Orange County Sheriff's Department as a Trainee on March 31, 2017. He was promoted to Deputy Sheriff on November 8, 2017. The Respondent has received a significant amount of POST training since becoming a deputy sheriff. Below are some, but not all the Respondent's training. These are some of the more relevant and significant training sessions he has attended:

- Basic Police Academy.
- SWAT Training.
- Field Training Officer (FTO).
- Beyond Bias: Racial & identity Profiling update.
- Mental Health Intervention Training.
- ***Ethical Decision Making in Law Enforcement (4/27/2022)***.

Refer to the attached POST Profile Report for a complete listing of the Respondent's training.

The Respondent also held the following collateral duty assignments:

- FTO
- SWAT

[1] Vehicle Code section 23152 is not a disqualifying misdemeanor offense under Government Code section 1029(a)(9).

- Explorer Advisor
- Honor Guard
- Range Staff (part-time)

c. Prior Employment History:

Peace Officer Certification

Respondent is assigned POST ID C63-Z34. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic - 11/12/2018 (#192926)
- Intermediate – 8/12/2021 (#147844)
- Advanced – 11/13/2023 (#132339)

d. The Present Allegations of Serious Misconduct

1. The Department submitted the following allegations of serious misconduct: Penal Code section 13510.8(b)(1) (Dishonesty) and (b)(6) (Acts that Violate the Law) and California Code of Regulations, section 1205(a)(6), Acts that Violate the Law and California Code of Regulations, section 1205(a)(1), Dishonesty.

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

   The Orange County Sheriff's Department submitted two IAs to POST. IA #22-073 and 22-172. There were the following sustained policy violations for both Internal Affairs Investigations:

   IA#22-073:
   - Off-Duty Handguns – Sustained.
   - Purpose & Scope – Sustained.
   - Other Criminal Violations (DUI) – Sustained.
   - Standard of Conduct – Sustained.
   - Cooperation – Sustained.
   - Performance of Duty – Sustained.
   - Obedience to Laws and Regulations – Sustained.
   - Incurring Liability – Sustained.
   - Prohibited Acts or Omissions (4 separate violations) – Sustained.

- Agency Action – Recommended an eighty (80) hour unpaid suspension, which was reduced to a sixty (60) hour unpaid suspension following the *Skelly* hearing.

IA#22-172:

- Firearm Storage in Vehicles – Sustained.
- Obedience to Laws and Regulations – Sustained.
- ***Untruthfulness – Sustained.***
- Incurring Liability – Sustained.
  - Agency Action – The recommended discipline was Dismissal, which was reduced to a detailed "Last Chance" agreement, which included a reduction in rank from Deputy Sheriff II to Deputy Sheriff I and re-assignment to the Jail Division.

3. Date of Receipt by POST- August 24, 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 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

The Division's investigation involved a review of the two internal affairs investigations conducted by the Orange County Sheriff's Department in internal affairs nos. 22-073 (DUI arrest) and IA 22-172 (unsecured firearm and dishonesty), as well as an independent investigation of these events. A summary of the Division's factual findings is presented below.

IA #22-073 - DUI arrest:

On June 1, 2022, officers from the California Highway Patrol ("CHP") observed the Respondent driving on State Route 55 in Santa Ana at a high rate of speed, which the officers estimated was approximately 104 mph, while weaving dramatically within his lane

and making unsafe lane changes, and pulled him over.[2] Upon contacting the Respondent, CHP officers noticed that Respondent had red, watery eyes, and emitted the odor of alcohol from inside the vehicle and on his person, and initiated a DUI investigation.[3] Respondent notified the CHP officers that he was an off-duty law enforcement officer and had multiple firearms in his vehicle, including one on his person.[4] When the CHP officers began to ask Respondent a series of preliminary field sobriety test (FST) questions, Respondent told them he had not been drinking and was unsure why they were investigating him.[5] Respondent then answered the CHP officers' initial questions, but subsequently stopped answering questions and stood staring at the officers as they continued questioning him.[6] Respondent then shook his head in response to the CHP officers' question as to whether he would continue to participate in the pre-FSTs questions, but consented to participate in the FST, in which he performed poorly.[7] A Preliminary Alcohol Screening (PAS) test registered Respondent's blood alcohol content (BAC) as .192/.191 percent.[8] Subsequent blood test results showed Respondent's BAC to be .203 percent.[9]

The Orange County District Attorney charged Respondent with one (1) misdemeanor violation of Vehicle Code section 23152(a) (driving under the influence of alcohol) and one (1) misdemeanor violation of Vehicle Code section 23152(b) (driving with more than .08% blood alcohol content), as well as enhancements under Vehicle Code section 23582(a) (speeding and reckless driving while driving under the influence of alcohol) and Vehicle Code section 23582(b)(2) (blood alcohol content greater than .20 percent or more by weight).[10]

On October 7, 2022, Respondent pled guilty to both misdemeanor violations of Vehicle Code sections 23152(a) and 23152(b) and admitted the allegation that his BAC was over .20 percent at the time of his arrest.[11] The Court placed Respondent on probation for 3 years and ordered him to pay the assessed fines and fees, serve 120 hours of community service, as well as refrain from violating any laws or driving without a valid driver's license in his possession.[12] Respondent was also ordered to serve 60 days in the county jail; however, this order was stayed until October 6, 2023, pending his completion of his

[2] Attachment A, Driving Under the Influence Arrest – Investigation Report ("CHP Report"), p. 3-4.
[3] CHP report, p. 3.
[4] CHP report, p. 4.
[5] CHP report, p. 4.
[6] CHP report, p. 4.
[7] CHP report, pp. 4-5.
[8] CHP report, p. 6.
[9] Attachment B, Orange County Crime Lab report for case no. FR 22-22786, dated June 16, 2022.
[10] Attachment C, Complaint filed in *People v. Jared Nathaniel Brittain*, case no. 22WM07965 ("Complaint"), pp. 1-2.
[11] Attachment D, Minutes, *People v. Jared Nathaniel Brittain,* case no. 22WM07965 ("Minutes"), p. 4.
[12] Minutes, pp. 4-6.

community service hours and 15 AA meetings.[13] Finally, Respondent was ordered to complete a 6-month alcohol program.[14]

As part of his guilty plea, the Respondent filled out a written plea agreement, which he prepared with the assistance of his legal counsel.[15] Under 13m of the plea agreement, Respondent entered his initials to acknowledge that "[t]he DMV may restrict or suspend my driver's license separate from any action by this Court."[16] Under 13o and 13p, the Respondent also acknowledged that he would have to provide the DMV with proof of completion of an alcohol/drug program before his driving privileges would be reinstated.[17] Respondent and his attorney dated and signed this plea form on October 3, 2022, four days before entering Respondent's guilty plea on October 7, 2022.[18]

On October 14, 2022, the DMV sent the Respondent a notice to his home that his driving privileges would be suspended from October 7, 2022 to April 23, 2023.[19] As indicated in the notice, the Respondent was also provided with information about how to obtain a restricted license before April 23, 2023. The Respondent did not notify his department (via his chain of command) about his suspended driver's license as required by policy.[20] On December 20, 2022, the Respondent went to the DMV in person and obtained a restricted driver's license.[21]

On December 21, 2022, the Respondent was interviewed by Department internal affairs investigators about his DUI arrest. Respondent told the investigators that, prior to his arrest, he had been drinking "Jack and Cokes" for "approximately 3 hours" at a bar that night and, though he felt intoxicated when he left the bar, he did not consider alternatives to driving himself home because his expensive e-bike was unsecured in the back of his truck and he was concerned it would be stolen.[22] Respondent acknowledged to

[13] Minutes, p. 5.
[14] Minutes, p. 5.
[15] Attachment E, Superior Court of California, Orange County Vehicle Code Misdemeanor Guilty Plea Form for *People v. Jared Nathaniel Brittain,* case no. 22WM07965 ("Plea Form"), p. 4, no. 18.
[16] Plea Form, p. 3.
[17] Plea Form, p. 4.
[18] Plea Form, p. 5.
[19] Attachment F, DMV Order of Suspension, dated October 14, 2022.
[20] OCSD Policy 1010.1 reads as follows: "Convictions of certain offenses may restrict or prohibit a Member's ability to properly perform official duties; therefore, all Members shall be required to promptly notify the Department of any past and current criminal convictions." OCSD Policy 1010.3 makes this policy applicable to "certain violations of the Vehicle Code." Members of the OCSD are required under OCSD Policy 1010.4 to "promptly notify their immediate supervisor…in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any."
[21] Attachment G, DMV Verbal Notice of Action, dated December 20, 2022.
[22] Attachment H, Respondent's December 21, 2022 internal affairs interview with the Orange County Sheriff's Department ("December 21, 2022 interview") at 3:43 to 4:23.

investigators that he made this decision to drive despite knowing the consequences for a DUI.[23]

The investigators next questioned Respondent about why he immediately identified himself to the CHP officers as a Department deputy sheriff, and the Respondent explained that it was because he had firearms in his truck, including fully automatic firearms that were assigned to him as part of his SWAT gear, which were secured in the back of his truck, as well as a handgun in his waistband.[24] Respondent was clear, however, that he did not identify himself as law enforcement to obtain preferential treatment.[25]

Once the investigators questioned the Respondent about his license suspension, they asked him whether his license was "fully suspended at any time,"[26] to which the Respondent replied as follows:

> Respondent: For a period of, I believe 30 days from the sentencing until I could get it to a restricted.[27]

The investigators then verified with the Respondent that his sentencing was on October 7, 2022, and that "essentially the month of October, [he] had a completely suspended driver's license."[28] To which, Respondent responded, "Yes, sir."[29]

Investigators next asked the Respondent how he got to work and how he performed his patrol duties during the time his license was suspended, and the Respondent provided the following response:

> Respondent: I had a friend drive me that I worked with and I had a trainee in the car that I was working with.[30]

The investigators followed up on the Respondent's answer with a clarifying question to ask the Respondent if he "had the trainee driving the whole time while [he was] doing [his] patrol work,"[31] to which the Respondent replied, "Yes, sir."[32]

[23] December 21, 2022 interview at 4:53 to 4:57.
[24] December 21, 2022 interview at 8:07 to 9:25; 10:00 to 10:06.
[25] December 21, 2022 interview at 8:22 to 8:36.
[26] December 21, 2022 interview at 17:30.
[27] December 21, 2022 interview at 17:37.
[28] December 21, 2022 interview at 17:54.
[29] December 21, 2022 interview at 18:01.
[30] December 21, 2022 interview at 18:02 to 18:08.
[31] December 21, 2022 interview at 18:09 to 18:14.
[32] December 21, 2022 interview at 18:15.

Investigators next questioned the Respondent about his current driver's license restriction; specifically, how long the restriction would be in place, and Respondent explained that it would be in place for 1 year, "the date of the – after the 30-day suspension so, 11/7."[33]

Finally, investigators asked the Respondent whether he had an issue with drinking, to which the Respondent replied as follows:

> Respondent: Not now, because this program made me realize that it is a problem. It's not just normal. And then I, I've been taking steps to work towards that and then I have been drinking, so….[34]

On February 15, 2023, the Department conducted a follow-up interview of the Respondent, during which the investigators questioned the Respondent about whether he notified his department about his conviction. As part of this line of questioning, investigators confirmed that Respondent "had a 30-day suspended license…,"[35] to which the Respondent replied, "Yes, sir."[36] Investigators then confirmed that the Respondent's driver's license was suspended from October 7, 2022 to November 7, 2022, to which Respondent responded, "From what I recall, yes, sir."[37] Respondent also confirmed for the investigators that he received rides to and from work and that he had a trainee driving for him on patrol as he was a field training officer (FTO) during this period.[38]

When the investigators asked the Respondent whom he provided notice of his conviction and the 30-day driver's license suspension to, he responded, "My partner, sir."[39] The investigators then asked the Respondent if he understood "the importance and the liability associated with having a deputy out on patrol without having a driver's license, even though [he was] not driving the car, the potential for [him] driving the car is there and that would create a significant problem…,"[40] to which the Respondent replied, "Absolutely,"[41] and "Yes, sir."[42]

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[33] December 21, 2022 interview at 18:34 to 18:39.
[34] December 21, 2022 interview at 24:24 to 24:34.
[35] Attachment I, Respondent's February 15, 2023 internal affairs interview with the Orange County Sheriff's Department ("February 15, 2023 interview") at 2:15.
[36] February 15, 2023 interview at 2:30.
[37] February 15, 2023 interview at 2:34.
[38] February 15, 2023 interview at 3:10 to 3:28.
[39] February 15, 2023 interview at 2:45 to 3:10.
[40] February 15, 2023 interview at 3:30 to 3:47.
[41] February 15, 2023 interview at 3:35.
[42] February 15, 2023 interview at 3:48.

IA #PI 22-172 - Unsecured firearm:

On December 28, 2022, Officer Stachowiak and Officer Piper of the Anaheim Police Department responded to a call from a citizen who reported finding a firearm in a vehicle, a Dodge Ram 1500, she had rented from a local car dealership on December 14, 2022.[43] The reporting party told the officers that she was cleaning and checking the rental vehicle at her home prior to returning the vehicle to the dealership on December 29, 2022.[44] While checking the vehicle, she lifted the front seat, center armrest and discovered the firearm.[45] The reporting party told the officers she had not noticed the firearm until she lifted the armrest, and she immediately called the Anaheim Police Department without touching the firearm.[46] The officers secured the firearm, a Glock 19, which was later determined to have a full magazine with 15 live rounds and 1 round in the chamber.[47]

The Anaheim police officers ran the serial number on the firearm and determined that it belonged to the Respondent and it had not been reported as missing or stolen.[48] When Officer Stachowiak contacted the Respondent on December 28, 2022, about the firearm and asked him if it was in his possession, the Respondent replied, "That's a good question."[49] Respondent then told Officer Stachowiak that he had not seen the firearm in a month or two and did not report it as missing or stolen because he had not noticed it was missing.[50]

Officer Stachowiak then asked the Respondent if he had recently had a rental car, and the Respondent told him he rented a Dodge Ram 1500 from a local dealership from the end of September to December 13, 2022.[51] Respondent further told Officer Stachowiak that he had the firearm in the rental vehicle at some point, but was unable to provide the exact time period.[52] At this point, Officer Stachowiak notified the Respondent where his firearm was located and, as Officer Stachowiak noted in his report, the Respondent "didn't seem phased by the fact his firearm was located in the vehicle."[53] Officer Stachowiak noted in his report that the Respondent did appear to be concerned about whether he had notified the Respondent's supervisors at the Department about the firearm being found, however.[54] When asked to explain why the firearm was left in the rental vehicle,

[43] Attachment J, Anaheim Police Department report no. 2022-201698 ("APD report"), p. 5.
[44] APD report, p. 5.
[45] APD report, p. 5.
[46] APD report, p. 5.
[47] APD report, pp. 5, 8.
[48] APD report, p. 5.
[49] APD report, p. 6.
[50] APD report, p. 6.
[51] APD report, p. 6.
[52] APD report, p. 6.
[53] APD report, p. 6.
[54] APD report, p. 6.

the Respondent explained to Officer Stachowiak that "he owned multiple guns, didn't notice the Glock 19 was missing, and forgot about it being in the rental vehicle."[55]

The Department was notified of this incident by the Anaheim Police Department on December 28, 2022. On December 30, 2022, an internal affairs investigation was requested, which was approved on January 3, 2023.

Because the Anaheim Police report indicated that the Respondent had rented a vehicle during the period he reported his driver's license was suspended, which was inconsistent with the Respondent's statements during his prior internal affairs interviews that he was not driving to and from work from October 7, 2022 to November 7, 2022, investigators accessed and analyzed footage from the Flock Camera System License Plate Reader cameras at Beach Boulevard and Starr Street, which is 1 mile north of the Stanton substation where the Respondent was stationed, to determine whether the Respondent drove on a suspended license to or from work during this 30-day period. The Flock camera footage captured the Dodge Ram rented by the Respondent passing the intersection at Beach Blvd. and Starr St. at times consistent with the Respondent's work shifts during the following dates and times:

TABLE 1 (PI 22-172)		
LICENSE#	**DATE/TIME**	**LOCATION (w/in the City of Stanton)**
66557B3	October 12, 2022, at 3:27:49 PM	#06 SB Beach Blvd (Lanes 1-2) @ Starr St
66557B3	October 14, 2022, at 3:27:45 PM	#06 SB Beach Blvd (Lanes 1-2) @ Starr St
66557B3	October 15, 2022, at 3:16:33 PM	#06 SB Beach Blvd (Lanes 1-2) @ Starr St
66557B3	October 21, 2022, at 3:41:42 PM	#06 SB Beach Blvd (Lanes 1-2) @ Starr St
66557B3	October 26, 2022, at 1:52:20 PM	#06 SB Beach Blvd (Lanes 1-2) @ Starr St
66557B3	October 27, 2022, at 11:34:50 AM	#04 NB Beach Blvd @ Garden Grove Blvd
66557B3	October 31, 2022, at 3:59:42 PM	#18 EB Katella Ave (Lane3&4) @ Court Ave
66557B3	November 2, 2022, at 3:30:15 PM	#06 SB Beach Blvd (Lanes 1-2) @ Starr St
66557B3	November 4, 2022, at 6:08:32 AM	#37 NB Beach Blvd (3-4 Lanes) @ Starr St
66557B3	November 5, 2022, at 2:34:02 AM	#37 NB Beach Blvd (3-4 Lanes) @ Starr St
Note: The Department obtained a spread sheet which listed the results from the Flock camera search, but they did not retain the photographs from that search. Those photographs are no longer available since the Flock camera system only retains them for one year. The spread sheet is attached in Mark43.		

In addition, the Department accessed and analyzed the Stanton substation's exterior surveillance camera footage for this 30-day period, which also showed the Dodge Ram rented by Respondent arriving to the Stanton substation on the following dates and times. These dates were also consistent with Respondent's scheduled work shifts:

[55] APD report, p. 6.

TABLE 2 (PI 22-172)[56]			
DATE	**TIME**	**LOCATION**	**OBSERVATIONS**
10/12/2022	15:30:36	Front Door	Respondent drives Ram 1500 into the parking structure across from the Stanton Substation.
10/14/2022	15:31:58	Front Door	Respondent drives Ram 1500 into the parking structure across from the Stanton Substation.
10/14/2022	15:33:07	Sliding Gate	Respondent enters the backlot via electronic gate of the Stanton substation
10/15/2022	15:19:57	Front Door	Respondent drives Ram 1500 into the parking structure across from the Stanton Substation.
10/15/2022	15:21:14	Sliding Gate	Respondent enters the backlot via electronic gate of the Stanton substation
10/21/2022	15:43:00	Front Door	Respondent drives Ram 1500 into the parking structure across from the Stanton Substation.
10/21/2022	15:44:39	Sliding Gate	Respondent enters the backlot via electronic gate of the Stanton substation
10/26/2022	13:55:00	Front Door	Respondent drives Ram 1500 into the parking structure across from the Stanton Substation.
10/26/2022	13:56:13	Sliding Gate	Respondent enters the backlot via electronic gate of the Stanton substation
11/02/2022	15:33:20	Front Door	Respondent drives Ram 1500 into the parking structure across from the Stanton Substation.
11/02/2022	15:34:57	Sliding Gate	Respondent enters the backlot via electronic gate of the Stanton substation

On August 9, 2023, the Respondent was interviewed by internal affairs investigators about his firearm being found in a rental vehicle, as well as the potentially dishonest statements made during his prior internal affairs interview on February 15, 2023. Specifically, investigators asked the Respondent if he remembered telling the internal affairs investigators on February 15, 2023, that his license was suspended from October 7, 2022 to November 7, 2022, to which the Respondent replied, "Yes, sir."[57] Investigators then asked the Respondent if he told investigators he was given rides to and from work during those dates, which Respondent also confirmed.[58] When asked to provide details about who drove him to work, the Respondent replied as follows:

[56] Attachment K, Still photos of the Orange County Sheriff's Department's Stanton Station external surveillance video, as documented in Table 2.
[57] Attachment L, Respondent's August 9, 2023 internal affairs interview with the Orange County Sheriff's Department ("August 9, 2023 interview") at 5:47 to 5:55.
[58] August 9, 2023 interview at 5:56 to 5:57.

Respondent: It was a mix between friends and coworkers and relatives…My father some days and then Deputy Minero.[59]

Investigators then confirmed what shifts and dates the Respondent worked during this period and asked him where he would be dropped off by his relatives and friends when he received rides to work, to which the Respondent replied, "At the station, sir,"[60] and clarified that he would enter "either at the front door or the side gate."[61] Investigators next asked the Respondent if he knew what Flock cameras were and confronted him with the evidence from the Flock Camera at the intersection of Beach Blvd. and Starr St., which showed his rented Dodge Ram truck at that intersection during dates the Respondent was scheduled to work.[62]

After being confronted with the evidence, the Respondent admitted that he drove himself to work between October 7, 2022 to November 7, 2022.[63] When investigators asked him why he told the investigators that someone else drove him to work he responded as follows:

Respondent: Because there was [sic] days that I did get driven to work and I was confused on the dates that the suspension was actually in effect.[64]

Investigators followed up on the Respondent's response and asked him if he thought he would get in more trouble if he admitted to driving on a suspended license, to which the Respondent replied:

Respondent: No, I was, uh, I assumed that would have been a consequence, but I was also confused on my recollection during the interview on the exact dates that I was suspended and I knew I had a trainee at the times when I was driving during work.[65]

When asked, the Respondent explained his decision to drive some days and not others as dependent on whether another driver was available.[66]

[59] August 9, 2023 interview at 6:02 to 6:10.
[60] August 9, 2023 interview at 6:57.
[61] August 9, 2023 interview at 7:00.
[62] August 9, 2023 interview at 7:08 to 7:43.
[63] August 9, 2023 interview at 8:29.
[64] August 9, 2023 interview at 8:35 to 8:43.
[65] August 9, 2023 interview at 8:58 to 9:17.
[66] August 9, 2023 interview at 9:32 to 9:39.

When asked whether it was important to tell the truth in law enforcement, the Respondent replied as follows:

> Respondent: Yes, sir…Because we are held to a higher standard and we need to be truthful in our reports and in the prosecution of criminals as well as trust each other.[67]

When asked whether he violated his department's policy on untruthfulness during his prior interview, the Respondent replied, "Yes, sir."[68]

Investigators next questioned the Respondent about the firearm that was found in the rental Dodge Ram truck. The Respondent explained that he left the firearm in the vehicle after taking it with his brother to go shooting and camping overnight and mistakenly believing it was securely stored in the gun case used to store the other firearms.[69] Respondent further explained that he was not concerned or nervous about the Anaheim Police officers contacting his supervisors about the incident but, instead, was simply tired when the officer called and spoke with him.[70] Despite being tired, though, the Respondent immediately called his supervisor to report the incident once he finished speaking to the officer from Anaheim Police Department.[71]

On October 5, 2023, internal affairs investigators re-interviewed the Respondent after accessing and analyzing the body worn camera (BWC) footage from October 7, 2022 to November 7, 2022, which showed Respondent driving his patrol car on the following dates during the 30-day period he reported his driver's license was suspended:

TABLE 3 (PI 22-172)

DATE	TIMES	CAMERA NO.	ASSIGNED TRAINEE**
10/12/2022	00:38:53 – 0700	X60A22955	Yes
10/14/2022	23:59:34 – 0700*	X60A22955	Yes
10/18/2022	20:57:18 – 0700	X60A22955	No
10/20/2022	00:03:46 – 0700	X60A22955	Yes
11/02/2022	21:49:02 – 0700	X60A22955	No

* Time for the 10/14/2022 video indicates it begins on 10/13/2022.
**Information about whether the Respondent had a trainee assigned on a specific date was obtained from his time sheets, which reflects whether he claimed pay for working as an FTO. See Attachment S.

[67] August 9, 2023 interview at 9:55 to 10:04.
[68] August 9, 2023 interview at 10:16 to 10:22. OCSD Policy No. 1018.27 reads as follows: "**1018.27 UNTRUTHFULNESS:** No Member shall knowingly make false statements or misrepresentations to other Members or superiors."
[69] August 9, 2023 interview at 10:58 to 11:28.
[70] August 9, 2023 interview at 15:27 to 15:31.
[71] August 9, 2023 interview at 15:45 to 15:55.

Investigators began questioning Respondent by confirming that he previously told investigators in prior internal affairs interviews that, during the period his driver's license was suspended, his trainee drove his patrol car, to which Respondent replied, "Yes, sir."[72] Investigators then asked Respondent if he would like to change his statement, which prompted the Respondent to answer:

> Respondent: Yes, sir. After you guys advised me of the dates in question. Thinking back at it, there may have been the day that I have driven, whether it was to move the vehicle there or is [sic] driving on my own. I don't recall specifically what day that was.[73]

When pressed by investigators, the Respondent admitted that he may have driven during this month, "a couple of times."[74] Investigators then went over the days outlined above with the Respondent, but the Respondent was unable to recall whether he drove on the identified dates.[75] When asked how many days per month he worked on patrol, though, the Respondent informed investigators that he worked 14 days per month, which led investigators to point out to him that meant the 5 dates being asked about were nearly half of the dates he worked during a one month period.[76]

Investigators next asked the Respondent why he was not truthful in his prior interviews, to which the Respondent replied that he was "embarrassed" and "wanted to push past it" and was "resorting to alcohol during that time frame…and tried not to remember any of the specific facts…and [he] just answered the questions to the best of [his] abilities and did not recall of lot of it and that's why [he] gave those statements."[77] When pressed for a further explanation as to why he was not truthful in his prior interviews about driving on a suspended license, Respondent replied:

> Respondent: I felt an obligation, obviously to work and I had a trainee, so I had to get there and the dates that I didn't have a ride available I drove and then I obviously drove during work. And I could not recall specifically when or if I did and then, thinking back on it, ultimately, I was confused on the dates. There was multiple suspension dates that I was given and the reason

[72] Attachment M, Respondent's October 5, 2023 internal affairs interview with the Orange County Sheriff's Department ("October 5, 2023 interview") at 2:00 to 2:15.
[73] October 5, 2023 interview at 2:28 to 2:44.
[74] October 5, 2023 interview at 2:49.
[75] October 5, 2023 interview at 2:55 to 3:19.
[76] October 5, 2023 interview at 3:23 to 3:36.
[77] October 5, 2023 interview at 5:18 to 6:05.

> why I gave the answer that I did was, as we discussed, to answer a direct question, if directed to me at the time during the interview and this mindset that I was in, I did not want to give any more information than was directly asked, did you drive? I would say yes. I realize now that that's a mistake. I should have just given all the information up front.[78]

When asked why he did not want to supply more information in prior interviews, the Respondent explained that he was acting on the advice of counsel and, "after I made that initial statement, I just stuck to continue to say continuously saying what I was saying…"[79] and claimed he wasn't aware he was giving false information until confronted with specific dates in subsequent internal affairs interviews, which prompted him to think back.[80]

Following this explanation, the investigators began to question the Respondent about when he knew his driver's license was suspended. Specifically, investigators asked the Respondent whether his attorney advised him on October 7, 2022, that his license was suspended, and when he "physically" got his license back from the DMV.[81] This line of questioning led to the Respondent providing the following explanation to the investigators:

> Respondent: I assumed that I was suspended for 30 days and that after those 30 days that I was good because I had a temporary license and then I realized that I had to go back and show proof of enrollment into an alcohol program and that I'm currently insured and when I went in to do that, they mailed me a hard copy.[82]

The Respondent continued to explain to the investigators that he was confused about the dates of his suspensions because he received multiple dates of suspension from the DMV, including immediately after his arrest in either June or July of 2022, which he delayed by requesting a hearing before the DMV.[83] Following his court date, though, the Respondent explained to investigators that he thought the suspension on his driver's license was for 30 days "and then I had to go into the actual DMV physically and provide

[78] October 5, 2023 interview at 11:13 to 12:02.
[79] October 5, 2023 interview at 12:14 to 12:18.
[80] October 5, 2023 interview at 12:26 to 12:31.
[81] October 5, 2023 interview at 13:18 to 13:35.
[82] October 5, 2023 interview at 13:51 to 14:11.
[83] October 5, 2023 interview at 14:58 to 15:11. Under Vehicle Code section 13382, if an individual is found to have more than .08% blood alcohol content, the arresting officer must take possession of the individual's driver's license and provide them with a temporary driver's license, which is good for 30 days before an administrative suspension of their driving privileges under Vehicle Code section 13353.2 is imposed by the DMV. Within that 30-day period, the individual has the right to request a hearing before the DMV, to delay the imposition of the suspension. (See Veh. Code § 13353.2, subd. (c).)

them that information of an alcohol program and insurance."[84] However, at no time did the Respondent inform the investigators that his license was suspended from October 7, 2022 through December 20, 2022.

PROFESSIONAL CONDUCT SOUTHERN BUREAU (PCSB) INVESTIGATION:

In addition to the investigation conducted by the Orange County Sheriff's Department, the Division conducted its own investigation into the allegations of serious misconduct against the Respondent, which included two interviews with the Respondent on October 23, 2024, and January 14, 2025, by Law Enforcement Consultant II Paul Nanfito and Law Enforcement Consultant II Darryl Elliott via Teams. During both interviews, the Respondent was represented by counsel and the interview was audio and video recorded. In addition to interviewing the Respondent, the Division's investigation included a review of relevant documents that were not included in the Orange County Sheriff's Department's internal affairs investigations.

During the October 23, 2024 interview, which was conducted at the Respondent's request, the Respondent was offered an opportunity to present any mitigating evidence he might have that related to the allegations of serious misconduct. Respondent's counsel advised that there was a rebuttal letter, which was presented during the Department's *Skelly* hearing.[85] The letter was authored by retired Orange County Sheriff's Department Assistant Sheriff Steve Kea. The Respondent requested that this letter be included in the serious misconduct case.

The Respondent explained to the Division's investigators that, during his first internal affairs interview, he "was unaware of the specific dates that the suspension was in effect, receiving different dates from the DMV and the courts, and I had a trainee driving during that time frame, not knowing specific dates, I made the statement that that's what occurred during that time frame. So, in follow-on interviews, they asked me again if I did make that statement, um, that I had a trainee driving, that I received rides, and I responded, yes, never did I intentionally or maliciously intend to lie to the investigator, I was just responding to the questions."[86]

Just as he did during his fourth internal affairs interview, Respondent offered that he was confused about the dates of his driver's license suspension because he received a letter from the DMV that gave him a different suspension date from the "court issued dates."[87] When questioned by the Division's investigators how much of a difference there was in

[84] October 5, 2023 interview at 15:12 to 15:28.
[85] Attachment N, Respondent's October 23, 2024 interview with the Division (October 23, 2024 interview) at 3:50; 4:28 to 5:10.
[86] October 23, 2024 interview at 6:21 to 7:05.
[87] October 23, 2024 interview at 15:25 to 15:52.

the suspension dates given by the DMV in the letter he was referencing, the Respondent replied, "Uh, I believe it was a month off, but I haven't looked at the paperwork in a while…."[88] The Respondent then offered to send the Division this DMV paperwork for the investigation, which he told investigators he maintained in a file.[89]

A copy of the rebuttal letter was received on October 25, 2024, from the Respondent's counsel and is attached as **Attachment O**. However, Respondent's counsel advised, in an email, that the DMV paperwork could not be located.

Because the Respondent was unable to locate and provide his DMV paperwork, the Division obtained the following DMV records from the Orange County Sheriff's Department on November 20, 2024:

Superior Court document, Declaration Re: Vehicle Code Section 13550. This document, which was signed by the Respondent's counsel on October 7, 2022, indicates that the Respondent was unable to surrender his California driver's license as required under Vehicle Code section 13550 as a result of his DUI conviction because his driver's license was confiscated at the time of his arrest for a DUI and had not been re-issued by the DMV. The document is attached as **Attachment P.**
DMV Order of Suspension. This document reads, in part, *"Your privilege to operate a motor vehicle has been suspended effective October 7, 2022, and shall not be reinstated before April 7, 2023."* This order was addressed to the Respondent and mailed to his home address on October 14, 2022. This document is attached as **Attachment F.**
DMV Verbal Notice of Action(s). This document lists two separate license suspensions, one effective October 7, 2022, and one effective October 28, 2022. The suspension effective October 7, 2022, is followed by a reference to Vehicle Code section 13352(a)(1), which shows that this suspension is as the result of the Respondent's *conviction* for driving under the influence of alcohol. The suspension dated October 28, 2022, is followed by a reference to Vehicle Code section 13353.2, which shows that this suspension is an administrative suspension issued as a result of the Respondent's *arrest* for driving under the influence of alcohol. Respondent's signature and the date of service for this notice is dated December 20, 2022. This document is attached as **Attachment G.**
DMV Driver Records Information. This document shows the DMV changed the Respondent's driver's license status on December 20, 2022, from fully suspended to having restrictions. This document is attached as **Attachment Q.**

[88] October 23, 2024 interview at 15:54 [question from Division] and 16:01 to 16:03 [response].
[89] October 23, 2024 interview at 15:25 [DMV paperwork maintained in a file] and 16:07 to 16:09 [offer to send in DMV paperwork to the Division].

It should be noted that none of the DMV documents indicate that the Respondent's driver's license was suspended for 30 days. Further, the Respondent's court records, which were also obtained and reviewed, do not indicate that the Respondent's driver's license was suspended by the court, as claimed by the Respondent during his October 25, 2024 interview with the Division.[90]

A review of the DMV documents revealed that there were two suspensions on the Respondent's driver's license, however. These two suspensions resulted from Respondent's arrest and conviction for DUI. As stated in Respondent's DMV Verbal Notice of Action(s), the first suspension was imposed on October 7, 2022, pursuant to Vehicle Code section 13352(a)(1). Under this section, the DMV "shall immediately suspend or revoke the privilege of a person to operate a motor vehicle upon the receipt of an abstract of the record of a court showing that the person has been convicted of a violation of…" certain enumerated Vehicle Code sections, which includes Vehicle Code sections 23152(a) and 23152(b). As stated above, the Respondent was convicted of Vehicle Code sections 23152(a) and (b) on October 7, 2022. The October 7, 2022 suspension, therefore, was imposed as a result of Respondent's conviction for the DUI.

The second suspension was imposed on October 28, 2022, pursuant to Vehicle Code section 13353.2. Under this section, the DMV "shall immediately suspend the privilege of a person to operate a motor vehicle for… driving a motor vehicle when the person had 0.08 percent or more, by weight, of alcohol in his or her blood."[91] This suspension is separate from the criminal proceedings.[92] Prior to this suspension being imposed, the Respondent had an opportunity to request a hearing before the DMV, which is commonly referred to as an admin per se hearing.[93] At this hearing, the DMV determines whether the suspension should be imposed based on the facts as set forth in the arrest report.[94] Notably, as shown in the Respondent's DMV Verbal Notice of Action(s), the administrative suspension issued by the DMV on October 28, 2022, ran concurrently (i.e., at the same time as) the suspension imposed on October 7, 2022.[95]

The Respondent's DMV Driver Record Information, which provides the Respondent's complete driving record, mirrors the information shown in the DMV Order of Suspension and Verbal Notice of Action(s) and shows that the Respondent's driving privileges were suspended from October 7, 2022 through December 20, 2022, and that on December 20,

[90] See Minutes, pp. 1-5.
[91] Veh. Code § 13353.2, subd. (a)(1).
[92] Veh. Code § 13353.2, subd. (e).
[93] Veh. Code § 13353.2, subd. (c).
[94] Veh. Code § 13353.2, subd. (d).
[95] See Respondent's DMV Verbal Notice of Action(s).

2022, the Respondent obtained restrictions on his driver's license. Notice of the restrictions on his driver's license was sent to the Respondent on December 27, 2022.

On December 18, 2024, the Division requested and received the additional following documents from the Orange County Sheriff's Department:

Attachment R: Respondent's patrol schedule, which showed his shift assignments between October 7, 2022 through December 20, 2022.
Attachment S: Respondent's time sheets/cards from October 7, 2022 through December 20, 2022, which showed the dates he was paid for working as a FTO.
Attachment T: FTO / Trainee Schedules from October 7, 2022 through December 20, 2022.
Attachment U: Daily Observations Reports (DORs) completed by Respondent for any trainees assigned to him from October 7, 2022 through December 20, 2022.

A review of these documents revealed that the Respondent had two trainees assigned to him between October 7, 2022 and December 20, 2022. These trainees were identified as [redacted] (hereinafter referred to as Trainee # 1) and [redacted] (hereinafter referred to as Trainee # 2). Based on a review of the Daily Observation Reports (DORs), Trainee # 1 was assigned to the Respondent on the following dates in October 2022: 7, 12, 13, 14, 20, 21, 26, and 27. Trainee # 2 was assigned to the Respondent on the following dates in November 2022: 18, 23, 24, 25, and 26 and on the following dates in December 2022: 7, 8, 9, 10, 14, 15, 16.

The Respondent was not assigned any trainees from October 28, 2022 through November 17, 2022.

Finally, the Orange County Sheriff's Department provided Body Worn Camera Footage (BWC) for the Respondent from November 8, 2022, through December 19, 2022, and an investigator from the second internal affairs investigation identified the following dates where the Respondent was seen on this BWC footage driving a patrol vehicle: November 9, 10, 11, 12, 13, 16, 17, 18, and 27 and on December 1, 2, 10, and 15. The Respondent was assigned a trainee on November 18, 2022 and November 27, 2022.

The following table will help illustrate the dates the Respondent drove a patrol vehicle and whether he had a trainee available to drive:

TABLE 4 **Dates with BWC footage of Respondent driving[96]**	
The dates listed below were identified by IA sergeant #2 during the IA investigation	
DATE	**TRAINEE ASSIGNED?**

[96] Attachment U, Still photos of Respondent's body worn camera footage, as documented in Table 4.

October 12, 2022	Trainee # 1
October 14, 2022	Trainee # 1
October 18, 2022	No Trainee Assigned
October 20, 2022	Trainee # 1
November 2, 2022	No Trainee Assigned
The dates listed below were identified during the Division's follow-up investigation	
DATE	**TRAINEE ASSIGNED?**
November 9, 2022	No Trainee Assigned
November 10, 2022	No Trainee Assigned
November 11, 2022	No Trainee Assigned
November 12, 2022	No Trainee Assigned
November 13, 2022	No Trainee Assigned
November 16, 2022	No Trainee Assigned
November 17, 2022	No Trainee Assigned
November 18, 2022	Trainee # 2
November 27, 2022	Trainee # 2
December 1, 2022	No Trainee Assigned
December 2, 2022	No Trainee Assigned
December 10, 2022	Trainee # 2
December 15, 2022	Trainee # 2

A comparison was made between the DORs for Trainee # 1 and Trainee # 2 with the dates the Respondent was seen on BWC driving a patrol car. On 10 out of 13 dates, the Respondent did not have a trainee assigned to him and he was seen on BWC footage driving a patrol vehicle. The Respondent's driver's license was suspended during this time.

Item # 4 of the Daily Observation Report is the line set aside for the FTO to evaluate a trainee's driving skills. A review of the Respondent's patrol schedule has established the Respondent worked twenty-nine (29) days between October 7, 2022 and December 20, 2022. BWC footage has established that he drove a patrol vehicle on eighteen (18) of those days, and of that number he did not have a trainee on ten (10) of those days.

SECOND DIVISION INTERVIEW WITH RESPONDENT:

After the preceding new documentation was received and reviewed, a request for a second interview with the Respondent was sent to him through his attorney. Respondent agreed to a second interview and was interviewed on January 14, 2025, via Teams. Law Enforcement Consultant II Paul Nanfito and Law Enforcement Consultant II, Darryl Elliott conducted the interview. This interview was both audio and video recorded.

On December 31, 2024, the Respondent and his attorney were provided with copies of the DMV Order of Suspension, DMV Verbal Notice of Action(s), and the DMV Driver

Record Information. During the interview, these documents were also shared with the Respondent and his attorney via Teams.

During the January 14, 2025 interview, the Division investigators questioned the Respondent about his DUI arrest and confirmed the Respondent hired an attorney to request an administrative hearing before the DMV to delay the imposition of the administrative suspension until his criminal case could be adjudicated.[97] The Division next confirmed with the Respondent that he personally went into a DMV office on December 20, 2022, and signed the DMV Verbal Notice of Action(s) document, and that this was the date the restrictions on the Respondent's license began.[98] The Division investigators further confirmed with the Respondent that December 20, 2022, was the date that the Respondent obtained the restrictions on his driver's license that allowed him to drive to and from work and in the course of his employment.[99]

The Division's investigators next went over the DMV Order of Suspension with the Respondent, which the Respondent informed the investigators he did not receive until about a week before December 20, 2022, because he does not normally check his mailbox.[100] When the Division's investigators asked the Respondent what the status of his driver's license was prior to December 20, 2022, the Respondent replied as follows:

> Respondent: Um, from this paperwork, it's a suspension, sir.[101]

When asked how long his driver's license was suspended, the Respondent and the Division's investigators engaged in the following back and forth:

> Division: So, how long was your license fully suspended before the restrictions, then?
>
> Respondent: Knowing what I know now, it was from 10/7 to 12/20, sir.

[97] Attachment V, Respondent's January 14, 2025 interview with the Division ("January 14, 2025 interview") at 10:25 to 11:48.
[98] January 14, 2025 interview at 12:51 to 13:10 (confirming personally went into the DMV) and 14:14 to 14:51 (restrictions began on December 20, 2022).
[99] January 14, 2025 interview at 14:36 to 14:51.
[100] January 14, 2025 interview at 17:55 to 19:46. As Respondent explained to the Division's investigators, he lives in a condominium, which shares a communal mailbox that he does not regularly check because most of his monthly bills are done online. A Google street view search of the Respondent's address, which is the same as it was in October 2022, when the DMV Order of Suspension was sent, revealed that his residence is a townhouse type of unit, which has entry to the garage from the back. The mailbox for the Respondent's unit is approximately 3 units down and around a corner. A photo of the Respondent's residence is not provided to maintain his privacy.
[101] January 14, 2025 interview at 14:59.

Division: So, that wasn't explained to you when you obtained this document? Or you didn't deduce that from receiving this document on December 20th?

Respondent: No, sir, like I stated in the interviews, I was confused on the entire process. I had not received a DUI or dealt with a license suspension before and my experience with it in the field was limited, as well.[102]

After receiving this answer, the Division's investigators went over the DMV Order of Suspension with the Respondent and engaged in the following inquiry:

Division: Okay, let me phrase it this way, then, did you get this [the DMV Order of Suspension] in your mailbox prior to you receiving your restrictions on December 20th?

Respondent: Yes, sir.

Division: Roughly, like, was it the day before or was it prior to that?

Respondent: I would say the week of, sir.

Division: The week of. When you read this, what did that tell you?

Respondent: Uh, look at it, I see at the top, October 14th, Order of Suspension, made me believe that was the date the suspension took into effect. I did see the conviction date in the middle, 10/7/22, but I didn't –

Division: What about the first sentence? Did you read the first sentence back in December of 2022?

Respondent: Yes, sir.

Division: And what does that say?

Respondent: Suspended effective October 7th.

Division: Of 2022. And what else does it say.

Respondent: Reinstated before April 7, 2023.

[102] January 14, 2025 interview at 15:04 to 15:42.

Division: It shall *not* be reinstated before April 7, 2023.

Respondent: Yes, sir.

Division: So, when you received *that* document and read it back in December of 2022, did you figure out at that point that your license had been suspended completely from October 7th forward?

Respondent: Yes, sir.

Division: And was this kind of like your catalyst for going and getting your restrictions?

Respondent: Yes, sir, because at the time I believed that there would be another DMV hearing that would determine the license suspension.[103]

Before moving on to the next line of questioning, the Division investigators confirmed that it was the receipt of the DMV Order of Suspension that prompted the Respondent to physically go to the DMV to obtain his restricted license.[104] The Division investigators then asked the Respondent why he thought his driver's license would only be suspended for 30 days, to which the Respondent replied:

Respondent: Just from, what I've heard at work, it was that there was a 30-day suspension after a DUI, not knowing what the actual outcome was. And that's what my attorney at the time told me.[105]

Respondent later returned to expressing confusion as to how long his driver's license was suspended, and engaged in the following exchange with the Division's investigators:

Division: So, once you became aware of the uh, (these all have different names) the Order of Suspension on that document that you say that you obtained in December, uh, what is the actual length of your driver's license suspension?

[103] January 14, 2025 interview at 20:47 to 22:24.
[104] January 14, 2025 interview at 23:28 to 23:57.
[105] January 14, 2025 interview at 24:19 to 24:36.

Respondent: Um, the – from the form I received in December, it says, suspended October 7th, and I understood it to be the 30 days from then, but now know that it was until the 20th.

Division: And what I am getting at is, did you receive that, uh, Order of Suspension in December of 2022, isn't that when you realized that your license had been suspended much longer than that?

Respondent: I was still unsure of how long it was for, sir.[106]

Even when pressed on this issue by the Division investigators, the Respondent continued to express bafflement about the length of his driver's license suspension, despite previously admitting to receiving the DMV Order of Suspension in December 2022, and understanding from its contents that his license was suspended from October 7, 2022, as well as admitting that receipt of this Order of Suspension prompted him to personally go to the DMV to obtain a restricted license. Specifically, the Respondent claimed the following in response to a question by the Division:

Division: Didn't it occur to you, once you received that Order of Suspension, that you had been driving on a suspended license the entire month of November, the entire month of December? That did not occur to you?

Respondent: No, sir. I was still under the impression it was the 30 days. With my limited experience and knowledge on license suspensions.[107]

The Division investigators next asked the Respondent about his internal affairs interview with the Orange County Sheriff's Department on December 21, 2022. Specifically, the Division asked the Respondent about his statements to investigators that he had a trainee drive for him during the 30-day period he claimed his driver's license was suspended.[108] After some significant back and forth between the Division and the Respondent about whether the Respondent could remember whether he drove while his driver's license was suspended and whether the Respondent was asked specific questions in his first internal affairs interview, the Division asked the Respondent whether his previous statements to the Orange County Sheriff's Department's internal affairs investigators that he had a trainee "drive the whole time he was on patrol duties" was accurate and requested some forthrightness on this issue, which prompted the following response from the Respondent:

[106] January 14, 2025 interview at 30:57 to 32:00.
[107] January 14, 2025 interview at 32:42 to 33:06.
[108] January 14, 2025 interview at 35:46.

Respondent: Yes, sir. I mean, that – that is, my previous answer's my very first IA interview and my very first time being in trouble, so the amount of stress that I was in. I believed I was answering the question truthfully at the time. And then the follow-on questions were asking, did I say that previously? And I said, yes, because I believed it was true at the time. It wasn't until the very end that I did realize I was wrong. And that's when I did answer those questions truthfully, when they asked, "Did you drive during your license suspension?" And I said, "yes," because I recalled it.[109]

Upon further questioning, the Respondent admitted that he drove on a suspended license, although he contended that he did not know at the time that his license was suspended.[110]

V. Analysis and Findings

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

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. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest and will also consider whether the dishonesty appears to have been done willfully or intentionally, with the intent to deceive.

The Respondent was dishonest during an investigation of misconduct by a peace officer when he was repeatedly dishonest during the internal affairs investigations conducted by the Orange County Sheriff's Department, which occurred on December 21, 2022, February 15, 2023, August 9, 2023, and October 5, 2023, as well as the Division's interview, which occurred on January 14, 2025. The Respondent's specific dishonest statements are set forth below.

Dishonest Statement # 1 – Respondent was dishonest about the length of his driver's license suspension during multiple interviews.

[109] January 14, 2025 interview at 49:42 to 50:15.
[110] January 14, 2025 interview at 1:02:47 to 1:03:01.

During the internal affairs interview conducted by the Orange County Sheriff's Department on December 21, 2022, the Respondent made the following dishonest statement in response to the internal affairs investigator's question, "was [your driver's license] fully suspended at any time?"[111]

> Respondent: For a period of, I believe, 30 days from the sentencing until I could get it to a restricted.[112]

In addition, on February 9, 2023, during a follow-up internal affairs interview, the Respondent engaged in the following exchange with the internal affairs investigator, who first asked the Respondent to "correct [him] if any of this is wrong…:"[113]

> Investigator: You had a 30-day suspended license.
>
> Respondent: Yes, sir.
>
> Investigator: And that was at the time of the conviction. So, October 7th to November 7th.
>
> Respondent: From what I recall, yes, sir.[114]

Finally, on August 9, 2023, the Respondent engaged in the following exchange with the internal affairs investigator:

> Investigator: They're telling me your license was suspended from October 7th to November 7th 2022?
>
> Respondent: Yes, sir.[115]

As established by the Division investigators during the Respondent's January 14, 2025 interview, the day before making the first above statement, on December 20, 2022, the Respondent physically went to a DMV office to obtain a restricted license because he knew, from reviewing his DMV Order of Suspension some time shortly before that date, that his driver's license had been suspended from October 7, 2022.[116] Although the Respondent repeatedly attempted to claim confusion about the length of his suspension, the facts show that, on December 20, 2022, the Respondent knew his driver's license was still in suspended status. Accordingly, when the Respondent told internal affairs investigators on December 21, 2022, that his license was only suspended for 30 days

[111] December 21, 2022 interview at 17:30.
[112] December 21, 2022 interview at 17:32.
[113] February 9, 2023 interview at 2:08.
[114] February 9, 2023 interview at 2:28 to 2:36.
[115] August 9, 2023 interview at 5:47 to 5:55.
[116] January 14, 2025 interview at 22:11 to 22:17 and 23:28 to 23:57.

from the date of his sentencing on October 7, 2022, he was dishonest. Moreover, by confirming this information during his subsequent internal affairs interviews on February 9, 2023, and August 9, 2023, Respondent engaged in repeated acts of dishonesty as he knew his license was suspended as recently as December 20, 2022.

This dishonest statement was material to the Respondent's misconduct as it concealed the extent of Respondent's other serious misconduct. Namely, it concealed the extent of Respondent's driving on a suspended license, including driving a patrol car on a suspended license as the Respondent represented to his department that his license was only suspended for 30 days, rather than the 74 days his license was truly suspended. The Department believed the Respondent's statement because, as the Respondent told the Division's investigators on January 14, 2025, a 30-day suspended license was the expected consequence for a DUI.[117] As a result, the Department, when it discovered proof that the Respondent drove on a suspended license, only searched the body worn camera, external surveillance, and Flock camera footage for the identified 30-day period, rather than the 74-day period, to determine whether the Respondent drove his patrol car while his driver's license was suspended. This resulted in the Department missing 13 days of body worn camera footage that showed the Respondent driving his patrol vehicle on a suspended license. In addition, the Department failed to retrieve external surveillance and Flock camera footage from November 8, 2022 to December 20, 2022, which likely would have shown Respondent driving to and from work on his suspended license. As a result, this evidence was unavailable as it was past the one (1) year retention period when Division investigators requested that this evidence be made available, thereby further concealing the extent of the Respondent's misconduct.

Dishonest Statements #2 and 3 – Respondent was dishonest about driving to and from work and in his patrol car while his driver's license was suspended.

Following the Respondent's answer about his license being suspended from October 7, 2022 to November 7, 2022, the internal affairs investigator engaged the Respondent in the following questions and answers:

Investigator:	How did you get to work and do all this stuff then?
Respondent:	A friend drive [sic] me that I worked with and I had a trainee in the car that I was working with.
Investigator:	Okay. So you – you just had the trainee driving the whole time while you were doing your patrol work?

[117] January 14, 2025 at 24:19.

Respondent: Yes, sir.[118]

During his August 9, 2023 interview, internal affairs investigators followed-up with the Respondent as to this issue as follows:

Investigator: Who was driving you to work?

Respondent: It was a mix between friends and coworkers and relatives.

Investigator: Do you remember who?

Respondent: My father some days and then Deputy Minero.[119]

Finally, during the Respondent's January 14, 2025 interview with the Division, the Division's investigators questioned the Respondent about this issue in the following exchange:

Investigator: …I am asking right now, did a trainee drive for you the entire time your license was suspended?

Respondent: When I had the trainee in the vehicle, yes.

Investigator: What does that mean, when you had the trainee in the vehicle?

Respondent: I believe the dates they brought up in question were other days that I worked.

Investigator: So, okay, well, let me ask you this question, between October 7, 2022 and December 20, 2022, um, how many trainees were you assigned?

Respondent: I do not recall, sir, but I would say, two or three.

Investigator: Two or three. Was there a period, uh, between October 7, 2022 and December 20, 2022, where you were not assigned any trainees?

Respondent: I believe so, sir.

[118] December 21, 2022 interview at 17:54 to 18:14.
[119] August 9, 2023 interview at 6:00 to 6:16.

Investigator: And when you did have a trainee, did you sometimes drive the patrol car?

Respondent: I do not recall specifically, but mo – I had them drive, whenever I did have a trainee, but there may have been an instance where I did, I do not recall specifically.[120]

As established from the evidence obtained by the Orange County Sheriff's Department's internal affairs investigators, the Flock camera, external surveillance camera, and body worn camera footage of the 30-day period between October 7, 2022 to November 7, 2022, shows that the Respondent's above statements are dishonest. As outlined above in the factual summary, the Respondent was captured on Flock camera footage driving his rental vehicle to work on 10 separate days and driving a patrol vehicle on 5 separate days during this 30-day period.[121] When the Division requested that the Orange County Sheriff's Department check the body worn camera footage for the period of November 8, 2022 to December 20, 2022, Respondent was seen driving his patrol vehicle an additional 13 days. On 9 of the 13 days during which the Respondent is seen driving a patrol vehicle during this period, the Respondent did not have a trainee assigned to him.

When confronted on August 9, 2023, with the video evidence of him driving to work, the Respondent claimed he was confused as to when the suspension was in effect and claimed he did not always have access to a ride into work.[122] However, the Respondent continued to assert that he always had a trainee driving during work.[123] When later confronted during the October 5, 2023 interview with the evidence that he drove while on patrol, though, the Respondent averred that he was not being dishonest, he was simply not asked a direct question but, had he been asked a direct question, he would have provided a direct response.[124] When asked about these discrepancies on January 14, 2025, by the Division's investigators, the Respondent claimed that he had a trainee drive for him when he had a trainee in the vehicle during the 30-day period between October 7, 2022 and November 7, 2022, but stated there may have days he drove as he admitted he did not recall specifically since he was drinking heavily on his days off during this period.[125]

Since the Respondent specifically named Deputy Minero as one of the individuals who gave him rides to and from work while his driver's license was suspended, the Division's investigators interviewed Deputy Minero on March 5, 2025. Although Deputy Minero

[120] January 14, 2025 interview at 36:00 to 37:17.
[121] Respondent only worked 14 days during that 30-day period.
[122] August 9, 2023 interview at 8:34.
[123] August 9, 2023 interview at 9:11 to 9:14.
[124] October 5, 2023 interview at 3:53 to 4:11.
[125] January 14, 2025 interview at 35:55 to 44:36.

recalled sharing rides to training with the Respondent to save on gas and recalled possibly giving him rides to a from work a few times, he could not recall when he might have provided these rides and was unaware of the Respondent's driver's license suspension. Further, when Deputy Minero's attorney asked a clarifying question about whether Deputy Minero gave the Respondent rides to the Stanton substation "during the time you guys worked there together…," Deputy Minero responded, "Not that I can remember." The Division verified from a review of Deputy Minero's timesheets from October 2022 to December 2022, that Deputy Minero and the Respondent did not work the same shifts during this period, and, on the days when they were both scheduled to work, were scheduled to begin or end their shifts hours apart, which makes it unlikely that Deputy Minero provided Respondent with rides to and from work during this period.

The record therefore shows that the Respondent was repeatedly dishonest with investigators about whether he drove to work or drove his patrol vehicle. Once confronted with evidence that refuted his statements, the Respondent provided excuses for his earlier dishonesty that did not mitigate his dishonesty, such as claiming that he was not asked a direct question, claiming to be unaware of when his suspension was in place, or not having access to a ride to work. However, it was Respondent's responsibility to be aware of the legal consequences of his criminal conviction for driving under the influence of alcohol, including the suspension of his driver's license, and for ensuring that he understood when any suspension was in effect so that he did not further violate the law. The Respondent's failure to fully understand the consequences of his actions does not excuse his dishonesty with his department or the Division.

As the Respondent admitted to the Division, the DMV Order of Suspension was properly mailed to him at his home address, although he did not receive it until December 2022, because he routinely did not access his mail.[126] As Respondent also informed the Division's investigators, he had two attorneys representing him on his DUI case; one in the DMV administrative proceedings and one in the criminal proceedings.[127] If the Respondent had questions about the legal consequences of his DUI, including the length of his driver's license suspension, he could have, and should have, contacted his legal counsel. His apparent failure to do so does not mitigate his responsibility or accountability. Further, to the extent the Respondent's driver's license suspension caused him any inconvenience, it was the Respondent's responsibility to overcome those obstacles without committing further violations of the law or violating his probation.

Respondent's other excuse for his inconsistent statements is that he was not asked "direct questions" during his interviews. Respondent made this claim during his October 5, 2023 interview and during his Division interviews. It should also be noted that this

[126] See January 14, 2025 interview at 18:59.
[127] January 14, 2025 interview at 10:54 to 10:56.

claim is made in the rebuttal letter authored by retired Orange County Sheriff's Department Assistant Sheriff Steven Kea, which was offered in support of the Respondent's *Skelly* hearing. In this letter, retired Assistant Sheriff Kea opined that Respondent's statements that he was driven to and from work by friends and family and during his patrol shift were factually accurate and were not proven to be untrue because Respondent's "omission about his own driving does not make his statements regarding other drivers [sic] untrue."[128] Retired Assistant Sheriff Kea argued that Respondent's statements that his "incomplete description of" the period during which Respondent's license was suspended was factual, but not untrue, as the questions and answers to that point were vague.[129] Based on this, Assistant Sheriff Kea concluded that, "While there were several omissions about [Respondent's] driving that were interpreted by investigators as lies, the actual statements made by [Respondent] in the interviews were factual and not directly discredited."[130]

However, Respondent's claim that he was not asked "direct questions" is belied by the record. As shown above, the investigators asked the Respondent's direct questions, to which the Respondent provided direct responses. The most notable of these was Respondent's response to the Department's question during his December 21, 2022 interview about how long his driver's license was "fully suspended" for, to which Respondent replied, "For a period of, I believe, 30 days from the sentencing until I could get it to a restricted."[131] Respondent provided this response <u>one (1) day</u> after physically visiting a DMV office to obtain a restricted license and obtaining the Verbal Notice of Action document, which showed that his driver's license was suspended from October 7, 2022, until he obtained his restricted license on December 20, 2022, a time period of seventy-four (74) days, not thirty (30) days, as he told the internal affairs investigators the very next day. During this same interview, Respondent was also asked by the investigator whether he "had the trainee driving the whole time while [he was] doing [his] patrol work," to which the Respondent replied, "Yes, sir."[132] These are clear, direct questions, to which the Respondent provided clear, direct responses. Subsequent obfuscation by the Respondent does not undermine the directness or the clarity of the questions posed, or the answers provided. It merely shows that the Respondent's responses were dishonest when provided.

It is highly probable that the Respondent's statements were made with the intent to mislead and deceive the Department's internal affairs investigators and the Division's investigators about the facts in their investigations and conceal the extent of the

[128] Assistant Sheriff Kea's Rebuttal Letter, pg. 3.
[129] Assistant Sheriff Kea's Rebuttal Letter, pg. 3.
[130] Assistant Sheriff Kea's Rebuttal Letter, pg. 3.
[131] December 21, 2022 interview at 17:37.
[132] December 21, 2022 interview at 18:09 to 18:15.

Respondent's misconduct and resulted in the loss of evidence of that misconduct. The Respondent was motivated to be dishonest to avoid disclosing that he had been driving frequently while having a suspended driver's license and to avoid further administrative investigations and potential discipline.

b. Does the alleged conduct violate California Regulation 1205(a)(6) – Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public as determined by the commission.

Respondent violated Penal Code section 13510.8(b)(6) and California Regulation 1205(a)(6), acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public as determined by the Commission by committing multiple violations of law as outlined below.

Vehicle Code sections 23152(a) and (b) – Driving Under the Influence of Alcohol.

Under Vehicle Code section 23152(a), it is "unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle." In addition, under Vehicle Code section 23152(b), it is "unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle." Violation of these sections as a first offense is a misdemeanor.[133]

As discussed above in the factual summary, Respondent was convicted of a misdemeanor violation of Vehicle Code section 23152(a), driving under the influence of alcohol, and a misdemeanor violation of Vehicle Code section 23152(b), driving with more than .08 percent or more, by weight, of alcohol in his blood, on October 7, 2022. Further, at the time of his arrest, Respondent had an excessive blood alcohol content of .20 percent, which is over twice the legal limit. Since Respondent pled guilty to these offenses and the excessive blood alcohol content, he admitted the relevant facts of his arrest as documented in the arrest report, and therefore those facts and the conviction are established beyond a reasonable doubt.

The facts, as set forth in the CHP's report, show that the underlying conduct that led to Respondent's arrest for driving under the influence of alcohol was egregious. Specifically, prior to initiating the traffic stop, the CHP officers observed the Respondent was travelling at a high rate of speed (104 miles per hour), weaving dramatically within his lane, and making unsafe lane changes. When they pulled the Respondent over and began to question him, the Respondent initially resisted questioning, indicated that he had not been

[133] Veh. Code § 23536.

drinking, performed poorly on the FSTs, and displayed a high level of intoxication. Further, the Respondent had a handgun on his person and had his SWAT gear, including assault rifles, in his vehicle at the time of his arrest. The Respondent used the concern that his expense e-bike, which was unsecured in the back of his truck, as his excuse for attempting to drive home that night, despite having consumed a significant amount of alcohol and, as he admitted during the internal affairs investigation, knowing the consequences for a DUI.

The combination of the Respondent's excessively high blood alcohol content, high rate of speed, possession of a firearm and possession of his SWAT gear while intoxicated, as well as his lack of cooperation with the investigating officers, shows that his violation of the law was egregious and inconsistent with his duty to uphold the law. As a peace officer, the Respondent knew the dangers associated with driving under the influence of alcohol and disregarded those dangers because they were outweighed by the value of his e-bike, which he left unguarded in the back of his pick-up truck while he was drinking in various bars throughout the night. The Respondent then endangered every other driver on the freeway by driving at an unsafe speed and in an unsafe manner while intoxicated because he was concerned his e-bike might be stolen if he were to leave his vehicle unattended overnight. The Respondent's unsafe and reckless behavior satisfies the definition of an act that violates the law and is egregious under California Regulation 1205(a)(6) and Penal Code section 13510.8(b)(6).

Vehicle Code section 14601.2 – Driving on a Suspended License for Driving Under the Influence of Alcoholic Beverage or Drug.

Pursuant to Vehicle Code section 14601.2(a), "A person shall not drive a motor vehicle at any time when that person's driving privilege is suspended or revoked for a conviction of a violation of [Vehicle Code] Section 23152 or 23153 if the person so driving has knowledge of the suspension or revocation." Under Vehicle Code section 14601.2(c), "Knowledge of the suspension or revocation of the driving privilege shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to [Vehicle Code] Section 13106…The presumption established by this subdivision is a presumption affecting the burden of proof." Notice under Vehicle Code section 13106 is accomplished by mailing the notice of suspension to the affected individual by first-class mail to the person's most recent address. Violation of Vehicle Code section 14601.2 is a misdemeanor.[134]

As discussed above in the factual summary, the Respondent admitted to the Division's investigators on January 14, 2025, that the DMV mailed his Order of Suspension to his

[134] Veh. Code § 14601.2, subd. (d).

address. He therefore had knowledge of his driver's license suspension under Vehicle Code section 14601.2, as he was properly served.

Further, as shown in the Flock and Body Worn Camera (BWC) video footage obtained by the Orange County Sheriff's Department's internal affairs investigators, Respondent repeatedly drove during this period, in violation of Vehicle Code section 14601.2. The footage reviewed and retrieved by the Department and the Division shows the Respondent driving on 18 separate days, both in a patrol vehicle and in a rental vehicle. Based on the video footage obtained by the Division, the Respondent repeatedly violated Vehicle Code section 14601.2(a) by driving on a suspended license. Respondent has therefore committed an act that violates the law and is repeated under California Regulation 1205(a)(6) and Penal Code section 13510.8(b)(6).

Penal Code section 25140 – Handgun Left in Unattended Vehicle.

Finally, Respondent violated Penal Code section 25140(b), when he left his handgun unsecured in a rental vehicle, a Dodge Ram Truck. Under Penal Code section 25452, a "peace officer…shall, when leaving a handgun in an unattended vehicle, secure the handgun in the vehicle pursuant to [Penal Code] Section 25140." Under Penal Code section 25140(a), handguns left in any unattended vehicles must be locked in the vehicle's trunk, locked in a locked contained and placed out of plain view, locked in a locked container that is permanently affixed to the vehicle's interior that is not in plain view, or locked in a toolbox or utility box. Since the Respondent is a peace officer and the vehicle in which he left his handgun did not have a trunk, he had the additional option of locking "the handgun out of plain view within the center utility console of that motor vehicle with a padlock, keylock, combination lock, or other similar locking device." (Pen. Code § 25140, subd. (b).) Violation of this section is an infraction, punishable by a fine of up to $1,000. (Pen. Code § 25140, subd. (c).)

While a violation of Penal Code section 25140 is just an infraction, it is notable that the Respondent did not notice his firearm was missing for over two weeks and, when Anaheim Police Department contacted him about his firearm, the officer noted in his report that the Respondent appeared unconcerned about his firearm being found in a rental vehicle. The Respondent explained his nonchalant reaction to internal affairs investigators as fatigue. However, this does not explain why or how he did not notice that one of his loaded firearms, which was stored in a vehicle improperly, was out of his possession for more than two weeks without the Respondent noticing and filing a report to report the firearm missing or stolen. Moreover, when added to the numerous other violations of law by the Respondent, a pattern of conduct emerges that shows the Respondent is dismissive and careless in following laws that address matters of public safety, such as ensuring that his firearms are properly stored and not left in rental vehicles.

The facts, therefore, show that this violation also satisfies the definition of an act that violates the law and, when considered in conjunction with the Respondent's other acts that violates the law, is part of a pattern of repeated conduct under California Regulation 1205(a)(6) and Penal Code section 13510.8(b)(6).

VI. Supporting Evidence and Documentation

The following documents and evidence were reviewed and are attached to this report:

Attachment A: Driving Under the Influence Arrest – Investigation Report ("CHP Report").

Attachment B: Orange County Crime Lab report for case no. FR 22-22786, dated June 16, 2022.

Attachment C: Complaint filed in *People v. Jared Nathaniel Brittain*, case no. 22WM07965.

Attachment D: Minutes, *People v. Jared Nathaniel Brittain*, case no. 22WM07965.

Attachment E: Superior Court of California, Orange County Vehicle Code Misdemeanor Guilty Plea Form for *People v. Jared Nathaniel Brittain*, case no. 22WM07965.

Attachment F: DMV Order of Suspension for Respondent, dated October 14, 2022.

Attachment G: DMV Verbal Notice of Action for Respondent, dated December 20, 2022.

Attachment H: Respondent's December 21, 2022 internal affairs interview with the Orange County Sheriff's Department audio.

Attachment I: Respondent's February 15, 2023 internal affairs interview with the Orange County Sheriff's Department audio.

Attachment J: Anaheim Police Department report no. 2022-201698.

Attachment K: Still photos of Orange County Sheriff's Department External Surveillance videos, as documented in Table 2.

Attachment L: Respondent's August 9, 2023 internal affairs interview with the Orange County Sheriff's Department audio.

Attachment M: Respondent's October 5, 2023 internal affairs interview with the Orange County Sheriff's Department audio.

Attachment N: Respondent's October 23, 2024 interview with the Division.

Attachment O: *Skelly* rebuttal letter authored by retired Assistant Sheriff Steve Kea.

Attachment P: Declaration re: Vehicle Code section 13550 in *People v. Jared Nathaniel Brittain,* case no. 22WM07965.

Attachment Q: Respondent's DMV Driver Records Information.

Attachment R: Respondent's patrol schedule, from October 7, 2022 to December 20, 2022.

Attachment S: Respondent's Biweekly Timecards from 10-07-2022 to 12-29-2022.

Attachment T: Respondent's FTO/Trainee Schedules from October 7, 2022 to December 20, 2022.

Attachment U: Respondent's Daily Observation Reports from October 7, 2022 to December 20, 2022.

Attachment V: Respondent's January 14, 2025 interview with the Division.

VII. Findings

The evidence meets the clear and convincing standard to support the allegation(s) of serious misconduct as defined in Penal Code 13510.8. Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration for revocation of the Respondent's POST Certificates. The Division recommends that Jared Nathaniel Brittain's POST certification be **revoked**.

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
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EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: May 9, 2025

CASE #: POST2316745

PEACE OFFICER: Jared Brittain

POST ID#: C63-Z34

AGENCY: Orange County Sheriff's Department

POST CONSULTANT / BC: Paul Nanfito / Christine Ford

ALLEGATION(S):

Commission Regulation 1205(a)(1) - Dishonesty

Commission Regulation 1205(a)(6) - Acts that Violate the Law

On June 1, 2022, Respondent was arrested for driving under the influence of alcohol (0.20% blood alcohol content) and subsequently had a 6-month suspension imposed on his driving privileges by the California Department of Motor Vehicles (DMV). Respondent did not inform the Orange County Sheriff's Department of this suspension.

On December 28, 2022, a citizen called the Anaheim Police Department to report finding a handgun in a vehicle she had rented from a local dealership. The Anaheim Police Department ran the firearm's serial number and determined it belonged to the Respondent, who had rented the Dodge truck immediately prior to the reporting party. When questioned about the firearm, the Respondent admitted to its ownership, but indicated that he could not recall when he had last seen the firearm.

During the internal affairs investigation for the DUI arrest, the Respondent was dishonest with Department investigators about: 1) the length of the suspension on his driver's license; 2) whether he drove himself to and from work; and 3) whether he or his assigned trainees drove the patrol car during the dates his license was suspended. In addition, during the subsequent internal affairs investigation prompted by the discovery of the unsecured firearm and discovery that Respondent had rented a vehicle during the period he reported his driving privileges were suspended, Respondent continued to be dishonest with investigators, even when confronted with evidence that disproved his prior statements.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent was dishonest during an official investigation and that he violated the law by leaving an unsecured firearm in a rental vehicle and by driving on a suspended license on multiple occasions. These acts were sufficiently egregious to warrant revocation of peace officer certification pursuant to 13510.8(b)(1) and 13510.8(b)(6)

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	Signature	5/9/25 Date
Annemarie Del Mugnaio Assistant Executive Director	Signature	5/9/25 Date
Manny Alvarez Executive Director	Signature	05/09/2025 Date

cc: Christine Ford

cc: Jason Morlock

cc: Chandler Knapp

POST PROFILE NAME:

BRITTAIN, JARED NATHANIEL

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 06/19/2025

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
C63-Z34	ORANGE CO SD/CORONER	[redacted]		[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
192926	B	11/12/2018		49.20	0.00	
147844	I	08/12/2021	[redacted]	[redacted]	[redacted]	[redacted]
132339	A	11/13/2023	[redacted]	[redacted]	[redacted]	[redacted]

Total Number of Certificates: 3

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
03/31/2017	11/08/2017	6	TRN	03/31/2017	30000	ORANGE CO SD/CORONER	F	P	
11/08/2017			DPTY	11/08/2017	30000	ORANGE CO SD/CORONER	F	P	

***Reason for Separation: 6 = Other**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
11/07/2017	A	2060-00100-16-007	984		Y	30000	ORANGE SD		BASIC COURSE-INTENSIVE
03/29/2018	K	2060-32001-17-007	4	X	Y	30000	ORANGE SD		FIREARMS UPDATE
09/28/2018	K	2060-30996-18-006	4	X	Y	30000	ORANGE SD		LESS LETHAL UPDATE
10/22/2018	K	2060-24180-18-003	10	X	Y	30000	ORANGE SD		RAPID DEPLOY.1ST RESPONDER
10/23/2018	K	2060-20147-18-003	10	X	Y	30000	ORANGE SD		MACTAC BASIC
07/25/2019	K	2060-33575-19-001	20	X	Y	30000	ORANGE SD		TACTICS/COVERT & CRISIS ENTRY
08/22/2019	K	8790-22273-19-001	8		Y	30000	CNOA		SEARCH & SEIZURE UPD.
10/01/2019	K	9180-25587-19-093	2	X	Y	30000	POST		VEHICLE PURSUIT POLICY (WEB)
10/08/2019	K	9180-25587-19-100	2	X	Y	30000	POST		VEHICLE PURSUIT POLICY (WEB)
02/05/2020	K	2060-21797-19-058	8		Y	30000	ORANGE SD		FIRST AID/CPR/AED REFRESHER
02/13/2020	K	2060-21822-19-022	8		Y	30000	ORANGE SD	*	FIREARMS/TACTICAL-SIMUNITIONS
02/13/2020	K	2060-21020-19-038	4		Y	30000	ORANGE SD	*	ARREST/CONTROL TACTICS UPDATE
02/14/2020	K	2060-32001-19-049	4		Y	30000	ORANGE SD	*	FIREARMS UPDATE
02/14/2020	K	2060-20985-19-111	4		Y	30000	ORANGE SD	*	DRIVER TRAINING-SIMULATOR
02/14/2020	K	2060-30996-19-070	4		Y	30000	ORANGE SD		LESS LETHAL UPDATE
02/21/2020	K	1820-22309-19-002	40	X	Y	30000	LASD		ACTIVE SHOOTER INSTRUCTOR
02/27/2020	K	9180-25589-19-242	2	X	Y	30000	POST		DV RESPONSE & LETHALITY ASSESSMENT (WEB)
03/06/2020	K	9670-21640-19-003	41		Y	30000	FBI-LA		FIREARMS INSTRUCTOR
04/28/2020	K	2060-23761-19-011	8		Y	30000	ORANGE SD		MOBILE FIELD FORCE TRAINING
06/15/2020	K	9180-25585-19-351	2	X	Y	30000	POST	*	TACTICAL COMMUNICATION (WEB)
07/14/2020	K	2060-32063-20-001	8		Y	30000	ORANGE SD		FIREARMS - SIGHTING SYSTEMS
08/12/2020	K	2060-32095-20-002	4		Y	30000	ORANGE SD	*	FIREARMS/TACTICAL HANDGUN
08/20/2020	K	2060-32075-20-001	40		Y	30000	ORANGE SD	*	FIREARMS/TACTICAL RIFLE
08/21/2020	K	2060-24180-20-001	10		Y	30000	ORANGE SD		RAPID DEPLOY.1ST RESPONDER
08/22/2020	K	2060-20147-20-001	10		Y	30000	ORANGE SD		MACTAC BASIC
08/26/2020	K	1279-20077-20-002	8	X	Y	30000	STAS		TLO BASIC - OCIAC
10/16/2020	K	2060-23000-20-001	80		Y	30000	ORANGE SD		SPECIAL WEAPONS & TACTICS
02/06/2021	K	9180-25587-20-221	2	X	Y	30000	POST		VEHICLE PURSUIT POLICY (WEB)
06/03/2021	K	9180-25585-20-338	2	X	Y	30000	POST	*	TACTICAL COMMUNICATION (WEB)
01/14/2022	K	2060-31725-21-005	40		Y	30000	ORANGE SD		FIELD TRAINING OFFICER
01/26/2022	K	1435-20183-21-002	8	X	Y	30000	VTC		INTRODUCTION TO TACTICAL NIGHT VISION

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
02/06/2022	K	9180-25595-21-221	4	X	Y	30000	POST		BEYOND BIAS:RACIAL & IDENTITY PROFILING UPDATE
03/25/2022	K	9180-25587-21-268	2	X	Y	30000	POST		VEHICLE PURSUIT POLICY (WEB)
04/12/2022	K	2060-20911-21-071	16		Y	30000	ORANGE SD		MENTAL HEALTH INTERVENTION TRAINING
04/25/2022	K	2060-29581-21-016	8	X	Y	30000	ORANGE SD	*	USE OF FORCE (PSP)/ LESS LETHAL WEAPONS
04/25/2022	K	2060-29502-21-019	4		Y	30000	ORANGE SD	*	DRIVING(PSP)
04/26/2022	K	2060-22273-21-045	4	X	Y	30000	ORANGE SD		SEARCH & SEIZURE UPD.
04/26/2022	K	2060-29503-21-047	4		Y	30000	ORANGE SD	*	ARSTCTL(PSP)
04/26/2022	K	2060-29501-21-049	4		Y	30000	ORANGE SD	*	FIREARM(PSP)
04/27/2022	K	2060-28382-21-055	2	X	Y	30000	ORANGE SD		ETHICAL DECISION MAKING IN LAW ENFORCEMENT
04/27/2022	K	2060-20101-21-055	2	X	Y	30000	ORANGE SD		TERRORISM UPDATE
04/27/2022	K	2060-21797-21-092	8		Y	30000	ORANGE SD		FIRST AID/CPR/AED REFRESHER
05/10/2022	K	1820-32067-21-017	16	X	Y	30000	LASD	*	RED DOT SIGHT PISTOL TRANSITION
08/23/2022	K	2060-29502-22-012	4		Y	30000	ORANGE SD	*	DRIVING(PSP)
04/20/2024	K	2060-21797-23-035	8		Y	30000	ORANGE SD		FIRST AID/CPR/AED REFRESHER
06/23/2024	K	9181-25505-23-359	2	X	Y	30000	CAPLP		DOMESTIC VIOLENCE RESPONSE UPDATE
06/26/2024	K	7290-32100-23-014	24		Y	30000	D-PREP		INTERNAL AFFAIRS INVESTIGATION
07/21/2024	K	2060-29000-24-278	2	X	Y	30000	ORANGE SD		HATE CRIMES: IDENTIFICATION AND INVESTIGATION
09/13/2024	K	2060-20913-24-002	16		Y	30000	ORANGE SD		MENTAL HEALTH - CRISIS INTERVENTION III
09/20/2024	K	2060-20912-24-003	8		Y	30000	ORANGE SD		MENTAL HEALTH - CRISIS INTERVENTION II
09/24/2024	K	1820-23217-24-008	8	X	Y	30000	LASD	*	FORCE OPTIONS USE OF FORCE/DE-ESC
11/22/2024	K	2060-30996-24-036	4		Y	30000	ORANGE SD		LESS LETHAL UPDATE
01/07/2025	K	9181-25575-24-191	3	X	Y	30000	CAPLP		SEARCH WARRANT FUNDAMENTALS (WEB)
02/07/2025	K	9070-26000-24-006	79		Y	30000	GTA		CRIM INV INST CORE COURSE (ICI)
03/10/2025	K	9181-25587-24-253	2	X	Y	30000	CAPLP		VEHICLE PURSUIT POLICY (WEB)
03/13/2025	K	2060-30996-24-065	4		Y	30000	ORANGE SD		LESS LETHAL UPDATE
05/16/2025	K	2060-23090-24-063	4		Y	30000	ORANGE SD		ELECTRONIC WEAPONS
06/09/2025	K	2060-32074-24-020	10		Y	30000	ORANGE SD		FIREARMS/TACTICAL RIFLE REFRESHER

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific ***** = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

Attachment A
Driving Under the Influence Arrest – Investigation Report ("CHP Report")

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

DRIVING UNDER THE INFLUENCE ARREST – INVESTIGATION REPORT

CHP 202 (Rev. 10-21) OPI 066

☒ Misdemeanor ☐ Domestic Violence (Refer to HPM 100.69) ☐ Felony

BRITTAIN, JARED NATHANIEL (LAST NAME, FIRST NAME, AND MIDDLE INITIAL)

COURT	FILE NUMBER	EVIDENCE/PROPERTY
WEST JUSTICE CENTER	202200959	☐ YES ☒ NO

AREA	BEAT	CRASH REPORT NUMBER
9675	553	N/A

E-

DATE/TIME OF ARREST/REPORT	DATE/TIME OF INCIDENT	LOCATION OF ARREST/INCIDENT	VAMVARS/MVARS
06/01/2022 0222	☒ SAME	SR-55 N/B S/O 22ND ST	3 ☒ YES ☐ NO

CAD NUMBER	CITATION NUMBER	OFFENSE(S) CHARGED OR INVESTIGATED	JUS 8715 REQUIRED
☐ NONE 220601OC00028	LA07468	23152(a) CVC, 23152(b) CVC	☒ YES ☐ NO NUMBER

SUBJECT NO 1 OF 1

NAME (last, first, middle)	RESIDENCE ADDRESS
BRITTAIN, JARED NATHANIEL	[redacted]

AKA	HOME PHONE	MAILING ADDRESS
N/A	[redacted]	☒ SAME

RACE	ETHNICITY	SEX	BIRTHDATE	DISPATCH NOTIFIED
[redacted]	[redacted]	[redacted]	[redacted]	☒ YES ☐ NO TIME 0328

DRIVER LICENSE NUMBER	STATE	DDL STATUS	HAIR	EYES	HEIGHT	WEIGHT	PLACE OF BIRTH (city, state, country)
[redacted]	[redacted]	Valid	BRN	BLK	5-11	190	[redacted]

EMPLOYER	BUSINESS PHONE	BUSINESS ADDRESS	MISC. (SSN, INS #, ETC.)
OCSD - STANTON	[redacted]	[redacted]	[redacted] ID A14922

BOOKING, CII, FBI, ETC., NUMBER(S)	WHERE BOOKED/CONFINED	DATE/TIME	FINGERPRINTED
N/A	CITED AND RELEASED	06/01/2022 0410	☒ YES ☐ NO

NOTIFICATION (Who, How, When), EXPLAIN IN NARRATIVE — NOTIFIED BY

☐ JUVENILE ☐ FOREIGN NATIONAL ☐ IMMUNITY CLAIM

VEHICLE

LICENSE	STATE	REG. YEAR	VIN/EN NUMBER	VEHICLE WAS	STORAGE AUTHORITY
[redacted]	[redacted]	2023	[redacted]	☒ PARKED ☐ RELEASED ☐ STORED ☐ RECOVERED ☐ IMPOUNDED	N/A

VEH YEAR	MAKE	MODEL	COLOR	BODY TYPE	LOCATION OF VEHICLE/RELEASED	NUMBER
2018	RAM	1500 REBEL	GRAY	Pickup	CAPT. ALDAY, OCSD	[redacted]

NAME OF REGISTERED OWNER	ADDRESS
☒ SAME AS SUBJECT	☒ SAME AS SUBJECT

NAME OF LEGAL OWNER	ADDRESS	LOCATION OF KEYS
☒ SAME AS R/O		WITH OCSD

WITNESS/PASSENGER/VICTIM

BIRTHDATE	SEX	NAME	ADDRESS/AGENCY	PHONE
		☒ WITNESS ☐ PASSENGER ☐ VICTIM MARTHA PEREZ CPT-2	CFP	RES: BUS: [redacted]
		☒ WITNESS ☐ PASSENGER ☐ VICTIM CRIMINALIST	OCSD	RES: BUS: [redacted]
		☐ WITNESS ☐ PASSENGER ☐ VICTIM		RES BUS
		☐ WITNESS ☐ PASSENGER ☐ VICTIM		RES BUS

ADMONITION OF RIGHTS

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING.
4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.

THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY

☒ NOT ADVISED ☐ ARRESTING OFFICER ☐ OR: ID: TIME:

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?	HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?	WAIVER STATEMENT
☐ YES ☐ NO	☐ YES ☐ NO	

MISDEMEANOR INCARCERATION (To be completed upon physical arrest for any misdemeanor, pursuant to Section 853.6 of the Penal Code.)
As determined by the arresting officer, the person arrested:

1. ☐ was so intoxicated as to be a danger to themself or others.
2. ☐ required medical examination or medical care or was otherwise unable to care for their own safety.
3. ☒ was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the California Vehicle Code (Note 5 and 8 if also applicable).
4. ☐ had one or more outstanding arrest warrants issued.
5. ☐ could not provide satisfactory evidence of personal identification.
6. ☐ if released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses.
7. ☐ would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered if immediately released.
8. ☐ demanded to be taken before a magistrate or refused to sign the citation.
9. ☐ would not appear at the time and place specified in the notice.
10. ☐ Other:

6-18-22

ARRESTING/INVESTIGATING OFFICER (Print name/rank)	ID NUMBER	REVIEWED BY (Print name/rank)	ID NUMBER	DATE
A. KIND / OFFICER	[redacted]	K.M. RILEY / SERGEANT	[redacted]	6/5/22

BRITTAIN, JARED NATHANIEL | **LA07468**

* Refused to answer

INVESTIGATION INTERVIEW

DO YOU KNOW OF ANYTHING MECHANICALLY WRONG WITH YOUR VEHICLE? DESCRIBE. ☒ YES ☐ NO SUSPENSION ISSUE		ARE YOU SICK OR INJURED? DESCRIBE. ☐ YES ☐ NO	
ARE YOU DIABETIC OR EPILEPTIC? ☐ YES ☐ NO	DO YOU TAKE INSULIN? (Pills/Injection) ☐ YES ☐ NO	DO YOU HAVE ANY PHYSICAL IMPAIRMENTS? DESCRIBE. (Feet, Legs, Ankles, or Hips) ☐ YES ☐ NO	
WHEN DID YOU LAST SLEEP?	HOW LONG? / WHEN DID YOU LAST EAT?	DESCRIBE	
WERE YOU DRIVING THE VEHICLE? ☐ YES ☐ NO ☐ N/A	IF NO, WHO?	WHERE DID YOU START DRIVING?	WHERE WERE YOU GOING?
WHERE WERE YOU STOPPED?	WHAT HAVE YOU BEEN DRINKING?	HOW MUCH? / TIME STARTED? / TIME STOPPED?	
LOCATION WHERE YOU WERE DRINKING? NAME/ADDRESS		DO YOU FEEL THE EFFECTS OF THE DRINKS? DESCRIBE. ☐ YES ☐ NO	
DID YOU BUMP YOUR HEAD? ☐ YES ☐ NO ☐ N/A	HAVE YOU BEEN DRINKING SINCE THE ACCIDENT? ☐ YES ☐ NO ☐ N/A	IF YES, WHAT?	HOW MUCH?
ARE YOU UNDER CARE OF A DOCTOR OR DENTIST? ☐ YES ☐ NO	IF YES, NAME/ADDRESS		RECENT SURGERY PERFORMED? ☐ YES ☐ NO *(Explain in Narrative)*
HAVE YOU TAKEN ANY MEDICINE OR DRUGS? ☐ YES ☐ NO	IF YES, WHAT? / HOW MUCH? / TIME OF LAST DOSAGE?		
DO YOU FEEL THE EFFECTS OF THE MEDICINE/DRUGS? DESCRIBE. ☐ YES ☐ NO			

OBJECTIVE SIGNS/APPEARANCE/FIELD SOBRIETY TEST LOCATION

BREATH ODOR OF ALCOHOLIC BEVERAGE PRESENT:	GLASSES/LENSES	EYES (appearance)	DEMEANOR	SPEECH
☒ YES ☐ NO	☐ YES ☒ NO	RED/WATERY	COOPERATIVE	NORMAL

CLOTHING WORN: CONDITION AND DESCRIPTION
BLACK JACKET, BROWN SHORTS, CAMO/WHITE CLOSED-TOE SHOES -- FAIR CONDITION

DESCRIBE TEST LOCATION, SURFACE, WEATHER, AND LIGHTING
SMOOTH, RELATIVELY-FLAT ASPHALT ROADWAY; COOL WEATHER; PATROL VEHICLE LIGHTS AND FLASHLIGHT

PRELIMINARY ALCOHOL SCREEN INFORMATION

P.A.S. Admonition: I am requesting that you take a preliminary alcohol screening test to further assist me in determining whether you are under the influence of alcohol. You may refuse to take this test; however, this is not an implied consent test and, if arrested, you will be required to give a sample of your blood, breath, or urine for the purpose of determining the actual alcoholic and drug content of your blood.

THE SUBJECT WAS ADVISED OF THE ABOVE STATEMENT BY:

☐ NOT ADVISED ☒ ARRESTING OFFICER ☐ OR ID: TIME: 0217

PAS SERIAL NUMBER	TEMPERATURE	ZEROED	RESULTS NO. 1	TIME 1	RESULTS NO. 2	TIME 2	RESULTS NO. 3 *(If needed)*	TIME 3
17120058	21.8 C	☒ YES ☐ NO	☐ Refused .192	0218	.191	0221		

LOCATION OF TEST	BREATH SAMPLE	OFFICER ADMINISTERING PAS TEST	ID NUMBER	AREA
☒ At scene	☒ Automatic ☐ Manual	☐ ARRESTING OFFICER ☐ OR		

CHEMICAL TEST INFORMATION

☒ Implied Consent Admonishment, Section 23612 CVC ☐ Refused Test(s) (Complete DS 367)	DRUG ADMONISHMENT ☒ N/A ☐ Yes ☐ Refused (Complete DS 367)	ATTACHMENTS ☐ CHP 202 DRE ☒ OTHER COPY OF BLOOD SAMPLE REQUEST

TYPE OF TEST	TIME	ID OF SAMPLE(S)	RESULTS, IF AVAILABLE	DISPOSITION OF SAMPLE(S)
1 ☐ Breath				
2 ☒ Blood	0405	704385	PENDING	RETAINED BY TECHNICIAN
3 ☐ Urine				

TEST GIVEN	LOCATION WHERE TEST WAS CONDUCTED	NAME AND TITLE OF PERSON GIVING TEST OR TAKING SAMPLE
1		☐ ARRESTING OFFICER ☐ OR
2	SANTA ANA CHP	☐ ARRESTING OFFICER ☒ OR MARTHA PEREZ CPT-2
3		☐ ARRESTING OFFICER ☐ OR

CHEMICAL TEST ADVISEMENT

A. The breath testing equipment does NOT retain any breath sample for later analysis by you or anyone else.
B. If you want a sample retained, you may provide a blood or urine sample that will be retained at no cost to you. If you do so, the blood or urine sample may be tested for alcoholic or drug content by either party in a criminal prosecution.
C. Do you wish to provide an additional sample? ☐ YES ☐ NO ☒ N/A

WATSON ADVISEMENT

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.

DO YOU UNDERSTAND ☒ YES ☐ NO _____ READ VERBATIM: ☐ YES ☒ NO ☐ DID NOT ADVISE (Explain in narrative)

☒ ARRESTING OFFICER ☐ OR ID: ☐ N/A

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
06/01/2022	0222	9675	021694	202200969

FIRST OBSERVATIONS:

On 06/01/2022, at approximately 0149 hours, I was on patrol for Santa Ana CHP in a fully-marked patrol vehicle (#1453374) and dressed in a tan CHP uniform. I was driving the patrol vehicle; Officer Averill, #21225, was seated in the front passenger seat. We were driving in the #1 lane of SR-55 northbound, south of 22nd Street, when I observed a gray Ram 1500 [redacted] traveling at a high speed ahead of us in the #1 lane. I drove after the Ram and obtained a bumper pace of the vehicle from north of Baker Street to south of I-405. I determined the Ram's speed was 104 mph, in violation of 22348(b) CVC. While I obtained the bumper pace, the distance between the front of the patrol vehicle and the rear of the Ram did not noticeably increase or decrease. I also noticed the Ram was weaving dramatically to the right and left; its tires were crossing over the painted lines on both sides of the #1 lane. As I got closer to the Ram, it changed lanes to the HOV lane, and I positioned the patrol vehicle behind the Ram. The Ram continued to weave to the right and left over the painted lines. I changed lanes to the #1 lane to obtain the Ram's license plate, and it weaved to the right. The Ram's right-side tires were in the #1 lane for approximately four seconds. I determined the driver's inability to maintain his or her lane was in violation of 21658(a) CVC. I then drove behind the Ram and initiated an enforcement stop by activating the forward red lights of the patrol vehicle. The driver yielded to the right and exited the freeway, coming to a stop along the west curb of Newport Avenue, south of Del Amo Avenue.

OBSERVATIONS UPON CONTACT:

I contacted the driver through the driver-side window and identified him via a California driver's license (CDL [redacted] as **Jared Nathaniel Brittain**. I noticed Brittain's eyes were red and watery, and I detected the odor of an alcoholic beverage from inside the vehicle.

OBSERVATIONS UPON CONTACT (continued):

Brittain informed me he was off-duty and had multiple firearms within the vehicle. I asked Brittain to exit the vehicle, and he complied. I asked Brittain if he had a firearm on his person, and he told me did; I removed it and placed it on the driver's seat.

As I conversed with Brittain on the dirt shoulder next to the patrol vehicle, I detected the odor of an alcoholic beverage from his breath and person.

I asked Brittain a series of Pre-Field Sobriety Test (FST) Questions. Brittain stated he had not been drinking and was unsure why I was investigating him. Brittain answered the first pre-FST question (*Is there anything mechanically wrong with your vehicle?*), but he stopped answering the questions at the second question (*Are you sick or injured?*). Brittain simply stared at me and did not say anything. I continued asking Brittain more pre-FST questions, but he did not respond. I asked him if he would answer these questions, and he shook his head. I then asked Brittain if he would consent to Field Sobriety Tests, and he related he would. I then conducted a series of explained and demonstrated FSTs.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
06/01/2022	0222	9675	[redacted]	202200959

STANDARDIZED FIELD SOBRIETY TESTS (FSTs):

These FSTs were explained and demonstrated in English, and I received verbal affirmation Brittain understood these tests prior to performing them.

HORIZONTAL GAZE NYSTAGMUS (HGN)

This test was conducted on the dirt shoulder of Newport Avenue, south of Del Amo Avenue. Brittain lacked the ability to smoothly follow a moving stimulus (the tip of my right index finger) in both eyes. Brittain also exhibited distinct and sustained nystagmus at maximum deviation in both eyes and onset of nystagmus prior to 45 degrees in both eyes.

ONE LEG STAND

This test and the remaining FSTs were conducted on the asphalt roadway to the right of the patrol vehicle. Brittain raised his right foot for this test. Brittain put his foot on the ground twice and swayed back and forth for the majority of the test. I stopped the test at 30 seconds, which was Brittain's count of "one-thousand-and-twenty."

MODIFIED ROMBERG BALANCE

I explained this test to Brittain twice. Brittain' eyelids fluttered throughout this test. I stopped the test at 90 seconds; Brittain failed to stop the test himself. I asked Brittain how much time had passed, and he stated "over thirty seconds."

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
06/01/2022	0222	9675	[redacted]	202200959

FSTs (continued):

PRELIMINARY ALCOHOL SCREENING TEST (PAS)

I admonished Brittain at approximately 0217 hours and administered the test. Brittain provided two samples of .192% BAC at 0218 hours and .191% BAC at 0221 hours.

ARREST:

Based upon the following:

- Brittain's objective signs of impairment.
- Brittain's speeding and weaving while driving.
- Brittain's performance on the FSTs.
- My training and experience.

I formed the opinion Brittain had been driving while under the influence of an alcoholic beverage, and his further operation of a motor vehicle would be unsafe.

I placed Brittain under arrest at 0222 hours for driving in violation of 23152(a) VC, DUI, using the modified twist-lock handcuffing technique; I double-locked and checked the handcuffs for fit. I conducted a full standing search of Brittain.

I seated Brittain in the rear-right passenger seat of the patrol vehicle. I drove the patrol vehicle while Officer Averill drove Brittain's Ram to Santa Ana CHP.

ARREST (continued):

At Santa Ana CHP, I advised Brittain of 23612 CVC, Implied Consent, and he opted for a blood test. Brittain's blood was drawn at 0405 hours by CPT-2 Martha Perez of CFP. Brittain was then cited and released per Sergeant Moran, [redacted] at 0410 hours.

OTHER FACTUAL INFORMATION:

There is a video recording of this traffic stop (MVARS disc#3 on 05/31/2022), which captured relevant information to this incident. The video recording is maintained at Santa Ana CHP.

Brittain's Ram was parked at Santa Ana CHP and later released to Captain Alday of the Orange County Sheriff's Department.

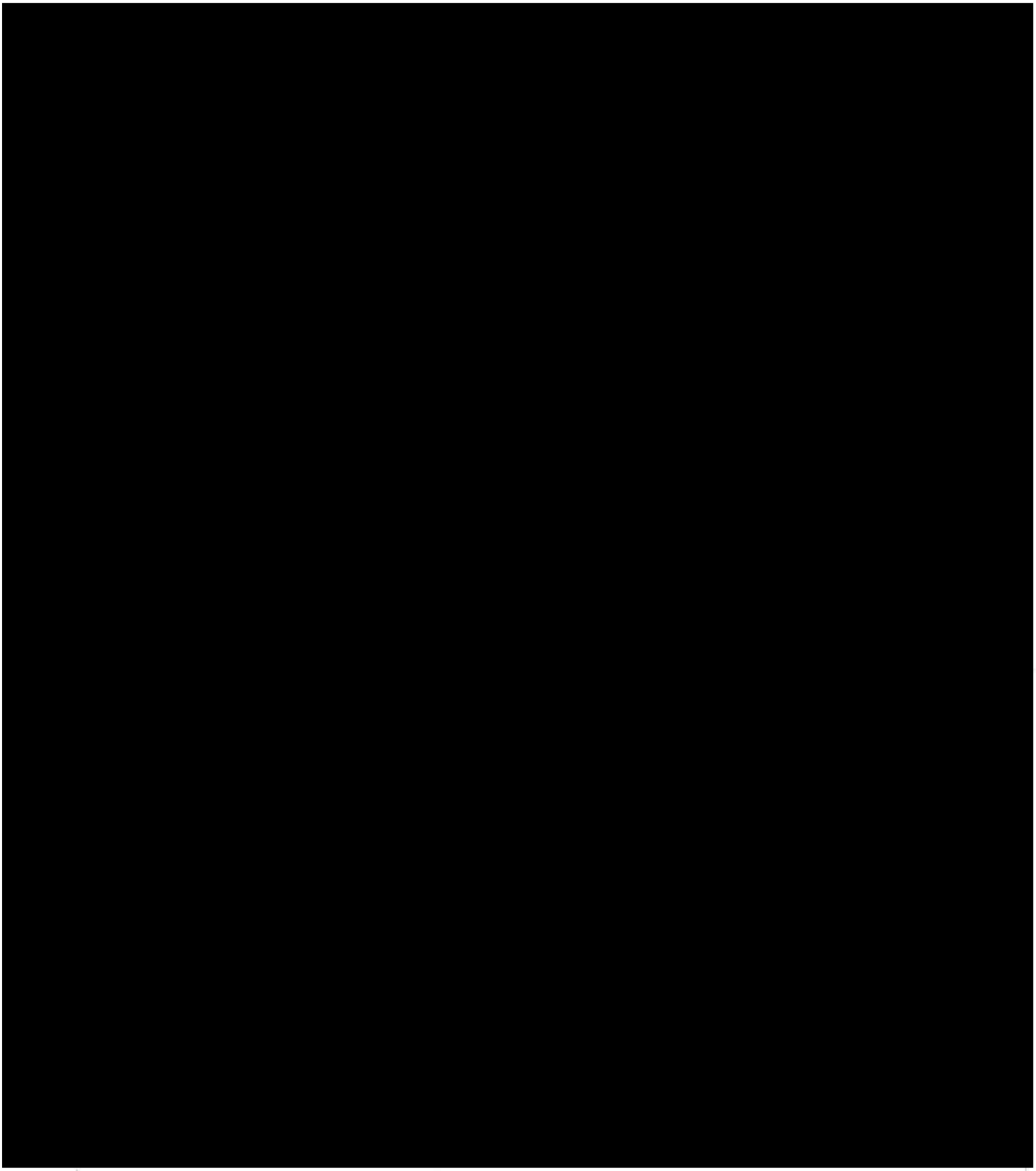
RECOMMENDATIONS:

I recommend a copy of this report be forwarded to the Orange County District Attorney and the following charges be filed against **Jared Nathaniel Brittain**:

- **23152(a) CVC – DUI**
- **23152(b) CVC – DUI with .08% or greater**

Additionally, I recommend the following enhancement penalties:

- **23582(a) CVC – DUI Speed Enhancement**
- **23578 CVC – DUI with .15% BAC or greater**



FEDE[illegible] BUREAU OF INVESTIGATION, UNITED STATES DEPAR[illegible]NT OF JUSTICE
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION,CLARKSBURG, WV 26306

The FBI's acquisition, preservation, and exchange of identification information is generally authorized under 28 USC 534. This FD-249 is to be used for criminal justice purposes, such as incident to arrests and applications. The Applicant form (FD-258) contains applicable Paperwork Reduction Act and Privacy Act notices and should be used for noncriminal justice purposes. "A Social Security Account Number (SSAN) is helpful to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), any Federal, State, or local government agency which requests an individual to disclose his/her SSAN is responsible for informing the person whether disclosure is mandatory or voluntary, by what statutory or other authority the SSAN is solicited, and what uses will be made of it."

JUVENILE FINGERPRINT SUBMISSION YES ☐ TRIBAL AFFIDAVIT YES ☐	DATE OF ARREST MM DD YY 06/01/22	ORI CONTRIBUTOR CA0309900 ADDRESS CHP-SANTA ANA SANTA ANA, CA APPLY FBI NUMBER? YES ☐	
SEND COPY TO (ENTER ORI)	DATE OF OFFENSE MM DD YY 06/01/22	PLACE OF BIRTH (STATE OR COUNTRY) CA, USA	COUNTRY OF CITIZENSHIP US
MISCELLANEOUS NUMBERS	SCARS, MARKS, TATTOOS, AND AMPUTATIONS [redacted]		
	RESIDENCE/COMPLETE ADDRESS [redacted]	CITY [redacted]	STATE [redacted]
OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER) C. RAVERLL	LOCAL IDENTIFICATION/REFERENCE [redacted]	PHOTO AVAILABLE? YES ☐ PALM PRINTS TAKEN? YES ☐	

EMPLOYER (IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY. IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO.)	OCCUPATION DEPUTY
CHARGE/CITATION 1 23152(a) VC	DISPOSITION 1 PENDING
2 23152(b) VC	2 PENDING.
3	3
ADDITIONAL	ADDITIONAL
ADDITIONAL INFORMATION/BASIS FOR CAUTION	STATE BUREAU STAMP

FBI U.S. GOVERNMENT PUBLISHING OFFICE: 06/13/2019 13:46:14

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

FINGERPRINT NOTIFICATION/VERIFICATION

CHP 194 (Rev. 8-13) OPI 061

You have been issued a citation in lieu of arrest and incarceration for a recordable offense. California Penal Code Section 853.6 requires that you be fingerprinted prior to your scheduled court appearance. Follow the directions indicated below in order to satisfy this requirement. This form will serve as verification of fingerprinting. Your case will not be heard unless you are able to provide such proof.

NAME	DATE OF BIRTH	RIGHT THUMB PRINT
JARED NATHANIEL BRITTAIN	[redacted]	[redacted]
CITATION #	DATE ISSUED	
LA 07468	6/1/22	
RECORDABLE SECTION(S) CHARGED		
23152(a)VC, 23152(b)VC		
OFFICER'S NAME/ID #	CHP AREA NAME/NUMBER	
A. KIND, 21694	SANTA ANA / 675	

You must present this form and a copy of your citation at the time you are fingerprinted

☐ The court responsible for adjudicating your case will only accept electronic fingerprinting, otherwise known as Live Scan. You may contact the Sheriff's Office or Police Department nearest to your residence for this service. You are responsible for any fees charged for this service. Contact the Live Scan site or Agency to verify fees and make an appointment.

AGENCY/LIVE SCAN SITE	DATE/TIME
CALIFORNIA HIGHWAY PATROL SANTA ANA AREA OFFICE	
AGENCY/LIVE SCAN SITE ADDRESS	
2031 E. SANTA CLARA AVE. SANTA ANA CA 92705	
LIVE SCANNED BY	TELEPHONE
	(714) 567-6000

The individual named has been fingerprinted in compliance with the requirements of Penal Code Section 853.6.

NOTE: THIS COMPLETED FORM MUST BE PRESENTED TO THE COURT AT THE TIME OF YOUR COURT APPEARANCE ON THE CITATION NOTED ABOVE.

Destroy Previous Editions

Chp194_0813.pdf

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

DRIVING UNDER THE INFLUENCE CITE AND RELEASE ADMONISHMENT

CHP 202F (Rev. 10-04) OPI 066

PERSON ARRESTED: BRITTAIN (Last Name) JARED (First Name) NATHANIEL (Middle Initial)

CITATION NUMBER: LA07468

The person named above has been arrested for driving under the influence of alcohol and/or drugs. In taking responsibility for this person, you understand and agree to the following:

1. You understand that the person has been arrested for driving under the influence of alcohol and/or drugs.
2. The person is not to drive a motor vehicle until he/she is no longer under the influence, or he/she may again be subject to arrest.
3. The person is responsible for his/her own actions.
4. The person is being released to you by mutual agreement and you accept responsibility for his/her care.

Your signature below is your acknowledgement that you have read, understand, and agree to the conditions set forth above.

Name: CRUZ ALDAY

Address: 550 N. FLOWER ST. SANTA ANA CA 92701

Driver License #: — **Telephone #:** [redacted]

Signature:

Officer: A. KIND **Badge #:** [redacted]

Date: 8/1/22 **Time:** 0410



CFP CALIFORNIA FORENSIC PHLEBOTOMY INCORPORATED

5753 E. Santa Ana Cyn Rd. • Suite G-553
Anaheim Hills, California 92807

BLOOD SAMPLE REQUEST

TO BE COMPLETED BY WITNESSING OFFICER

I HEREBY REQUEST: (LAST NAME, FIRST NAME TITLE)
PEREZ, MARTHA CPT-2

TO OBTAIN A BLOOD SAMPLE FROM: (LAST NAME, FIRST NAME MIDDLE)
BRITTAIN, JARED NATHANIEL

CASE/BOOKING NUMBER	OFFENSE	AGENCY
	23152(a)(b)VC	CHP-SA

OFFICER SIGNATURE	ID NO.	DATE	TIME
[signature]	[redacted]	6-1-22	0400

TO BE COMPLETED BY BLOOD TECHNICIAN

NOTES:
RT ACX1

VIAL NUMBER	LOCATION
T04385	CHP/SA

SAMPLE OBTAINED BY:	DRAW DATE	DRAW TIME
PEREZ CPT-2	6/1/22	0405

error-no

WITNESSING OFFICER

CFP CALIFORNIA FORENSIC PHLEBOTOMY INCORPORATED

5753 E. Santa Ana Cyn Rd. • Suite G-553
Anaheim Hills, California 92807

BLOOD SAMPLE REQUEST

TO BE COMPLETED BY WITNESSING OFFICER

I HEREBY REQUEST: (LAST NAME, FIRST NAME TITLE)
PEREZ MARTHA CPT 2

TO OBTAIN A BLOOD SAMPLE FROM: (LAST NAME, FIRST NAME MIDDLE)
BRITTAIN JARED NATHANIEL

CASE/BOOKING NUMBER	OFFENSE	AGENCY
	23152(a)(b)VC	CHP-SA

OFFICER SIGNATURE	ID NO.	DATE	TIME
[signature]	[redacted]	6-1-22	0400

TO BE COMPLETED BY BLOOD TECHNICIAN

NOTES:
RT ACX1

VIAL NUMBER	LOCATION
T04385	CHP/SA

SAMPLE OBTAINED BY:	DRAW DATE	DRAW TIME
PEREZ CPT-2	6/1/22	0405

error-no

WITNESSING OFFICER

AGE 21 AND OLDER OFFICER'S STATEMENT

California Vehicle Code (CVC) §§13353, 13353.1, 13353.2 & 13389

A Public Service Agency

LAW ENFORCEMENT AGENCY CASE NUMBER: 202200959

DETENTION/ARREST DATE: 6-1-22

FOR DMV USE ONLY

DRIVER NAME (LAST, FIRST, M.I.): BRITTAIN, JARED NATHANIEL

DRIVER LICENSE NUMBER: [redacted]

COMMERCIAL? ☐ Yes ☒ No

STATE: CA

MAILING ADDRESS: [redacted]

DATE OF [redacted] SEX [redacted] HAIR [redacted] EYE [redacted] HEIGHT [redacted] WEIGHT [redacted]

Arrest Type For statistical purposes only. Check all that apply.
☒ Alcohol Use ☐ Cannabis Use ☐ Other Drug Use

LICENSE: ☐ Suspended/Revoked ☒ Surrendered (*Attached*) ☐ Not in Possession ☐ Unlicensed

VIOLATION: ☒ 0.08% or more BAC Chemical Test Results ☐ 0.01% or more BAC (*DUI Probation*) ☐ 0.04% or more BAC (*Commercial Vehicle*)
☐ Chemical Test Refusal (*Complete Reverse*) ☐ PAS or other Chemical Test Refusal (*DUI Probation*) (*Complete Reverse*)

VEHICLE: License Number or VIN: [redacted]
☐ **Commercial Vehicle:** Vehicle requires a commercial driver license (CVC §15210). ☐ **Hazardous Materials:** Transporting materials requiring placards/markings (CVC §27903).

NARRATIVE: Describe in detail the facts, observations, and circumstances that led to the stop or contact with the driver in *Narrative* section on Page 2 of this form.
Contact: On date: 6/1/22 at 1:49 ☒ AM ☐ PM in City/County COSTA MESA, ORANGE CA, the above driver was contacted.

DRIVING: ☒ Driving observed by this officer or ☐ Driving observed by another observer (complete *Observation/Arrest* section on Page 2)
Admission of Driving: ☒ Driver admitted to driving the vehicle Collision: ☐ Driver involved in a collision
(If driving not observed by an officer.)

TIME: What time did you stop driving or how long after driving/collision did you wait for law enforcement to arrive? Driver Response: ☐ AM ☐ PM ☐ HR ☐ MIN

ARREST OR DETENTION STATEMENT: I had reasonable cause to believe the driver was driving a motor vehicle with alcohol and/or drugs present in the blood or while under the influence. The driver was lawfully arrested, or lawfully detained while on DUI probation, by this officer, or by the person shown in the *Observation/Arrest* section on Page 2, on date 6/1/22 at 2:22 ☒ AM ☐ PM for violation of CVC §§23152, 23153, or 23154.

OBJECTIVE SYMPTOMS OF INTOXICATION: ☒ Bloodshot/watery eyes ☒ Odor of alcoholic beverage ☒ Unsteady gait ☐ Slurred speech ☒ PAS results (*complete below*)
☒ Other: PERFORMANCE ON FSTS Observed by: ☒ This officer ☐ Another observer: _____

PRELIMINARY ALCOHOL SCREENING TEST (PAS)

DUI Probation: Required. Non-DUI Probation: Optional. Always complete section if PAS results available.

Driver submitted to and completed a PAS test with the results of:

Test 1 .192 % BAC on 6/1/22 (DATE) at 2:18 (TIME) ☒ AM ☐ PM Test 2 .191 % BAC on 6/1/22 (DATE) at 2:21 (TIME) ☒ AM ☐ PM

OFFICER CERTIFICATION: I certify under penalty of perjury under the laws of the State of California that: (1) I obtained the above PAS test results in the regular course of my duties, (2) I used PAS Model (*Name/Number*) FC20, Serial# 1712005 8, Manufactured by CEELOC TECH, (3) I administered this PAS test properly in accordance with the manufacturer's guidelines and instructions, (4) I have received training on the proper operation of this device and administration of the PAS test and am competent and qualified to operate the device, and (5) the device was functioning properly at the time of the test.

Date 6/1/22 Signature X [signature] Badge/ID Number 21694 Agcy./Div CHP-SA

CHEMICAL TEST

Attach copy of the results, if available.

Breath Test Results:

Test 1 _____ % BAC on ___/___/___ (DATE) at _____ (TIME) ☐ AM ☐ PM Test 2 _____ % BAC on ___/___/___ (DATE) at _____ (TIME) ☐ AM ☐ PM Test 3 _____ (WHEN APPLICABLE) % BAC on ___/___/___ (DATE) at _____ (TIME) ☐ AM ☐ PM

BREATH TEST MACHINE OPERATOR CERTIFICATION: I certify under penalty of perjury under the laws of the State of California, that the above breath test sample results were obtained in the regular course of my duties. I further certify that I am qualified to operate this equipment and that the test was administered pursuant to the requirements of Title 17 of the *California Code of Regulations*.

Date / / Signature X Badge/ID Number Agcy./Div

BLOOD TEST RESULTS: Blood test on date: 6/1/22 at 4:05 ☒ AM ☐ PM

URINE TEST RESULTS: First void on date: / / at ☐ AM ☐ PM Test on date: / / at ☐ AM ☐ PM

I certify under penalty of perjury, under the laws of the State of California, that the information contained on all pages of this Officer's Statement is true and correct.

EXECUTED ON: Date 6/1/22 in City SANTA ANA County ORANGE

OFFICER'S PRINTED NAME: A. KIND BADGE/ID NUMBER [redacted] TELEPHONE NUMBER [redacted]

AGENCY: CHP AREA: SANTA ANA COURT CODE (IF UNKNOWN, COURT NAME): WEST

I ☒ did ☐ did not personally serve a copy of the Order of Suspension/Revocation to the driver.

Date 6/1/22 Signature of Arresting Officer X [signature]

ORDER SERVED BY ANOTHER OFFICER: If order was served on driver by another Officer have that officer complete this section.
I personally served a copy of the order to the driver on the date shown below:

Date / / Serving Officer's *Printed* Name Badge/ID Number Signature Of Serving Officer X

CHEMICAL TEST ADMONITION
(CVC §§23154, 23612)

I admonished the driver on date: ____/____/____ at _____ ☐ AM ☐ PM

1. You are required by state law to submit to and complete a chemical test to determine the alcohol and/or drug content of your blood.
2. Because I believe you are under the influence of alcohol or a combination of alcohol and drugs, you have a choice of taking a breath or blood test. If you are on DUI Probation you are required to submit to a Preliminary Alcohol Screening Test.
3. Availability of Tests. *(Read only when applicable.)*
   - ☐ **When Applicable:** Since the breath and blood tests are unavailable; you are incapable of completing a breath or blood test; or you are afflicted with hemophilia or are using an anticoagulant medication, you are deemed to have given your consent to chemical testing of your urine.
   - ☐ **When Applicable:** Since you need medical treatment, your choice is limited to the *(check all available)* ☐ blood, ☐ breath, and/or ☐ urine test(s), the only test(s) available at _____
4. If you refuse to submit to, or fail to complete a chemical test, your driving privilege **will** be administratively suspended for **one year** or administratively revoked for **two or three years** by the Department of Motor Vehicles. A second offense within ten years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while under age 21; or a separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.04% or more while operating a commercial motor vehicle, or a BAC of 0.08% or more at any age, or you refused a test, will result in a two-year administrative revocation. Three or more offenses within ten years of any combination of the above violations, convictions or separate administrative determinations will result in a three-year administrative revocation.
5. Refusal or failure to complete a chemical test may be used against you in court.
6. Refusal or failure to complete breath or urine testing will result in a fine and mandatory imprisonment if you are convicted of a violation of CVC §§23152 or 23153.
7. You do not have the right to talk to an attorney or have an attorney present before stating whether you will submit to a test, before deciding which test to take, or during the test.
8. If you cannot, or state you cannot, complete the test you choose, you must submit to and complete a remaining test.

DRIVER RESPONSE: Include statements or actions by the driver that indicate a refusal or failure of each test.

☐ **Will you take a Preliminary Alcohol Screening Test?** *(DUI Probation)* _____

☐ **Will you take a Breath Test?** _____

☐ **Will you take a Blood Test?** _____

TEST UNAVAILABLE: One or more tests were unavailable. ☐ PAS test unavailable ☐ Breath test unavailable ☐ Blood test unavailable

Explain: _____

LANGUAGE: If not given in English, admonition was given in ☐ Spanish ☐ Other language *(specify)*: _____

Admonition Read by a Different Officer: If the above Chemical Test Admonition was read to arrestee by another officer, indicate that officer's information:

OFFICER NAME	BADGE/ID NUMBER	AGENCY/DIVISION	TELEPHONE NUMBER
			( )

DRUG ADMONITION

1. Because I believe you are under the influence of drugs or a combination of drugs and alcohol, you are required by state law to submit to a blood, breath, or urine test. A urine test is available only if you are afflicted with hemophilia or are using an anticoagulant medication.
   - ☐ **When Applicable:** Because you have already submitted to or refused or failed to complete a breath test or a breath test is unavailable, your choice is limited to a blood test or a urine test, when applicable.
2. If you refuse to submit to, or fail to complete a chemical test, your driving privilege will be administratively suspended for **one year** or administratively revoked for **two or three years**, by the Department of Motor Vehicles. A second offense within ten years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while under age 21, or a separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.04% or more while operating a commercial motor vehicle, or a BAC of 0.08% or more at any age, or you refused a test, will result in a two-year administrative revocation. Three or more offenses within ten years of any combination of the above violations, convictions or separate administrative determinations will result in a three-year administrative revocation.
3. Refusal or failure to complete a chemical test may be used against you in court.
4. Refusal or failure to complete breath or urine testing will result in a fine and mandatory imprisonment if you are convicted of a violation of CVC §§23152 or 23153.
5. You do not have the right to talk to an attorney or have an attorney present before stating whether you will submit to a test, before deciding which test to take, or during the test.

DRIVER RESPONSE: Include statements or actions by the driver that indicate a refusal or failure of each test.

☐ **Will you take a Blood Test?** _____

☐ **Will you take a Urine Test?** _____

TEST UNAVAILABLE: One or more tests were unavailable. ☐ Blood test unavailable ☐ Urine test unavailable

Explain: _____

LANGUAGE: If not given in English, admonition was given in ☐ Spanish ☐ Other language *(specify)*: _____

Admonition Read by a Different Officer: If the above Drug Admonition was read to arrestee by another officer, indicate that officer's information:

OFFICER NAME	BADGE/ID NUMBER	AGENCY/DIVISION	TELEPHONE NUMBER
			( )

continued on next page

A Public Service Agency

AGE 21 AND OLDER OFFICER'S STATEMENT

CVC §§13353, 13353.1, 13353.2 & 13389

DS 367

LAW ENFORCEMENT AGENCY CASE NUMBER	DETENTION/ARREST DATE	FOR DMV USE ONLY
202200459	6-1-22	

DRIVER NAME (LAST, FIRST, M.I.): BRITTAIN, JARED NATHANIEL

DRIVER LICENSE NUMBER: [redacted]

COMMERCIAL? ☐ Yes ☒ No

STATE: CA

MAILING ADDRESS: [redacted]

SEX: [redacted] HAIR: [redacted] EYES: [redacted] HEIGHT: [redacted] WEIGHT: [redacted]

Arrest Type
For statistical purposes only. Check all that apply.
- ☒ Alcohol Use
- ☐ Cannabis Use
- ☐ Other Drug Use

LICENSE: ☐ Suspended/Revoked ☒ Surrendered (*Attached*) ☐ Not in Possession ☐ Unlicensed

VIOLATION: ☒ 0.08% or more BAC Chemical Test Results ☐ 0.01% or more BAC (*DUI Probation*) ☐ 0.04% or more BAC (*Commercial Vehicle*)
☐ Chemical Test Refusal (*Complete Reverse*) ☐ PAS or other Chemical Test Refusal (*DUI Probation*) (*Complete Reverse*)

OBSERVATION/ARREST: If driving or collision was observed by someone other than the arresting officer, or if arrest was completed by another officer or person, input that person's information.

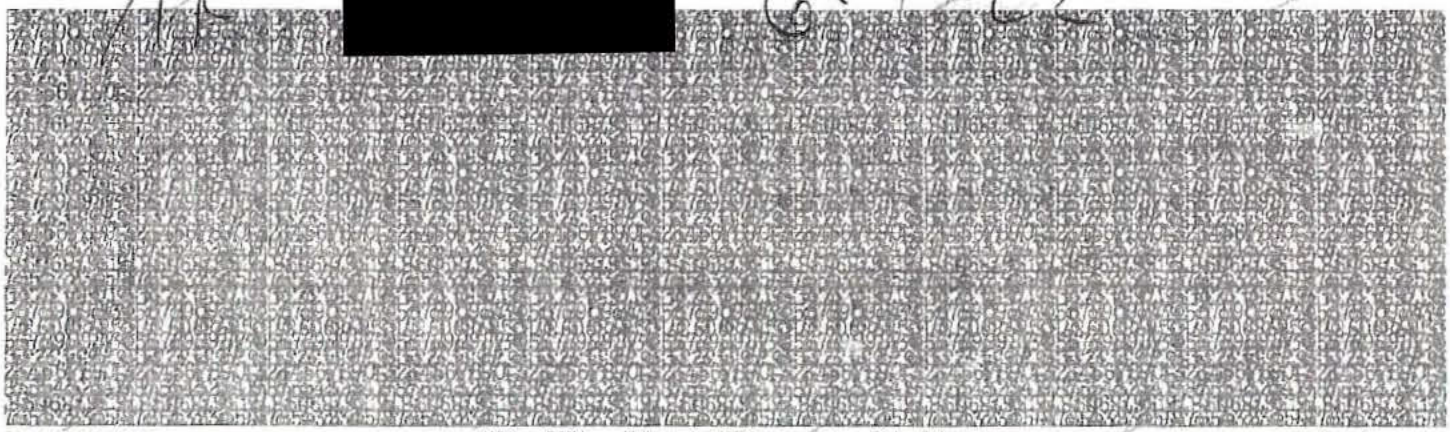
☐ Driving or Collision observed by: ☐ Arrest made by:	Observation or Arrest made by ☐ Officer ☐ Citizen	☐ Driving or Collision observed by: ☐ Arrest made by:	Observation or Arrest made by ☐ Officer ☐ Citizen
NAME (*PLEASE PRINT*)		NAME (*PLEASE PRINT*)	
ADDRESS		ADDRESS	
TELEPHONE NUMBER ( )	BADGE/ID NUMBER / AGENCY/DIVISION	TELEPHONE NUMBER ( )	BADGE/ID NUMBER / AGENCY/DIVISION

NARRATIVE

Describe in detail the facts, observations, and circumstances that led to the stop or contact. Print or write directly on this page.
A portion of another report may be **cut and pasted** below but should be dated and contain an original signature.
Attach arrest, collision, and/or supplemental report(s) if available.
If arrest was made per CVC **§40300.5** state the facts and circumstances that support the arrest.
DUI Probation Violations: Indicate below how you determined the driver was on DUI probation.

On 06/01/2022, at approximately 0149 hours, I was on patrol for Santa Ana CHP in a fully-marked patrol vehicle (#1453374) and dressed in a tan CHP uniform. I was driving the patrol vehicle; Officer Averill, #21225, was seated in the front passenger seat. We were driving in the #1 lane of SR-55 northbound, south of 22nd Street, when I observed a gray Ram 1500 ([redacted]) traveling at a high speed ahead of us in the #1 lane. I drove after the Ram and obtained a bumper pace of the vehicle from north of Baker Street to south of I-405. I determined the Ram's speed was 104 mph, in violation of 22348(b) CVC. While I obtained the bumper pace, the distance between the front of the patrol vehicle and the rear of the Ram did not noticeably increase or decrease. I also noticed the Ram was weaving dramatically to the right and left; its tires were crossing over the painted lines on both sides of the #1 lane. As I got closer to the Ram, it changed lanes to the HOV lane, and I positioned the patrol vehicle behind the Ram. The Ram continued to weave to the right and left over the painted lines. I changed lanes to the #1 lane to obtain the Ram's license plate, and it weaved to the right. The Ram's right-side tires were in the #1 lane for approximately four seconds. I determined the driver's inability to maintain his or her lane was in violation of 21658(a) CVC. I stopped the Ram and contacted the driver; after observing signs of impairment, I conducted a DUI investigation.

AK [redacted] 6-4-22



FORWARD THIS DOCUMENT TO THE DMV WITHIN 5 BUSINESS DAYS OF THE ARREST.

Forward pages 1, 2 and 3 to your local Driver Safety Office.
The Driver Safety addresses and telephone numbers are listed below.
White—***DMV*** Yellow—***Law Enforcement*** Pink—***Driver***

DEPARTMENT OF MOTOR VEHICLES — DRIVER SAFETY OFFICES

LOCATION	TELEPHONE	FAX	ADDRESS
Bakersfield	(661) 833-2103	(661) 833-2102	5800 District Blvd., Ste. 100-B, 93313
City of Commerce	(323) 724-4000	(323) 724-9262	6801 E. Slauson Ave., 2nd Flr., Ste. 250, 90040
City of Orange	(714) 703-2511	(714) 703-2526	790 The City Dr., Ste. 420, 92868
Covina	(626) 974-7137	(626) 974-7118	1365 N. Grand Ave., Ste. 101, 91724
El Segundo	(310) 615-3500	(310) 615-3581/3582	390 N. Pacific Coast Hwy., Ste. 2075, 90245
Fresno	(559) 445-6399	(559) 445-6379	2510 S. East Avenue, Ste. 310, 93706
Oakland	(510) 563-8900	(510) 563-8950/8951	7677 Oakport St., Ste. 220, 94621
Oxnard	(805) 988-3050	(805) 988-1420	2051 N. Solar Dr., Ste. 125, 93036
Redding	(530) 224-4755	(530) 224-4737	2650 Churn Crk. Rd., Ste. 200, 96002
Sacramento	(916) 227-2970	(916) 227-0174/2901	4700 Broadway, 2nd Flr., 95820
San Bernardino	(909) 383-7413	(909) 383-7439	1845 Business Center Dr., Ste. 212, 92408
San Diego	(619) 220-5300	(619) 220-5418	1455 Frazee Rd., Ste. 400, 92108
San Francisco	(415) 557-1170	(415) 557-7375	1377 Fell Street, 2nd Flr., 94117
San Jose	(408) 229-7100	(408) 229-7128/7129	90 Great Oaks Blvd., Ste. 104, 95119
Santa Rosa	(707) 576-2710	(707) 543-7154	2570 Corby Ave., 95407
Stockton	(209) 948-7715	(209) 463-4858	710 N. American St., 95202
Van Nuys	(818) 376-4217	(818) 376-4215/4216	6150 Van Nuys Blvd., Ste. 205, 91401

continued on next page

AGE 21 AND OLDER ADMINISTRATIVE PER SE SUSPENSION/REVOCATION ORDER AND TEMPORARY DRIVER LICENSE

DS 367

Page 3

A Public Service Agency

Driver must be given a copy of this order. DMV telephone number (916) 657-0214.

LAW ENFORCEMENT AGENCY CASE NUMBER	DETENTION/ARREST DATE	FOR DMV USE ONLY
202200954	6-1-22	

DRIVER NAME (LAST, FIRST, M.I.): BRITTAIN, JARED NATHANIEL

[redacted] | COMMERCIAL? ☐ Yes ☒ No | STATE: CA

[redacted]

[redacted] | SEX [redacted] | HAIR [redacted] | EYES [redacted] | HEIG [redacted] | WEIGH [redacted]

Arrest Type (For statistical purposes only. Check all that apply.)
- ☒ Alcohol Use
- ☐ Cannabis Use
- ☐ Other Drug Use

LICENSE: ☐ Suspended/Revoked ☒ Surrendered (*Attached*) ☐ Not in Possession ☐ Unlicensed

VIOLATION: ☒ 0.08% or more BAC Chemical Test Results ☐ 0.01% or more BAC (*DUI Probation*) ☐ 0.04% or more BAC (*Commercial Vehicle*)
☐ Chemical Test Refusal (*Complete Reverse*) ☐ PAS or other Chemical Test Refusal (*DUI Probation*) (*Complete Reverse*)

You are hereby notified that your privilege to operate a motor vehicle will be suspended or revoked effective 30 days from the issue date of this order as shown below, and until you pay a $125 reissue fee and file proof of financial responsibility as shown on the reverse.

For additional information call (916) 657-0214.

TEMPORARY DRIVER LICENSE

This document must be carried with you and shall serve as your temporary California driver license. It is subject to the same class(es) and all restrictions as your permanent driver license. **This temporary driver license does not provide you with any driving privileges if you do not have a California driver license or your license is expired, suspended, revoked, canceled, or denied.** It expires at midnight 30 days from the issue date of this order shown below.

This action is taken under authority of *California Vehicle Code* (CVC) §§13353, 13353.1, 13353.2 and 13389 because you were arrested or detained for driving under the influence of alcohol and/or drugs and:

BAC 0.01% PAS, Breath, Blood or Urine Test DUI Probation	You completed a PAS, breath, blood, or urine test and the officer believes the results will show 0.01% BAC or more. If the laboratory results show your BAC was less than 0.01%, this suspension will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
BAC 0.08% Breath, Blood, or Urine Test	You completed a breath test with 0.08% BAC or more, or you completed a blood or urine test and the officer believes the results will show 0.08% BAC or more. If the laboratory results show that your BAC is less than 0.08%, this suspension or revocation will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
BAC 0.04 % Breath, Blood or Urine Test while driving a Commercial Vehicle	You completed a breath test with 0.04% BAC or more, or you completed a blood or urine test and the officer believes the results will show 0.04% BAC or more. If the laboratory results show that your BAC is less than 0.04%, this suspension or revocation will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
Chemical Test Refusal	You refused to submit to, or failed to complete, a chemical test of the alcohol and/or drug content of your blood.

COMMERCIAL DISQUALIFICATION

A commercial disqualification action will be taken due to any of the following: if you refused a chemical test, if you had a 0.04% BAC or more while operating a commercial motor vehicle as defined in CVC §15210 or while transporting hazardous materials, or held a commercial driver license and were driving any vehicle when you had a 0.08% BAC or more.

HEARING INFORMATION

YOU HAVE **10 DAYS** FROM RECEIPT OF THIS NOTICE TO REQUEST A HEARING TO SHOW THAT THE SUSPENSION OR REVOCATION IS NOT JUSTIFIED. ***The suspension or revocation will not be stayed (delayed) unless you request a hearing within 10 DAYS from the issue date of this order and DMV cannot provide a hearing before the effective date of the suspension or revocation and make a determination.*** Hearings are conducted only to determine questions of fact as described on the reverse. Your need for a license cannot be considered at a hearing. **If you want a hearing or have questions regarding this matter, contact the DMV at (916) 657-0214.** A telephone hearing will be conducted unless you request an in-person hearing. Before the hearing you may see or obtain copies of the department's evidence. ***You must request copies of the department's evidence at least 10 DAYS prior to the date set for commencement of the hearing in order to receive them prior to the hearing date.*** If you want the information released to someone else, give them signed permission. ***You have the right to have a sign or language interpreter present at your hearing. If you require the service of an interpreter, immediately notify DMV of the need for such service. During the hearing*** you may present oral testimony and/or other evidence. Testimony is taken under oath or affirmation, and the hearing is recorded. You may be represented by legal counsel, or you may represent yourself. The arresting officer(s) may be subpoenaed in this matter, if it is determined that his or her testimony is needed. If you wish to question the arresting officer(s), you have the right to have subpoenas issued on your behalf. You may subpoena any other witness(es) you feel may help your case, and you have the right to cross-examine any opposing witness(es). Blank subpoenas may be obtained on the internet at the following address ***http://www.dmv.ca.gov/portal/dmv/detail/forms/formsds*** or provided to you by the hearing officer upon request prior to the hearing. You are responsible for service of your subpoena(s) and any witness fee required by law. ***After the hearing,*** the hearing officer shall make findings and render a decision.

OFFICER'S PRINTED NAME	BADGE [redacted]	TELEPHONE NUMBER [redacted]
A. KIND		
AGENCY: CHP	AREA: SANTA ANA	COURT CODE (IF UNKNOWN, COURT NAME): WEST

I ☒ did ☐ did not personally serve a copy of the Order of Suspension/Revocation to the driver.

Date 6 / 1 / 22 Signature of Arresting Officer X

ORDER SERVED BY ANOTHER OFFICER: If order was served on driver by another Officer have that officer complete this section.
I personally served a copy of the order to the driver on the date shown below:

Date / / Serving Officer's *Printed* Name Badge/ID Number Signature Of Serving Officer X

HEARING ISSUES

Chemical test results of 0.01% or more BAC while on DUI probation; 0.04% or more BAC in a commercial motor vehicle; or 0.08% or more BAC.

- Did the peace officer have reasonable cause to believe you were driving a motor vehicle in violation of CVC §§23152, 23153, or 23154?
- Were you lawfully detained while on DUI probation or lawfully arrested?
- Were you driving a motor vehicle when you had: **0.01% BAC** or more by weight of alcohol while on DUI probation; **0.04% BAC** or more by weight of alcohol while driving a commercial vehicle; or **0.08% BAC** or more by weight of alcohol?

Refusal to submit to or failure to complete a chemical test.

- Did the peace officer have reasonable cause to believe you were driving a motor vehicle in violation of CVC §§23152, 23153, or 23154?
- Were you lawfully detained while on DUI probation, or lawfully arrested?
- Were you told that your driving privilege would be suspended, or revoked for one, two, or three years if you refused to submit to, or failed to complete a chemical test?
- Did you refuse or fail to complete a chemical test, or PAS test (DUI Probation), after being requested to do so by a peace officer?

APPEAL RIGHTS

Following the hearing decision, you may request a department review in writing within 15 days from the date on the bottom of the notice telling you the results of your hearing. The fee for the department review is $120. You may also appeal a DMV decision by filing a writ of mandamus at the superior court in your county of residence within 30 days from the date on the bottom of the notice telling you the results of your hearing.

PENALTIES

Chemical test results of 0.01% or more BAC while on DUI probation; 0.04% or more BAC in a commercial motor vehicle; or 0.08% or more BAC. (CVC §§13353.2 and 13353.3)

- **First Offense** of driving with a BAC of 0.08% or more **or** 0.04% or more BAC in a commercial motor vehicle will result in a **4-month suspension**, or a **1-year suspension** if 0.01% or more BAC while on DUI probation.
- **Second or Subsequent Offense**, within 10 years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.08% or more **or** a BAC of 0.04% or more in a commercial motor vehicle at any age, or you refused a test, will result in a 1-year suspension.

Refusal to submit to or failure to complete a chemical test or a preliminary alcohol screening. (CVC §§13353 and 13353.1)

- **First Offense** will result in a **1-year suspension, or a 2-year revocation if on DUI probation.**
- **Second Offense**, within 10 years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.08% or more **or** a BAC of 0.04% or more in a commercial vehicle at any age, or you refused a test, will result in a **2-year revocation, or a 3-year revocation while on DUI probation.**
- **Three or More Offenses** within 10 years of any combination of the above violations, convictions or separate administrative determinations will result in a **3-year revocation.**

ADDITIONAL INFORMATION

An administrative review will automatically be conducted. You will be notified in writing only if the suspension or revocation is set aside. Before the suspension or revocation can be ended and a driver license issued or returned to you, a $125 reissue fee must be paid to DMV (CVC §14905), and you must file proof of financial responsibility by a California Insurance Proof Certificate (SR 22/1P), $35,000 cash deposit, or surety bond, or self insurer certificate (CVC §16430). You must maintain proof of financial responsibility for three years. If you drive while your driving privilege is suspended or revoked, you may be arrested and, if convicted, jailed and/or fined and your vehicle can be impounded or sold.

THE ADMINISTRATIVE PER SE SUSPENSION/REVOCATION ACTION IS INDEPENDENT OF ANY COURT SANCTIONS.

continued on next page

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

DRIVING UNDER THE INFLUENCE CITE AND RELEASE ADMONISHMENT

CHP 202F (Rev. 10-04) OPI 066

PERSON ARRESTED: BRITTAIN (Last Name) JARED (First Name) NATHANIEL (Middle Initial)

CITATION NUMBER: LA07468

The person named above has been arrested for driving under the influence of alcohol and/or drugs. In taking responsibility for this person, you understand and agree to the following:

1. You understand that the person has been arrested for driving under the influence of alcohol and/or drugs.
2. The person is not to drive a motor vehicle until he/she is no longer under the influence, or he/she may again be subject to arrest.
3. The person is responsible for his/her own actions.
4. The person is being released to you by mutual agreement and you accept responsibility for his/her care.

Your signature below is your acknowledgement that you have read, understand, and agree to the conditions set forth above.

Name: CRUZ ALDAY

Address: [redacted]

Driver License #: — **Telephone #:** [redacted]

Signature: [signature]

Officer: A. KIND **Badge #:** [redacted]

Date: 6/1/22 **Time:** 0410

SA1
State of California
Department of Justice
Bureau of Criminal Information and Analysis
P.O. Box 903417
Sacramento, CA 94203-4170

Date: June 17, 2022

CASOSANTA ANA - CA0300000
PO BOX 449
SANTA ANA, CA 92702

Subsequent Arrest Notification
Furnished pursuant to your prior Applicant Fingerprint Submission

This information is for OFFICIAL USE ONLY
Unauthorized use is a Criminal Offense

This information is being provided pursuant to Section 11105.2 of the California Penal Code and was verified at the time of submission. It is the responsibility of the authorized agency receiving the information to obtain independent validation of the current status of the arrest charge(s) prior to making any decision relating to the employment, licensing, or certification of the subject of this notice.

If this subject is no longer employed, licensed, or certified by your agency, Section 11105.2(d) of the Penal Code requires you to inform DOJ to update their records.

CII/[redacted]
DOB/[redacted]
NAM/001 BRITTAIN,JARED NATHANIEL
SOC/[redacted]
****
[redacted]
****
[redacted]
[redacted]

If there are any questions pertaining to this response, please contact the program at appagencyquestions@doj.ca.gov.
* * * END OF MESSAGE * * *

State of California
Department of California Highway Patrol
DECLARATION IN SUPPORT OF
CHP 218 (Rev. 2-94) OPI 044

DECLARATION IN SUPPORT OF:

☒ **ARREST WARRANT UNDER** Section 2015.5 CCP ☐ **DETENTION UNDER** Section 2015.5 CCP

IN THE SUPERIOR COURT OF: WEST JUDICIAL DISTRICT

COUNTY OF: ORANGE STATE OF CALIFORNIA

DEFENDANT(S): BRITTAIN, JARED NATHANIEL

I, the undersigned declarant, am currently employed as an officer of the California Highway Patrol, and have been throughout this investigation. Pursuant to this employment a specific assignment was made to investigate allegation that the above defendant(s) did violate *(offences and applicable code sections)*:

23152(a) CVC – Misd. DUI

23152(b) CVC – DUI with .08% BAC or greater

Pursuant to this assignment, the declarant has contacted witnesses, obtained their statements, and received written reports and statements prepared by others known to the declarant to be law enforcement officers, all of which are included in a report consisting of 9 pages, which is attached hereto as EXHIBIT 1 and incorporated by reference as fully set forth.

Defendant's Address: [redacted]

Defendant's Auto: Make: RAM Model: 1500 License: [redacted]

Description: Sex: [redacted] DOB: [redacted] Ethnicity: [redacted]

Height: [redacted] Weight: [redacted] Hair: [redacted] Eyes: [redacted] Age: [redacted]

Distinguishing Features:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 06/04/2022 Orange County, California

Declarant A. KEND [redacted]

I hereby find that there is probable cause to believe the above-named defendant(s) did commit the violation(s) specified.

Judge of the Superior Court

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
NOTICE TO APPEAR
CHP 215 (REV. 06/15)

☒ MISDEMEANOR ☐ INFRACTION

LA 07468

☒ Traffic ☐ Nontraffic

Date of Violation: 6-1-22 | Time: 2:22 ☒ AM ☐ PM | Day of the Week: S M T (W) T F S | ☐ OHP 215C ☐ Accident

Name (First, Middle, Last): JARED NATHANIEL BRITTAIN ☐ Owner's Responsibility (§40001 VC)

Address: [redacted]

City: [redacted] ZIP Code: [redacted]

Driver Lic. No.: [redacted] State: [redacted] Commercial ☐ Yes ☒ No: [redacted] Birth Date: [redacted]

Sex: [redacted] Eyes: [redacted] Height: [redacted] Weight: [redacted] Date of Birth/Age: [redacted]

Veh. Lic. No. or VIN: [redacted] State: CA Reg. Exp.: [redacted] ☐ COMMERCIAL VEHICLE (§15210(b) VC)

Yr. of Veh.	Make	Model	Body Style	Color	Veh. Type
18	RAM	1500	PU	GRAY	2C

Evidence of Financial Responsibility or CHP / DOT / PUC / ICC: BINDER ☐ HAZARDOUS MATERIAL (§353 VC)

Registered Owner or Lessee: ☒ Same as Driver

Address: ☒ Same as Driver

City: State: ZIP Code:

Correctable Violation (§40610 VC) ☒ Booking Required (See Reverse) Misdemeanor or Infraction (Circle)

Yes	No	Code and Section	Description	
☐	☒	23152(a) CVC	MISD DUI	(M) I
☐	☒	23152(b) CVC	DUI .08% + BAC	(M) I
☐	☐	CRUZ ALDAY		M I
☐	☐			M I

Speed Approx.	P. F. / Max Spd.	Veh. Lmt.	Safe	Special

Location of Violation(s) at: SR-55 NB S/O 22nd ST

Beat	Area	Perm. Area	☐ Radar / Lidar Unit / Patrol Vehicle No.	☒ MVARS
553	675		3379	

☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.
Executed at (place): COSTA MESA, California

6-1-22 | A. KIND | [redacted] | Vacation Dates

Dec. Date | Arresting or Citing Officer | I. D. No.

Perm. Area:

Dec. Date | Name of Arresting Officer, if different from Citing Officer | I. D. No. | Vacation Dates to

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X SIGNATURE

WHEN:
DATE: 8-16-22 TIME: 8:00 ☒ AM ☐ PM
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE
WHERE:
ADDRESS: ☒ SUPERIOR COURT ☐ JUVENILE
8141 13th ST WESTMINSTER, CA 92683
PHONE NO.: 657-622-8459

LA 07468

☐ To be notified
☐ You may arrange with the clerk to appear at a night session of the court.

Judicial Council of California Form TR-130 Rev. 08-28-16 (§§ 40300(b), 40513(b), 40522, 40600 VC; § 853.9 PC.)
SEE REVERSE

LA07468

Attachment B

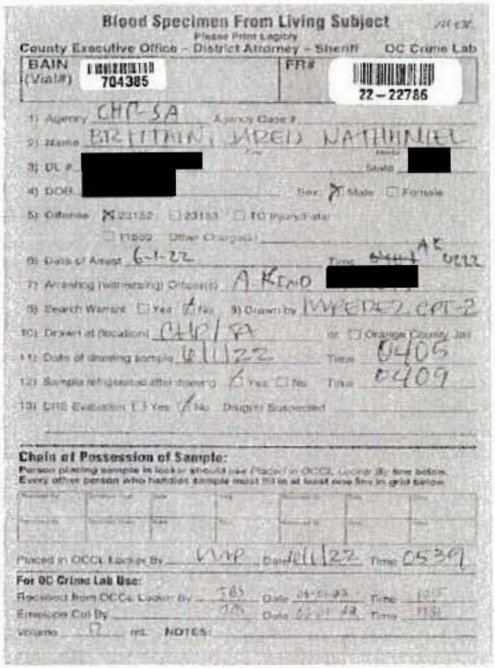
Orange County Crime Lab report for case no. FR 22-22786, dated June 16, 2022.

202200959

R884502
704385
22-22786
R884502

OC CRIME LAB
Orange County Sheriff-Coroner Department

FORENSIC VOLATILE EXAMINATION REPORT



Blood Specimen From Living Subject
Please Print Legibly
County Executive Office – District Attorney – Sheriff OC Crime Lab

BAIN (Vial#) 704385 FR# 22-22786

1) Agency CHP-SA Agency Case #
2) Name BRITTAIN, JARED NATHANIEL
3) DL # [redacted] State [redacted]
4) DOB [redacted] Sex: ☒ Male ☐ Female
5) Offense ☒ 22152 ☐ 23153 ☐ 10 Injury/Fatal
☐ 11550 Other Charge(s)
6) Date of Arrest 6-1-22 Time 0422 AK
7) Arresting (witnessing) Officer(s) A. KEMP [redacted]
8) Search Warrant ☐ Yes ☒ No 9) Drawn by WPEDS2.CPT-2
10) Drawn at (location) CHP/SA or ☐ Orange County Jail
11) Date of drawing sample 6/1/22 Time 0405
12) Sample refrigerated after drawing ☒ Yes ☐ No Time 0409
13) DRE Evaluation ☐ Yes ☒ No Drug(s) Suspected

Chain of Possession of Sample:
Person placing sample in locker should use Placed in OCCL Locker By: line below.
Every other person who handles sample must fill in at least one line in grid below.

Released By	Received By	Date	Time	Purpose of Change

Placed in OCCL Locker By VMP Date 6/1/22 Time 0539

For OC Crime Lab Use:
Received from OCCL Locker By TBS Date 6-1-22 Time 1205
Envelope Cut By JAS Date 6/2/22 Time 1151
Volume 17 mL NOTES:

FR# **22-22786**

Vial# (BAIN): **704385**
DR#: **CHP-704385**
Agency: **CHP Santa Ana**

Name: **Brittain, Jared Nathaniel**

I, the undersigned, certify under penalty of perjury that the blood or urine analysis reported herein was performed during the regular course of my duties, and is a true and correct representation of the results of my analysis. I further certify that I am a qualified Forensic Alcohol Analyst (FAA) employed by the Orange County Sheriff-Coroner Department, OC Crime Lab, that the equipment used to perform the analysis was in proper working order at the time the analysis was performed and the recording of the analytical results was done at the time of the analysis. I further certify that the transfer of data for reporting purposes was performed electronically in accord with the laboratory's policies and procedures. (This certification is intended for Department of Motor Vehicle Administrative Per Se hearings.)

A sample of material was used for volatile examination. All concentration uncertainties are based on a >95% confidence level.

LABORATORY ANALYTICAL RESULTS AND INTERPRETATIONS - (See below for final result)

Analyst	Analysis Date (ID)	Method	Ethanol Result (% W/V)	Volatiles Detected
D. Gaspar, FAA	DXG060220022A	GC/FID/MS	0.203 ± 0.011	
K. Declues, FAA	KED06032022A	GC/FID	0.203 ± 0.011	

Signatures: [redacted] 06/08/22 [redacted] 06/06/22

This form reports volatile results only. Any data presented in [ ] is the raw instrumental data before any necessary adjustments/conversions were applied to generate the final reported result. The reported results apply to the sample(s) as received and/or collected. A drug screen is performed on all cases. Specific drug analyses may be requested by calling the OC Crime Lab at (714) 834-4514. Drug results will NOT affect the reported results.

File: [redacted] By: [redacted]
Rev (14.3)

An ANAB-International accredited testing laboratory

Review: [redacted] 6/7/22

Attachment C

Complaint filed in People v. Jared Nathaniel Brittain, Case No. 22WM07965.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, WEST JUSTICE CENTER

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

08/12/2022
08:00 AM

DAVID H. YAMASAKI, Clerk of the Court
22WM07965

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. JARED NATHANIEL BRITTAIN [redacted] Defendant(s)	COMPLAINT No. CHPC 202200959 CHPC LA07468 BAC .20 BL COSTA MESA

The Orange County District Attorney charges that in Orange County, California, the law was violated as follows:

COUNT 1: On or about June 01, 2022, in violation of Section 23152(a) of the Vehicle Code (DRIVING UNDER THE INFLUENCE OF ALCOHOL), a MISDEMEANOR, JARED NATHANIEL BRITTAIN did unlawfully drive a vehicle while under the influence of an alcoholic beverage.

COUNT 2: On or about June 01, 2022, in violation of Section 23152(b) of the Vehicle Code (DRIVING WITH BLOOD ALCOHOL .08% OR MORE), a MISDEMEANOR, JARED NATHANIEL BRITTAIN did unlawfully drive a vehicle while defendant's blood alcohol concentration was 0.08 percent (%) or more by weight of alcohol in defendant's blood.

/
/
/
/
/
/
/

MISDEMEANOR CITATION E-FILED (DA CASE# 22W05426) 09-28-2022
OC DNA NOT ON FILE: JARED BRITTAIN

OTHER ALLEGATION(S)

As to Count(s) 1 and 2, it is further alleged pursuant to Vehicle Code section 23582(a) (SPEEDING AND RECKLESS DRIVING WHILE DUI), that the defendant, JARED NATHANIEL BRITTAIN, drove a vehicle 30 MPH and more over the maximum, prima facie, and posted speed limit on a freeway, and 20 MPH and more over the maximum, prima facie, and posted speed limit on a street and highway, and in a manner prohibited by Vehicle Code section 23103, namely SPEEDING 104 MPH, during the commission of the offense in the referenced count.

As to Count(s) 1 and 2, it is further alleged pursuant to Section 23538(b)(2) of the Vehicle Code (BLOOD ALCOHOL .20 PERCENT) that defendant JARED NATHANIEL BRITTAIN had a blood alcohol concentration of .20 percent or more, by weight.

COMPLAINT SUPERSEDES CITATION NUMBER(s) LA07468.

I declare under penalty of perjury, on information and belief, that the foregoing is true and correct.

Dated 08-11-2022 at Orange County, California.
DV/IL 22W05426

TODD SPITZER, DISTRICT ATTORNEY

by: /s/ DANIELLE VICINO
DANIELLE VICINO, Deputy District Attorney

RESTITUTION CLAIMED

[X] None
[ ] $_____
[ ] To be determined

/
/
/
/
/
/

NOTICES:

The People request that defendant and counsel disclose, within 15 days, all of the materials and information described in Penal Code section 1054.3, and continue to provide any later-acquired materials and information subject to disclosure, and without further request or order.

Pursuant to Welfare & Institutions Code §827 and California Rule of Court 5.552, notice is hereby given that the People will seek a court order to disseminate the juvenile case file of the defendant/minor, if any exists, to all parties in this action, through their respective attorneys of record, in the prosecution of this case.

Attachment D

Minutes, People v. Jared Nathaniel Brittain, case no. 22WM07965.

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF ORANGE

MINUTES

Case : 22WM07965 M A
Name : Brittain, Jared Nathaniel

Date of Action	Seq Nbr	Code	Text
08/12/22	1	FLDOC	**Original Complaint filed on 08/12/2022 by Orange County District Attorney.**
	2	FLNAM	Name filed: Brittain, Jared Nathaniel
	3	FLCNT	MISDEMEANOR charge of 23152(a) VC filed as count 1. Date of violation: 06/01/2022.
	4	FLCNT	MISDEMEANOR charge of 23152(b) VC filed as count 2. Date of violation: 06/01/2022.
	5	FLALG	23582(a) VC added as other allegation as to count 1.
	6	FLALG	23538(b)(2) VC added as other allegation as to count 1.
	7	FLALG	23582(a) VC added as other allegation as to count 2.
	8	FLALG	23538(b)(2) VC added as other allegation as to count 2.
	9	CLADD	**At the request of People, case calendared on 09/28/2022 at 08:30 AM in W4 for ARGN .**
	10	FI959	Accusatory pleading filed by the prosecutor pursuant to Penal Code section 959.1.
	12	FIFCI	Notice to Appear filed.
	13	FIFCI	Arraignment Letter filed.
08/25/22	1	CLCST	**Arraignment set on 09/07/2022 at 08:30 AM in Department W4.**
	2	CLTXT	**Attorney is requesting to appear.**
09/07/22	1	HHELD	**Hearing held on 09/07/2022 at 08:30:00 AM in Department W4 for Arraignment .**
	2	OFJUD	Judicial Officer: Bradley S. Erdosi, Judge
	3	OFJA	Clerk: L. Angulo
	4	OFBAL	Bailiff: A. S. Lee
	5	TRPRT	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
	6	ADSCD	Pursuant to the California Code of Judicial Ethics, Canon 3, subsection E(2), Court Disclosure regarding the criminal case filed in the People of the State of California v. Isaac Jones, case number 19CF0869 given by Bradley S. Erdosi, Judge in court.

MINUTES

Case : 22WM07965 M A
Name : Brittain, Jared Nathaniel

Date of Action	Seq Nbr	Code	Text
09/07/22	7	APDDA	People represented by Richard Angel, Deputy District Attorney, present.
	8	APTEL	Appearance made by Paul S. Meyer, Retained Attorney, by video.
	9	WV977	Defendant's appearance is waived pursuant to Penal Code 977(a).
	10	CPACK	Counsel acknowledges receipt of the charging document.
	11	WVRAA	Defendant waives reading and advisement of the Original Complaint.
	12	PLNGA	**To the Original Complaint defendant pleads NOT GUILTY to all counts.**
	13	DFDAG	Defendant denies allegations.
	14	DFIRD	Informal request for discovery made by Defense.
	15	CLSET2	**Pre Trial re: Settlement Conference set on 11/16/2022 at 08:30 AM in Department W10.**
	16	WVTGN	Defendant enters general time waiver.
	17	DFOTR	Defendant ordered to appear.
	18	CLVAC	**Arraignment vacated for 09/28/2022 at 08:30 AM in W4.**
	19	DSORC	Court orders defendant be released on own recognizance on condition(s): Violate no laws. Do not drive without a valid driver's license and insurance. Do not drive with a measurable amount of alcohol in your blood system..
	20	OFMCD	Minutes entered by A. Saloky on 09/07/2022.
09/28/22	1	CLTRF	**Calendar Line for PT SC transferred from W10 on 11/16/2022 at 08:30 AM to W10 on 10/07/2022 at 08:30 AM.**
10/06/22	1	CLTRF	**Calendar Line for PT SC transferred from W10 on 10/07/2022 at 08:30 AM to W1 on 10/07/2022 at 08:30 AM.**
10/07/22	1	HHELD	**Hearing held on 10/07/2022 at 08:30:00 AM in Department W1 for Pre Trial Settlement Conference.**
	2	OFJUD	Judicial Officer: Kathleen Roberts, Judge
	3	OFJA	Clerk: E. Figueroa
	4	OFBAL	Bailiff: J. Walker
	5	APSDA	Courtney Anne Glazer-Mapfumo made a special appearance for District Attorney Amy L. Thompson.

MINUTES

Case : 22WM07965 M A
Name : Brittain, Jared Nathaniel

Date of Action	Seq Nbr	Code	Text
10/07/22	6	APDWRA	Defendant present in Court with counsel Paul S. Meyer, Retained Attorney.
	7	ADANC	Court advises the defendant as to the nature of the charges.
	8	FIWWR	Defendant's written waiver of legal and constitutional rights for guilty plea received and ordered filed.
	9	ADCRWG	The defendant has been advised of constitutional rights, waivers and consequences in writing pursuant to the guilty plea form. The defendant makes the plea with a full understanding of all the matters set forth in the charging document and in the guilty plea form, that defendant has read, understood and personally initialed each item herein. Defendant understands that the signing and filing of the guilty plea form is conclusive evidence that defendant has pleaded GUILTY to the charges set forth.
	10	CTDOA	Other allegation, sequence # 1 as to count # 1 deleted from case.
	11	CTDOA	Other allegation, sequence # 1 as to count # 2 deleted from case.
	12	PLAAG	Defendant admits other allegations.
	13	FIDOC	Declaration Re: Vehicle Code Section 13550 filed.
	14	DFSIS	Defendant states that it is their initials and signature on the Waiver of Rights form.
	15	ADAWV	Defendant advised of and waives the following:
	16	ADJCT	- The right to a trial by Court or Jury.
	17	ADSPT	- The right to a speedy and public trial, by judge or jury, pursuant to Penal Code 1382, and to a dismissal if not tried within these time limits unless good cause is shown or time is waived.
	18	ADTCP	- The right to use the court process to compel the appearance of witnesses and subpoena documents.
	19	ADCXW	- The right to confront and cross-examine witnesses.
	20	ADRTF	- The right to testify in own defense.
	21	ADRTT	- The right not to testify, be called as a witness, or admit guilt.
	22	ADCZS	Defendant advised of the possible consequences of a conviction or sentence affecting deportation and citizenship.

MINUTES

Case : 22WM07965 M A
Name : Brittain, Jared Nathaniel

Date of Action	Seq Nbr	Code	Text
10/07/22	23	ADMAX	Defendant advised of maximum possible sentence.
	24	FDDUN	The Court finds that the defendant understands rights as explained.
	25	PLNGG	**Defendant's motion to withdraw plea of NOT GUILTY and enter plea of Guilty as to count(s) 1, 2 of the Original Complaint granted.**
	26	PLFDW	The Court finds the defendant knowingly, intelligently, understandingly, expressly, and explicitly waives each of the above stated rights.
	27	PLFBA	Court finds factual basis and accepts plea.
	28	PLRIS	Defendant requests immediate sentencing.
	29	WVTIM	Defendant waives statutory time for Sentencing.
	30	PLCJN	Counsel joins in waivers and plea.
	31	ADDUI	Pursuant to Vehicle Code Section 23593(a), defendant was advised that being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.
	32	SESTA	Court stays sentence pursuant to Penal Code 654 on count(s) 2.
	33	PRISS	No legal cause why judgment should not be pronounced and defendant having Pled Guilty to count(s) 1, Imposition of sentence is suspended and defendant is placed on 3 Year(s) INFORMAL PROBATION on the following terms and conditions:
	34	PRVNL	Violate no law.
	35	PROBY	Obey all orders, rules, and regulations, and directives of the Court and Jail.
	36	PRDAD	Do not drive a motor vehicle with a measurable amount of alcohol in your blood and submit to a chemical test of your blood on demand of any peace officer, probation officer, or mandatory supervision officer.
	37	PRVDL	Do not drive without a valid driver's license in your possession.

MINUTES

Case : 22WM07965 M A
Name : Brittain, Jared Nathaniel

Date of Action	Seq Nbr	Code	Text
10/07/22	38	PRINS	Do not drive without proof of valid auto liability insurance or financial responsibility as required by law.
	39	PRTNO	Use true name and date of birth only at all times.
	40	PRCVP	Carry valid government issued identification at all times.
	41	PRDTC	Disclose terms and conditions of probation when asked by any law enforcement or probation officer.
	42	PRFIN	Pay FINE of $390.00 plus penalty assessments as to count(s) 1.
	43	FSCJF	**$250.00 credited for time served on $390.00 fine as to count(s) 1.**
	44	PRSRF	Pay mandatory state restitution fine of $150.00 pursuant to Penal Code 1202.4 or Penal Code 1202.4(b).
	45	PRFEE	Pay $100.00 Alcohol & Drug Assessment Program fee pursuant to Vehicle Code 23649.
	46	PRFAA	Pay $50.00 Alcohol Abuse Education FEE pursuant to Vehicle Code section 23645.
	47	PRFBP	Pay $50.00 DUI Lab/Blood Alcohol Penalty pursuant to Penal Code 1463.14(b).
	48	SESEC	Pay $40.00 Court Operations Fee per convicted count pursuant to Penal Code 1465.8.
	49	SECCA	Pay Criminal Conviction Assessment Fee per convicted count of $30.00 per misdemeanor/felony and $35.00 per infraction pursuant to Government Code 70373(a)(1).
	50	PROTC	Defendant ordered to report to the West Collections Department forthwith. Defendant ordered to cooperate with and pay as directed by the Collections Department.
	51	PRRFS	Pay $150.00 Probation Revocation Restitution Fine pursuant to Penal Code 1202.44. Restitution fine stayed, to become effective only upon revocation of probation.
	52	PRJAL	**Serve 60 Day(s) Orange County Jail as to count(s) 1.**
	53	JLCTS	Credit for time served: 2 actual, 0 conduct, totaling 2 days pursuant to Day-for-day.
	54	JLSTP	**60 days Jail imposed on 10/07/2022 stayed pending completion of 120 hours community service and 15 AA.**
	55	PRAP1	Attend and complete 6 month Level 1 First Offender Alcohol Program as to count(s) 1. Proof of enrollment due by 10/06/2023.

MINUTES

Case : 22WM07965 M A
Name : Brittain, Jared Nathaniel

Date of Action	Seq Nbr	Code	Text
10/07/22	56	PRSVC	Complete 120 Hours Community Service as directed by OneOC as to count(s) 1 due by 10/06/2023.
	57	PRANM	As to count(s) 1, defendant to attend and complete 15 self help meetings total due by 10/06/2023.
	58	FIPSA	Addendum to Defendant's Terms and Conditions of Probation "DNA Terms" filed.
	59	PRDNAC	As a condition of my plea and for the purpose of crime prevention and detection, I voluntarily consent and agree to provide a state DNA sample and prints for the State DNA Database pursuant to Penal Code 296.1 and a local DNA Database sample, prints and photograph for the local Orange County District Attorney DNA Database with the understanding that my DNA samples will be forensically analyzed and will be permanently retained, along with my DNA profile(s), prints and photograph, all of which will be subject to continual searches, anytime in the future, against other DNA profiles, prints and photographs in any local, state, national or international law enforcement database. I also voluntarily agree to provide sample(s) immediately or, if in custody, within 72 hours of my release.
	60	PRRUL	Obey all rules of the program(s) and do not leave the program without court approval.
	61	PRATC	Defendant accepts terms and conditions of probation.
	62	DFRPT2	Defendant ordered to report to Alcohol Liaison and Collections forthwith.
	63	NTPRT	Probation Order printed.
	64	DMABS	DD1-CGJNQZ sent to DMV. Return Code: 800
	65	CURDA	**Appearance made in Collections by Attorney as directed by the courtroom.**
	66	CLCST	**Financial Evaluation set on 11/07/2022 at 08:30 AM in Collections - West.**
	67	STALL	Payment of all monies due stayed to 11/07/2022.
	68	NTDEF	Notice to defendant issued.
	69	CUFTH	Forthwith case assigned to Collections.
	70	REMIVR	IVR Remittance from receipt # 18877764 received in the amount of $1,045.06. Confirmation # 06021D.
	71	DOJABS	DOJ Initial Abstract sent. - Validated by DOJ: Yes
10/10/22	1	FXDACT	Collections Referral activity deleted from case.

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF ORANGE

MINUTES

Case : 22WM07965 M A

Name : Brittain, Jared Nathaniel

Date of Action	Seq Nbr	Code	Text
11/07/22	1	CLCAN	FINEVAL set on 11/07/22 at 08:30 AM in WCOL has been cancelled.
	2	FIENR	Proof of Enrollment filed as to 6 months First Offender Alcohol Program imposed on 10/07/2022.
01/25/23	1	FISVC	Community Service completion filed as to count(s) 1.
	2	FI1OC	OneOC Electronic Notice filed.
05/19/23	1	FICOM	Proof of Completion filed as to 6 months First Offender Alcohol Program imposed on 10/07/2022.
08/01/23	1	FICOM	Proof of Completion filed as to 15 total Self Help Meetings imposed on 10/07/2022.
	2	NTDEF	Notice to defendant issued.

Attachment E

Superior Court of California, Orange County Vehicle Code Misdemeanor Guilty Plea Form for People v. Jared Nathaniel Brittain, case no. 22WM07965.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

FILED
For Court Use Only
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
OCT - 7 2022
DAVID H. YAMASAKI, Clerk of the Court
BY: E. FIGUEROA, DEPUTY

CASE NO. 22WM07965 PEOPLE vs. Brittain

1. My true full name is Jared Nathaniel Brittain

2. I understand that I am pleading ☒ ***GUILTY*** / ☐ ***NOLO CONTENDERE*** and admitting the following offenses, prior convictions and special punishment allegations, with the maximum punishment indicated below:

CT	CHARGE	PRIORS (Date)	ALLEGATIONS	MAX SENTENCE JAIL/FINES
1.	23152(a)	VC	23582(a) <dismiss>	1
2.	23152(b)	VC	23538(b)(2)	
				1 year

3. Remaining count(s), prior(s), and other allegation(s) dismissed on People's motion. 3. JB

4. I understand I am also charged with a violation of probation in case no. _____. 4. JB

RIGHTS AND WAIVERS

5. I understand I have the following constitutional rights, which I am waiving and giving up by entering my plea, and, if applicable, by my admission of a probation violation: 5. JB

5a. I have the right to be represented by an attorney at all stages of the proceedings until the case is completed. If I cannot afford an attorney, one will be appointed to represent me. (For defendants without an attorney: I am aware that there are dangers and disadvantages of representing myself and there may be a value in obtaining advice from an attorney in this matter but I knowingly and voluntarily waive and give up my right to an attorney and choose to represent myself.) 5a. JB

5b. I have the right to a speedy and public trial by a jury or a judge, and if charged with a probation violation, the right to a hearing before a judge. I waive and give up this right. 5b. JB

5c. I have the right to confront the witnesses against me and to cross examine them. I waive and give up this right. 5c. JB

5d. I have the right to testify on my own behalf but I cannot be compelled to be a witness against myself and may remain silent if I choose. I waive and give up this right. 5d. JB

5e. I have the right to present evidence and have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. I waive and give up this right. 5e. JB

5f. Under the Fourth and Fourteenth Amendments to the United States Constitution, I have a right to be free from unreasonable searches and seizures. If I am granted probation, I waive and give up this right. I agree to submit my person and property, including any residence, premises, container, or vehicle under my control which may include electronic devices, to search and seizure at any time of the day or night by any law enforcement or probation officer, with or without a warrant, and with or without reasonable cause or reasonable suspicion. 5f. JB

6. I understand I have the right to appeal an adverse ruling on a Penal Code1538.5 suppression motion. I waive and give up this right. 6. JB

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

CASE NO. _____ PEOPLE vs. _____

7. I understand I have the right to have a delay in pronouncement of my sentence of not less than six hours and not more than five days after my plea. I waive and give up this right and agree to be sentenced at this time. 7. JB

8. ***Arbuckle Waiver***: I understand I have the right to be sentenced by the judge who accepts this plea. I waive and give up this right. 8. JB

9. ***Harvey Waiver***: I understand I may be required to pay restitution on a count that is being dismissed pursuant to this plea agreement. 9. JB

10. I understand I have the right to be present for the entry of the plea of guilty or nolo contendere, and I hereby waive and give up that right. 10. JB

11. I understand I have the right to reject probation, and I hereby waive and give up that right and accept probation on the terms and conditions ☐ as imposed by the Court, or ☒ as contained in the attached Sentence Recommendation form. 11. JB

    11a. If the judge does not wish to follow the prosecutor's sentence recommendation, I may withdraw my plea. 11a. JB

    11b. If I violate any of the terms of probation, I may be returned to Court and sentenced up to the maximum punishment as indicated on page 1. 11b. JB

    11c. I understand I have the right to a hearing before a judicial officer to determine whether I violated the conditions of my court-ordered supervision and to determine the appropriate sanction for the violations. I hereby waive and give up this right for all violations for which the county probation department orders me to serve a "flash incarceration", which can be a period of one to ten consecutive days in the county jail. However, if I do not agree with the imposition of flash incarceration, I am preserving my right to demand a hearing. I understand the Court may not deny me probation if I elect not to sign this waiver. 11c. JB

12. ***Watson Advisement***: I understand that if I am charged with violating Vehicle Code section 23103, as specified in Vehicle Code section 23103.5 or Vehicle Code sections 23152 or 23153, the following warning applies: 12. JB

    You are hereby advised that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving someone is killed, I can be charged with murder.

CONSEQUENCES

13. I understand some of the possible consequences of my plea and admissions are as follows:

    13a. I have read the attached punishment chart and understand the minimum and maximum penalties and consequences listed therein. 13a. JK

    13b. There will be state penalty assessments added to any fines imposed by the Court. 13b. JB

    13c. I will be ordered to pay a minimum of $150 and a maximum of $1,000 to the State Restitution Fund unless the Court makes a finding of "compelling and extraordinary reasons" for waiving this fine. 13c. JB

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

CASE NO. _____ PEOPLE vs. _____

13d. I will be ordered to pay a minimum of $150 and a maximum of $1,000 Probation Revocation Restitution fine pursuant to Penal Code1202.44. The restitution fine will be stayed but will be payable upon revocation of probation. 13d. /s

13e. I will be ordered to pay restitution on count(s) _____, and dismissed count(s) _____ pursuant to Harvey Waiver, as part of the plea agreement, in the amount of $_____, or in an amount to be determined by the Court or the Probation Department. If I disagree with the amount of restitution determined by the Court or Probation Department, I may request a Court hearing to determine the amount of restitution. 13e. /s

13f. ***Immigration consequences:*** I understand if I am not a citizen of the United States, conviction or sentence for the offense(s) charged may have the consequence of deportation, exclusion from admission to the United States, and denial of naturalization pursuant to the laws of the United States. 13f. /s

13g. ***Firearms Advisement***: I am now prohibited from owning, purchasing, receiving, possessing, or having under my custody or control any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines. I am ordered to relinquish all firearms and complete a relinquishment form pursuant to Penal Code 29810. 13g. /s

13h. If I am charged and convicted of a similar offense in the future, my plea today may be used to increase my punishment for the new offense. 13h. /s

13i. If I am presently on probation or parole for any previous conviction, my plea today may cause me to be in violation of that probation or parole and result in additional penalties and/or punishment. 13i. /s

13j. If I am convicted of driving under the influence and I was UNDER 21 at time of arrest, my driver's license will be suspended for one year. If I do not have a license, the Department of Motor Vehicles will delay issuing a license for one year after I become eligible to drive. 13j. /s

The Department of Motor Vehicles may take the following action against my driver's license if UNDER 21 years of age, for the following alcohol offenses – 1 year suspension for violation of Penal Code section 191.5, subdivision (a) or (b) of section 192.5; Vehicle Code section 23103 when subject to section 23103.5, or 23140.

13k. If I am convicted of driving under the influence and it involved a REFUSAL/OR BAC (Blood Alcohol Content) OVER .20; I will be required to attend a first offender program of at least nine months duration. 13k. /s

13l. **Ignition Interlock**: If I am convicted of a first or subsequent offense for driving under the influence, the Court may order the installation of an Ignition Interlock Device (IID) on all vehicles operated by me for up to a three-year period. If I am convicted of driving on a suspended license under Vehicle Code sections 14601.2, 14601.4 or 14601.5, with a prior conviction for same offenses or for violation of Vehicle Code sections 23103.5, 23152, or 23153, the Department of Motor Vehicles (DMV) will require the installation of an Ignition Interlock Device (IID) as a condition of a restricted license separate from any action by this Court. 13l. /s

13m. The DMV may restrict or suspend my driver's license separate from any action by this Court. 13m. /s

13n. If the Court determines that it would be unsafe for me to operate a motor vehicle during a suspension period, the Court may prohibit the issuance of a restricted driver's license. 13n. /s

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

CASE NO. _____ PEOPLE vs. _____

13o. For a conviction of Vehicle Code sections 23152 or 23153: the DMV will require completion of an alcohol/drug program in order to have my driving privilege reinstated, even if the Court did not order such a program. 13o. /b

13p. My driving privilege may not be restored until I provide the DMV satisfactory proof of successful completion of a licensed alcohol/drug program of the appropriate length required by law. 13p. /b

13q. I understand that if I am convicted of certain offenses and ordered to complete a program, I may be subject to supervision under the Interstate Compact if residing outside the state of California. 13q. /b

13r. I understand that I must reside in the state of California until approval is received from the Probation Department and the Interstate Compact Office. 13r. /b

14. I understand that if I am the registered owner of the vehicle used in the offense and the offense is:

14a. Vehicle Code sections 23152 or 23153 (first conviction), the Court may order my vehicle impounded up to 30 days at my expense. Upon a second conviction for violation of Vehicle Code sections 23152 or 23153, the Court is **required** (absent unusual circumstances) to order my vehicle impounded for at least one day, but not more than 30 days; the Court may also declare the vehicle a nuisance and order it sold after a hearing. 14a. /b

14b. Vehicle Code sections 23152 or 23153 (third conviction or more), the Court may order my vehicle impounded up to 90 days at my expense. The court may declare the vehicle to be a nuisance and order it sold after a hearing. 14b. /b

14c. Driving on a suspended license (Vehicle Code section 14601) or without a license (Vehicle Code section 12500), my vehicle will be subject to impoundment by the police and court for six months and up to one year, and may be subject to forfeiture as a nuisance. 14c. /b

15. I understand I have the right to enter my plea before, and be sentenced by a judge. I waive and give up this right and agree to enter my plea before, and be sentenced by, a Commissioner or Temporary Judge: 15. /b

AS assigned (enter name of Commissioner or Temporary Judge).

PLEA

16. I offer my plea and admit the listed prior(s) and allegation(s) freely and voluntarily. No one has made any threats, used any force against me or my family or loved ones, and no one has made any promises to me other than as on the Sentence Recommendation form. 16. /b

17. I make my plea with a full understanding of all the matters set forth in the charging document and in this form. I have read, understood, and personally initialed each item herein, and I understand that the signing and filing of this form is conclusive evidence that I have pleaded ☒ ***GUILTY*** / ☐ ***NOLO CONTENDERE*** to the charges set forth. 17. /b

18. Discussion with my attorney (*Leave this box blank if you are not represented by an attorney*). Before entering this plea, I have had a full opportunity to discuss with my attorney the facts of the case, the elements of the charged offenses and prior convictions (if any), any defenses that I may have, my constitutional and statutory rights and waiver of those rights, the consequences of this plea, and anything else I think is important to my case. 18. /b

19. I offer the following as a factual basis for my plea: In O.C. On 6-1-22 I drive a motor vehicle under the influence to wit: .20

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

CASE NO. _____ PEOPLE vs. _____

_____

_____

_____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 10/3/22 SIGNED: _____
(Defendant)

DEFENSE ATTORNEY'S STATEMENT: I am the attorney of record for the defendant. I have explained to defendant each of the rights set forth on this form. I have discussed the charges and the facts with the defendant. I have studied the possible defenses to the charges and discussed those possible defenses with the defendant. I have discussed the possible sentence ranges with the defendant. I have advised the defendant of immigration consequences and have complied with the requirements of California Penal Code 1016.3(a). I also have discussed the contents of this form with the defendant. I concur with the defendant's decision to waive the rights set forth on this form and to plead guilty. No promises of a particular sentence or sentence recommendation have been made to the defendant by me, or to my knowledge by the prosecuting attorney or the court, which have not been fully disclosed on this form. I agree that this form may be received by the court as evidence of defendant's advisement and voluntary, intelligent, knowing, and express waiver of the rights set forth on this form.

DATED: 10/3/22 SIGNED: _____
(Attorney of Record)

INTERPRETER'S STATEMENT: I, _____, having been duly sworn as a court certified/registered/provisionally qualified interpreter, state that I am fluent in the _____ language. I translated the contents of this form to defendant in that language.

DATED: _____ SIGNED: _____
(Court Interpreter)

FOR THE PEOPLE: I am the prosecuting attorney in this case. I certify that I have complied with the requirements of California Penal Code 1016.3(b).

DATED: 10/7/22 SIGNED: _____
for Amy Thompson bpa

Plea to the Court: _____

SENTENCE RECOMMENDATION FORM – VEHICLE CODE

CASE NO. _____ PEOPLE vs. _____

SENTENCING CONSEQUENCES FOR SELECTED VEHICLE CODE VIOLATIONS

VEHICLE CODE VIOLATION	MINIMUM SENTENCE	MAXIMUM SENTENCE
23152(a) or (b)* 23152(f) 23152(g)	If probation granted, either option A) or B) may be imposed in addition to penalty C): A) 48 hours in jail, a fine of $390 and attendance at an alcohol/drug program B) a fine of $390 and attendance at an alcohol/drug program C) 6-month suspension of license Without probation: 96 hours in jail, a fine of $390, and 6-month license suspension. *Jail time not to interfere with work schedule. *Commercial driver's license shall be suspended for 12 months if the offense occurred in a vehicle requiring a class A or B driver's license.	6 months jail and $1000 fine
23152(a), (b), (f), or (g) * - within 10 years of one prior conviction for 23152, 23153 or 23103 per VC 23103.5	If probation granted, either option A) or B) may be imposed: A) 10 days in jail, a fine of $390- and 2-year suspension of license B) 96 hours in jail, a fine of $390 and attendance at an 18-month alcohol/drug program and 2-year suspension of driver's license Without probation: 90 days in jail and a fine of $390- and 2-year suspension of license. * Commercial driver's license shall be revoked for life if the offense occurred in a vehicle requiring a class A or B driver's license.	1-year jail and $1,000 fine
23152(a), (b), (f) or (g) - within 10 years of two prior convictions for 23152, 23153 or 23103 per VC 23103.5	If probation granted either option A) or B) may be imposed: A) 120 days in jail, a fine of $390, habitual traffic offender designation for 3 years and an 18-month alcohol/drug program, if not previously completed, 3-year revocation of license and habitual traffic offender designation for 3 years B) 120 days in jail, a fine of $390, habitual traffic offender designation for 3 years and an 18-month alcohol/drug program, if not previously completed and 3-year revocation of license. 30 months in driving under the influence program upon special request and good cause shown. 30 days in jail in lieu of the 120 days Without probation: 120 days in jail, a fine of $390, 3-year revocation of driver's license and habitual traffic offender designation for 3 years.	1-year jail and $1,000 fine; habitual traffic offender designation for 3 years
23152(a), (b), (f) or (g) - within 10 years of three prior convictions for 23152, 23153 or 23103 per VC 23103.5	If probation granted: 180 days in jail, a fine of $390, habitual traffic offender designation for 3 years and may require an 18-month alcohol/drug program, if not previously completed and 4-year revocation of license Without probation: 180 days in jail, a fine of $390 and habitual traffic offender designation for 3 years and 4-year revocation of license.	1-year jail and $1,000 fine; habitual traffic offender designation for 3 years
23153(a), (b), (f) or (g)	If probation granted: 5 days jail, a fine of $390 and attendance at an alcohol/drug program and 1-year suspension of license *If Blood Alcohol Content (BAC) is less than .20% - 3 months with 30 hours of education, counseling and interview program required. *If Blood Alcohol Content (BAC) is more than .20% or if defendant refused to submit to test, 9 months with 60 hours of education, counseling and interview program required. Without probation: 90 days in jail and a fine of $390- and 1-year suspension of license.	1-year jail and $1,000 fine
23153(a), (b), (f) or (g) - within 10 years of one prior conviction for 23152, 23153 or 23103 per VC 23103.5	If probation granted, either option A) or B) may be imposed: A) 120 days in jail and a fine of $390- and 3-year revocation of license B) 30 days in jail, a fine of $390 and18 or 30-month attendance at a driving-under the influence program and 3-year revocation of license Without probation: 120 days in jail, a fine of $390- and 3-year revocation of license.	1-year jail and $5,000 fine Option B) $1000 max fine
23103 pursuant to V.C. 23103.5 * *This conviction will serve as a prior DUI conviction if I commit one or more DUI offenses within 10 years.	If probation granted: 9-month participation in an alcohol and drug treatment program If probation not granted: 5 days in jail and/or a fine of $145	90 days jail and/or $1,000 fine

_____
Defendant's Signature

SENTENCE RECOMMENDATION FORM – VEHICLE CODE

CASE NO. _____ PEOPLE vs. _____

DRIVING WHILE UNDER THE INFLUENCE ENHANCEMENTS	INCREASE IN PUNISHMENT
Willful refusal to submit to or to complete a blood-alcohol chemical test. [V.C. 23577]	First offense of V.C. 23152 - 48 hours in jail added to any other sentence Second offense of V.C. 23152 - 96 hours in jail added to any other sentence Third offense of V.C. 23152 - 10 days in jail added to any other sentence Fourth or subsequent offense - 18 days in jail added to any other sentence First offense of V.C. 23153 - 48 hours in jail added to any other sentence Second offense of V.C. 23153 - 96 hours in jail added to any other sentence
Driving a vehicle 30 or more miles per hour over the speed limit on a freeway in a reckless manner OR driving a vehicle 20 or more miles per hour over the speed limit on any street or highway in a reckless manner. [V.C. 23582]	On 1st offense defendant must attend an education and counseling program. 60 days in jail in addition to any other sentence
One or more passengers in the vehicle was/were a minor under the age of 14 years. [V.C. 23572]	First offense of V. C. 23152 – 48 continuous hours in jail added to any other sentence – no stay of sentence allowed. Second offense of V.C. 23152 – 10 days in jail added to any other sentence – no stay of sentence allowed Third offense of V.C. 23152 – 30 days in jail added to any other sentence – no stay of sentence allowed Fourth or subsequent offense – 90 days in jail added to any other sentence – no stay of sentence allowed
Multiple victims injured or killed [V.C. 23153]	1-year state prison in addition on any felony conviction.
Blood Alcohol Content [V.C 23578]	3 months of 30 hours program activities, educational counseling, interview sessions, in addition to enhanced penalties and conditions of probation that may be taken into consideration.

VEHICLE CODE VIOLATION	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSE
14601.3(a)	30 days jail and $1000 fine	If within 7 yrs. of prior conviction of 14601.3(a) 180 days jail and a fine of $2,000

VEHICLE CODE VIOLATION	MINIMUM SENTENCE	MAXIMUM SENTENCE
14601(a)	5 days jail and $300 fine	6 months jail and $1,000 fine
14601(a) - within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	10 days jail and $500 fine 10 days jail required if probation granted	1-year jail and $2,000 fine
14601.1(a)	$300 fine	6 months jail and/or $1,000 fine
14601.1(a) within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	5 days jail and $500 fine	1-year jail and $2,000 fine
14601.2(a) or (b)	10 days jail, $300 fine 10 days jail required if probation granted DMV will require ignition interlock device	6 months jail and $1,000 fine
14601.2(a) or (b) within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	30 days jail, $500 fine and ignition interlock device 30 days jail required if probation granted DMV will require ignition interlock device *If I was designated as a habitual traffic offender within three years of this conviction, I will serve an additional 180 days jail and pay a fine of $2,000.	1-year jail and $2,000 fine
14601.2(a) or (b) within 7 yrs., but over 5 yrs., from a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	10 days jail and $300 fine 10 days jail required if probation granted DMV will require ignition interlock device	6 months jail and $1,000 fine
14601.4(a)	Shall be imprisoned in county jail and shall not be released upon work release, community service, or other release program before the minimum period of time prescribed in 14601.2 is served. If probation is granted, shall serve at least the minimum time of imprisonment specified under 14601.2 as a term of probation. DMV will require ignition interlock device.	
14601.5(a) or (b)	$300 fine or 6 months jail With prior conviction for certain offense(s), DMV will require IID	6 months jail and $1,000 fine
14601.5(a) or (b) within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	10 days jail and $500 fine With prior conviction for certain offense(s), DMV will require IID	1-year jail and $2,000 fine
20002(a)	None required under the statute	6 months jail and/ or $1000 fine
12500(a)	None required under the statute	6 months jail and $1,000 fine

_____
Defendant's Signature

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MISDEMEANOR SENTENCE RECOMMENDATION

For Court Use Only

(optional)

CASE NUMBER_____ PEOPLE VS _____

☐ Count(s) _____ dismissed on motion of People.
☐ Count(s) _____ sentence suspended.
☑ Count(s) 2 stayed pursuant to Penal Code 654.

TERMS

☑ Imposition ☐ Execution of sentence is suspended. 3 years
☐ Formal ☑ Informal PROBATION as to Count(s) 1.
☑ Violate no laws ☑ Obey all orders and rules of Court, Probation Department & Jail.
☐ Submit your person and property, any residence, premises, container or vehicle under your control ☐ including electronic devices ☐ not including electronic devices, to search and seizure at any time of the day or night by any law enforcement officer, probation officer, or mandatory supervision officer, with or without a warrant, probable cause, or reasonable suspicion.
☐ Consume no alcoholic beverages and do not be present in any establishment where alcohol is the primary item of sale.
☑ Do not drive with a measurable amount of alcohol in the blood system.
☑ Submit to a chemical test of blood on demand of any peace officer or probation officer.
☐ Use no unauthorized drugs, narcotics or controlled substances and submit to chemical testing on demand of probation officer or police officer.
☐ Cooperate with the Probation Department in any plan for counseling or treatment.
☐ Seek training, schooling, employment and maintain residence as approved by the Probation Department.
☐ Do not associate with anyone disapproved of by your probation officer.
☐ Do not own, purchase, receive, possess or have under your custody or control any type of dangerous or deadly weapon, firearm, ammunition, and ammunition feeding devices, including but not limited to magazines ☐ for 10 years.
Relinquishment hearing set on _____.
☐ Court orders weapon destroyed.
☑ Do not drive without a valid driver's license in your possession.
☑ Do not drive without valid insurance.
☑ Use TRUE NAME and Date of Birth at all times.
☑ Carry a valid government-issued identification card at all times.
☐ Provide the Court with your current address, telephone number, employer's name, address, and telephone number. Immediately notify the Court of any changes.
☑ Disclose probation terms upon request of Probation or Law Enforcement Officer.

FINES AND FEES

☑ Pay a fine of $390 plus penalty assessment on count 1.
☐ Pay a fine of $_____ plus penalty assessment on count _____.
☑ Credit of $250 given towards fine of $1 as to count _____ for time already served in custody.
☐ Pay $_____ Court Costs on count(s) _____.
☑ Pay $50 Alcohol Abuse Education Fee. (Vehicle Code 23645)
☑ Pay $50 Alcohol Testing Penalty. (Penal Code 1463.14)
☑ Pay $100 Alcohol Assessment Fee. (Vehicle Code 23649)
☐ Pay $50 Lab Fee for each specified drug offense.
☐ plus penalty assessment. (Penal Code 1463.14/Health and Safety Code 11372.5)
☐ Pay $150 Drug Program Fee for each specified drug offense.
☐ plus penalty assessment. (Health and Safety Code 11372.7)
☐ Pay $_____ Domestic Violence Discretionary Fee for all Orange County Domestic Violence Shelters. (Penal Code 1203.097)
☐ Pay $_____ Domestic Violence Prevention Fund. (Penal Code 1203.097(a)(5))

THE FOLLOWING FEES ARE NOT CONDITIONS OF PROBATION:

☑ Pay $150 State Restitution Fine (minimum of $150.00). (Penal Code 1202.4(b)(1))
☑ Pay $150 Probation Revocation Restitution Fine (minimum of $150.00). Restitution fine stayed. Effective upon revocation of probation. (Penal Code 1202.44)
☑ Pay the following fees:
- Criminal Conviction Assessment Fee(s) $30/misdemeanor; $35/infraction (per convicted count) (Government Code 70373(a)(1))
- $40 Court Operations Fee (per convicted count) (Penal Code 1465.8)
- Additional fees as required by law

☐ Pay Local Crime Prevention Fund Fee $10 plus penalty assessment (Penal Code 1202.5).
☐ Pay Booking Fees as ordered by the Court.
☐ Fines/Fees to be paid forthwith.
☑ Fines/Fees to be paid through Court Collections
☑ forthwith ☐ by _____.
☐ Pay costs of formal probation as directed by Probation Officer.
☐ Fines/Fees to be paid through Probation.
Additional program fees may be applicable and paid through the program.

JAIL

☑ Serve 60 days Orange County Jail on Count 1.
☐ Serve _____ days Orange County Jail on Count _____.
☐ Serve _____ days Jail in lieu of fine on Count _____.
☐ Jail to be served through the City of _____.
☑ Credit for 2 actual + 10 = total 2
☐ Work release denied ☐ Electronic Confinement denied
☐ County Work Program denied
☐ JAIL STAYED to _____ at _____ ☐ am ☐ pm.
Report to ☐ Theo Lacy ☐ Orange County Jail-Intake Release Center.
☐ May be released to an authorized representative of the _____ _____ program to serve remainder of jail sentence.
☐ Serve _____ weekends at _____ Jail (no good time or work time to be applied to original sentence).
☐ Sentence(s) to run ☐ consecutive ☐ concurrent to each other
☐ any other sentence / Case No: _____.
Jail stayed pending successful completion of:
☐ DUI Court (except any statutory minimum term which may be served on SEC during the term of DUI Court as imposed by the Court)
☐ Probation ☐ Community Service ☐ Cal Trans/Physical Labor
☑ 1 DUI CS and 15 AAS.
☐ To be served in State Prison concurrently.
☐ Book and Release due to the Clerk's Office by _____.

10-6-23

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MISDEMEANOR SENTENCE RECOMMENDATION

CASE NUMBER _____ PEOPLE VS _____

COMMUNITY SERVICE / OTHER PROGRAMS

- ☐ Complete 120 ☑ hours ☐ days of
- ☑ Community Service ☐ Cal Trans ☐ Cal Trans/Physical Labor
- ☐ In lieu of fines ☐ In lieu of jail
- ☐ Complete Graffiti Removal as to count(s) _____.
- ☐ Proof of completion due to the Clerk's Office by _____.

ALCOHOL & DRUG PROGRAMS/DRIVER'S LICENSE

Complete Program:
- ☐ 3 month ☑ 6 month ☐ 9 month
- ☐ Multiple Offender – 18 month
- ☐ 12 hour program

- ☐ Attend Victim Impact Counseling. Proof of completion due to the Clerk's Office by _____.
- ☐ May complete program ☐ out of county ☐ out of state.
- ☐ Attend and complete _____ ☐ Self Help and/or Alcoholics Anonymous meetings ☐ Self Help and/or Narcotics Anonymous meetings ☐ per day ☐ per week ☐ per month. Proof due by _____.
- ☐ Attend and complete a _____ day/month probation approved:
  - ☐ residential ☐ outpatient drug/alcohol treatment program;
    - ☐ with a _____ day/month aftercare program.
    - ☐ No day for day credit will be given if the defendant fails to complete program. Full jail sentence to be imposed.
- ☐ Court designates defendant a Habitual Offender. (VC 13350(b))
- ☐ Court orders the installation of an ignition interlock Device (IID) on all vehicles operated by defendant for _____ months. Proof of installation or non-ownership of vehicle due by _____.
- ☐ Driving privilege suspended for up to 3 years pursuant to:
  - ☐ VC 13202 (Vehicle conviction with controlled substance) – 3 years
  - ☐ VC 13202.5 (Alcohol / Drugs under the age of 21) – 1 year
  - ☐ VC 13202.6 (Vandalism) – 2 years
- ☐ Driving privilege suspended for _____ year(s) pursuant to Vehicle Code 13352(a)(3) (2nd DUI conviction within 10 years)
- ☐ Driving privilege revoked for _____ year(s) pursuant to Vehicle Code 13352(a)(5).
- ☐ Complete Youthful Drug & Alcohol Deterrence Program and show proof to the Clerk's Office by _____.
- ☐ Enroll and complete Penal Code 1210 program. Proof of enrollment due by _____. Refer to Penal Code 1210 Addendum.
- ☐ Register with local law enforcement within 5 days from today or within 5 days upon release from custody pursuant to:
  - ☐ Health and Safety Code 11590 (narcotics offense)
  - ☐ Penal Code 186.30 (gang related offense)
  - ☐ Penal Code 457.1 (arson offense) – Lifetime
  - ☐ Penal Code 290 (sex offense) ☐ Term of probation ☐ Lifetime
  - ☐ Penal Code 290.024 (sex offense – Internet identifiers)
- ☐ Submit to AIDS testing. Proof due to Department _____ by _____.
- ☐ Attend and complete AIDS Prevention Education. Proof of completion due to the Clerk's Office by _____.

DOMESTIC VIOLENCE

- ☐ Complete Batterer's Treatment Program (52 weeks of active participation required)
  - ☐ Alcohol/Drug Component
  - ☐ Total abstinence from alcohol and drugs
  - ☐ Test alcohol and drugs (blood or urine only)
  - ☐ Parenting component
- ☐ One year Child Abuser's Program.
- ☐ Health Care Agency Perinatal Program.
- ☐ May complete program ☐ out of county ☐ out of state.
- ☐ Other program(s) _____ active participation required.
  - ☐ weeks ☐ months ☐ years
- ☐ Proof of Enrollment due to the Court by _____.
- ☐ Comply with Court protective order.
- ☐ Surrender all firearms within 24 hours as required by law and file proof of surrender form within 48 hours with the Court.
- ☐ Relinquishment hearing set on _____.

RESTITUTION

- ☐ Make restitution in the amount of $ _____ or as determined through ☐ Victim Witness ☐ Probation, with interest at the rate of 10% ☐ from the date of sentencing ☐ from the date of loss.
- ☐ Pay cost of counseling to the victim and/or children in the amount of $_____.
- ☐ Submit a new financial disclosure form if money is still owing on a restitution order or fine 120 days before the scheduled release from probation. File the form with the court at least 90 days before the scheduled release from probation.
- ☐ Complete and return Statement of Assets form by _____.

ADDITIONAL TERMS & CONDITIONS

- ☐ Have no contact with _____.
- ☐ Stay _____ yards away from _____.
- ☒ Provide a state DNA sample, prints and photographs if not already provided pursuant to DNA Addendum.
- ☐ Obey all rules of Court ordered program. Do not leave the program without Court approval.
- ☐ Probation to ☐ terminate ☐ be modified to "Informal" status upon _____.

ADDENDUMS

- ☐ Penal Code 1210 with Disclosure ☐ DEJ Addendum ☐ DUI Court
- ☐ Gang Terms ☐ Tagger/Graffiti Terms ☐ Street Terms
- ☒ DNA

REPORT ☑ forthwith ☐ by stay date to: _____

- ☑ Collections ☐ Clerk's Office ☐ Probation
- ☐ OneOC ☑ Alcohol Liaison ☐ _____
- ☐ District Attorney ☐ Victim Witness

OTHER: 15 AAJ

NOTICE TO DEFENDANT: After successful completion of probation, or if not placed on probation, any time after the lapse of one year from the date of pronouncement of judgment, you may petition the court to dismiss the charges under Penal Code 1203.4. This notice does not apply to any protective orders.

I have read, I understand, and I accept these terms and conditions of probation.

Date: 10/3/22 Defendant's Signature: _____ D.A. / C.A. Signature: _____

Defense Counsel Signature: _____ for Amy Thompson

ADDENDUM TO DEFENDANT'S TERMS AND CONDITIONS OF NEGOTIATED DISPOSITION/AGREEMENT

(Use this form for Misdemeanor or Felony, Terminal or Probationary Plea)

CASE NO. 22WM07905 PEOPLE V. Britain (DOB) 9/1/93

STATE DNA SAMPLE

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
OCT - 7 2022
BY E. FIGUEROA DEPUTY

X (FELONY) I understand I will be ordered to provide a DNA sample and fingerprints for the State DNA Database pursuant to Penal Code section 296 and Penal Code section 296.1.

___ (MISDEMEANOR) I voluntarily consent and agree to provide a DNA sample and fingerprints for the State DNA Database pursuant to Penal Code section 296 and Penal Code section 296.1.

OCDA DATABASE DNA SAMPLE

___ OCDA DNA Database Consent and Waiver: Pursuant to a negotiated disposition/agreement, I **voluntarily consent and agree**, for the purpose of crime detection and prevention, to all of the following:

(a) that I will provide a DNA sample, fingerprints and photograph for the OCDA DNA Database;
(b) that my DNA sample will be forensically analyzed and **permanently retained**, along with my DNA profile, fingerprints and photograph;
(c) that my name and identifying information, DNA profile, fingerprints and photograph will be used for law enforcement purposes including, but not limited to, **being subject to continual searches, anytime in the future**, against other DNA profiles, fingerprints and photographs in any local, state, national or international law enforcement database; and
(d) that my name and identifying information, DNA profile, fingerprints and photograph may be released to a law enforcement agency, or other entity as required by law.

___ I understand that I may have the **right to withdraw my consent** as set forth in the paragraphs above at any time, and **I hereby waive and give up any such right to withdraw my consent.**

___ I further understand that, even if I successfully complete the terms of my disposition/agreement and/or a motion to expunge my conviction pursuant to Penal Code section 1203.4 is granted, or in the event that I fail to complete the terms of my disposition/agreement, my consent and waiver of any right to withdraw my consent **will still be valid and enforceable.**

___ I agree to pay a $110 administrative fee at the time of collection of my DNA sample for the OCDA DNA Database.

TERMS AND CONDITIONS OF PROBATION OR MANDATORY SUPERVISION, if applicable

___ Provide a DNA sample and fingerprints for the State DNA Database pursuant to Penal Code section 296 and Penal Code section 296.1 immediately or, if in custody, within 72 hours of release, if not already provided.

___ Provide a DNA sample, fingerprints and photograph for the OCDA DNA Database immediately or, if in custody, within 72 hours of release.

Dated: 10/3/22 Signature: _____ (Defendant)

Dated: 10/3/22 Signature: _____ (Attorney)

ATTACHMENT F

Respondent's DMV Verbal Order of Suspension

Dated 10/14/2022

CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF MOTOR VEHICLES
LICENSING OPERATIONS DIVISION
MANDATORY ACTIONS UNIT
P.O. BOX 942890, MS J233
SACRAMENTO, CA 94290-0001
(916) 657-6525

OCT 14, 2022

ORDER OF SUSPENSION

JARED NATHANIEL BRITTAIN
[redacted]

DRIVER LICENSE
OR FILE NUMBER: [redacted]

Your privilege to operate a motor vehicle is suspended effective October 7, 2022, and shall not be reinstated before April 7, 2023. This action is taken under the authority of California Vehicle Code (VC) §13352(a)(1) due to the following conviction:

Section(s) Violated	Violation Date	Conviction Date	Docket Number	Court
23152B VC	06/01/2022	10/07/2022	*22WM07	30440

FULL REINSTATEMENT

To reinstate your driving privilege without a restriction after April 7, 2023, you must provide the Department of Motor Vehicles (DMV) with all of the following:

- Proof of financial responsibility (see enclosed Proof Filing Information attachment).
- Proof of completion of a driving under the influence (DUI) program, licensed pursuant to Health and Safety Code §11836.
- Pay a reissue fee of $55 in addition to any other required fees.
  NOTE: Enrollment, participation, and completion of the required DUI program must occur after your most recent DUI violation.

RESTRICTION OPTIONS

You may immediately apply for the following driver license restriction options (see enclosed Restricted Driver License Requirements attachment):

1. Operating vehicles equipped with an ignition interlock device (IID), per VC §13352(a)(1), until you meet all of the above reinstatement requirements.

   OR

2. Driving to and from your place of employment, driving during the course of employment, and driving to and from activities required in the DUI program, for a period of 12 months, per VC §13352.4.

NOTE: If you held a commercial driver license at the time of your violation, then you must downgrade to a non-commercial driver license to obtain any of the above driver license restriction options.

You must surrender any driver license in your possession. Not doing so is a misdemeanor under VC §14610. If you have a driver license in your possession, you may mail it to: Department of Motor Vehicles, P.O. Box 942890, Sacramento, CA 94290-0001, or submit it in person at any field office. You may apply for an identification card at any field office.

Your vehicle can be impounded and may be sold if you drive while unlicensed, suspended, or revoked, in violation of a restriction requiring use of an IID, after refusing to obey the lawful order of a peace officer, or while attempting to evade a peace officer. A conviction can result in suspension, jail time, a fine, and/or installation of an IID.

You have the right to seek review of this action in the court for your county of residence within 94 days from the date of this order (VC §§23 and 14401). Please contact your attorney or the court for assistance.

THIS ACTION IS INDEPENDENT OF ANY OTHER ACTION TAKEN BY THE COURT OR THIS DEPARTMENT

22280 177.1
DUC/92NOS/15/ABS

MICRO

ATTACHMENT G

Respondent's DMV Verbal Notice of Action(s)

Dated 12/20/2022

[redacted]

VERBAL NOTICE OF ACTION(S) 311

JARED NATHANIEL BRITTAIN DOB: [redacted] DL #: [redacted]
LIC LOC:

ACTION:	VEHICLE CODE SECTION(S):	EFFECTIVE DATE:	SERVICE DATE:
SUSPENSION	13352A1	10-07-22	12-20-22
SUSPENSION	133532	10-28-22	12-20-22

THE PERSON NAMED ABOVE WAS ADVISED OF THE ABOVE ACTION(S) AGAINST THEIR DRIVING PRIVILEGE UNDER THE CALIFORNIA VEHICLE CODE SECTIONS INDICATED AND UNDERSTANDS THAT THEY CANNOT LEGALLY DRIVE A MOTOR VEHICLE (UNLESS UNDER LEGAL RESTRICTIONS) UNTIL THE ACTION(S) IS ENDED BY THE CALIFORNIA DEPARTMENT OF MOTOR VEHICLES.

DATE: 12-20-22 TIME: 12:29 DMV EMP: _____
ID: 18 MILPITAS

X _____
SIGNATURE OF PERSON SERVED

Attachment J

Anaheim Police Department report no. 2022-201698.

This is an Anaheim Police Department confidential document. Release of any information contained within this document without the consent of the issuing agency is unlawful dissemination and will be considered a criminal act punishable by law.

OTHER AGENCY COPY

Purpose OTHER LAW ENFORCEMENT AGENCY
Date Released JUL-01-2023 1540
Authorized By A1387-STARKE, BENJAMIN #L70
Released By A1913-SEGLETES,CHRISTINA

RELEASED TO

Business Name OCSD
Name HOPKINS JOHN
Job Title SGT
Business [redacted]

GENERAL RELEASE INSTRUCTIONS

EMAILED TO [redacted]

ANAHEIM POLICE DEPARTMENT

GENERAL OFFENSE HARDCOPY

(FOUND GUN)

GO# 2022-201698

Table of Contents

Related Event GO# 2022-201698 1

Offense(s) 1

Related Event(s) 2

Related Person(s) 2

1. R/P # 1 - [redacted] 2

2. Owner # 1 - BRITTAIN, JARED NATHANIEL 3

Related Vehicle(s) 4

1. Involved # 1 - [redacted] CA VIN# [redacted] 4

Related Narrative(s) 5

1. STACHOWIAK, MATTHEW [redacted] NARRATIVE 5

Related Follow Up(s) 7

1. Follow Up Report # 1 - CRICHTON, A. 7

Related Property Report(s) 10

1. PROPERTY REPORT # 699939 (SEIZED/EVIDENCE) 10

FIREARM (TAG # 699939 - 1) 10

ARTICLE (TAG # 699939 - 2) 10

ARTICLE (TAG # 699939 - 3) 10

ARTICLE (TAG # 699939 - 4) 11

ARTICLE (TAG # 699939 - 5) 11

ARTICLE (TAG # 699939 - 6) 11

ARTICLE (TAG # 699939 - 7) 11

ARTICLE (TAG # 699939 - 8) 12

ANAHEIM POLICE DEPARTMENT

GENERAL OFFENSE HARDCOPY

OTHER AGENCY COPY

(FOUNDGUN-0 FOUND GUN)

General Offense Information

Operational Status CLOSED - NO FURTHER ACTION
Reported On DEC-28-2022 1921
Occurred On DEC-28-2022 1921
Approved On DEC-29-2022 (THU.)
Approved By [redacted] - MICHAELSEN, ERIC[redacted]
Report Submitted By [redacted] - STACHOWIAK, MATTHEW
Org Unit PATROL TEAM FOUR
Accompanied By [redacted] - PIPER, K.
Address [redacted]
Municipality
County
District 3 **Beat** 31 **Grid** 1823
Gang Activity N
Identity Theft N
Anti Reproductive N
Special Study N/A
Gang Involvement NO
Family Violence NO
Cargo Theft NO

Offenses (Completed/Attempted)

Offense # 1 FOUNDGUN-0 FOUND GUN - COMPLETED
Statute FOUND GUN INCIDENT
Location DRIVEWAY (RESIDENTIAL)
Suspected Of Using NOT APPLICABLE (MUTUALLY EXCLUSIVE)
Bias NONE (NO BIAS)

Related Event(s)

1. CP 2022-201698

Related Person(s)

1. R/P # 1 - [redacted]

CASE SPECIFIC INFORMATION

Sex [redacted]
Race
Date Of Birth
Address
Municipality
State
ZIP Code
District 3 Beat 31 Grid 1823
Cellular [redacted]

PERSON PARTICULARS

Ethnicity [redacted]
Height
Eye Color
Hair Color
Weight [redacted]

MASTER NAME INDEX REFERENCE

Name [redacted]
Sex
Race
Date Of Birth
Ethnicity
Address
Municipality
State
County
ZIP Code
District 3 Beat 31 Grid 1823

PHONE NUMBERS

Home
Cellular [redacted]

LINKAGE FACTORS

Resident Status RESIDENT
Age Range [redacted]

2. OWNER # 1 - BRITTAIN, JARED NATHANIEL

CASE SPECIFIC INFORMATION

Sex [redacted]
Race
Date Of Birth
Address
Municipality
State
ZIP Code
Cellular

PERSON PARTICULARS

Occupation DEPUTY
Employer OCSD
Ethnicity [redacted]
Height
Eye Color
Hair Color

Weight [redacted]

MASTER NAME INDEX REFERENCE

Name BRITTAIN, JARED NATHANIEL
Sex [redacted]
Race
Date Of Birth
Ethnicity
Address
Municipality
State
ZIP Code

PHONE NUMBERS

Home
Cellular [redacted]

LINKAGE FACTORS

Resident Status RESIDES IN COUNTY, BUT NOT IN JURISDICTION
Age Range [redacted]

Related Vehicle(s)

1. INVOLVED # 1 - [redacted], CA VIN# [redacted]

CASE SPECIFIC INFORMATION

License Number [redacted]
State Of Issue CALIFORNIA
VIN [redacted]
License Type TRUCK
Year Of Issue [redacted]
Type AUTOMOBILE
Make And Model RAM 1500
Style PICKUP
Year 2019
Color BLACK

MASTER VEHICLE INDEX REFERENCE

License Number [redacted]
State Of Issue CALIFORNIA
License Type TRUCK
Year Of Issue 2023

OWNER INFORMATION

Owner Type PERSON
Owner Role INVOLVED

Narrative Text

Type NARRATIVE
Author A2214 - STACHOWIAK, MATTHEW
Related Date Dec-29-2022 5:06

On 12/28/22 at approximately 1938 hours, my partner (Officer K. Piper [redacted] and I (Officer M. Stachowiak [redacted] were working uniformed patrol in a marked black and white police vehicle while wearing a full police uniform. We were dispatched to a gun that had been discovered in a rental vehicle at [redacted]

The following is a synopsis of my audio/video recording of the incident. Moreover, the video recording has limitations and may depict events differently than the events recalled by me. Specifically, it is understood the BWC may capture information that may not have been heard and/or observed by me and I may not capture information observed by my BWC.

Upon arrival, I spoke to the reporting party ([redacted]) and she told me the following:

On 12/14/22 at approximately 1730 hours, RP-[redacted] picked up a rental truck (2019 Dodge 1500, CA-[redacted] from the McPeek Dodge Dealer located at 1221 S Auto Center Dr in the City of Anaheim.

RP-[redacted] drove the vehicle for approximately 2 weeks and was going to return it to the dealership on 12/29/22. On 12/28/22 at approximately 1915 hours, RP-[redacted] went to clean out the vehicle before turning it in. The vehicle had a bench seat in the front row of the cab. The armrest between the front driver and passenger seat folds down. RP-[redacted] lifted the armrest up and located a firearm sitting on the bench seat. RP-[redacted] did not notice the firearm in her vehicle until she lifted the armrest. RP-[redacted] did not touch the gun and called the police to report her finding.

I located the gun (Glock 19, Serial Number [redacted] sitting on the middle portion of the bench seat. The firearm was secured in a holster. I rendered the firearm safe. I used department resources to conduct a records check on the firearm. The DROS return showed the owner of the firearm was Jared Brittain DOB: [redacted] The firearm was not reported lost or stolen.

I was instructed by forensics specialist A. Crichton to collect the firearm. I collected the firearm and kept it in my possession until giving it to forensic specialist A. Crichton. For further refer to forensics specialist A. Crichton's supplemental report.

I conducted a records check on O-Brittain and his driver's license returned confidential to the Orange County Sheriff's Department.

Using department resources, I was able to locate a contact number for O-Brittain. I spoke to O-Brittain over the phone. I asked O-Brittain if he was the owner of a Glock 19 firearm and he responded he was. I then asked O-Brittain if he had the firearm in his possession and he stated, "That's a good question." O-Brittain further stated it had been a month or two since he had last seen the gun. O-Brittain did not report the gun lost or stolen because he didn't notice it was missing.

I asked O-Brittain if he had a rental car. O-Brittain had a Ram 1500 rental car from the end September to 12/13/22. O-Brittain stated he had the Glock 19 firearm in the truck at some point but could not provide exactly when. I explained to O-Brittain that I had located his Glock 19 firearm in the rental vehicle. O-Brittain didn't seem phased by the fact his firearm was located in the vehicle. There was a brief pause when speaking to O-Brittain after I explained to him I had located his firearm. I had to ask O-Brittain if he had an explanation for why the firearm was in the vehicle. O-Brittain said he owned multiple guns, didn't notice the Glock 19 missing, and forgot about it being in the rental vehicle.

I asked O-Brittain if he knew what firearm I was talking about and he did. O-Brittain described the gun as a Glock 19 with a stippled grip, factory slide, and factory barrel. The firearm was in a black Haley Strategic inside the waistband holster. This matched the description of the firearm located in the vehicle. I again asked O-Brittain if he remembered the last time he saw that firearm. O-Brittain stated he did not have any recollection of that firearm until I brought it up to him. O-Brittain then stated that he last saw the firearm a month or two ago.

During the conversation, O-Brittain asked if I had notified his supervisor and sounded concerned. I explained that I notified my supervisors and I believed they had contacted the sheriff's department regarding the incident.

O-Brittain asked how we knew he was associated with the sheriff's department and I explained that I was able to locate information from the DROS return. I was then able to locate his DMV record which was confidential to OCSD.

I explained to O-Brittain he needed to contact property and evidence regarding the process to get his firearm back.

O-Brittain was provided the report number.

I attempted to contact McPeek Dodge regarding the rental vehicle, but they were closed.

Sergeant Michaelsen and Lieutenant Adrian were notified of the incident.

Follow Up Report # 2

ASSIGNMENT INFORMATION

Assigned To A2060- CRICHTON, A.
Capacity EVIDENCE PROCESSING
Org Unit FORENSIC SERVICES DETAIL
Assigned On DEC-28-2022 2205
By A2060 - CRICHTON, A.
Report Due On JAN-02-2023 (MON.)

SUBMISSION INFORMATION

Submitted On JAN-02-2023 2038
Checked By A2359 - GARDNER, STEVE
Approved On JAN-03-2023 (TUE.)
By A2359 - GARDNER, STEVE

FOLLOW UP CONCLUSION

Follow Up Concluded YES

Narrative Text

Type LAB/FORENSICS RESULTS
Subject FORENSIC REPORT
Author A2060 - CRICHTON, A.
Related Date Jan-02-2023

Forensic Services Detail
Report: [Primary]

Type of Service: [Forensic Service]
Location: [425 S. Harbor Blvd.]
Requested By: [Officer Piper]
Date of Service: [Dec-28-2022] Time Performed: [2205]

(Marked with Y/N as applicable)

Latent Print Exam: [Yes]
Latents Obtained: [No]
Photography: [Yes] Video: [No]
Evidence Collected: [Yes] Possible DNA: [Yes]
Footwear: [No] Casing(s): [No]
Property Report #: [699939]

Details:

[At approximately 2205 hours on December 28, 2022, I responded to the Anaheim Police Department, 425 S. Harbor Blvd., with regard to a found gun investigation.

Upon arrival, contact was made with Officers Piper and Stachowiak, who

requested for a Glock 19 handgun to be processed for evidence and photographed. They explained the gun was inside a rental car and located by the current lessee. Officer Stachowiak cleared the weapon prior to transporting and giving me the 9mm gun. He stated there was one round in the chamber.

Upon returning to the Forensic Unit, photographs were taken showing the Glock 19, serial number [redacted], and its loaded magazine containing (15) Speer 9mm luger rounds. Views included the one Speer 9mm live round from the chamber and a black holster.

The gun and its magazine were swabbed for DNA. They were processed for latent fingerprints using black powder but no ridge detail was developed.

Evidence collected and booked under property tag number 699939-1-8:

-Glock 19 9mm handgun, serial number [redacted]

-Glock magazine

-black holster

-DNA swab of the Glock's trigger/trigger guard

-DNA swab of the Glock's slide

-DNA swab of the Glock's grip

-DNA swab of the Glock magazine

-(16) Speer 9mm luger live rounds

]

Related Property Report(s)

REPORT INFORMATION

Property Report # 699939
Case Status SEIZED/EVIDENCE
Submitted On DEC-29-2022 0534 **By** CRICHTON, A.

RELATED EVENTS

Offense GO 2022 - 201698

Related Items 8

FIREARM - EVIDENCE

Status SEIZED/EVIDENCE
Tag # 699939 - 1
Make GLOCK,INC
Item PISTOL **Type** SEMI-AUTOMATIC
Model 19 **Caliber** 9
Barrel Length 4.0 **Finish** BLK
Serial # [redacted]
Description FOUND GUN FROM VEHICLE
Flags DISPOSED, EVIDENCE
Current Location (DISPOSED)

ARTICLES - EVIDENCE

Status SEIZED/EVIDENCE
Tag # 699939 - 2
Article ECLIP- EQUIPMENT, TOOLS, MEASURES NOT OTHERWISE CATEGORIZED
Make GLOCK
Serial # 1 UNKNOWN
Description GLOCK MAGAZINE
Flags DISPOSED, EVIDENCE
Current Location (DISPOSED)

ARTICLES - EVIDENCE

Status SEIZED/EVIDENCE
Tag # 699939 - 3
Article YCASING- OTHER
Serial # 1 UNKNOWN

Description (16) SPEER 9MM LUGER LIVE ROUNDS
Flags DISPOSED, EVIDENCE
Current Location (DISPOSED)

ARTICLES - EVIDENCE

Status SEIZED/EVIDENCE
Tag # 699939 - 4
Article EHOLSTE- EQUIPMENT, TOOLS, MEASURES NOT OTHERWISE CATEGORIZED
Color BLK
Serial # 1 UNKNOWN
Description HOLSTER W/"I VOTED" STICKER
Flags DISPOSED, EVIDENCE
Current Location (DISPOSED)

ARTICLES - EVIDENCE

Status SEIZED/EVIDENCE
Tag # 699939 - 5
Article YSWAB- OTHER
Serial # 1 UNKNOWN
Description DNA-GLOCK GRIP
Flags DISPOSED, EVIDENCE
Current Location (DISPOSED)

ARTICLES - EVIDENCE

Status SEIZED/EVIDENCE
Tag # 699939 - 6
Article YSWAB- OTHER
Serial # 1 UNKNOWN
Description DNA-GLOCK TRIGGER/TRIG. GUARD
Flags DISPOSED, EVIDENCE
Current Location (DISPOSED)

ARTICLES - EVIDENCE

Status SEIZED/EVIDENCE
Tag # 699939 - 7
Article YSWAB- OTHER
Serial # 1 UNKNOWN
Description DNA-GLOCK SLIDE
Flags DISPOSED, EVIDENCE

Current Location (DISPOSED)

ARTICLES - EVIDENCE

Status SEIZED/EVIDENCE
Tag # 699939 - 8
Article YSWAB- OTHER
Serial # 1 UNKNOWN
Description DNA-GLOCK MAGAZINE
Flags DISPOSED, EVIDENCE
Current Location (DISPOSED)

*** END OF HARDCOPY ***

Attachment K

Still photos of Orange County Sheriff's Department External Surveillance videos, as documented in Table 2.

12-15-22


2022-12-15 02:14:23 -0800
AXON BODY 3 X60A22955
[redacted]
00:13:05 / 01:10:00
0.75X


2022-12-15 02:15:38 -0800
AXON BODY 3 X60A22955
[redacted]
00:14:20 / 01:10:00
1X

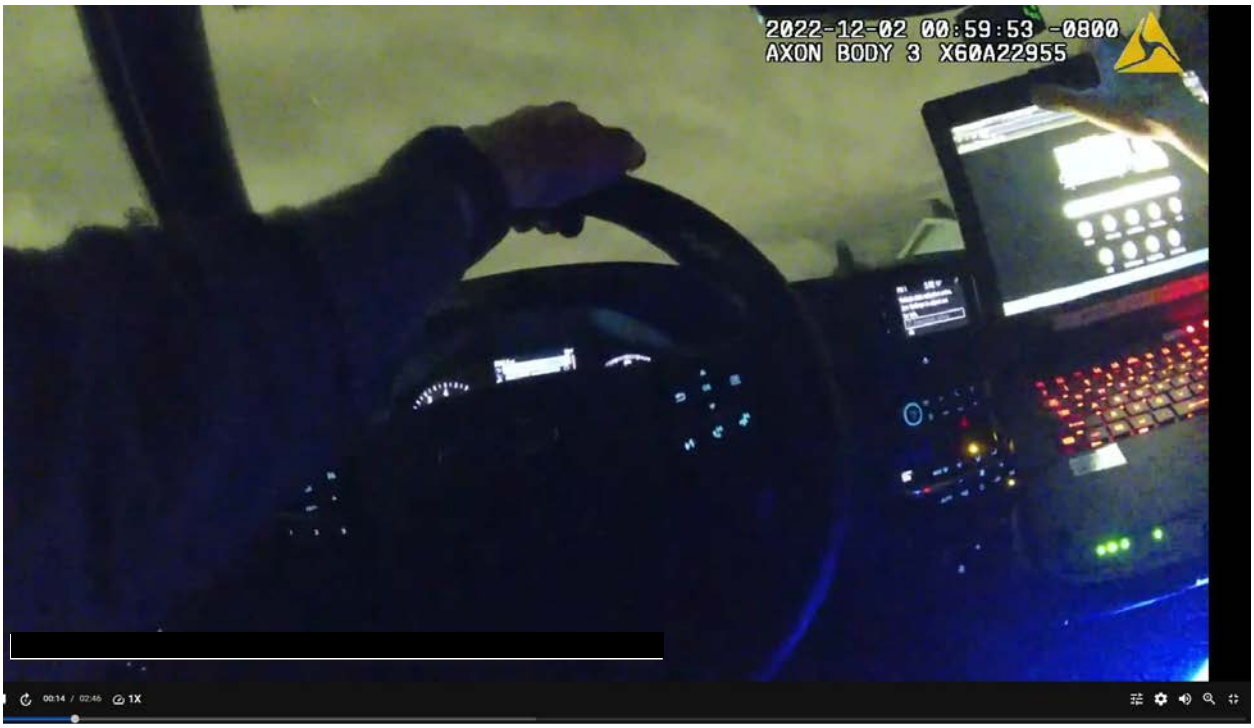

2022-12-15 02:21:42 -0800
AXON BODY 3 X60A22955
00:20:24 / 01:10:00
1X

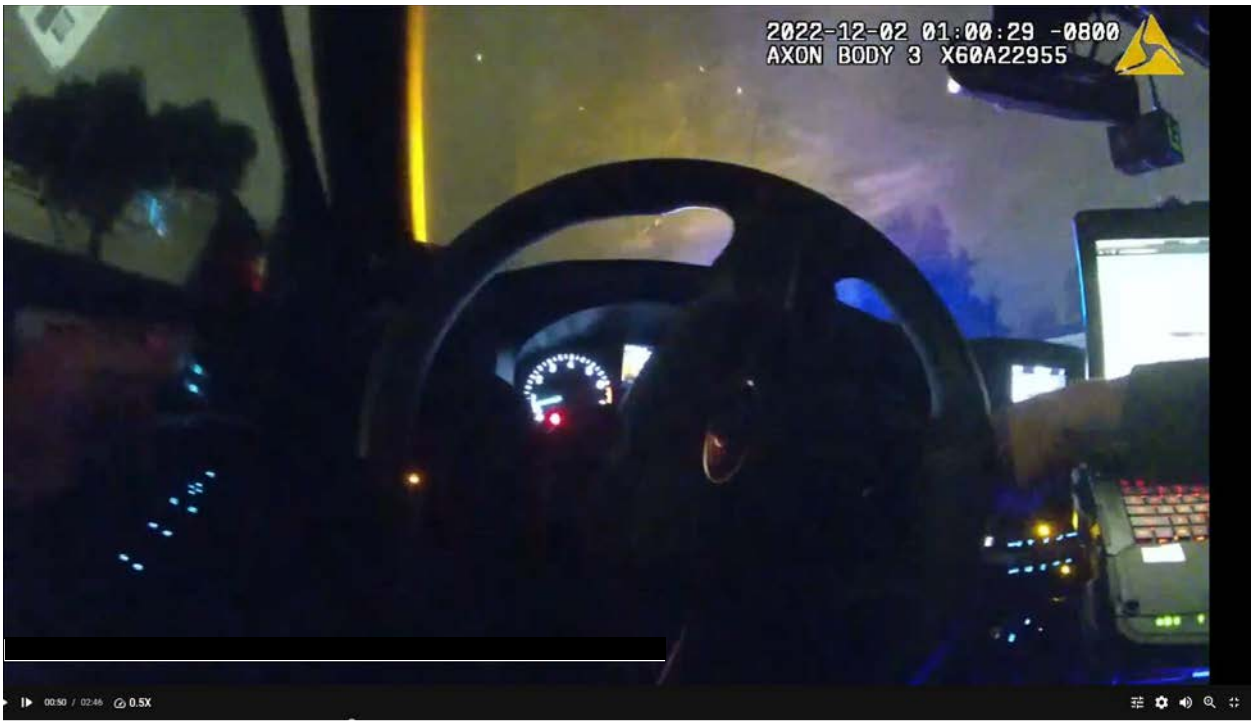

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00:27:29 / 01:10:00
1X

12-10-22



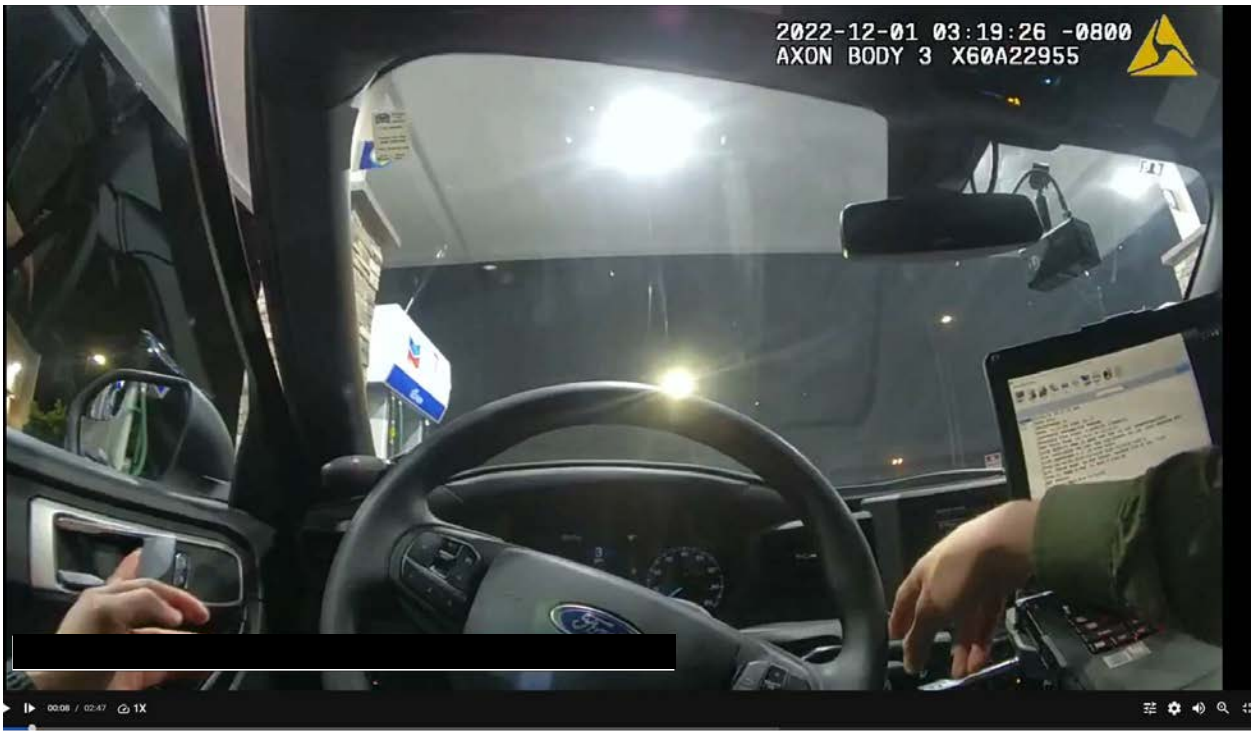
12-2-22



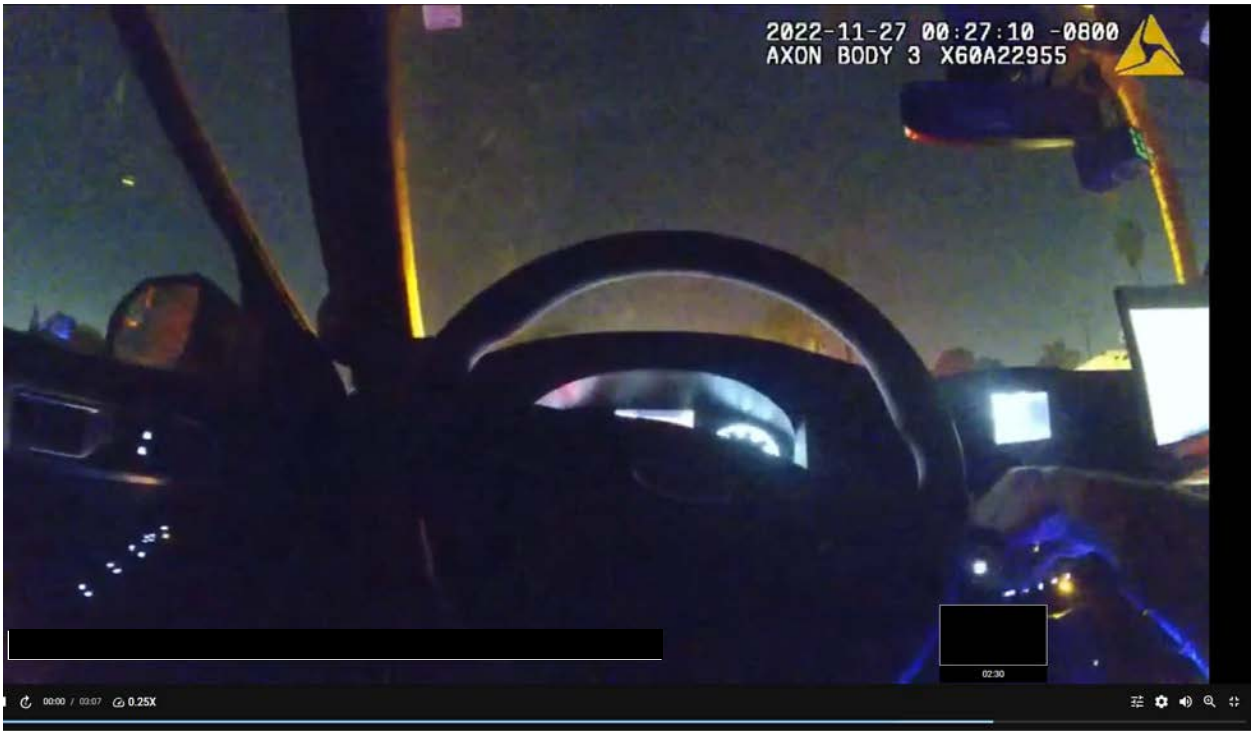

2022-12-02 01:00:29 -0800
AXON BODY 3 X60A22955
[redacted]
00:50 / 02:46 0.5X

12-1-22


2022-12-01 03:19:25 -0800
AXON BODY 3 X60A22955
[redacted]
00:07 / 02:47 1X


2022-12-01 03:19:26 -0800
AXON BODY 3 X60A22955
[redacted]
00:08 / 02:47 1X

11-27-22


2022-11-27 00:27:10 -0800
AXON BODY 3 X60A22955
[redacted]
02:30
00:00 / 03:07 0.25X

11-18-22


2022-11-18 00:32:55 -0800
AXON BODY 3 X60A22955


2022-11-18 00:33:33 -0800
AXON BODY 3 X60A22955


2022-11-18 00:35:55 -0800
AXON BODY 3 X60A22955
[redacted]
03:05 / 17:27 1X


2022-11-18 00:37:42 -0800
AXON BODY 3 X60A22955
[redacted]


2022-11-18 00:39:10 -0800
AXON BODY 3 X60A22955


2022-11-18 00:46:09 -0800
AXON BODY 3 X60A22955

11-17-22


2022-11-17 16:35:29 -0800
AXON BODY 3 X60A22955
00:28 / 03:13 1X


2022-11-17 16:35:41 -0800
AXON BODY 3 X60A22955
00:40 / 03:13 1X

11-16-22


2022-11-16 20:07:08 -0800
AXON BODY 3 X60A22955
[redacted]
00:22 / 02:12 1X

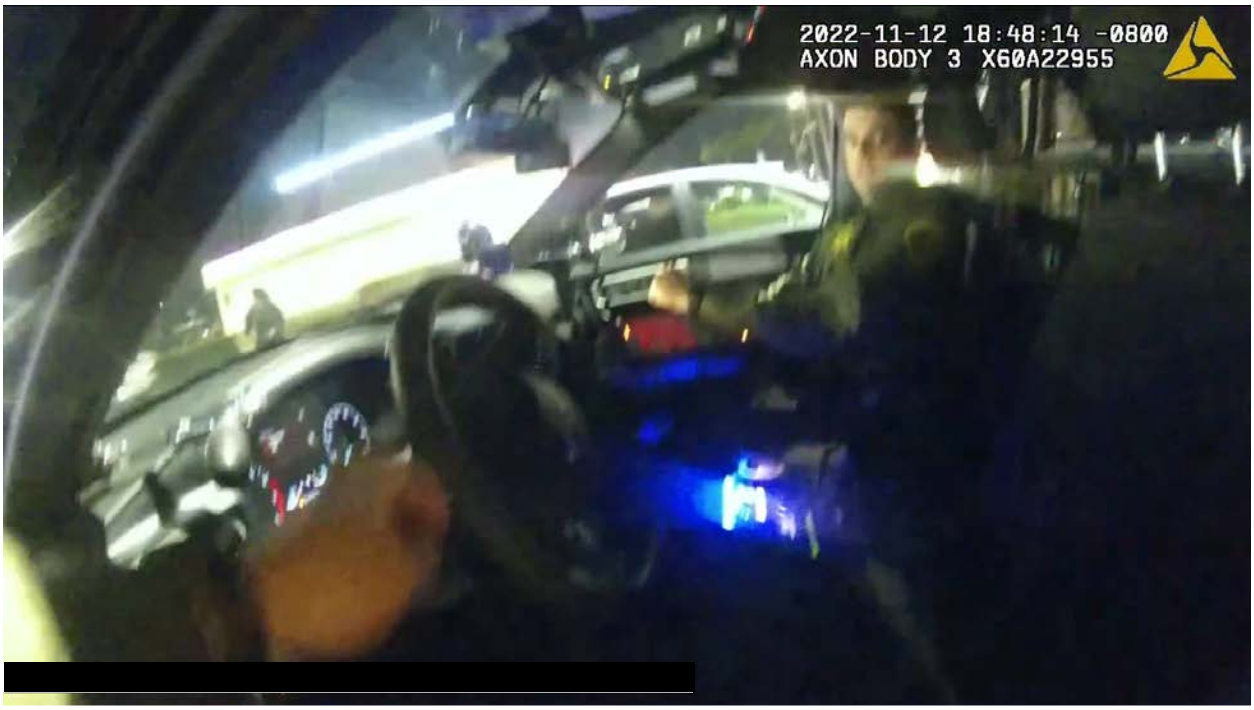

2022-11-16 20:07:35 -0800
AXON BODY 3 X60A22955
[redacted]

11-13-22



11-12-22




2022-11-12 18:48:14 -0800
AXON BODY 3 X60A22955

11-11-22


2022-11-11 22:29:59 -0800
AXON BODY 3 X60A22955
Recents
03:25 / 15:18
1X


2022-11-11 22:32:35 -0800
AXON BODY 3 X60A22955

11-10-22


2022-11-10 22:51:45 -0800
AXON BODY 3 X60A22955

11-9-22


2022-11-09 22:53:24 -0800
AXON BODY 3 X60A22955

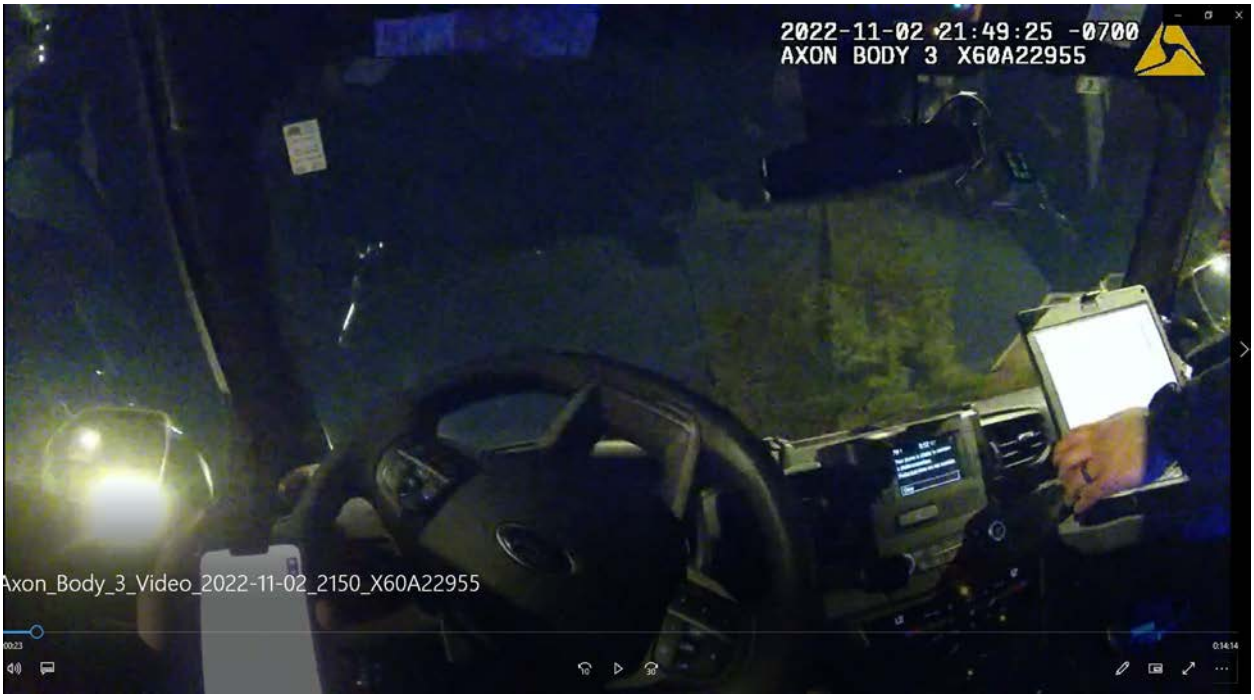

2022-11-09 22:53:47 -0800
AXON BODY 3 X60A22955


2022-11-09 22:53:58 -0800
AXON BODY 3 X60A22955

11-2-22


2022-11-02 21:49:03 -0700
AXON BODY 3 X60A22955
Axon_Body_3_Video_2022-11-02_2150_X60A22955


2022-11-02 21:49:19 -0700
AXON BODY 3 X60A22955
Axon_Body_3_Video_2022-11-02_2150_X60A22955


2022-11-02 21:49:25 -0700
AXON BODY 3 X60A22955
Axon_Body_3_Video_2022-11-02_2150_X60A22955

10-20-22


2022-10-20 00:03:52 -0700
AXON BODY 3 X60A22955
Axon_Body_3_Video_2022-10-20_0004_X60A22955


2022-10-20 00:04:01 -0700
AXON BODY 3 X60A22955
Axon_Body_3_Video_2022-10-20_0004_X60A22955

Reflection of Brittain on vehicle he stopped, after Brittain stepped out the driver side of the patrol vehicle.



10-18-22

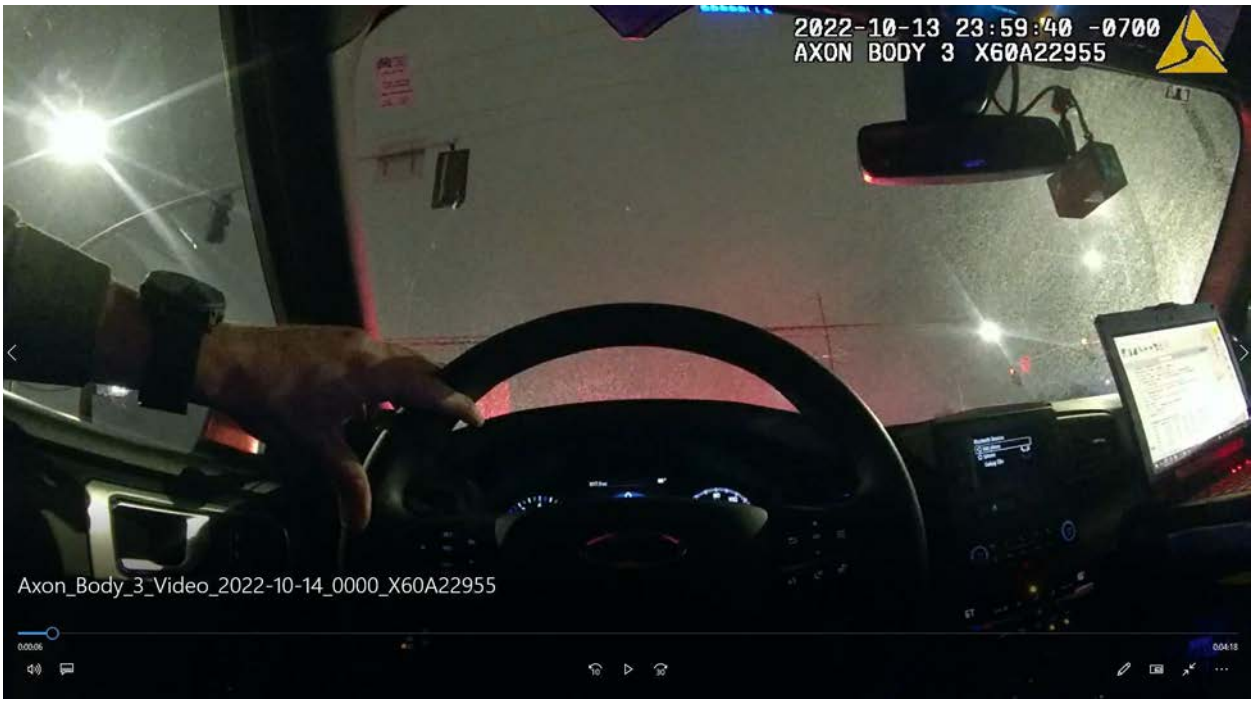


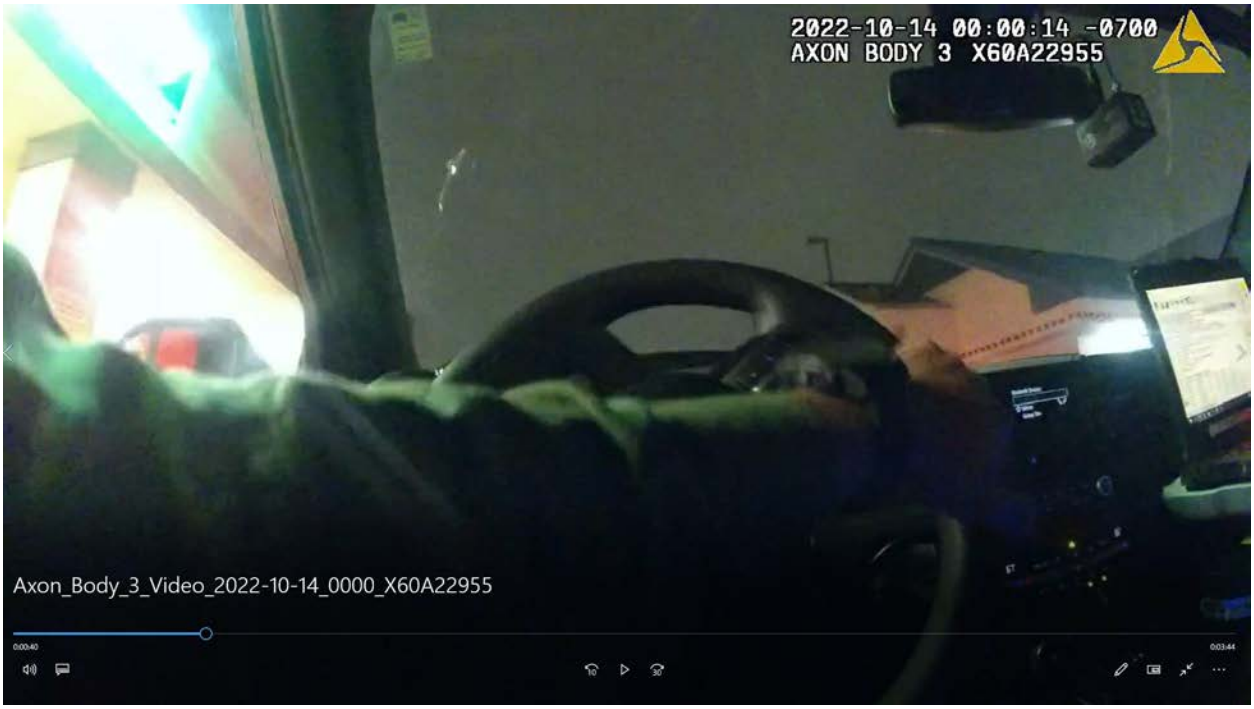


Brittain's watch identifies that Brittian was behind the wheel of the patrol vehicle on 10-18-22.

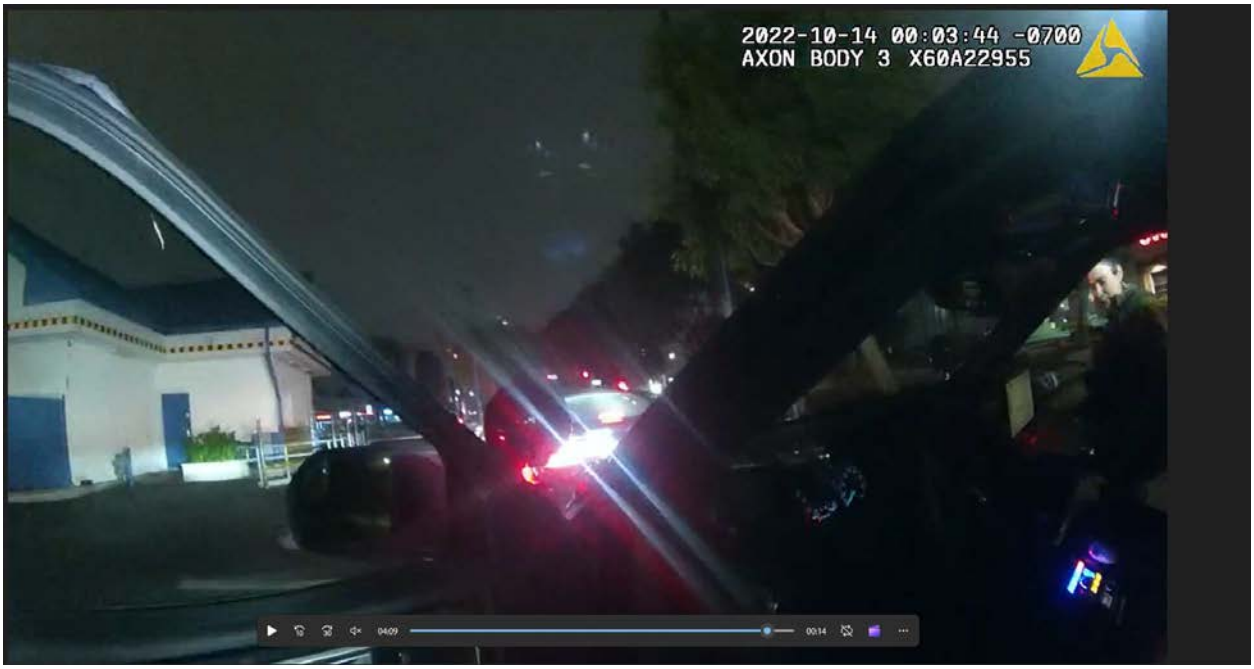


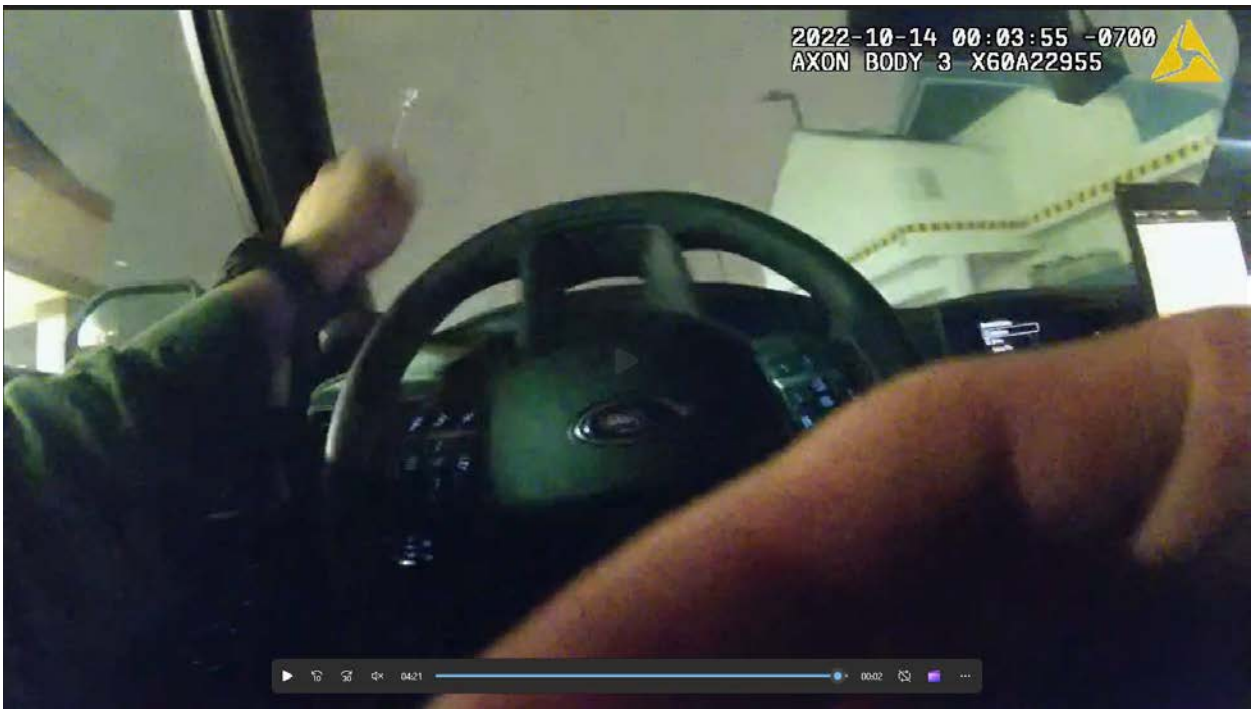
10-13-22


2022-10-13 23:59:40 -0700
AXON BODY 3 X60A22955
Axon_Body_3_Video_2022-10-14_0000_X60A22955


2022-10-14 00:00:14 -0700
AXON BODY 3 X60A22955
Axon_Body_3_Video_2022-10-14_0000_X60A22955

Trainee is entering in the passenger seat of the patrol vehicle, while Brittain enters the driver seat.

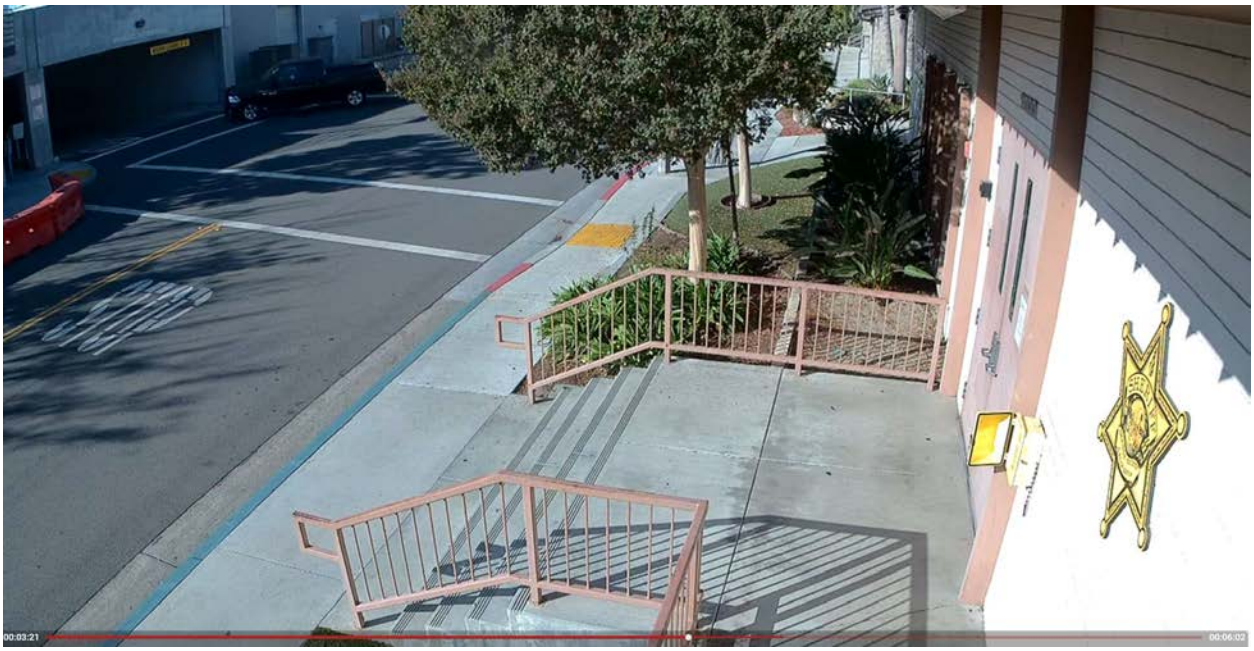




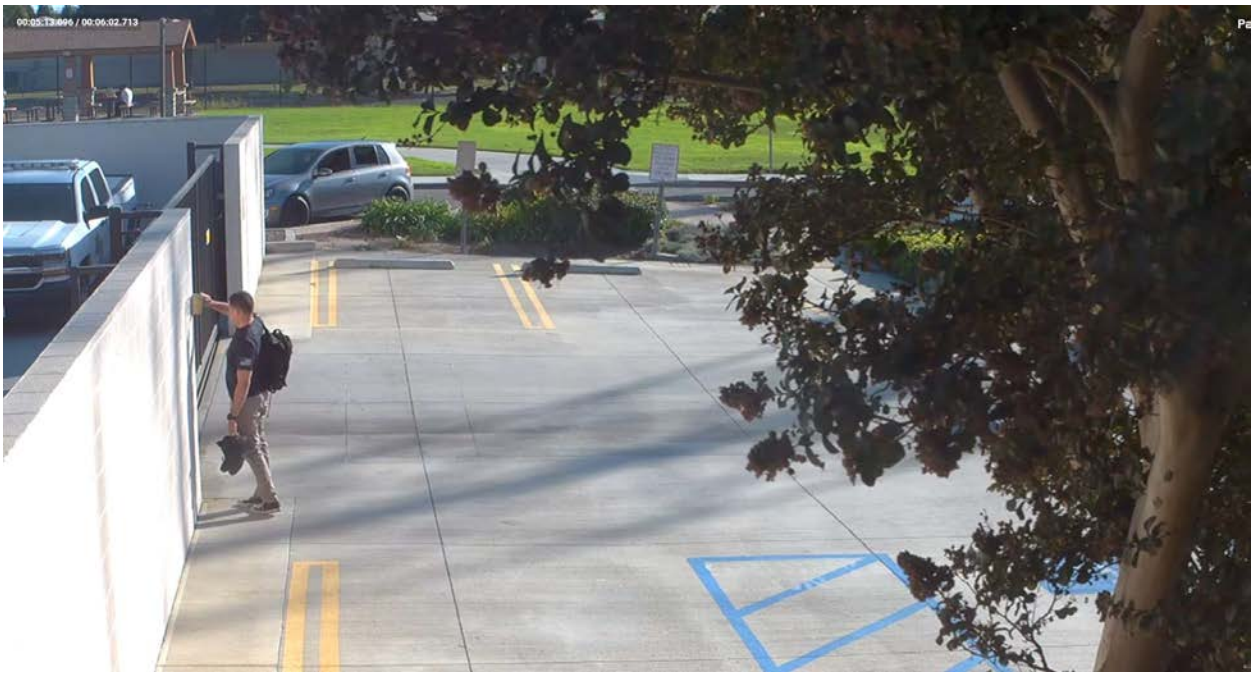
10-12-22


2022-10-12 00:39:02 -0700
AXON BODY 3 X60A22955
Axon_Body_3_Video_2022-10-12_0039_X60A22955

11-2-22 Front Door

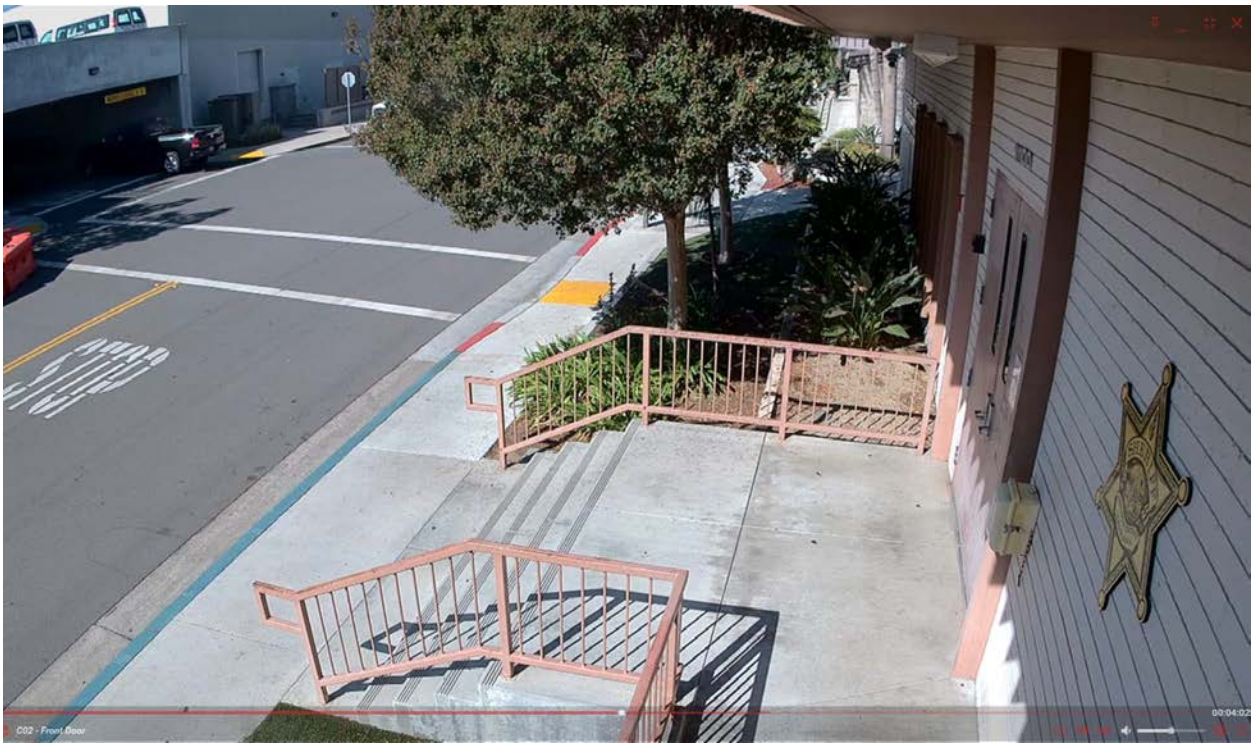


11-2-22 Sliding Gate

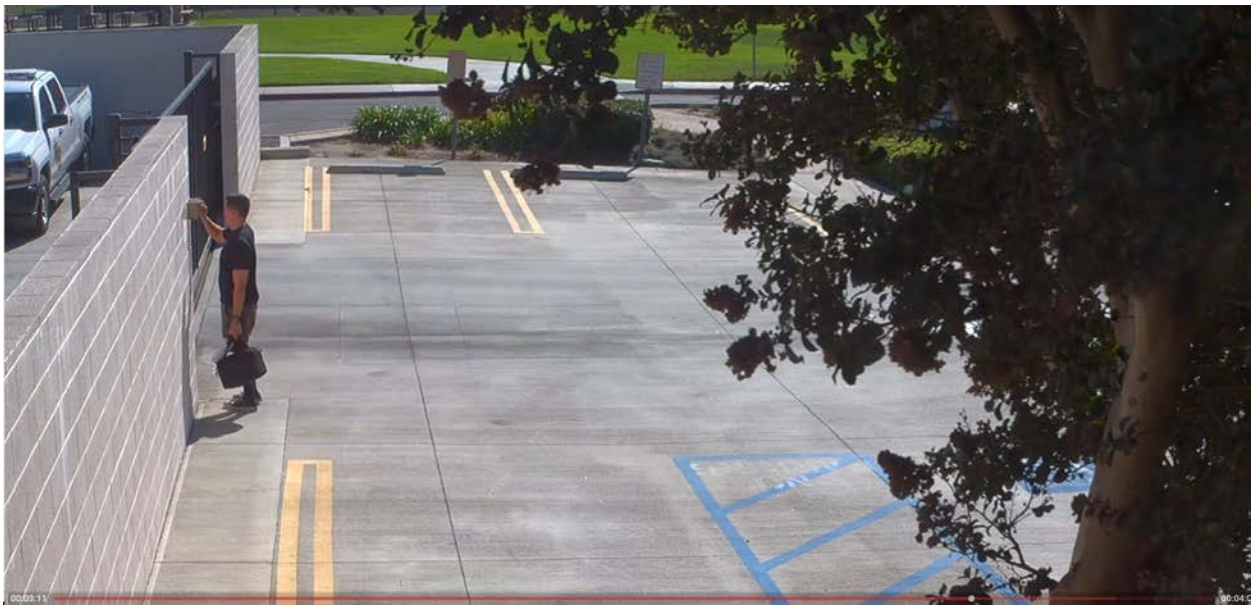


10-26-22 Front Door

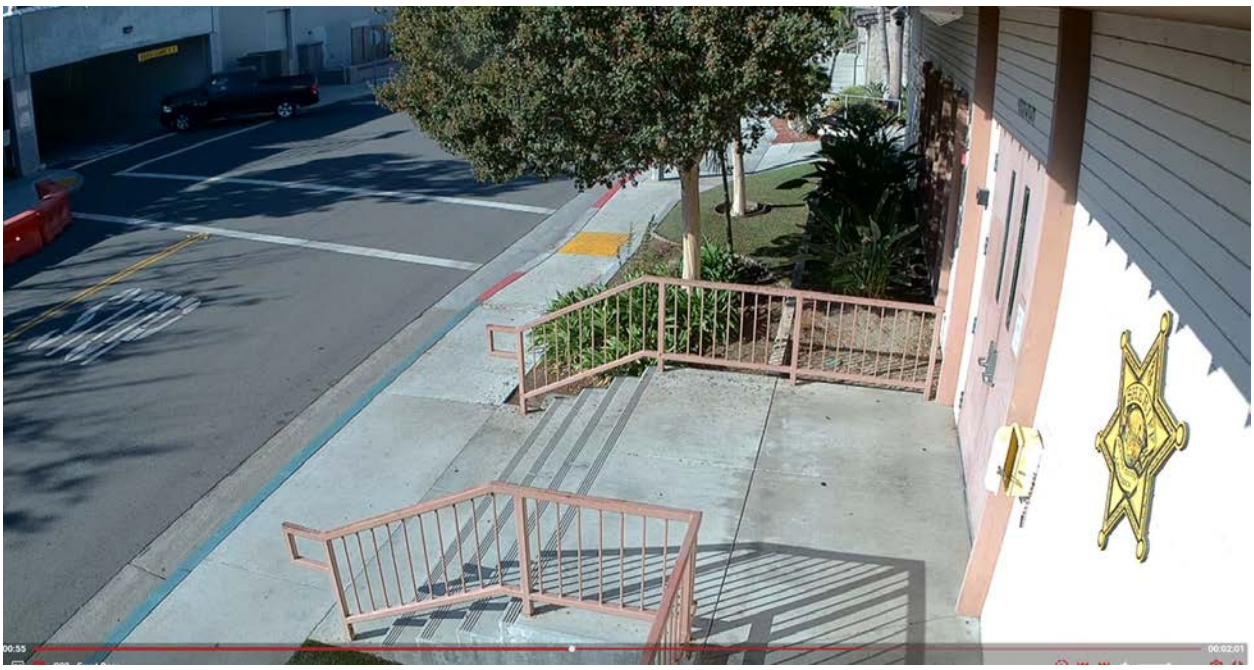




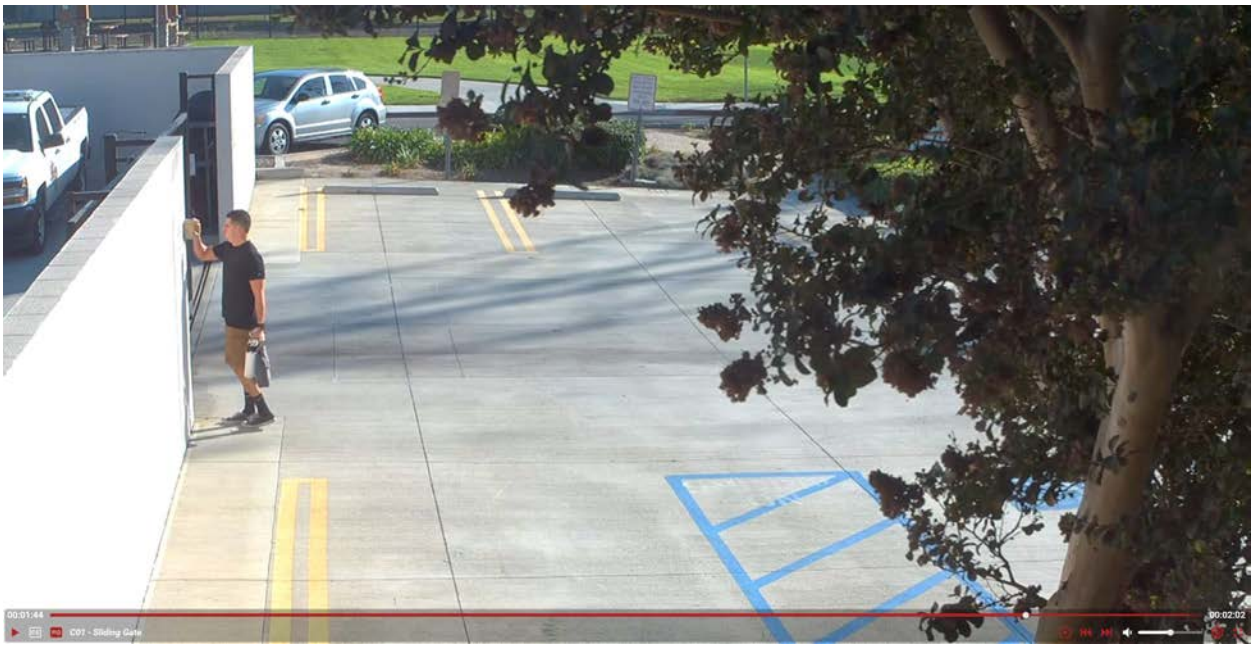
10-26-22 Sliding Door



10-21-22 Front Door



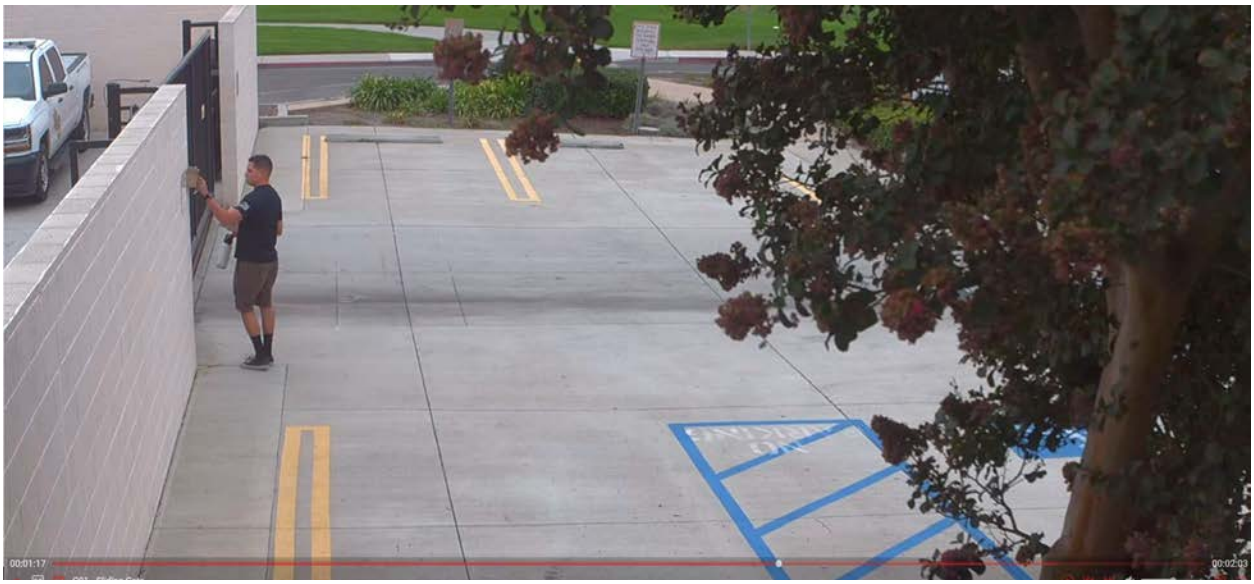
10-21-22 Sliding Door



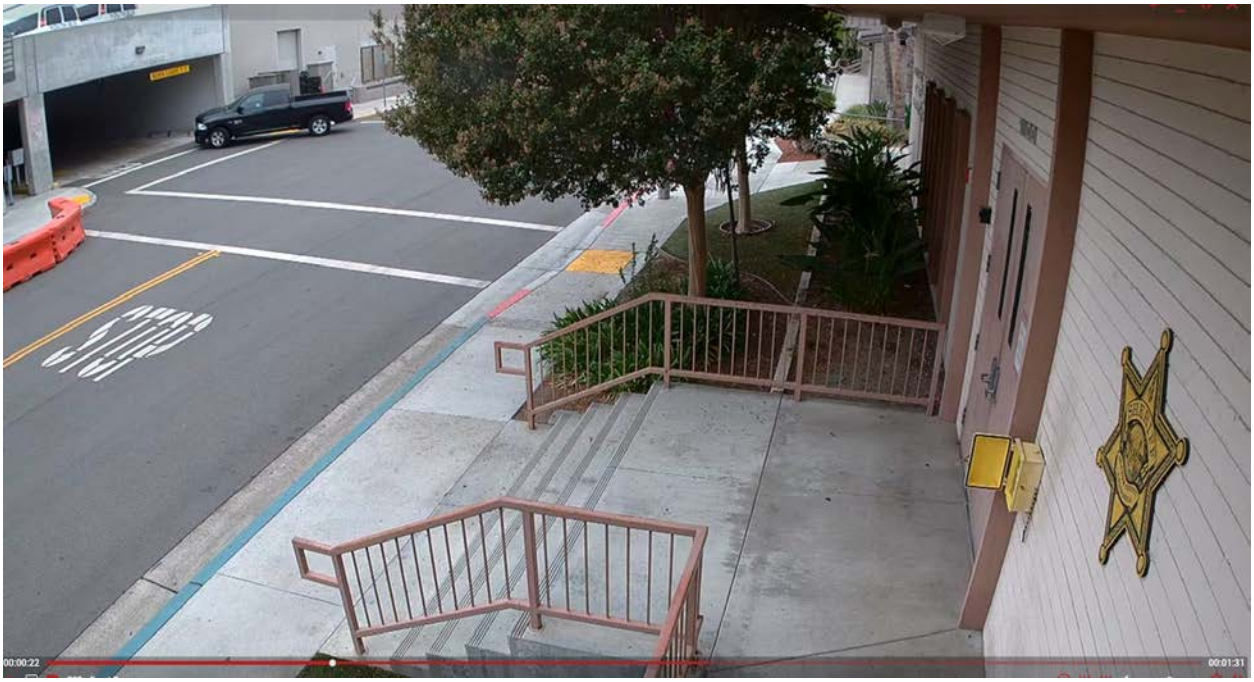
10-15-22 Front Door



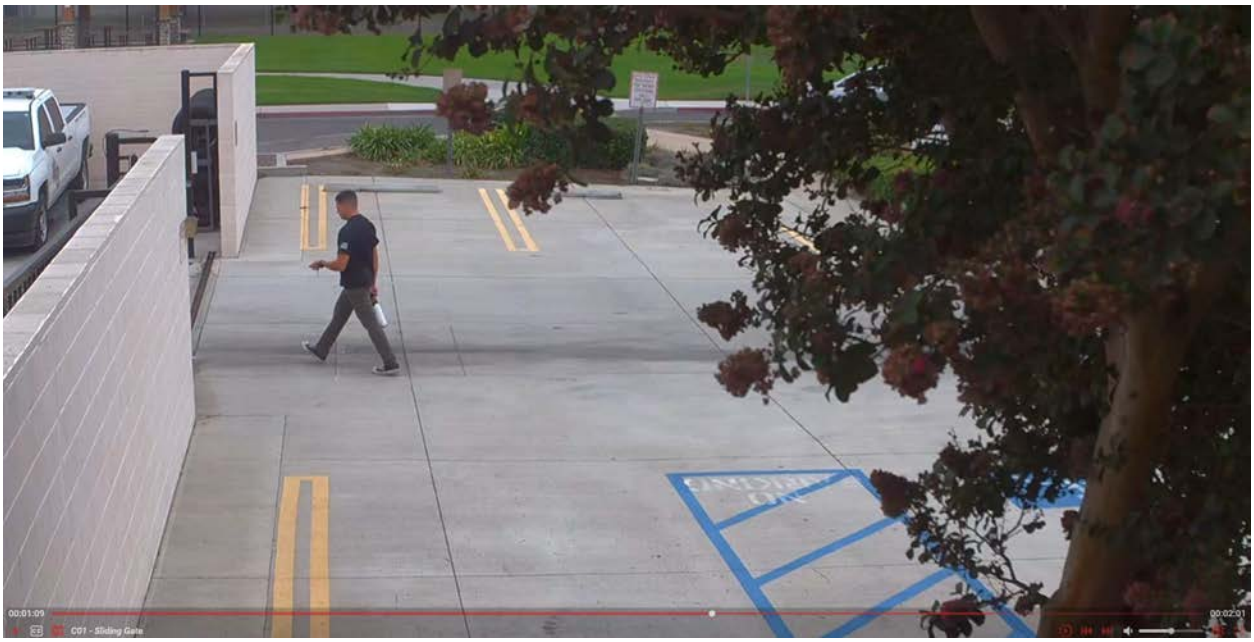
10-15-22 Sliding Door



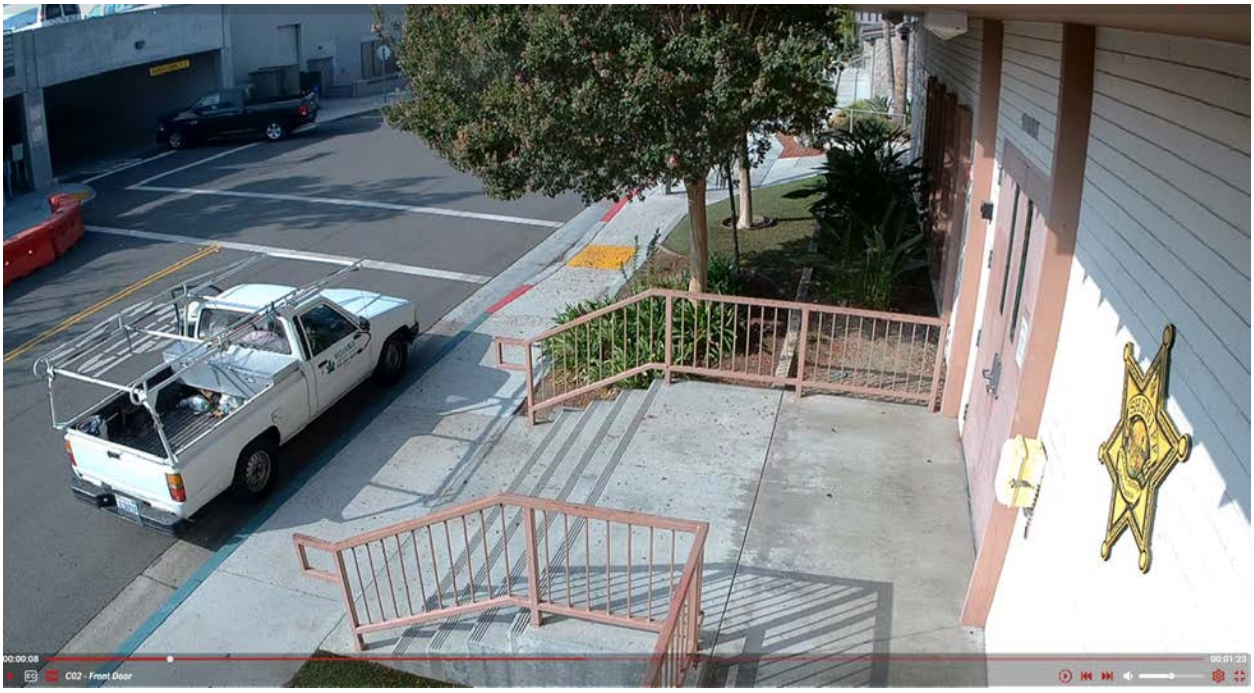
10-14-22 Front Door



10-14-22 Sliding Door



10-12-22 Front Door



ATTACHMENT O

Rebuttal Letter written by Assistant Sheriff Steve Kea (Ret.)

Assistant Sheriff C. Martino
550 N. Flower St.
Santa Ana, CA 92703

Steven Kea
[redacted]

Re: Deputy Jared Brittain

Dear Assistant Sheriff Martino,

At the request of Deputy Jared Brittain, I have reviewed OCSD's Notice of Intent to Dismiss him, dated December 14, 2023. I also took the time to listen to the recordings of all Internal Affairs interviews related to the dismissal. At the conclusion of my review I found some areas of concern in the Notice of Intent to Dismiss that I shared with Deputy Brittain. He subsequently asked that I share them with you.

Deputy Brittain's policy violations related to DUI, Firearms Storage In Vehicles, and Driving On A Suspended License (both on and off duty) are violations that are proven and he does not dispute them. That said, I don't believe they are necessarily fatal to his career and can be mitigated if you take into consideration his exemplary record as a Deputy Sheriff prior to these incidents, and his expressed desire to return to those standards if given an opportunity to redeem himself.

In reading the Notice of Intent to Dismiss, I believe the primary causation for Deputy Brittain's dismissal rather than significant suspension is the alleged policy violation of Untruthfulness. It is interspersed throughout the letter and in that regard, I offer the following thoughts as to the language in the letter:

- *Page 2, bullet point 2 (second paragraph), highlighting OCSD Policy 1018.6-Obedience To Laws and Regulations.* This section of the policy requires employees to report to their immediate supervisor within 24 hours of any arrest, incident or other misconduct which could result in the employee being criminally prosecuted. Deputy Brittain did in fact notify his supervisor about his lost weapon when notified by Anaheim PD, which complies with the policy. Adding it to the Notice of Intent to Dismiss insinuates that he failed to comply with the policy and creates a bias that lends credence to his dismissal for untruthfulness. It should not have been included.

- *Page 3, paragraph 4 discusses the two interviews during the DUI personnel investigation and states that, "In both interviews, you explained that you had friends drive you to and from work and that you had a trainee drive the patrol car during your shift."* These statements were made by Deputy Brittain and he has told me that they are factual. Obviously he failed to disclose that he also sometimes drove to and during work, a clear omission, however he was never asked specifically if he ever drove to or at work. His answers were incomplete but not "untruthful". He did in fact have others drive him to work and while at work. Furthermore, there is no information contained in the Skelly packet that the department contacted any friends or trainees to verify or debunk the validity of this statement. Therefore labeling it a lie is unsubstantiated.

- *Page 4, paragraph 4 states in part, "Due to you renting a vehicle while your license was suspended and "your statements in the prior investigation that you **did not** drive to or from work, or while at work..."* While listening to Deputy Brittain's personnel interviews, there is not a single statement or comment where he says he did not drive to work, from work, or while at work. That was a conclusion that the investigator drew but was never stated by him. Once again, it is not factual but it lends credence to the perception that his statement in the first investigation was a blatant lie rather than an omission.

- *Page 6, paragraph 2 states, "Subsequent to the first interview, Internal Affairs reviewed your Body Worn Camera footage and determined that you drove a patrol vehicle during the period that your license was suspended, **in contradiction** to your statement to investigators during the initial investigation into the* DUI. Again, Deputy Brittain's statements during his first DUI investigation, that his trainee drove during his suspension period is factually accurate. It has not been contradicted as stated in the notice to dismiss by either video or interviews with the trainee. Certainly his omission about his own occasional driving led them to that conclusion, but his statements were not **contradicted** (as stated above) by any evidence provided in the Skelly packet.

- *Page 7, paragraph 5 states in part, "(Moreover, it again indicates a dismissive attitude towards the law and the courts and gives the appearance that you place yourself above and out of the reach of the criminal justice system..."* This is pure conjecture and not based on any direct facts, statements, or comments made by Deputy Brittain. It was misguided and completely wrong, to be sure. However, it wasn't done out of arrogance or attempting to place himself above the law. Deputy Brittain indicated that driving while suspended was done in a sincere effort to get to work and perform his required assignments.

- *Page 7, last sentence, and continuing through to page 8, paragraph 1 states in part,*

"...you stated that you were driven to and from work while your license was suspended, which was untrue. You also stated that you were driven by your trainee while at work, which you also knew to be untrue. During the second interview..., you again made false statements about whether you drove to and from work and whether you drove your patrol car. Again the statements that Deputy Brittain made were factually accurate and not proven to be untrue. He was driven to work by friends and family on some days. His trainee also drove during the period of his suspension. His omission about his own driving does not make his statements regarding other drivers untrue.

- *Page 8, paragraph 2 states in part, "...you were again untruthful when you initially confirmed that you were being driven to work while your license was suspended. It was not until you were told there was surveillance footage showing that you drove yourself to work that you responded truthfully about driving to work.* Deputy Brittain did state that he was driven to work while his license was suspended. This was factual albeit an incomplete description of that time period. However it was not untrue. Furthermore, when asked directly if he drove himself to work and during work, he did admit to doing so. But until that point, the question was vaguely asked and vaguely answered, amounting to an omission, not an untruth.

- *page 8, paragraph 4 states in part, " As demonstrated above, you have **clearly and repeatedly lied** during the course of these two investigations. Not only did you **blatantly lied** during the investigations..."* While there were several omissions about his driving that were interpreted by investigators as lies, the actual statements made by Deputy Brittain in the interviews were factual and not directly discredited.

- *Page 8, paragraph 4 further states, "... but in essence you lied to the court and the Department by continuing to drive to and from work and during your patrol shift, despite having a suspended license, and failing to disclose that fact to supervision."* Not being forthright in volunteering drivers license suspension information is certainly a shortcoming, but it does not correlate to the department's policy manual as it describes "untruthfulness". This declaration that driving while suspended is tantamount to lying, is a stretch clearly intended to further color Deputy Brittain as a liar and misrepresents his failures. It should not have been added in this manner.

CONCLUSIONS:

Policy violations related to DUI, failure to properly store a weapon, and driving on a suspended license are proven and acknowledged by Deputy Brittain. While they are significant, the Notice of Intent to Dismiss was clearly and deliberately interspersed with

perceived instances of untruthfulness. Even to go so far as to say that driving on a suspended license was tantamount to lying. All of this would be obvious *Brady v. Maryland* material and inhibit his ability to perform his duties in the future.

In the context of this discussion I think it's important to look at the exact wording in OCSD Policy 1018.27-UNTRUTHFULNESS: *No Member shall knowingly make false statements or misrepresentations to other Members or superiors.*

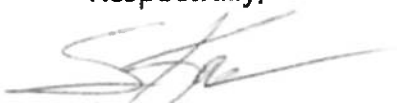
Deputy Brittain's statements, when questioned about how he got to work and who drove at work, were incomplete answers. He was not forthcoming, and there were serious omissions that the department (and ultimately even Deputy Brittain when confronted) stated are tantamount to a lie. Certainly when speaking about ethics in general, the argument is valid. However, against the backdrop of the plain text of the policy, Jared's statement that friends, family, and his trainee drove him were not false statements and they did not misrepresent the truthful fact that they did in fact drive him. It should also be noted that the investigating sergeants did discover video of him driving on some days but never discredited his statements that others drove him on alternate occasions.

I subsequently offer for your consideration that the more appropriate policy violation would have been Policy 1001.2 Canons of Ethics/Canon Two-Ethical Standards: "*Peace Officers shall truthfully, **COMPLETELY**, and impartially report, testify, and present evidence in all matters of an official nature*".

This obviously does not absolve Deputy Brittain of his actions, but it does remove the dark cloud of Policy 1018.27-UNTRUTHFULNESS and allows room for considering his conduct as an omission, rather than a lie, as described in the Notice of Intent to Dismiss. It would also then allow the totality of his failures to be measure against his 6 years of honorable service when determining the outcome of his Skelly Hearing.

I thank for your consideration of the issues I have raised.

Respectfully,



Steve Kea
Assistant Sheriff (retired)
[redacted]

ATTACHMENT P

Superior Court Declaration Re: Vehicle Code Section 13550

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: ☐ Central - 700 Civic Center Dr. West, Santa Ana, CA 92701 ☐ Harbor - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 ☐ North - 1275 N. Berkeley Ave., Fullerton, CA 92835 ☐ West - 8141 13th Street, Westminster, CA 92683	FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE OCT - 7 2022 DAVID H. YAMASAKI, Clerk of the Court BY: E. FIGUEROA, DEPUTY
PEOPLE OF THE STATE OF CALIFORNIA VS. DEFENDANT: BRITTAIN, JARED	
Declaration Re: Vehicle Code Section 13550	CASE NUMBER: 22WM07965

I, BRITTAIN, ☐ the Defendant, ☒ the attorney for the Defendant, in the above entitled action, do hereby declare that, I/the Defendant am/is unable to surrender a California Driver's License pursuant to Vehicle Code section 13550 for the following reason(s):

☐ I/The Defendant have/has never been issued a California Driver's License.

☐ I/The Defendant do/does not currently have an active California Driver's License.

☐ My/The Defendant's California Driver's License is currently lost or stolen.

☑ My/The Defendant's California Driver's License was confiscated at the time of arrest and it has not been lawfully re-issued.

☐ Other:

(*For attorneys only*)

☑ I am informed and believe that the foregoing information is true.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on 7 (date) day of Oct (month)/(year) in, Westminster (City), California.

Paul Meyer

Defendant or Defense Counsel Signature

ATTACHMENT Q

Respondent's DMV Driver Information – Dated 10/7/2022

DRIVER RECORD INFORMATION

DRIVERS LICENSE OR ID CARD #	F.O.	BATES NO	TYPE APP.	DATE	MISC. INFO. SUBMITTED BY REQUESTER	REQ. CODE	RECORD DATE
[redacted]					83 fs	R5126	090723

BIRTHDATE	SEX	HEIGHT	WEIGHT	EYES	HAIR
[redacted]					

DMV USE ONLY [redacted]

STATE OF CALIFORNIA DMV DEPARTMENT OF MOTOR VEHICLES
A PUBLIC SERVICE AGENCY

IDENTIFICATION OF DRIVER BASED ON INFORMATION SUBMITTED

32214 BRITTAIN, JARED NATHANIEL

ORANGE SD

DRIVER LICENSE INFORMATION

CLASS	ISSUED	EXPIRES	EXT.	RESTRICTIONS	DUP. LIC ISSUED	LIC HELD	
C&M1 N-COM	051119	090123		08			1341

ITEM	VIOLATION OR ACC DATE	CONVICTION DATE	SECTION(S) VIOLATED LOCATION OR ACCIDENT OR OUT-OF-STATE VIOLATION(S)	STATUTE	COURT DISPOSITION TYPE	COURT DISPOSITION JAIL OR CYA	COURT DISPOSITION AMT.	DOCKET, CITATION OR FR FILE NUMBER	LOCATION OF COURT OR ACCIDENT REPORT NUMBER	VEHICLE LICENSE
ACC	111921		STANTON						30001710309	[redacted]
ABST	060122	100722	23152B,23152A,23593A DMV POINT COUNT 2 COURT PROB THRU 10/06/25	VC	EMERG VEH CGJNZQ	060 DA		*22WM07	30440 WESTMINSTER	

COURT PROBATION TERMS THROUGH 100625, VIOLATION DATE 060122, DOCKET NUMBER *22WM07.
SHALL NOT COMMIT CRIMINAL OFFENSE REFUSE BAC TEST, OR DRIVE VEHICLE WITH ALCOHOL IN BLOOD.
OBEY ALL LAWS
COMPLY WITH SENTENCING
DRIVE ONLY IF LICENSED AND INSURED

ANY ACCIDENTS SHOWN ABOVE DO NOT NECESSARILY INDICATE DRIVER RESPONSIBILITY

MISC

HEALTH QUESTIONNAIRE EXPIRES NONE
PENDING APPLICATION:PENDING AUTOMATED APP
SR22 PROOF REQUIRED 12/20/22 TERMINATES 12/20/25
REST 08- UNABLE TO INTERPRET - CONTACT DMV.

ORANGE CNTY SHERIFF/CORONER
TINA WINTERBURN
320 N FLOWER ST
SANTA ANA CA 92703

SEE REVERSE FOR EXPLANATION OF CODES

DEPARTMENT ACTION	MAIL ORDER DATE	EFFECTIVE DATE	AUTHORITY SECTION(S) OR OTHER STATE TAKING ACTION	THRU DATE OR TERM	REASON FOR ACTION	SERVICE OF ORDER TYPE	SERVICE OF ORDER DATE	FR FILE NUMBER
SUSPENDED	101422	100722	13352A1			M	122022	
PRIV REIN		122022	13352					
VERBAL NOTICE DOCUMENT ON FILE								
SUSPENDED	101922	102822	133532 ,END/STA		EXCESSIVE BLOOD ALCOHOL LEVEL	M	122022	
VERBAL NOTICE DOCUMENT ON FILE								
ACTN TERM		122022	BY-DMV					
RSTRCTION	122722	122022	133524					

---CONTINUED ON NEXT PAGE---

DL414 (REV 04/97)

STATE OF CALIFORNIA DMV DEPARTMENT OF MOTOR VEHICLES

A PUBLIC SERVICE AGENCY

IDENTIFICATION OF DRIVER BASED ON INFORMATION SUBMITTED

32214 BRITTAIN, JARED NATHANIEL
(CONTINUED FROM PREVIOUS PAGE)

DRIVER RECORD INFORMATION

DRIVERS LICENSE OR ID CARD #	F O BATES NO	TYPE APP	DATE	MISC. INFO SUBMITTED BY REQUESTER	REQ. CODE	RECORD DATE
[redacted]				83 fs	R5126	090723

BIRTHDATE	SEX	HEIGHT	WEIGHT	EYES	HAIR	

DMV USE ONLY

DRIVER LICENSE INFORMATION

CLASS	ISSUED	EXPIRES	EXT.	RESTRICTIONS	DUP. LIC. ISSUED	LIC. HELD

ITEM	VIOLATION OR ACC. DATE	CONVICTION DATE	SECTION(S) VIOLATED LOCATION OR ACCIDENT OR OUT-OF-STATE VIOLATION(S)	STATUTE	COURT DISPOSITION TYPE	COURT DISPOSITION JAIL OR CYA	COURT DISPOSITION AMT.	DOCKET, CITATION OR FR FILE NUMBER	LOCATION OF COURT OR ACCIDENT REPORT NUMBER	VEHICLE LICENSE

ANY ACCIDENTS SHOWN ABOVE DO NOT NECESSARILY INDICATE DRIVER RESPONSIBILITY

VISC

ORANGE CNTY SHERIFF/CORONER
TINA WINTERBURN
320 N FLOWER ST
SANTA ANA CA 92703

SEE REVERSE FOR EXPLANATION OF CODES

DEPARTMENT ACTION	MAIL ORDER DATE	EFFECTIVE DATE	AUTHORITY SECTION(S) OR OTHER STATE TAKING ACTION	THRU DATE OR TERM	REASON FOR ACTION	SERVICE OF ORDER TYPE	SERVICE OF ORDER DATE	FR FILE NUMBER
RSTRCTION	122722	122022	133537		EXCESSIVE BLOOD ALCOHOL LEVEL	A	122722	
MAILED, NOT RETURNED UNCLAIMED								

DL414 (REV 04/97)

335

ATTACHMENT R

Respondent's Patrol Schedule – 10/7/2022 – 12/20/2022

Branch: North Operations Filter: All Unit: All Demands: All Employees: BRITTAIN, J 10392

Employee ID [redacted] Rank **DEPUTY SHERIFF II**

Employee **BRITTAIN, JARED NATHANIEL** Unit **Stanton Shift 3**

Date		Activity	Rank	Unit	Location	Length	Hours Leave	Unpaid	Standby	Regular	Extra	Premium	Banked
Oct 7, 2022	15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
		322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
					Oct 7, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Oct 8, 2022	03:30-06:00	322			Sheriff's • Stanton • Patrol	02:30				02:30		2B 02:30	
Oct 11, 2022	15:30-03:30	310			Sheriff's • Headquarters • North Operations • North Patrol	12:00				12:00		1H 12:00	
	03:30-06:00	422		Stanton Shift 4	Sheriff's • Headquarters • North Operations • North Patrol	02:30				02:30		1L 02:30	
					Oct 11, 2022 15:30-03:30	**14:30**				**14:30**		**14:30**	
Oct 12, 2022	15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
		322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
					Oct 12, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Oct 13, 2022	15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	03:30-06:00	322			Sheriff's • Stanton • Patrol	02:30				02:30		2B 02:30	
		322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
					Oct 13, 2022 15:30-03:30	**15:00**		**00:30**		**14:00**		**02:30**	
Oct 14, 2022	15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
		322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
					Oct 14, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Oct 15, 2022	16:00-03:30	322			Sheriff's • Stanton • Patrol	11:30				11:00			
	03:30-06:30	322			Sheriff's • Stanton • Patrol	03:00				03:00		2B 03:00	
		322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
					Oct 15, 2022 16:00-03:30	**15:00**		**00:30**		**14:00**		**03:00**	
Oct 18, 2022	15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30		1G 11:30	

Branch: North Operations Filter: All Unit: , Demands: All Employees: BRITTAIN, J 10392

Employee ID [redacted]
Employee **BRITTAIN, JARED NATHANIEL**

Rank **DEPUTY SHERIFF II**
Unit **Stanton Shift 3**

Date	Activity	Rank	Unit	Location	Length	Hours: Leave	Unpaid	Standby	Regular	Extra	Premium	Banked
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
	FLSA	11:00 Gross hours less 11:00 Overtime hours									00:00	
				Oct 18, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**		**11:30**	
Oct 19, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
03:30-06:00	322			Sheriff's • Stanton • Patrol	02:30				02:30		2B 02:30	
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
	FLSA	14:00 Gross hours less 14:00 Overtime hours									00:00	
				Oct 19, 2022 15:30-03:30	**15:00**		**00:30**		**14:00**		**02:30**	
Oct 20, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
	FLSA	11:30 Gross hours less 11:30 Overtime hours									00:00	
				Oct 20, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Oct 21, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Oct 21, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Oct 26, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Oct 26, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Oct 27, 2022 12:00-24:00	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Oct 27, 2022 12:00-00:00	**12:30**		**00:30**		**11:30**			
Oct 28, 2022 08:00-18:30	900			Sheriff's • Stanton	10:30				10:00			
	900			Sheriff's • Stanton	00:30		Code7 00:30		00:00			
				Oct 28, 2022 08:00-18:30	**11:00**		**00:30**		**10:00**			
Oct 29, 2022 08:00-18:30	900			Sheriff's • Stanton	10:30				10:00			
	900			Sheriff's • Stanton	00:30		Code7 00:30		00:00			
				Oct 29, 2022 08:00-18:30	**11:00**		**00:30**		**10:00**			

Employee ID [redacted]
Employee **BRITTAIN, JARED NATHANIEL**

Rank **DEPUTY SHERIFF II**
Unit **Stanton Shift 3**

Date		Activity	Rank	Unit	Location	Length	Hours Leave	Unpaid	Standby	Regular	Extra	Premium	Banked
Oct 30, 2022	08:00-10:30	900			Sheriff's • Stanton	02:30				02:30			
	10:30-18:30	900			Sheriff's • Stanton	08:00				08:00		6D 08:00	
					Oct 30, 2022 08:00-10:30	**10:30**				**10:30**		**08:00**	
Nov 2, 2022	15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
		322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
					Nov 2, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Nov 3, 2022	03:30-06:30	322			Sheriff's • Stanton • Patrol	03:00				03:00		2B 03:00	
Nov 3, 2022	15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
		322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
		FLSA	11:00 Gross hours less 11:00 Overtime hours									00:00	
					Nov 3, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Nov 4, 2022	03:30-06:00	322			Sheriff's • Stanton • Patrol	02:30				02:30		2B 02:30	
		FLSA	02:30 Gross hours less 02:30 Overtime hours									00:00	
					Nov 3, 2022 03:30-06:00	**02:30**				**02:30**		**02:30**	
Nov 4, 2022	15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
		322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
					Nov 4, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Nov 9, 2022	08:30-13:00	322			Sheriff's • Stanton • Patrol	04:30				04:30		3A 04:30	
	13:00-01:00	322			Sheriff's • Stanton • Patrol	12:00				11:30			
		322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
					Nov 9, 2022 13:00-01:00	**17:00**		**00:30**		**16:00**		**04:30**	
Nov 10, 2022	15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
		322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
					Nov 10, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Nov 11, 2022	15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
		322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			

Employee ID [redacted]
Employee **BRITTAIN, JARED NATHANIEL**

Rank **DEPUTY SHERIFF II**
Unit **Stanton Shift 3**

Date	Activity	Rank	Unit	Location	Length	Hours Leave	Unpaid	Standby	Regular	Extra	Premium	Banked
				Nov 11, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Nov 12, 2022 03:30-06:30	322			Sheriff's • Stanton • Patrol	03:00				03:00		2B 03:00	
Nov 12, 2022 16:00-03:30	322			Sheriff's • Stanton • Patrol	11:30				11:00			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Nov 12, 2022 16:00-03:30	**12:00**		**00:30**		**11:00**			
Nov 16, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Nov 16, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Nov 17, 2022 03:30-06:00	423			Sheriff's • Stanton • Patrol	02:30				02:30		1G 02:30	
Nov 17, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
	FLSA	10:00 Gross hours less 10:00 Overtime hours									00:00	
				Nov 17, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Nov 18, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Nov 18, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Nov 19, 2022 11:30-17:30	Spc Evt			Sheriff's	06:00				05:30		6C 05:30	
	Spc Evt			Sheriff's	00:30		Code7 00:30		00:00			
				Nov 19, 2022 11:30-17:30	**06:30**		**00:30**		**05:30**		**05:30**	
Nov 20, 2022 06:00-16:30	Spc Evt			Sheriff's	10:30				10:00		6C 10:00	
	Spc Evt			Sheriff's	00:30		Code7 00:30		00:00			
				Nov 20, 2022 06:00-16:30	**11:00**		**00:30**		**10:00**		**10:00**	
Nov 22, 2022 15:30-03:30	316		North Patrol Shift 3	Sheriff's • Headquarters • North Operations • North Patrol	12:00				11:30		1H 11:30	
	316		North Patrol Shift 3	Sheriff's • Headquarters • North Operations • North Patrol	00:30		Code7 00:30		00:00			

Branch: North Operations Filter: All Unit: . Demands: All Employees: BRITTAIN, J 10392

Employee ID [redacted]
Employee **BRITTAIN, JARED NATHANIEL**

Rank **DEPUTY SHERIFF II**
Unit **Stanton Shift 3**

Date	Activity	Rank	Unit	Location	Length	Hours Leave	Unpaid	Standby	Regular	Extra	Premium	Banked
				Nov 22, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**		**11:30**	
Nov 23, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Nov 23, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Nov 24, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Nov 24, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Nov 25, 2022 03:30-07:30	322			Sheriff's • Stanton • Patrol	04:00				04:00		2B 04:00	
Nov 25, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Nov 25, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Nov 26, 2022 16:00-03:30	322			Sheriff's • Stanton • Patrol	11:30				11:00			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
	FLSA	08:00 Gross hours less 08:00 Overtime hours									00:00	
				Nov 26, 2022 16:00-03:30	**12:00**		**00:30**		**11:00**			
Nov 30, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
	FLSA	11:30 Gross hours less 11:30 Overtime hours									00:00	
				Nov 30, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Dec 1, 2022 03:30-06:00	321			Sheriff's • Stanton • Patrol	02:30				02:30		1H 02:30	
	FLSA	02:30 Gross hours less 02:30 Overtime hours									00:00	
				Nov 30, 2022 03:30-06:00	**02:30**				**02:30**		**02:30**	
Dec 1, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
	FLSA	11:30 Gross hours less 11:30 Overtime hours									00:00	
				Dec 1, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			

Branch: North Operations Filter: All Unit: All Demands: All Employees: BRITTAIN, J 10392

Employee ID [redacted] Rank **DEPUTY SHERIFF II**

Employee **BRITTAIN, JARED NATHANIEL** Unit **Stanton Shift 3**

Date	Activity	Rank	Unit	Location	Length	Hours Leave	Unpaid	Standby	Regular	Extra	Premium	Banked
Dec 2, 2022 15:30-03:30	~~322~~			~~Sheriff's • Stanton • Patrol~~	12:00	AL 11:30			00:00			
	~~322~~			~~Sheriff's • Stanton • Patrol~~	00:30	AL 00:30	Code7 00:00		00:00			
				Dec 2, 2022 15:30-03:30	**12:30**	**12:00**						
Dec 7, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Dec 7, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Dec 8, 2022 13:30-15:30	321			Sheriff's • Stanton • Patrol	02:00				02:00		1H 02:00	
Dec 8, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Dec 8, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Dec 9, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Dec 9, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Dec 10, 2022 16:00-03:30	322			Sheriff's • Stanton • Patrol	11:30				11:00			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Dec 10, 2022 16:00-03:30	**12:00**		**00:30**		**11:00**			
Dec 14, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Dec 14, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Dec 15, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton • Patrol	00:30		Code7 00:30		00:00			
				Dec 15, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Dec 16, 2022 03:30-06:00	422			Sheriff's • Stanton • Patrol	02:30				02:30		1D 02:30	
Dec 16, 2022 15:30-03:30	322			Sheriff's • Stanton • Patrol	12:00				11:30			
	322			Sheriff's • Stanton •	00:30		Code7 00:30		00:00			

Branch: North Operations Filter: All Unit: All Demands: All Employees: BRITTAIN, J 10392

Employee ID [redacted]
Employee **BRITTAIN, JARED NATHANIEL**

Rank **DEPUTY SHERIFF II**
Unit **Stanton Shift 3**

Date	Activity	Rank	Unit	Location	Length	Hours: Leave	Unpaid	Standby	Regular	Extra	Premium	Banked
	322			Patrol								
				Dec 16, 2022 15:30-03:30	**12:30**		**00:30**		**11:30**			
Dec 17, 2022 03:30-06:00	322			Sheriff's • Stanton • Patrol	02:30				02:30		2B 02:30	
				Total Hours	**552:00**	**12:00**	**19:30**		**500:30**		**100:30**	

Leave Unpaid/Standby	
Annual Leave	00:30
	00:30

Leave	
Annual Leave	11:30
	11:30

Unpaid	
- Unpaid Break	19:30
	19:30

Premium	
1D - Sick Leave	02:30
1G - Training Replace Non-STC	14:00
1H - Vacant Position	28:00
1L - Training/Vacant Position	02:30
2B - Complete Assignment	25:30
3A - Court Subpoena Appearance	04:30
6C - Special Event	15:30
6D - Training on off hours	08:00
	100:30

FLSA (Gross) **93:30**

Employee ID [redacted]

Employee **BRITTAIN, JARED NATHANIEL**

Rank **DEPUTY SHERIFF II**

Unit **Stanton Shift 3**

	Hours							
	Length	Leave	Unpaid	Standby	Regular	Extra	Premium	Banked
Grand Total	**552:00**	**12:00**	**19:30**	**00:00**	**500:30**	**00:00**	**100:30**	**00:00**

Leave Unpaid/Standby		**Leave**		**Unpaid**	
Annual Leave	00:30	Annual Leave	11:30	- Unpaid Break	19:30
	00:30		**11:30**		**19:30**

Premium	
1D - Sick Leave	02:30
1G - Training Replace Non-STC	14:00
1H - Vacant Position	28:00
1L - Training/Vacant Position	02:30
2B - Complete Assignment	25:30
3A - Court Subpoena Appearance	04:30
6C - Special Event	15:30
6D - Training on off hours	08:00
	100:30
FLSA (Gross)	**93:30**

Total Employees in Overtime **1**

ATTACHMENT S

Respondent's Time Sheets – 10/7/2022 – 12/20/2022

Orange County BiWeekly Timecard

Pay Period Hours (hours/minutes) Pay Period: 22

Employee: JARED BRITTAIN Employee ID: [redacted] Appointment:

Agency: 060 Unit: 1414 Pay Location: 060070 Title Code: 6130PO

Worked	Time Off	Total	Other Hours	Over Time
80.00	0.00	80.00	93.00	50.00

Start Date: 2022-10-07

End Date: 2022-10-20

Timesheet Detail Information (hours/decimals)

Unit	Job #	Dept Obj	Pay Code	Total Hours	FRI 10/7	SAT 10/8	SUN 10/9	MON 10/10	TUE 10/11	WED 10/12	THU 10/13	FRI 10/14	SAT 10/15	SUN 10/16	MON 10/17	TUE 10/18	WED 10/19	THU 10/20
			REG_HOURS_WORKED	Start	2022-10-07 15:30:00					2022-10-12 15:30:00	2022-10-13 15:30:00	2022-10-14 15:30:00	2022-10-15 16:00:00				2022-10-19 15:30:00	2022-10-20 15:30:00
				Stop	2022-10-07 22:00:00					2022-10-12 22:00:00	2022-10-13 22:00:00	2022-10-14 22:00:00	2022-10-15 22:00:00				2022-10-19 22:00:00	2022-10-20 22:00:00
			REG_HOURS_WORKED	Start	2022-10-07 22:30:00					2022-10-12 22:30:00	2022-10-13 22:30:00	2022-10-14 22:30:00	2022-10-15 23:30:00				2022-10-19 22:30:00	2022-10-20 22:30:00
				Stop	2022-10-08 03:30:00					2022-10-13 03:30:00	2022-10-14 03:30:00	2022-10-15 03:30:00	2022-10-16 03:30:00				2022-10-20 03:30:00	2022-10-21 03:30:00
1414	SH1EE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start													2022-10-19 15:30:00	
				Stop													2022-10-19 15:30:00	
1414	SH1HE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start												2022-10-18 15:30:00		
				Stop												2022-10-18 22:00:00		
1414	SH2BE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start	2022-10-07 03:30:00					2022-10-12 03:30:00	2022-10-13 03:30:00	2022-10-14 03:30:00	2022-10-15 03:30:00					2022-10-21 03:30:00
				Stop	2022-10-07 07:00:00					2022-10-12 06:00:00	2022-10-13 06:00:00	2022-10-14 06:00:00	2022-10-15 06:30:00					2022-10-21 06:00:00
1411	SH1HE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start					2022-10-11 15:30:00									
				Stop					2022-10-11 22:00:00									
1414	SH1HE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start												2022-10-18 22:30:00		
				Stop												2022-10-19 03:30:00		
1411	SH1HE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start					2022-10-11 22:30:00									
				Stop					2022-10-12 03:30:00									
			PATROL_TRAINING_OFFICER	85.00	15.0000					14.0000	14.0000	14.0000	14.0000					14.0000

Results (hours/minutes)

1414			HCPD	8.00				8.00										

1414	SH2BE		OTPD	8.30	3.30					2.30	2.30							
1414	SH1HE		OTPD	11.30					11.30									
1414	SH1HE		OTST	17.15												17.15		
1414	SH1EE		OTST	0.45													0.45	
1414	SH2BE		OTST	12.00								3.45	4.30					3.45
1414			PETO	85.00	15.00					14.00	14.00	14.00	14.00					14.00
1414			RH	90.00	11.30					11.30	11.30	11.30	11.00				11.30	11.30
			Daily Totals	223.00	30.00			8.00	11.30	28.00	28.00	29.15	29.30			17.15	12.15	29.15

Employee Certification
I certifyto the best of my knowledge that the above information is true and correct

JARED BRITTAIN
2022-10-20 16:51:20

Supervisor's Certification
I certify that I have reviewed and approved the above information _____

Payroll Department
Modified/Approved Timecard _____ _ ____.

Orange County BiWeekly Timecard

Employee: JARED BRITTAIN Employee ID: [redacted] Appointment:

Agency: 060 Unit: 1414 Pay Location: 060070 Title Code: 6130PO

Pay Period Hours (hours/minutes) Pay Period: 23

Worked	Time Off	Total	Other Hours	Over Time
80.00	0.00	80.00	53.30	16.00

Start Date: 2022-10-21

End Date: 2022-11-03

Timesheet Detail Information (hours/decimals)

Unit	Job #	Dept Obj	Pay Code	Total Hours	FRI 10/21	SAT 10/22	SUN 10/23	MON 10/24	TUE 10/25	WED 10/26	THU 10/27	FRI 10/28	SAT 10/29	SUN 10/30	MON 10/31	TUE 11/1	WED 11/2	THU 11/3
	SH4AE		ON_CALL	Start	2022-10-21 08:00:00			2022-10-24 08:00:00	2022-10-25 08:00:00								2022-11-02 08:00:00	
				Stop	2022-10-21 12:00:00			2022-10-24 12:00:00	2022-10-25 12:00:00								2022-11-02 12:00:00	
			REG_HOURS_WORKED	Start	2022-10-21 15:30:00					2022-10-26 15:30:00	2022-10-27 12:00:00	2022-10-28 08:00:00	2022-10-29 08:00:00	2022-10-30 08:00:00			2022-11-02 15:30:00	2022-11-03 15:30:00
				Stop	2022-10-21 22:00:00					2022-10-26 22:00:00	2022-10-27 18:00:00	2022-10-28 12:00:00	2022-10-29 12:00:00	2022-10-30 10:30:00			2022-11-02 22:00:00	2022-11-03 22:00:00
			REG_HOURS_WORKED	Start	2022-10-21 22:30:00					2022-10-26 22:30:00	2022-10-27 18:30:00	2022-10-28 12:30:00	2022-10-29 12:30:00				2022-11-02 22:30:00	2022-11-03 22:30:00
				Stop	2022-10-22 03:30:00					2022-10-27 03:30:00	2022-10-28 00:00:00	2022-10-28 18:30:00	2022-10-29 18:30:00				2022-11-03 03:30:00	2022-11-04 03:30:00
	SH2BE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start													2022-11-02 03:30:00	2022-11-03 03:30:00
				Stop													2022-11-02 06:00:00	2022-11-03 06:00:00
	SH6BE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start						2022-10-26 12:30:00								
				Stop						2022-10-26 15:30:00								
	SH6DE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start										2022-10-30 11:00:00				
				Stop										2022-10-30 18:30:00				
			TRAINING_OFFICER_SHERIFF	37.50	11.5000					14.5000	11.5000							

Results (hours/minutes)

1414	SH4AE		OC	16.00	4.00			4.00	4.00								4.00	
1414	SH6DE		OTPD	7.30										7.30				
1414	SH2BE		OTPD	5.30													3.00	2.30
1414	SH6BE		OTPD	3.00						3.00								
1414			RH	80.00	11.30					11.30	11.30	10.00	10.00	2.30			11.30	11.30
1414			TO	37.30	11.30					14.30	11.30							
			Daily Totals	149.30	27.00			4.00	4.00	29.00	23.00	10.00	10.00	10.00			18.30	14.00

Employee Certification I certifyto the best of my knowledge that the above information is true and correct	*JARED BRITTAIN* *2022-11-03 01:57:15*	Supervisor's Certification I certify that I have reviewed and approved the above information	*DANIEL DOUTHITT* *2022-11-03 02:40:23*	Payroll Department Modified/Approved Timecard	[redacted] *2022-11-04 09:56:23*

Orange County BiWeekly Timecard

Pay Period Hours (hours/minutes) Pay Period: 24

Employee: JARED BRITTAIN Employee ID: [redacted] Appointment:

Agency: 060 Unit: 1414 Pay Location: 060070 Title Code: 6130PO

Worked	Time Off	Total	Other Hours	Over Time
80.00	0.00	80.00	8.00	13.00

Start Date: 2022-11-04

End Date: 2022-11-17

Timesheet Detail Information (hours/decimals)

Unit	Job #	Dept Obj	Pay Code	Total Hours	FRI 11/4	SAT 11/5	SUN 11/6	MON 11/7	TUE 11/8	WED 11/9	THU 11/10	FRI 11/11	SAT 11/12	SUN 11/13	MON 11/14	TUE 11/15	WED 11/16	THU 11/17
			REG_HOURS_WORKED	Start	2022-11-04 15:30:00					2022-11-09 13:00:00	2022-11-10 15:30:00	2022-11-11 15:30:00	2022-11-12 15:30:00				2022-11-16 15:30:00	2022-11-17 15:30:00
				Stop	2022-11-04 22:00:00					2022-11-09 22:00:00	2022-11-10 22:00:00	2022-11-11 22:00:00	2022-11-12 22:00:00				2022-11-16 22:00:00	2022-11-17 22:00:00
			REG_HOURS_WORKED	Start	2022-11-04 22:30:00					2022-11-09 22:30:00	2022-11-10 22:30:00	2022-11-11 22:30:00	2022-11-12 22:30:00				2022-11-16 22:30:00	2022-11-17 22:30:00
				Stop	2022-11-05 03:30:00					2022-11-10 01:00:00	2022-11-11 03:30:00	2022-11-12 03:30:00	2022-11-13 03:00:00				2022-11-17 03:30:00	2022-11-18 03:30:00
	SH2BE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start								2022-11-12 03:30:00	2022-11-13 03:00:00					
				Stop								2022-11-12 06:30:00	2022-11-13 06:00:00					
	SH3BE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start						2022-11-09 08:30:00								
				Stop						2022-11-09 13:00:00								
	SH1GE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start													2022-11-17 03:30:00	
				Stop													2022-11-17 06:00:00	

Results (hours/minutes)

1414			HCPD	8.00								8.00						
1414	SH1GE		OTPD	2.30													2.30	
1414	SH2BE		OTPD	6.00								3.00	3.00					
1414	SH3BE		OTPD	4.30						4.30								
1414			RH	80.00	11.30					11.30	11.30	11.30	11.00				11.30	11.30
			Daily Totals	**101.00**	**11.30**					**16.00**	**11.30**	**22.30**	**14.00**				**14.00**	**11.30**

Employee Certification
I certifyto the best of my knowledge that the above information is true and correct DANIEL DOUTHITT 2022-11-13 17:34:38

Supervisor's Certification
I certify that I have reviewed and approved the above information DANIEL DOUTHITT 2022-11-13 17:34:38

Payroll Department
Modified/Approved Timecard _____

Orange County BiWeekly Timecard

Pay Period Hours (hours/minutes) Pay Period: 25

Employee: JARED BRITTAIN Employee ID: [redacted] Appointment:

Agency: 060 Unit: 1414 Pay Location: 060070 Title Code: 6130PO

Worked	Time Off	Total	Other Hours	Over Time
80.00	0.00	80.00	82.00	43.00

Start Date: 2022-11-18

End Date: 2022-12-01

Timesheet Detail Information (hours/decimals)

Unit	Job #	Dept Obj	Pay Code	Total Hours	FRI 11/18	SAT 11/19	SUN 11/20	MON 11/21	TUE 11/22	WED 11/23	THU 11/24	FRI 11/25	SAT 11/26	SUN 11/27	MON 11/28	TUE 11/29	WED 11/30	THU 12/1
			REG_HOURS_WORKED	Start	2022-11-18 15:30:00					2022-11-23 15:30:00	2022-11-24 15:30:00	2022-11-25 15:30:00	2022-11-26 16:00:00				2022-11-30 15:30:00	2022-12-01 15:30:00
				Stop	2022-11-18 22:00:00					2022-11-23 22:00:00	2022-11-24 22:00:00	2022-11-25 22:00:00	2022-11-26 22:00:00				2022-11-30 22:00:00	2022-12-01 22:00:00
			REG_HOURS_WORKED	Start	2022-11-18 22:30:00					2022-11-23 22:30:00	2022-11-24 22:30:00	2022-11-25 22:30:00	2022-11-26 22:30:00				2022-11-30 22:30:00	2022-12-01 22:30:00
				Stop	2022-11-19 03:30:00					2022-11-24 03:30:00	2022-11-25 03:30:00	2022-11-26 03:30:00	2022-11-27 03:30:00				2022-12-01 03:30:00	2022-12-02 03:30:00
	SH1HE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start													2022-11-30 03:30:00	
				Stop													2022-11-30 06:00:00	
1411	SH1HE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start					2022-11-22 15:30:00									
				Stop					2022-11-22 22:00:00									
	SH2BE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start							2022-11-24 03:30:00							
				Stop							2022-11-24 07:30:00							
	SH2EE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start								2022-11-25 03:30:00	2022-11-26 03:30:00					
				Stop								2022-11-25 06:00:00	2022-11-26 06:00:00					
1416	SHNNMB6		UNSCHEDULE_WORKED_TIME_OT_SOT	Start		2022-11-19 11:30:00	2022-11-20 06:00:00											
				Stop		2022-11-19 17:30:00	2022-11-20 20:00:00											
1411	SH1HE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start					2022-11-22 22:30:00									
				Stop					2022-11-23 03:30:00									
			PATROL_TRAINING_OFFICER	66.00	11.5000					11.5000	15.5000	14.0000	13.5000					

Results (hours/minutes)

1414			HCPD	16.00							8.00	8.00						

1414	SH1HE		OTPD	2.30													2.30	
1411	SH1HE		OTPD	11.30					11.30									
1414	SH2BE		OTPD	4.00							4.00							
1416	SHNNMB		OTPD	20.00		6.00	14.00											
1414	SH2KE		OTPD	5.00								2.30	2.30					
1414			PPTO	68.00	11.30					11.30	15.30	14.00	13.30					
1414			RH	80.00	11.30					11.30	11.30	11.30	11.00				11.30	11.30
			Daily Totals	**205.00**	**23.00**	**6.00**	**14.00**		**11.30**	**23.00**	**39.00**	**36.00**	**27.00**				**14.00**	**11.30**

Employee Certification
I certifyto the best of my knowledge that the above information is true and correct *JARED BRITTAIN* *2022-11-30 23:45:38*

Supervisor's Certification
I certify that I have reviewed and approved the above information *DANIEL DOUTHITT* *2022-12-01 03:29:56*

Payroll Department
Modified/Approved Timecard _____ _____

Orange County BiWeekly Timecard

Pay Period Hours (hours/minutes) Pay Period: 26

Employee: JARED BRITTAIN Employee ID: [redacted] Appointment:

Agency: 060 Unit: 1414 Pay Location: 060070 Title Code: 6130PO

Worked	Time Off	Total	Other Hours	Over Time
68.30	11.30	80.00	84.30	19.00

Start Date: 2022-12-02

End Date: 2022-12-15

Timesheet Detail Information (hours/decimals)

Unit	Job #	Dept Obj	Pay Code	Total Hours	FRI 12/2	SAT 12/3	SUN 12/4	MON 12/5	TUE 12/6	WED 12/7	THU 12/8	FRI 12/9	SAT 12/10	SUN 12/11	MON 12/12	TUE 12/13	WED 12/14	THU 12/15
			COURT_SUBPOENA	Start					2022-12-06 08:00:00	2022-12-07 08:00:00								
				Stop					2022-12-06 12:00:00	2022-12-07 12:00:00								
			REG_HOURS_WORKED	Start						2022-12-07 15:30:00	2022-12-08 15:30:00	2022-12-09 15:30:00	2022-12-10 16:00:00				2022-12-14 15:30:00	2022-12-15 15:30:00
				Stop						2022-12-07 22:00:00	2022-12-08 22:00:00	2022-12-09 22:00:00	2022-12-10 22:00:00				2022-12-14 22:00:00	2022-12-15 22:00:00
			REG_HOURS_WORKED	Start						2022-12-07 22:30:00	2022-12-08 22:30:00	2022-12-09 22:30:00	2022-12-10 22:30:00				2022-12-14 22:30:00	2022-12-15 22:30:00
				Stop						2022-12-08 03:30:00	2022-12-09 03:30:00	2022-12-10 03:30:00	2022-12-11 03:30:00				2022-12-15 03:30:00	2022-12-16 03:30:00
			SICK_LEAVE	Start	2022-12-02 15:30:00													
				Stop	2022-12-02 23:30:00													
			SICK_LEAVE	Start	2022-12-02 23:30:00													
				Stop	2022-12-03 03:30:00													
	SH1DE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start														2022-12-15 01:30:00
				Stop														2022-12-15 06:00:00
	SH1HE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start							2022-12-08 13:00:00							
				Stop							2022-12-08 15:30:00							
	SH2BE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start									2022-12-13				2022-12-14 03:30:00	
				Stop									2022-12-13 07:30:00				2022-12-14 08:00:00	
			PATROL_TRAINING_OFFICER	82.00						11.5000	14.0000	11.5000	15.0000				16.0000	14.0000

Results (hours/minutes)

1414	SH2BE		OTPD	8.30									4.00				4.30	

1414	SH1DE		OTPD	2.30														2.30
1414			PPTO	82.00						11.30	14.00	11.30	15.00				16.00	14.40
1414			RH	68.30						11.30	11.30	11.30	11.00				11.30	11.30
1414			SBPPD	8.00					4.00	4.00								
1414	SH1HE		SOT	2.30							2.30							
1414			SP	11.30	11.30													
			Daily Totals	**183.30**	**11.30**				**4.00**	**27.00**	**28.00**	**23.00**	**30.00**				**32.00**	**28.00**

Employee Certification
I certifyto the best of my knowledge that the above information is true and correct *JARED BRITTAIN* *2022-12-16 01:25:5*

Supervisor's Certification
I certify that I have reviewed and approved the above information *DANIEL DOUTHITT* *2022-12-16 02:05:17*

Payroll Department
Modified/Approved Timecard _____

Orange County BiWeekly Timecard

Pay Period Hours (hours/minutes)

Pay Period: 01

Employee: JARED BRITTAIN Employee ID: [redacted] Appointment:

Start Date: 2022-12-16

Agency: 060 Unit: 1414 Pay Location: 060070 Title Code: 6130PO

End Date: 2022-12-29

Worked	Time Off	Total	Other Hours	Over Time
80.00	0.00	80.00	93.00	14.30

Timesheet Detail Information (hours/decimals)

Unit	Job #	Dept Obj	Pay Code	Total Hours	FRI 12/16	SAT 12/17	SUN 12/18	MON 12/19	TUE 12/20	WED 12/21	THU 12/22	FRI 12/23	SAT 12/24	SUN 12/25	MON 12/26	TUE 12/27	WED 12/28	THU 12/29
	SH4AE		ON_CALL	Start												2022-12-27 08:00:00		
				Stop												2022-12-27 12:00:00		
			REG_HOURS_WORKED	Start	2022-12-16 15:30:00					2022-12-21 15:30:00	2022-12-22 15:30:00	2022-12-23 15:30:00	2022-12-24 16:00:00				2022-12-28 05:00:00	2022-12-29 15:30:00
				Stop	2022-12-16 22:00:00					2022-12-21 22:00:00	2022-12-22 22:00:00	2022-12-23 22:00:00	2022-12-24 22:00:00				2022-12-28 11:00:00	2022-12-29 22:00:00
			REG_HOURS_WORKED	Start	2022-12-16 22:30:00					2022-12-21 22:30:00	2022-12-22 22:30:00	2022-12-23 22:30:00	2022-12-24 22:30:00				2022-12-28 11:30:00	2022-12-29 22:30:00
				Stop	2022-12-17 03:30:00					2022-12-22 03:30:00	2022-12-23 03:30:00	2022-12-24 03:30:00	2022-12-25 03:30:00				2022-12-28 18:00:00	2022-12-30 03:30:00
	SH1IE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start						2022-12-22 03:30:00								
				Stop						2022-12-22 06:00:00								
	SH2BE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start	2022-12-16 03:30:00							2022-12-23 03:30:00	2022-12-24 03:30:00					
				Stop	2022-12-16 07:30:00							2022-12-23 06:00:00	2022-12-24 07:00:00					
	SH6CE		UNSCHEDULE_WORKED_TIME_OT_SOT	Start													2022-12-28 14:00:00	
				Stop													2022-12-28 20:00:00	
1446			ACCOUNT_CODING_DAY_SHIFT	11.50													11.5000	
			PATROL_TRAINING_OFFICER	81.00	15.5000					14.0000	11.5000	14.0000	14.5000					11.5000

Results (hours/minutes)

1414			HCPD	8.00											8.00			
1414	SH4AE		OC	4.00												4.00		
1414	SH1IE		OTPD	2.30						2.30								
1414	SH2BE		OTPD	10.00	4.00							2.30	3.30					
1414	SH6CE		OTPD	2.00													2.00	
1414			PFTO	81.00	15.30					14.00	11.30	14.00	14.30					11.30

144			RH	11.30												11.30	
1414			RH	8.30	11.30					11.30	11.30	11.30	11.30				11.30
			Daily Totals	187.30	31.00					28.00	23.00	28.00	29.00		8.00	4.00	13.30	23.00

Employee Certification
I certifyto the best of my knowledge that the above information is true and correct JARED BRITTAIN 2022-12-30 01:10:49

Supervisor's Certification
I certify that I have reviewed and approved the above information DANIEL DOUTHITT 2022-12-30 02:19:49

Payroll Department
Modified/Approved Timecard _____ _____

ATTACHMENT T

FTO/ Training Schedules

North Division Patrol Training Matrix

Trainee	Assigned To	Training Officer	Shift	Phase	Re-Phase?	Extension?	Training Location	Training			Admin. Sergeant	Completed Department Tour?
								Start Date	End Date	Days		
[redacted]												
Trainee 1	Stanton	J. Brittain	3B	3	No	Yes (1 Week)	Stanton	10/7/22	10/13/22	7	V. Contrereas	Yes

North Division Patrol Training Ma

PID	Trainee	Assigned To	Training Officer	Shift	Phase	Re-Phase?	Extension?	Training Location	Training			Admin. Sergeant
									Start Date	End Date	Days	
[redacted]												
1222	Trainee 1	Stanton	J. Brittain	3B	4	No	No	Stanton	10/14/22	10/27/22	14	V. Contreras

North Division Patrol Trainin

PID	Trainee	Assigned To	Training Officer	Shift	Phase	Re-Phase?	Extension?	Training Location	Training			Admin. Sergeant
									Start Date	End Date	Days	
10283	[redacted]											
9643												
8961												
10315												
10352												
10327	Trainee 2	North Operations	J. Brittain	3B	3	No	No	Stanton	11/18/22	12/15/22	28	T. Feely
10990	[redacted]											
11041												
10048												
10558												
10694												
10157												
10157												
10212												
10986												
10397												

North Division Patrol Training Matr

PID	Trainee	Assigned To	Training Officer	Shift	Phase	Re-Phase?	Extension?	Training Location	Training			Admin. Serge
									Start Date	End Date	Days	
[redacted]												
10327	Trainee 2	North Operations	J. Brittain	3B	4	No	No	Stanton	12/16/22	12/29/22	14	T. Feely
[redacted]												

ATTACHMENT U

Daily Observations Reports – Patria Flores

DOR Report for [redacted]

Trainee	[redacted]	Date 10/07/2022	DOR 59
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Near Acceptable (3)	
	Comments: [redacted] is very receptive and respectful towards receiving corrections and is able to implement the changes necessary throughout the shift.		
2	Attitude Toward Police Work	Near Acceptable (3)	
	Comments: [redacted] maintained a positive attitude during the shift despite handling a wide variety of calls, proactive stops and an in custody stop late in the night.		
3	Attitude with Citizens/Community	Near Acceptable (3)	
4	Driving Skills	Near Acceptable (3)	
5	Map Book Use	Near Acceptable (3)	
6	Report Writing	Near Acceptable (3)	
	Comments: [redacted] had a lengthy in custody report with several crimes, evidence and ever[redacted] was given several similar report examples and completed the report with minimal corrections needed. [redacted] input the incorrect information on a CHP180 in the beginning of the shift, realized her mistake and correctly completed a CHP180 for another call at the end of our shift.		
7	Field Performance Non-Stress Conditions	Near Acceptable (3)	
	Comments: We went to Katella for the 'Roadshow' and completed their scenario of a felony car stop on a stolen vehicle. [redacted] performed everything correctly but did not initiate a detention by activating her overhead steady red light. [redacted] has conducted several felony car stops and know the importance of having a detention when warranted to justify any attempt at a resisting or obstructing charge.		
8	Field Performance Stress Conditions	Near Unacceptable (2)	
	Comments: [redacted] and I were dispatched to a 459 in our area. Other Deputies arrived prior to our arrival. Deputy [redacted] did not take charge in setting up containment, getting pertinent information from the informant or asking partners to assemble a react team. The call itself did not result in a crime but set the basis of how a call of that severity needed to be handled under the stress of going code three and having duke overhead. *Training Comments:* Deputy [redacted] was told as a trainee and having a priority call in her area that she needed to take charge and handle it in its entirety.		
9	Investigative/ Interrogation Skills	Near Acceptable (3)	
	Comments: Deputy [redacted] asks the majority of necessary information for reports and to investigate crimes committed in her presence.		
10	Self-Initiated Field Activity	Unacceptable (1)	

DOR Report for [redacted]

Trainee	[redacted]	Date	10/12/2022	DOR	61
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Near Acceptable (3)	
	Comments: [redacted] continues to have an open mind towards corrections and asks questions to further understand concepts and tactics.		
2	Attitude Toward Police Work	Acceptable (4)	
	Comments: [redacted] was eager to work and learn at the start of this work week.		
3	Attitude with Citizens/Community	Near Unacceptable (2)	
	Comments: [redacted] conducted three occupied vehicles today. Each encounter was consensual and [redacted] struggled to carry a conversation or gain any bit of cooperation. Her initial approach seemed aggressive and each person took offense. *Training Comments:* [redacted] was explained the importance of 'verbal judo' and the time and place when speaking aggressively to subjects may be necessary.		
4	Driving Skills	Near Unacceptable (2)	
	Comments: [redacted] successfully navigated to each call for service today. [redacted] still has tunnel vision while driving Code3. During rush hour traffic, at approximately 1700 hours, while responding to a 9017, [redacted] drove southbound Beach Blvd at the intersection with Katella without clearing each lane. This is a very congested intersection and a vehicle who was obeying all traffic laws barely stopped for our patrol vehicle because we rushed into the intersection. *Training Comments:* Code 3 responses were covered during and after this call.		
5	Map Book Use	Near Acceptable (3)	
6	Report Writing	Near Acceptable (3)	
	Comments: [redacted] submitted three reports to me today. The first report was a located stolen vehicle, second was a fraud report and lastly was a 495 vehicle. [redacted] wrote the reports very quickly and only needed minor corrections.		
7	Field Performance Non-Stress Conditions	Near Acceptable (3)	
8	Field Performance Stress Conditions	Near Acceptable (3)	
	Comments: See driving skills.		
9	Investigative/ Interrogation Skills	Near Acceptable (3)	
	Comments: [redacted] failed to obtain all available information from a subject reporting fraud to include account numbers, other possible compromised accounts and contact information for the report. The poor note taking reflected in the report with inaccurate dates and a lack of information.		
10	Self-Initiated Field Activity	Near Acceptable (3)	
	Comments: [redacted] was asked to conduct 925 occupied vehicles to show me her proficiency level. [redacted] drove past several occupied vehicles without realizing a subject was inside and was directed towards them.		
11	Officer Safety	Near Acceptable (3)	

DOR Report for [redacted]

Trainee	[redacted]	Date	10/13/2022	DOR	60
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Near Unacceptable (2)	
	Comments: [redacted] acknowledges the corrections given to her but she does not make necessary changes to correct her mistakes. Tonight [redacted] made several repeated mistakes that have been addressed in the past few days and with other training officers. See contact with public, report writing, stress conditions, self initiated activity, suspect control and radio use for further. [redacted] was given a 2 because some changes were made towards the end of the shift. *Training Comments:* [redacted] was given verbal corrections and then physically shown how to correct them.		
2	Attitude Toward Police Work	Near Acceptable (3)	
	Comments: [redacted] seems to shy away from suspicious activity that could be investigated further. She will see and point out occupied vehicles, 925 subjects and good cars to pull over yet she will drive in the opposite direction. It seems to be a lack of confidence issue that has been addressed. This issue is easily fixed when motivated to go investigate. At this point in her training that should be done automatically. Despite this [redacted] continues to stay motivated throughout the shift and will handle any call assigned to her without complaint.		
3	Attitude with Citizens/Community	Near Unacceptable (2)	
	Comments: [redacted] lacks empathy when dealing with distraught subjects who call 911 for assistance. The first example is a mother who called 911 because her drug addicted son returned to the residence. Once [redacted] established no crime was committed she sounded annoyed she called 911 and told her there was nothing we could do. [redacted] eventually told her the different options she could consider. The second was during each traffic stop she had trouble speaking to individuals. She would come off too aggressive with normal cooperative subjects and not firm enough with individuals who had a criminal history and were not going along with her commands. *Training Comments:* [redacted] was explained there is a time and place to be firm, a time to be empathetic and its a fine balance depending on the call.		
4	Driving Skills	Near Acceptable (3)	
5	Map Book Use	Near Acceptable (3)	
	Comments: Most of the night was being proactive and not navigating. [redacted] was unable to locate an address because she had the wrong unit number and was looking in the wrong location.		
6	Report Writing	Near Acceptable (3)	
	Comments: [redacted] submitted several reports that needed minor corrections. [redacted] needs to slow down in getting accurate and descriptive information for a more detailed report.		
7	Field Performance Non-Stress Conditions	Near Acceptable (3)	
8	Field Performance Stress Conditions	Near Unacceptable (2)	
	Comments: [redacted] still gets serious tunnel vision when responding to Priority 1 calls. Some stress is expected from a trainee, however at this point in her training it should be less than a phase one trainee. [redacted] responded to a P1 AOA and needed to break for a 594 in progress. [redacted] missed all the details of the call. [redacted] responded to a P1 927 man with a gun. Upon arrival, her lights and siren were off. Due to being unfamiliar with her controls she accidentally reactivated her lights and siren again while stopped at the exact location where the subject was reported to be. Although nothing happened, this mistake could have been dangerous in an ambush type situation. *Training Comments:* [redacted] was told to combat breathe and fully understand the radio traffic being broadcasted. We talked about tactical responses / approaches to possible subjects with firearms.		

DOR Report for [redacted]

Trainee	[redacted]	Date	10/14/2022	DOR	62
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Acceptable (4)	
	Comments: [redacted] made improvements in her traffic stops from the night prior.		
2	Attitude Toward Police Work	Near Acceptable (3)	
3	Attitude with Citizens/Community	Near Acceptable (3)	
	Comments: [redacted] is building on her confidence while speaking to subjects, informants and suspects. It still needs some work but will come with time and repetition.		
4	Driving Skills	Near Acceptable (3)	
	Comments: [redacted] needs to drive more aggressively (and safely) in order to catch up to vehicles and subjects. Most are given multiple opportunities to get away while she is trying to catch up.		
5	Map Book Use	Near Acceptable (3)	
	Comments: [redacted] failed to navigate to an apartment even using the fire maps that told her exactly where the apartment was. This was at the Faircrest apartments. All Stanton Deputies are very familiar with the complex due to the high call volume.		
6	Report Writing	Near Unacceptable (2)	
	Comments: [redacted] submit several reports needing minor corrections. [redacted] still struggles writing PC decks. She takes approximately 30-45 minutes to write it and includes information that is necessary for a report but leaves out pertinent information for the charges. *Training Comments:* Revisions were made to the PC decks and reports.		
7	Field Performance Non-Stress Conditions	Near Acceptable (3)	
8	Field Performance Stress Conditions	Near Acceptable (3)	
9	Investigative/ Interrogation Skills	Acceptable (4)	
	Comments: [redacted] conducted a thorough 211 investigation and a thorough investigation of narcotics sales.		
10	Self-Initiated Field Activity	Acceptable (4)	
	Comments: Today [redacted] conducted several traffic stops that were an improvement from her stops on the previous days. Without direction [redacted] observed an 925 occupied vehicle in a known high crime area which resulted in an arrest for selling narcotics.		
11	Officer Safety	Near Acceptable (3)	
12	Scene/ Suspect Control	Near Unacceptable (2)	
	Comments: [redacted] realized a subject dropped fentanyl pills on the ground and step on one of them. [redacted] did not handcuff the semi uncooperative subject or move him away from the pills where he could step on more. *Training Comments:* [redacted] is still working on her suspect control, she has been told several times and still has not made the necessary corrections.		

Trainee	Trainee 1	Date	10/20/2022	DOR	66
Field Training Officer	Brittain, Jared FTO	Phase	Phase 4		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Near Acceptable (3)	
	Comments: Today's shift was the first day of Phase 4 Trainee 1 was given complete use of MDC to see call specifics, mapper and use of any navigation device. Trainee 1 handled the majority of the calls on her own with minimal assistance.		
2	Attitude Toward Police Work	Near Acceptable (3)	
	Comments: Trainee 1 remains positive and handles each call with enthusiasm. I believe she wants to be a good patrol deputy but she needs to put forth a little more effort in fixing her deficiencies.		
3	Attitude with Citizens/Community	Near Acceptable (3)	
	Comments: Trainee 1 spoke to several subjects and had a calm demeanor. She implemented a stern tone when necessary during a detention where a subject was not initially cooperative.		
4	Driving Skills	Near Acceptable (3)	
5	Map Book Use	Near Unacceptable (2)	
	Comments: Trainee 1 was given the MDC to reference call locations and allowed to use navigation devices to aid her in arriving to each call. Despite having all of these tools available Trainee 1 was not able to navigate correctly to the majority of the calls tonight. Trainee 1 walked around a complex looking for the unit [illegible] when she was already in front of it. On other calls she drove past the incident location twice before finding the location. Trainee 1 needs to be more situationally aware. She drove past a 925C and at the incident location and stated she did not see it. She drove past the CAT teams vehicle at the location they said they were at as she said the vehicle description out loud to me. *Training Comments:* I told Trainee 1 to not overthink the location and use her resources to her advantage. I told her the grid addresses of the city still stayed the same and once she is in the general area to be more observant of addresses.		
6	Report Writing	Near Acceptable (3)	
	Comments: Trainee 1 submit several reports to me today. The majority of the reports were simple and well written, requiring minimal corrections. One report for narcotics sales was written inaccurately. Trainee 1 wrote the wrong circumstances of the stop, insufficient documentation of what was found and included a quote that was completely incorrect. Trainee 1 was given several examples of narcotics sales reports. *Training Comments:* Trainee 1 was told the importance of good note taking, reviewing BWC, PVS and accurate report writing. I simulated her testifying in court on the initial report she wrote and showed her the flaws. We also discussed detailed documentation in order to remember specifics at a much later time when called back in to testify.		
7	Field Performance Non-Stress Conditions	Near Acceptable (3)	
8	Field Performance Stress Conditions	Near Acceptable (3)	
9	Investigative/ Interrogation Skills	Near Acceptable (3)	
10	Self-Initiated Field Activity	Near Acceptable (3)	
11	Officer Safety	Near Acceptable (3)	
12	Scene/ Suspect Control	Near Acceptable (3)	

Trainee	[redacted] Trainee 1	Date	10/21/2022	DOR	65
Field Training Officer	Brittain, Jared FTO	Phase	Phase 4		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Acceptable (4)	
2	Attitude Toward Police Work	Acceptable (4)	
3	Attitude with Citizens/Community	Acceptable Plus (5)	
	Comments: [redacted] Trainee 1 contacted a burglary victim and gathered all the necessary information for her report. She was empathetic and left the call with the victim feeling better about the situation.		
4	Driving Skills	Acceptable (4)	
	Comments: [redacted] Trainee 1 is safe while driving, obeys all traffic laws and very deliberate about wearing her seat belt.		
5	Map Book Use	Near Unacceptable (2)	
	Comments: [redacted] Trainee 1 even with the aid of navigation has a hard time arriving at an incident location. She will second guess herself and circle in the area of the call before arriving. *Training Comments:* [redacted] Trainee 1 does not use her map book which would help her see the exact location inside complexes. I suggested she should use the map book more often as a another reference tool.		
6	Report Writing	Acceptable (4)	
	Comments: [redacted] Trainee 1 wrote several well written reports and submit them without corrections.		
7	Field Performance Non-Stress Conditions	Near Acceptable (3)	
8	Field Performance Stress Conditions	Near Acceptable (3)	
9	Investigative/ Interrogation Skills	Near Acceptable (3)	
	Comments [redacted] Trainee 1 initiated a bike stop. During a narcotics possession investigation, [redacted] Trainee 1 interrogated a handcuffed subject detained without reading him Miranda. After she was finished, she realized her mistake, read Miranda and re did her investigation.		
10	Self-Initiated Field Activity	Near Acceptable (3)	
	Comments: [redacted] Trainee 1 was motivated to conduct stops on her own without assistance and did well in locating them. [redacted] Trainee 1 conducted a consensual encounter on an occupied vehicle. She did well on her approach and contact. She was not able to identify a reason to detain with violations present. (Car was on, in public roadway, driver not in possession of CADL, possession of marijuana, not in sealed container) She did well in her contact with the subjects. [redacted] Trainee 1 conducted a bike stop resulting in a citation for narcotics possession with no assistance and did well except for the Miranda questioning. *Training Comments:* I told [redacted] Trainee 1 her initial vehicle positioning was good for a consent encounter. However she opened the door to conducted a records check of the occupants while standing in her doorway and blocked more of their path between her patrol vehicle and parked vehicle. We talked about when a reasonable person would believe they are free to leave.		
11	Officer Safety	Acceptable (4)	
12	Scene/ Suspect Control	Acceptable (4)	
	Comments: [redacted] Trainee 1 detained a subject and maintained good control of him during her search of his person.		
13	Problem Solving	Near Acceptable (3)	

DOR Report fo [redacted] Trainee 1

Trainee	[redacted] Trainee 1	Date	10/26/2022	DOR	64
Field Training Officer	Brittain, Jared FTO	Phase	Phase 4		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Acceptable (4)	
2	Attitude Toward Police Work	Acceptable (4)	
3	Attitude with Citizens/Community	Acceptable (4)	
	Comments: [redacted] Trainee 1 has improved in her contacts with the public. [redacted] Trainee 1 displays confidence when explaining police actions. She has also been empathetic and firm when necessary.		
4	Driving Skills	Acceptable (4)	
5	Map Book Use	Near Acceptable (3)	
	Comments: [redacted] Trainee 1 successfully navigated to the majority of calls during this shift, arriving in a safe location and in an acceptable amount of time. See stress conditions for further.		
6	Report Writing	Acceptable (4)	
	Comments: [redacted] Trainee 1 wrote several reports today with no assistance needed.		
7	Field Performance Non-Stress Conditions	Acceptable (4)	
8	Field Performance Stress Conditions	Near Acceptable (3)	
	Comments: [redacted] Trainee 1 is still not able to think clearly and comprehend her radio in stressful situations. While on scene of a 901 where a subject may have fled, [redacted] Trainee 1 asked if anyone was outstanding. She did not hear the transmission and after a period of time, I advised no one was. While responding Code 3 to an AOA, she did not copy the updated location from dispatch and stated, she blanked and asked where Beach and Park Plaza was. She also put out information her partners already broadcasted. *Training Comments:* We talked about combat breathing and the importance of having a clear idea of the location were responding to and a game plan in place on how we respond.		
9	Investigative/ Interrogation Skills	Near Acceptable (3)	
	Comments: [redacted] Trainee 1 handled a grand theft report at the substation. She did not obtain information (location) that could further the investigation of an active pinging electronic device. This information was given by the informant and was listed in the dispatch. Prior to clearing the call I asked her to gather the information for the report. [redacted] Trainee 1 handled her second DUI investigation. Although not entirely familiar with the process, she asked appropriate questions, conducted Field Sobriety Tests using templates and needed minimal assistance. [redacted] Trainee 1 gathered evidence and conducted a thorough TC investigation that will lead to a well documented report. *Training Comments:* We talked about our role as patrol Deputies while report taking and gathering as much information as possible to assist investigations.		
10	Self-Initiated Field Activity	Acceptable (4)	
	Comments: [redacted] Trainee 1 conducted a traffic stop that had all the necessary information broadcasted over the radio. The traffic stop was also conducted fluidly with all her lighting controls and vehicle positioning.		
11	Officer Safety	Acceptable (4)	
12	Scene/ Suspect Control	Acceptable (4)	
	Comments: [redacted] Trainee 1 had great scene and suspect control on each of her calls.		
13	Problem Solving	Acceptable (4)	
14	Radio Use	Near Acceptable (3)	
	Comments: Today was better than most but [redacted] Trainee 1 continues to struggle with listening to the radio and broadcasting information. While responding code 3 she does not pay attention to information being updated. At times she does not wait for her radio to key up before speaking and lastly she repeats information that has already been broadcasted.		

DOR Report for [redacted]

Trainee	[redacted]	Date	10/27/2022	DOR	67
Field Training Officer	Brittain, Jared FTO	Phase	Phase 4		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Near Acceptable (3)	
2	Attitude Toward Police Work	Acceptable (4)	
	Comments: [redacted] **asked several questions relating to how to properly handle calls and how to be a good partner after completing training.**		
3	Attitude with Citizens/Community	Near Acceptable (3)	
4	Driving Skills	Near Acceptable (3)	
5	Map Book Use	Near Acceptable (3)	
	Comments: [redacted] **successfully navigated to several calls during the shift. She also unsuccessfully navigated to several calls with the use of a navigation device, circling the area, not looking at business names and not taking through streets prior to arriving.**		
6	Report Writing	Near Acceptable (3)	
	Comments: [redacted] **wrote several reports without assistance or corrections.**		
7	Field Performance Non-Stress Conditions	Near Acceptable (3)	
8	Field Performance Stress Conditions	Near Acceptable (3)	
	Comments: [redacted] **responded to a priority one 914A where a male subject had a knife and was attempting to cut himself. She did not initially want to respond code or advise she had less lethal as a follow unit until directed. She did not deploy her less lethal or activate her body worn camera upon arrival.** *Training Comments:* **We discussed the importance of having a less lethal option present in potentially lethal situations. We also discussed our role in law enforcement for the safety of the public and to our partners.**		
9	Investigative/ Interrogation Skills	Near Acceptable (3)	
	Comments: [redacted] **disregarded pertinent information during an investigation. We were dispatched to a 459 Vehicle where the victim told us twice that the suspect went into another vehicle parked near by prior to breaking into his vehicle. (on video) [redacted] did not ask any questions related to the other vehicle and went to clear the call.** *Training Comments:* **I told her the information provided from one incident could be written in one report to prevent further calls for service and assist in the investigation.**		
10	Self-Initiated Field Activity	Near Acceptable (3)	
	Comments: [redacted] **was eager to drive around, look for criminal activity and maintain a law enforcement presence in the city.**		
11	Officer Safety	Near Acceptable (3)	
12	Scene/ Suspect Control	Near Acceptable (3)	
13	Problem Solving	Near Acceptable (3)	

ATTACHMENT U (continued)

Daily Observations Reports – Adrianna Vasquez

DOR Report for [redacted]

Trainee	[redacted]	Date	11/18/2022	DOR	30
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Near Acceptable (3)	
2	Attitude Toward Police Work	Acceptable (4)	
3	Attitude with Citizens/Community	Near Acceptable (3)	
4	Driving Skills	Near Acceptable (3)	
	Comments: [redacted] responded code 3 several times throughout the night and drove appropriately. My only suggestion was to slow down even more in order to properly clear each lane of the intersection.		
5	Map Book Use	Near Acceptable (3)	
6	Report Writing	Acceptable (4)	
	Comments: [redacted] completed a 240/242 report without corrections.		
7	Field Performance Non-Stress Conditions	Near Acceptable (3)	
8	Field Performance Stress Conditions	Near Acceptable (3)	
9	Investigative/ Interrogation Skills	Acceptable (4)	
	Comments: Despite being given a very difficult call involving multiple incident at the same location, [redacted] was able to conduct a thorough investigation to determine a crime and gather all the necessary information.		
10	Self-Initiated Field Activity	Acceptable (4)	
	Comments: [redacted] was eager to conduct proactive stops and located a felony vehicle traveling through the City. [redacted] was able to clearly broadcast the appropriate information and location to her partners. [redacted] gave excellent felony car stop commands.		
11	Officer Safety	Near Acceptable (3)	
12	Scene/ Suspect Control	Near Acceptable (3)	
	Comments: [redacted] needs improvement in controlling and directing flustered informants/victims.		
13	Problem Solving	Near Acceptable (3)	
14	Radio Use	Near Acceptable (3)	
15	MDC Performance	Near Acceptable (3)	
16	PVS Use	Near Unacceptable (2)	
	Comments: [redacted] forgot to activate her PVS / BWC on several calls. *Training Comments:* I reminded her the importance of having all recording systems activated prior to contacting subjects and gave her a systematic approach in activating them at the same time.		

DOR Report for [redacted] Trainee 2

Trainee	[redacted] Trainee 2	Date	11/23/2022	DOR	31
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Near Acceptable (3)	
2	Attitude Toward Police Work	Acceptable (4)	
	Comments: [redacted] Trainee 2 **handled a wide variety of calls for service and wrote several reports during this shift. Deputy** [redacted] Trainee 2 **had a positive attitude and handled each call with ease, operating as a phase four trainee.**		
3	Attitude with Citizens/Community	Near Acceptable (3)	
4	Driving Skills	Near Acceptable (3)	
5	Map Book Use	Near Acceptable (3)	
	Comments: [redacted] Trainee 2 **was given the opportunity to use navigation devices during this phase.** [redacted] Trainee 2 **has navigated to a few calls incorrectly by not properly using her resources.** [redacted] Trainee 2 **was told the importance of gathering the correct (informant/ incident) location as well as getting to each call safely.**		
6	Report Writing	Acceptable (4)	
	Comments: [redacted] Trainee 2 **submit several reports with minor corrections.**		
7	Field Performance Non-Stress Conditions	Near Acceptable (3)	
8	Field Performance Stress Conditions	Near Acceptable (3)	
9	Investigative/ Interrogation Skills	Near Acceptable (3)	
10	Self-Initiated Field Activity	Near Acceptable (3)	
11	Officer Safety	Acceptable (4)	
12	Scene/ Suspect Control	Near Acceptable (3)	
	Comments: [redacted] Trainee 2 **was told to be more assertive with informants/ suspects in order to get the information she needed, instead of letting them (often 918) ramble on about irrelevant information.**		
13	Problem Solving	Near Acceptable (3)	
14	Radio Use	Near Acceptable (3)	
15	MDC Performance	Near Acceptable (3)	
16	PVS Use	Near Acceptable (3)	
	Comments: [redacted] Trainee 2 **was reminded about activating both BWC and PVS at the same time. Improvements were made.**		
17	Application/Adherence Dept. Policy and Procedures	Near Acceptable (3)	

Trainee	[redacted]	Date	11/24/2022	DOR	32
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Near Acceptable (3)	
2	Attitude Toward Police Work	Acceptable (4)	
	Comments: **Despite it being a holiday, [redacted] was eager to conduct proactive police work and handled the majority of the calls for service.**		
3	Attitude with Citizens/Community	Near Acceptable (3)	
4	Driving Skills	Near Acceptable (3)	
	Comments: **[redacted] is allowed navigation devices. On a few calls for service she drove past the incident locations without confirming.**		
5	Map Book Use	Near Acceptable (3)	
6	Report Writing	Near Acceptable (3)	
7	Field Performance Non-Stress Conditions	Near Acceptable (3)	
8	Field Performance Stress Conditions	Near Acceptable (3)	
9	Investigative/ Interrogation Skills	Acceptable Plus (5)	
	Comments: **[redacted] handled a rape report with a suspect in custody with little assistance, using her resources to guide her through the investigation.**		
10	Self-Initiated Field Activity	Near Acceptable (3)	
11	Officer Safety	Acceptable (4)	
12	Scene/ Suspect Control	Acceptable (4)	
	Comments: **[redacted] conducted a thorough and safe narcotics investigation resulting in a citation.**		
13	Problem Solving	Near Acceptable (3)	
14	Radio Use	Near Acceptable (3)	
15	MDC Performance	Near Acceptable (3)	
16	PVS Use	Near Acceptable (3)	
17	Application/Adherence Dept. Policy and Procedures	Near Acceptable (3)	
18	Application/ Adherence to Criminal Statutes	Near Acceptable (3)	

Trainee	[redacted]	Date	11/25/2022	DOR	33
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Acceptable (4)	
2	Attitude Toward Police Work	Acceptable (4)	
3	Attitude with Citizens/Community	Near Acceptable (3)	
	Comments: [redacted] **is becoming more confident and comfortable speaking to subjects.**		
4	Driving Skills	Acceptable (4)	
5	Map Book Use	Acceptable (4)	
6	Report Writing	Acceptable (4)	
7	Field Performance Non-Stress Conditions	Acceptable (4)	
8	Field Performance Stress Conditions	Acceptable (4)	
9	Investigative/ Interrogation Skills	Near Acceptable (3)	
	Comments: [redacted] **was shown the basics of a traffic collision investigation and conducted her first.**		
10	Self-Initiated Field Activity	Near Acceptable (3)	
	Comments: [redacted] **conducted a proactive pedestrian stop that resulted in a warrant.** [redacted] **was not familiar with warrants / purple / and the process. (2nd warrant arrest).** [redacted] **learned what to look for on ELETE, how to use purple and completed the process with ease.**		
11	Officer Safety	Near Acceptable (3)	
12	Scene/ Suspect Control	Near Acceptable (3)	
13	Problem Solving	Near Acceptable (3)	
14	Radio Use	Near Acceptable (3)	
15	MDC Performance	Near Acceptable (3)	
16	PVS Use	Near Acceptable (3)	
	Comments: [redacted] **will still forget to activate her BWC upon proactive contacts but remembers shortly after.**		
17	Application/Adherence Dept. Policy and Procedures	Near Acceptable (3)	
18	Application/ Adherence to Criminal Statutes	Near Acceptable (3)	
19	Application and adherence to Criminal Procedures	Near Acceptable (3)	
20	Most Satisfactory Performance of the Day	-	
	Comments: **Self Initiated**		

Trainee	[redacted]	Date	11/26/2022	DOR	34
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Near Acceptable (3)	
2	Attitude Toward Police Work	Acceptable (4)	
	Comments: **After a long week [redacted] continued to maintain a positive attitude.**		
3	Attitude with Citizens/Community	Near Acceptable (3)	
4	Driving Skills	Near Acceptable (3)	
5	Map Book Use	Near Acceptable (3)	
6	Report Writing	Near Acceptable (3)	
	Comments: **[redacted] submit several reports with minor corrections.**		
7	Field Performance Non-Stress Conditions	Near Acceptable (3)	
8	Field Performance Stress Conditions	Near Acceptable (3)	
9	Investigative/ Interrogation Skills	Acceptable (4)	
	Comments: **[redacted] conducted a missing juvenile investigation with no assistance needed.**		
10	Self-Initiated Field Activity	Acceptable (4)	
	Comments: **[redacted] car stops have significantly improved. She conducts proper radio traffic, lighting and has good officer safety and communication skills.**		
11	Officer Safety	Acceptable (4)	
12	Scene/ Suspect Control	Near Acceptable (3)	
13	Problem Solving	Near Acceptable (3)	
14	Radio Use	Near Acceptable (3)	
15	MDC Performance	Near Acceptable (3)	
16	PVS Use	Near Acceptable (3)	
17	Application/Adherence Dept. Policy and Procedures	Near Acceptable (3)	
	Comments: **[redacted] was unfamiliar with WEB DV or how to read restraining orders. Shown both and she understood.**		
18	Application/ Adherence to Criminal Statutes	Near Acceptable (3)	

Trainee	[redacted]	Date	12/07/2022	DOR	36
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Acceptable (4)	
	Comments: [redacted] learns from any minor mistakes she makes and never has a negative attitude.		
2	Attitude Toward Police Work	Acceptable (4)	
3	Attitude with Citizens/Community	Acceptable (4)	
4	Driving Skills	Acceptable (4)	
5	Map Book Use	Acceptable (4)	
6	Report Writing	Acceptable Plus (5)	
7	Field Performance Non-Stress Conditions	Acceptable (4)	
8	Field Performance Stress Conditions	Acceptable (4)	
	Comments: [redacted] does not react negatively under stress. She continues to keep a clear mind and make sound decisions.		
9	Investigative/ Interrogation Skills	Near Acceptable (3)	
	Comments: [redacted] can handle an entire call requiring an investigation from start to finish with little suggestions. On a vandalism call I had to remind her to get the estimated cost of damage. [redacted] immediately remembered she needed that and fixed her mistake.		
10	Self-Initiated Field Activity	Near Acceptable (3)	
	Comments: [redacted] is eager to learn and improve upon her proactive skills. She easily observes violations in order to make a detention. My only recommendation was to be more thorough during her initial contact with a subject in order to determine if they possessed anything illegal or were involved of any criminal activity. *Training Comments:* I ran [redacted] through a series of questioning, observing body language, spotting lies, nervous behavior and common delay prior to stopping on traffic stops in order to hide contraband.		
11	Officer Safety	Near Acceptable (3)	
12	Scene/ Suspect Control	Near Acceptable (3)	
	Comments: [redacted] has excellent suspect control when a subject is cooperative and was explained the importance of taking a appropriate action when someone is lawfully detained and not obeying commands.		
13	Problem Solving	Near Acceptable (3)	
	Comments: [redacted] works through each call with minimal assistance.		
14	Radio Use	Near Acceptable (3)	
15	MDC Performance	Near Acceptable (3)	
16	PVS Use	Near Acceptable (3)	
	Comments: [redacted] religiously activates her BWC and PVS on calls for service but often forgets on proactive calls. I explained the importance and she understood.		

Trainee	[redacted]	Date	12/08/2022	DOR	37
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Acceptable (4)	
2	Attitude Toward Police Work	Acceptable (4)	
3	Attitude with Citizens/Community	Near Acceptable (3)	
4	Driving Skills	Near Acceptable (3)	
5	Map Book Use	Near Acceptable (3)	
	Comments: [redacted] has been allowed to use the MDC mapper and navigation devices. Despite using these resources, on a few occasions, upon arrival she wont look at the specific location of the call and will not know the unit number or drive past a residence. I told her to use her resources to her advantage.		
6	Report Writing	Acceptable (4)	
	Comments: [redacted] submit several well written reports.		
7	Field Performance Non-Stress Conditions	Acceptable (4)	
8	Field Performance Stress Conditions	Acceptable (4)	
9	Investigative/ Interrogation Skills	Acceptable (4)	
	Comments: see self initiated... [redacted] also conducted a death investigation and a vehicle burglary report without assistance.		
10	Self-Initiated Field Activity	Acceptable Plus (5)	
	Comments: [redacted] observed an unoccupied stolen vehicle at a motel and understood the necessary investigative approach to locate the driver. [redacted] located the room the driver went into via video surveillance and coordinated with partners to take the suspect into custody.		
11	Officer Safety	Acceptable (4)	
12	Scene/ Suspect Control	Acceptable (4)	
13	Problem Solving	Acceptable (4)	
14	Radio Use	Acceptable (4)	
15	MDC Performance	Near Acceptable (3)	
	Comments: [redacted] does an excellent job at using the MDC to conduct records checks, update information and view upcoming calls. However when responding to calls, she does not fully use it as a resource to view the call details. I recommended for her to view specific location in order to understand the call prior to arrival and she understood.		
16	PVS Use	Acceptable (4)	
17	Application/Adherence Dept. Policy and Procedures	Acceptable (4)	
18	Application/ Adherence to Criminal Statutes	Acceptable (4)	
19	Application and adherence to Criminal Procedures	Acceptable (4)	
20	Most Satisfactory Performance of the Day	-	
	Comments: Field observation		
21	Least Satisfactory Performance of the Day	-	
	Comments: Navigation		

Trainee	[redacted]	Date	12/09/2022	DOR	38
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Acceptable Plus (5)	
2	Attitude Toward Police Work	Acceptable Plus (5)	
	Comments: [redacted] **responds to corrections extremely well and has an outstanding attitude towards the job and is constantly seeing improvement.**		
3	Attitude with Citizens/Community	Acceptable (4)	
4	Driving Skills	Acceptable (4)	
5	Map Book Use	Acceptable (4)	
6	Report Writing	Acceptable (4)	
	Comments: [redacted] **wrote a detailed stolen vehicle report and several other reports with minor corrections.**		
7	Field Performance Non-Stress Conditions	Acceptable (4)	
8	Field Performance Stress Conditions	Acceptable (4)	
9	Investigative/ Interrogation Skills	Near Acceptable (3)	
	Comments: [redacted] **needed some assistance with questioning during a narcotics investigation. She understood the basics but needs to improve on the fluidity of her questioning during Miranda. This is an easy improvement that comes with time and experience.**		
10	Self-Initiated Field Activity	Acceptable (4)	
	Comments: [redacted] **conducted a traffic stop for several traffic violations in a high crime area. She contacted the subject and identified he was on parole. Despite knowing the subject was on parole, she still got consent to search his person and vehicle. During the search she located over a pound of methamphetamine. Realizing her detention was now an arrest, she safely handcuffed the parolee, completed her search and continued her investigation.**		
11	Officer Safety	Acceptable (4)	
12	Scene/ Suspect Control	Acceptable (4)	
13	Problem Solving	Acceptable (4)	
14	Radio Use	Acceptable (4)	
15	MDC Performance	Acceptable (4)	
16	PVS Use	Acceptable (4)	
17	Application/Adherence Dept. Policy and Procedures	Acceptable (4)	
18	Application/ Adherence to Criminal Statutes	Acceptable (4)	
19	Application and adherence to Criminal Procedures	Near Acceptable (3)	
	Comments: [redacted] **was unfamiliar with out of county warrants and how to place a probation or parole hold. We covered each topic and the steps necessary to complete it.**		
20	Most Satisfactory Performance of the Day	-	
	Comments: **Self initiated**		
21	Least Satisfactory Performance of the Day	-	
	Comments: **Questioning**		

Trainee	[redacted]	Date	12/10/2022	DOR	39
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Acceptable (4)	
	Comments: **Today was a very complex and high paced call for service day resulting in two felony arrest and one misdemeanor arrest. [redacted] showed me her improvements and ability to work efficiently as a deputy. Several suggestions were made to her and she accepted them openly and learned from each call we went to.**		
2	Attitude Toward Police Work	Acceptable (4)	
3	Attitude with Citizens/Community	Acceptable (4)	
4	Driving Skills	Near Acceptable (3)	
5	Map Book Use	Acceptable (4)	
6	Report Writing	Acceptable (4)	
	Comments: **[redacted] wrote several detailed reports that required an extensive investigation and organization.**		
7	Field Performance Non-Stress Conditions	Acceptable (4)	
8	Field Performance Stress Conditions	Near Acceptable (3)	
	Comments: **See scene / suspect control**		
9	Investigative/ Interrogation Skills	Near Acceptable (3)	
	Comments: **Conducted a domestic violence and two assault with a deadly weapon investigations systematically and accurately. [redacted] could be a little more direct and detailed when asking questions to better understand what occurred.**		
10	Self-Initiated Field Activity	Not Observed (0)	
11	Officer Safety	Acceptable (4)	
12	Scene/ Suspect Control	Near Acceptable (3)	
	Comments: **[redacted] knows the tasks that need to be accomplished during certain calls for service. She needs to realize as a patrol deputy we work in teams and often direct partners to assist. [redacted] needs to be more comfortable directing partners, especially during "Hot" calls.** **Today, [redacted] contacted an irate domestic violence suspect who based on her prior knowledge and information gathered from the victim, was justifiably detainable. She continued to try and talk when he was yelling over her and aggressively advancing towards us. (I explained earlier during the week, when we have reason to detain and someone is not following instructions, it is safer for us to place them in handcuffs to prevent a worse/ more violent situation from occurring).**		
13	Problem Solving	Acceptable (4)	
	Comments: **[redacted] worked through several problems today and always had a solution / crime or outcome in mind.**		
14	Radio Use	Acceptable (4)	
15	MDC Performance	Acceptable (4)	
16	PVS Use	Acceptable (4)	
17	Application/Adherence Dept. Policy and Procedures	Acceptable (4)	
18	Application/ Adherence to Criminal Statutes	Acceptable (4)	
19	Application and adherence to Criminal Procedures	Acceptable (4)	
20	Most Satisfactory Performance of the Day	-	

DOR Report for [redacted]

Trainee	[redacted]	Date	12/14/2022	DOR	41
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Acceptable (4)	
2	Attitude Toward Police Work	Acceptable (4)	
3	Attitude with Citizens/Community	Acceptable (4)	
	Comments: [redacted] **contacted several informants who were upset about their situation. She was able to give them solutions and remained calm and polite during the encounter.**		
4	Driving Skills	Acceptable (4)	
5	Map Book Use	Acceptable (4)	
6	Report Writing	Acceptable (4)	
	Comments: [redacted] **writes well written reports in a quick manner.**		
7	Field Performance Non-Stress Conditions	Acceptable (4)	
8	Field Performance Stress Conditions	Acceptable (4)	
9	Investigative/ Interrogation Skills	Acceptable (4)	
	Comments: [redacted] **conducted an in-depth interview of a sexual assault victim.**		
10	Self-Initiated Field Activity	Acceptable (4)	
11	Officer Safety	Acceptable (4)	
12	Scene/ Suspect Control	Acceptable (4)	
13	Problem Solving	Acceptable (4)	
14	Radio Use	Acceptable (4)	
15	MDC Performance	Acceptable (4)	
16	PVS Use	Near Acceptable (3)	
	Comments: **During proactive stops** [redacted] **often forgets to activate her BWC and PVS. I reminded her and gave her an approach to activate both when exiting the patrol vehicle in order to remember each time.**		
17	Application/Adherence Dept. Policy and Procedures	Acceptable (4)	
18	Application/ Adherence to Criminal Statutes	Acceptable (4)	
19	Application and adherence to Criminal Procedures	Acceptable (4)	
20	Most Satisfactory Performance of the Day	-	
	Comments: **Communication with Citizens and investigative skills.**		
21	Least Satisfactory Performance of the Day	-	
	Comments: **PVS**		
22	Documentation of Performance and Comments	-	

***bold denotes a comment for item above**

Trainee	[redacted]	Date	12/15/2022	DOR	42
Field Training Officer	Brittain, Jared FTO	Phase	Phase 3		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Acceptable (4)	
2	Attitude Toward Police Work	Acceptable (4)	
3	Attitude with Citizens/Community	Acceptable (4)	
4	Driving Skills	Acceptable (4)	
5	Map Book Use	Acceptable (4)	
	Comments: [redacted] **successfully navigated to all calls tonight without assistance.**		
6	Report Writing	Acceptable (4)	
7	Field Performance Non-Stress Conditions	Acceptable (4)	
8	Field Performance Stress Conditions	Acceptable (4)	
9	Investigative/ Interrogation Skills	Acceptable (4)	
10	Self-Initiated Field Activity	Near Acceptable (3)	
	Comments: [redacted] **needs to be more personable and inquisitive when contacting subjects. She immediately asks criminal incriminating questions that subjects are obviously going to lie or refuse to answer. I showed her an example of how I converse with subjects I believe to be in possession of narcotics and how they become honest after a brief conversation.** [redacted] **understood and began applying that to her stops.**		
11	Officer Safety	Acceptable (4)	
12	Scene/ Suspect Control	Acceptable (4)	
13	Problem Solving	Acceptable (4)	
14	Radio Use	Acceptable (4)	
	Comments: [redacted] **spoke clearly and broadcasted necessary information on several proactive stops. Deputy** [redacted] **listened to a north patrol partners pursuit while we were busy on a stop and knew their locations in relation to ours.**		
15	MDC Performance	Acceptable (4)	
16	PVS Use	Acceptable (4)	
17	Application/Adherence Dept. Policy and Procedures	Acceptable (4)	
18	Application/ Adherence to Criminal Statutes	Acceptable (4)	
19	Application and adherence to Criminal Procedures	Acceptable (4)	
20	Most Satisfactory Performance of the Day	-	
	Comments: **Driving**		
21	Least Satisfactory Performance of the Day	-	
	Comments: **Self-Initiated**		
22	Documentation of Performance and Comments	-	

***bold denotes** a comment for item above

DOR Report for [redacted]

Trainee	[redacted]	Date	12/16/2022	DOR	44
Field Training Officer	Brittain, Jared FTO	Phase	Phase 4		

DOR
ContractCity: FORMSPatrol

	DOR Question	Results	Measured Item
1	Responds to Correction	Acceptable (4)	
2	Attitude Toward Police Work	Acceptable (4)	
3	Attitude with Citizens/Community	Acceptable (4)	
4	Driving Skills	Near Acceptable (3)	
	Comments: [redacted] **has been overthinking navigation lately, not using navigation devices to locate addresses and walking around aimlessly.** [redacted] **was reminded to use her resources available to her.**		
5	Map Book Use	Acceptable (4)	
6	Report Writing	Acceptable (4)	
	Comments: [redacted] **continues to write well written reports.**		
7	Field Performance Non-Stress Conditions	Acceptable (4)	
8	Field Performance Stress Conditions	Acceptable (4)	
9	Investigative/ Interrogation Skills	Acceptable (4)	
10	Self-Initiated Field Activity	Near Acceptable (3)	
11	Officer Safety	Acceptable (4)	
12	Scene/ Suspect Control	Acceptable (4)	
13	Problem Solving	Acceptable (4)	
14	Radio Use	Acceptable (4)	
	Comments: [redacted] **understands the importance of clear and accurate updated information on priority calls.**		
15	MDC Performance	Acceptable (4)	
16	PVS Use	Near Acceptable (3)	
	Comments: [redacted] **forgot to activate her BWC several times during the shift. I re-explained the importance and had her activate all recording devices prior to exiting the vehicle for calls or stops.**		
17	Application/Adherence Dept. Policy and Procedures	Acceptable (4)	
18	Application/ Adherence to Criminal Statutes	Acceptable (4)	
19	Application and adherence to Criminal Procedures	Acceptable (4)	
20	Most Satisfactory Performance of the Day	-	
	Comments: **Report writing / problem solving**		
21	Least Satisfactory Performance of the Day	-	
	Comments: **Navigation / PVS**		
22	Documentation of Performance and Comments	-	

***bold denotes a comment for item above**

AGENDA ITEM REPORT

Title: POST2316745 - JARED BRITTAIN (POST ID: C63-Z34)
EMPLOYING AGENCY: ORANGE COUNTY SHERIFF'S DEPARTMENT

REPORT PROFILE

MEETING DATE 07/17/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Southern Bureau	
RESEARCHED BY Paul Nanfito		**REVIEWED BY** Christine Ford
REPORT DATE	**APPROVED BY**	**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 employment with the Orange County Sheriff's Department as a Trainee on March 31, 2017. He was promoted to Deputy Sheriff on November 8, 2017. At the time of the events at issue, the Respondent was employed as a Deputy Sheriff II with the Orange County Sheriff's Department.

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).

On October 7, 2022, the Respondent pled guilty to a DUI and admitted to having a high blood alcohol content of .20 percent. As a result of this conviction, the California Department of Motor Vehicles ("DMV") imposed a 6- month suspension on the Respondent's driving privileges.

On December 28, 2022, a citizen called to report finding a handgun in a vehicle she had rented from a local dealership.

The firearm's serial number was determined to belong to the Respondent, who had rented the vehicle immediately prior to the citizen.

During the internal affairs investigation for the DUI arrest, the Respondent was dishonest with Department investigators. During the subsequent internal affairs investigation prompted by the discovery of the unsecured firearm and discovery that Respondent had rented a vehicle during the period he reported his driving privileges were suspended, Respondent continued to be dishonest with investigators.

As a result of the initial internal affairs investigation regarding Respondent's DUI arrest, the Department proposed a discipline of suspension.

Following the conclusion of the second internal affairs investigation, the Department found that the Respondent was dishonest in the previous internal affairs investigation and that he violated the law by leaving an unsecured firearm in a rental vehicle and by driving on a suspended license on multiple occasions. The Department recommended the Respondent be terminated, however, following a Skelly hearing, the Respondent was demotion to Deputy Sheriff I and reassigned. Respondent is currently employed with the Department.

Video Evidence Link(s):

- BRO9 POST2316745 Brittain Jared Attachment H Respondent's 12 21 22 IA Interview with OCSD1
- BRO10 POST2316745 Brittain Jared Attachment I Respondent's 2 15 23 IA Interview with OCSD1
- BRO13 POST2316745 Brittain Jared Attachment L Respondent's August 9, 2023 IA Interview with OCSD1
- BRO14 POST2316745 Brittain Jared Attachment M Respondent's 10 5 23 Interview with OCSD1
- BRO15 POST2316745 Brittain Jared Attachment N 10 23 24 Interview with POST Division1
- BRO23 POST2316745 Brittain Jared Attachment V Respondent's 1 14 25 IA Interview with POST Division1

ANALYSIS:

The clear and convincing evidence substantiated that Respondent violated California Penal Code §13510.8(b)(1) and Commission Regulation 1205(a)(1) in that the Respondent was

dishonest in his verbal statements during his interviews with Internal Affairs investigators regarding driving a vehicle on a suspended or license on multiple occasions. Clear and convincing evidence also substantiated that Respondent violated Penal Code section 13510.8(b)(6), and Commission Regulation 1205(a)(6) acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public when on June 1, 2022, Respondent drove a vehicle with a blood alcohol content of .20 percent, and was ultimately convicted of a DUI offense.

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

ATTACHMENT(S):

BR01_POST2316745_Brittain_Jared_ISF.pdf
BRO2_POST2316745_Brittain_Jared_ExecReviewDivisionRec.pdf
BR03_POST2316745_Brittain_Jared_POSTProfile.pdf
BR04_POST2316745_Brittain_Jared_Attachment_A_-_DUI_Arrest-_CHP_report.pdf
BR05_POST2316745_Brittain_Jared_Attachment_B_Orange_County_Crime_Lab_report_for_
22786_dated.pdf
BR06_POST2316745_Brittain_Jared_Attachment_C_D_E_Court_Documents.pdf
BR07_POST2316745_Brittain_Jared_Attachment_F_DMV_Order_of_Suspension_for_Respor
BR08_POST2316745_Brittain_Jared_Attachment_G_DMV_Verbal_Notice_of_Action_for_Res
20-22.pdf
BR11_POST2316745_Brittain_Jared_Attachment_J_Anaheim_PD_report_2022-201698.pdf
BRO12_POST2316745_Brittain_Jared_Attachment_K_Respondents_BWC_screen_shots_anc
BRO16_POST2316745_Brittain_Jared_Attchment_O_Skelly_rebuttal_letter_Sheriff_Kea_Reda
BRO17_POST2316745_Brittain_Jared_Attachment_P_Vehicle_Code_sec_13550.pdf
BRO18_POST2316745_Attachment_Q_Respondent_DMV_Records_Information_Redacted.pd
BR19_POST2316745_Brittain_Jared_Attachment_R__Respondent_Patrol_Schedule_.pdf
BR20_POST2316745_Brittain_Jared_Attachment_S-_Respondent_Bi-
weekly_time_sheets.pdf
BR21_POST2316745_Brittain_Jared_Attachment_T_-_FTO_Trainee_Schedules.pdf
BR22_POST2316745_Brittain_Jared_Attachment_U-
_Respondents_FTO_Trainee_schedules.pdf

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF Jared Brittain, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke, notifying Respondent that the Division had found reasonable grounds for revocation of Respondent's POST certification, on May 9, 2025. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on May 19, 2025, and the Board scheduled the case for a hearing which was held on July 17, 2025. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☒ Intermediate
- ☒ Advanced
- ☐ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 7/17/25

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, JULY 17, 2025

9:02 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Connie J. Parchman,
California Certified Shorthand Reporter #6137

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE DUDLEY
Governor Appointee
Attorney
(Chairperson)

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

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A P P E A R A N C E S C O N T I N U E D

POST STAFF

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

WILLIAM DARDEN
Chief Counsel
Legal Affairs Bureau

PAUL NANFITO
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

SCOTT BALAND
Law Enforcement Consultant
Professional Conduct Northern Bureau

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

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A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT

JARED BRITTAIN, POST ID C63-Z34

ROBERT SASEK, POST ID C81-Z88

APPEARING REMOTELY:

KYLIE COLEMAN, ESQ.
Representing Jared Brittain

SUKHBIR GILL
Public comment

--o0o--

I N D E X

PROCEEDINGS	PAGE
I. CALL TO ORDER	6
II. ROLL CALL OF POSAAB MEMBERS	6
III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA	7
IV. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION	
1. POST2316745 - Jared Brittain (POST ID: C63-Z34) Last employing Agency: Orange County Sheriff's Department	11
2. POST2318309 - Robert Sasek (POST ID: C81-Z88) Last employing Agency: Oroville Police Department	88
V. CLOSED SESSION	
(Transcripts prepared and bound under separate cover)	
1. POST2316745 - Jared Brittain (POST ID: C63-Z34) Last employing Agency: Orange County Sheriff's Department	87
2. POST2318309 - Robert Sasek (POST ID: C81-Z88) Last employing Agency: Oroville Police Department	135
VI. FUTURE BOARD MEETING DATES	137
VII. ADJOURNMENT	138
CERTIFICATE OF REPORTER	139
ERRATA SHEET	140

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THURSDAY, JULY 17, 2025 9:02 A.M.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning, everyone. Today's Thursday, July 17th, 2025, and the time is 9:02.

Thank you all for attending the Police Officers Standards Accountability Advisory Board hearing.

Please note that this hearing is being live streamed, recorded, transcribed.

Further, please note that the microphones are auto on/off. When you begin speaking, they will go live. With this, you will need to watch your crosstalk.

We will now call the roll for Board Members.

Chandler.

MR. KNAPP: Thank you, Madam Chair.

Good morning, Members of the Board.

Member Clavo.

MEMBER CLAVO: Here.

MR. KNAPP: Member Crawford7.

MEMBER CRAWFORD: Here.

MR. KNAPP: Member Doyle.

(No response.)

MR. KNAPP: Chair Dudley.

CHAIRPERSON DUDLEY: Here.

MR. KNAPP: Mr. Glaser.

MEMBER GLASER: Here.
MR. KNAPP: Johnson.
(No response.)
MR. KNAPP: Lara.
MEMBER LARA: Present.
MR. KNAPP: And Pena.
MEMBER PENA: Here.
MR. KNAPP: Madam Chair, six members present.
CHAIRPERSON DUDLEY: Okay. A quorum has been established.
I would like to introduce Board Counsel, to my left, Christopher Beatty and Board Assistant Executive Director Annemarie Del Mugnaio.
And this is now the time set aside for members of the public who wish to comment on items not on the agenda, but those within the Board's jurisdiction.
Public comment on matters on the agenda will be heard after each item is presented.
Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter.
Please be advised that the Board cannot take action on items not on the agenda and may discuss those matters only to the extent necessary to determine whether any matter should be made an agenda item at a future

meeting, to respond briefly to statements or questions posed, to request clarification or to refer items to staff.

Please remember that this meeting is being transcribed, so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comment can be correctly captured in the transcript.

As the Board Chair, I may ask members of the public to limit their remarks to no more than three minutes pursuant to existing Board policy.

I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements and the 15-minute public comment period has expired.

You'll be given three minutes to speak and the time limits will be strictly enforced.

So please ensure that you complete your comments within the allotted time.

Before I open public comment on matters not on the agenda, please note if you wish to comment on disciplinary matters scheduled to be heard today by the Board, you must wait until that matter is called to offer public comment.

If you have a specific complaint about an officer that is not on today's agenda, you should file a

complaint with POST or with the officer's employing agency.

Staff will assist you in this regard.

I would like to remind individuals making comments to not discuss pending complaints or pending disciplinary actions that may later come before this Board for recommendation if the Board takes action on your complaint. You will have an opportunity to address the Board at that time.

Following these rules is necessary to comply with the law and to avoid compromising the Board's mission.

So now, is there anyone present in the audience or appearing remotely who would like to address the Board during public comment?

Let's start with anyone present in the audience first? Is there anyone present who would like to address the board?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, let me check if there's anyone remotely.

And there is not.

Okay. So we now move on to the next items on the agenda.

We have two cases to hear today. We will only be reviewing the facts and evidence as presented by this

Division.

This is not an evidentiary hearing. The rules of evidence do not apply here. Evidence is not formally admitted into the record. There is no need to make any objections and objections will not be ruled upon.

Under the Penal Code and applicable state regulations, this initial hearing will determine only if the matter will proceed forward to the Commission Review. And then should the Commission approve for an evidentiary hearing before an Administrative Law Judge to determine whether the allegations are true and justify discipline.

For those commenting on each item at this early stage, the Board must only consider the facts that the Division, after investigation, believes can be proven at a later evidentiary hearing.

For that reason, today the Board will entertain arguments as to whether or not those facts, as presented by the Division, demonstrate clear and convincing evidence.

In other words, a high probability that serious misconduct, as defined in Penal Code Section 13510.8 and Commission Regulation 1205, occurred.

This finding results in the matter being moved forward. No action by the Board or the Commission prior

to a full evidentiary hearing amount to a final determination that an officer did, in fact, engage in misconduct or that revocation or suspension is ordered.

That will be determined after the evidentiary hearing.

At the conclusion of each law enforcement consultant's presentation, the Board will have the opportunity to ask questions. Then public comment from the subject officer and/or their counsel will be taken, followed by the members of the public.

Further discussion by the Board will be allowed, if necessary.

The Board may then go into closed session, deliberations, after each case or wait until the end of all cases have been presented and adjourn to closed session to deliberate on all cases presented.

After reconvening into regular session, votes will be taken on each case.

We're now going to move on to POST case number 2316745, Jared Brittain, POST C63-Z34.

At this time, I will now call upon Law Enforcement Consultant Paul Nanfito, Professional Conduct Southern Bureau and Carrie Woolley, Attorney IV, Legal Affairs Bureau, to provide a report on case POST2316745, Jared Brittain who, at the time of the events at issue

in this case, was employed with the Orange County Sheriff's Department.

MR. BEATTY: Madam Chair, I just wanted to recognize --

CHAIRPERSON DUDLEY: Please.

MR. BEATTY: I believe that Board Member Johnson was missed on the roll call and is present.

CHAIRPERSON DUDLEY: Okay. Thank you.

MR. BEATTY: Correct, Board Member Johnson?

MEMBER JOHNSON: Yes.

MR. BEATTY: There you are.

I don't know whether I missed it -- good morning.

CHAIRPERSON DUDLEY: Thank you, Counsel.

And we're now ready for the presentation.

MR. NANFITO: Thank you. Good morning, Madam Chair and Members of the Board.

My name is Paul Nanfito and I'm one of the law enforcement consultants assigned to the Professional Conduct Southern Bureau in the Peace Officer Standards Accountability Division.

With me today is Carrie Woolley, an attorney with our Legal Affairs Bureau.

I am here today to present case number POST2316745.

It involves Deputy Jared Nathanial Brittain from the Orange County Sheriff's Department.

Hereinafter he will be referred to as Respondent.

It is the Division's determination that clear and convincing evidence exists to demonstrate the Respondent committed multiple acts of serious misconduct as set forth in Penal Code Section 13510.8 on multiple days between June 1st, 2022, and October 5th, 2023.

Specifically, the Division has determined that the Respondent committed the following acts of serious misconduct:

Dishonesty, 13510.8(b)(1) providing false statements and information to Internal Affairs investigators during four separate Internal Affairs investigations.

Acts that violate the law.

13510.8(b)(6) acts that are sufficiently egregious or repeated to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of the members of the public as determined by the Commission.

In this presentation, I will present a brief outline of the Division's findings of the investigation in this matter.

The Respondent began his career with the Orange County Sheriff's Department on March 31st, 2017, as a trainee and on November 8th, 2017, he was promoted to

the position of deputy sheriff.

The Respondent holds the following POST certifications: Basic, intermediate and advanced POST certificates.

The Respondent has no prior disciplinary issues to discuss.

Respondent was ordered -- awarded the Orange County Sheriff's Department's Medal of Valor for his response to a critical incident that occurred on August 23rd, 2023.

This was an incident involving an active shooter who shot multiple people and engaged responding deputies in a seven-minute gun battle.

The Respondent was recognized for making a courageous decision to form a team, climb a hill behind the suspect from a flank position.

This is a verbal presentation, which I'm providing from a prepared statement, which will be followed by a PowerPoint presentation.

The PowerPoint will provide a visual representation of the timeline of events and some of the specific statements which you will hear during the verbal presentation.

In summary, this case will cover two different Internal Affairs investigations, which included four

interviews. These events took place over a 17-month period from June 1st, 2022, through October 5th, 2023.

On June 1st, 2022, the Respondent was off duty and was stopped by the California Highway Patrol.

Prior to the traffic stop, the CHP officer made the following observations: The driver of a black Ram 1500 pickup truck driven by the Respondent was bumper-paced at approximately 104 miles per hour.

He was also weaving dramatically from left to right within the traffic lane, crossing over the lines on both sides of the lane.

The CHP officer initiated a traffic stop and contacted the driver who was identified as the Respondent.

He identified himself as an off-duty peace officer and that he had multiple weapons in his vehicle. Respondent had a firearm at his waist and had SWAT weapons inside the pickup.

On October 7th, 2022, the Respondent pled guilty to two misdemeanor counts of driving under the influence of alcohol and admitted to having a blood alcohol content of greater than .20 in the Orange County Superior Court.

As a result of this conviction, the Department of Motor Vehicles suspended the Respondent's driver's license.

The DMV mailed the Respondent a notice of this suspension, which was dated October 14th, 2022. This suspension was effective from October 7th, 2022, through April 7th, 2023.

The notice was sent to the Respondent's home address, notifying him the suspension was effective on October 28th, 2022.

The Respondent was in court when he was advised by the Court of a Superior Court document, which is referred to as a declaration regarding Vehicle Code Section 3 -- 13550, which notified the Respondent his driver's license was confiscated at the time of his arrest and it had not been lawfully reissued.

It was signed by his attorney and was dated October 7th, 2022, and the Respondent was present when this occurred.

The Respondent did not notify his chain of command at the Stanton Substation of his driver's license suspension. He continued to work is regularly assigned patrol shifts at this station.

During the week of December 20th, 2022, the Respondent went to his mailbox and retrieved a notification from DMV which was dated October 14th, 2022.

The document was the DMV order of suspension, which

reads in part: Your privilege to operate a motor vehicle has been suspended effective October 7th, 2022, and shall not be reinstated before April 7th, 2023.

The Respondent acknowledged that it was this document which was the catalyst for him to respond to the DMV on December 20th and obtain the restrictions on his license which would allow him to legally drive a motor vehicle.

On December 20th, the Respondent went to the DMV office where he received and signed a DMV verbal notice of actions. This document lists two separate licenses suspensions one was effective 10-7-2022 and one was effective 10-28-22.

By signing this document the Respondent was notified about both suspensions and the length of those suspensions.

This date and these notifications are critically important because the Respondent attended his first Internal Affairs interview the following day on December 21st, 2022.

This interview was the first inquiry into his DUI arrest by the Orange County Sheriff's Department Internal Affairs investigators.

Now I will provide you of some examples of statements made by the Respondent which have been

determined to be dishonest.

During this interview, the IA investigator asked the Respondent if his license was fully suspended at any time.

In response he said, "for a period of, I believe, 30 days from the sentencing until I could get it restricted."

It is important to note that just the day before making this statement about a 30-day suspension, the Respondent just received those restrictions on his license allowing him to drive legally.

This document which brought him to the DMV that day stated his license had been suspended effective October 7th, 2022, and could not be fully reinstated until April 27th, 2023.

On the day he signed the DMV verbal notice of action, which notified him his driver's license was fully suspended on October 7th, 2022, until December 20th, 2022.

This is clearly not a 30-day suspension and there is not a document which mentions a 30-day suspension.

The IA investigator asked the Respondent the following specific and direct question.

He asked, "How did you get to work?"

The Respondent said, I had a friend drive me that I

work with and I had a trainee in the car I was working with.

The IA investigator specifically asked the Respondent, so you had the trainee driving the whole time while you were doing your patrol work?

The Respondent said, "Yes, sir."

In review of traffic cameras within the City of Stanton, California showed the defendant driving a black Ram 1500 on ten specific dates between October 7th, 2022, and November 7th, 2022.

The Respondent's driver's license was fully suspended during this time frame. Surveillance cameras at the Orange County Sheriff's substation in Stanton, California showed the Respondent driving a black Ram 1500 pickup truck into the parking structure across the street from the substation.

The Respondent attended a follow-up administrative interview regarding the DUI arrest on February 15th, 2023.

This was another opportunity where the Respondent could have been forthright and advised the investigator that he had been driving during the period of his suspension.

Instead, he provided deceptive and dishonest statements. He also provided another affirmative answer

to a question about his trainee driving him while at a work and that he only received a 30-day suspended driver's license.

The following excerpt from this interview illustrates the continuing deception of the Respondent.

The IA investigator asked the Respondent, "You had a 30-day suspended license?" To which he said, "yes, sir."

The IA investigator then specified, "And that was at the time of the conviction, so October 7th to November 7th?"

Respondent answered, "From what I recall, sir."

As previously noted, the Respondent received DMV paperwork on December 20th, 2022, which clearly stated the length of his suspensions.

These statements are simply not true.

The IA investigators focused on the time period between October 7th, 2022, and November 7th, 2022.

They did not focus their inquiry and evidence collection from November 8th, 2022, through December 20th, 2022, because the Respondent kept telling them his license was only suspended for 30 days from October 7th through November 7th.

The Respondent's deception resulted in the loss of traffic camera videos and photos as well as Stanton

substation surveillance photos during the Division's inquiry.

The IA investigator asked a clarifying question, "And I think you mentioned in the video you were getting a ride to and from work and you had a trainee."

The Respondent said, "Yes, sir."

On December 28th, 2022, seven days after his first IA interview, officers from the Anaheim Police Department responded to a call from a citizen who reported finding a firearm in a black Ram 1500 pickup she had rented from a local car dealership on December 14th, 2022.

The reporting party told the officer she was cleaning and checking the rental vehicle at her home with intention of returning the vehicle to the dealership on December 29th, 2022.

The reporting party told the officer -- excuse me -- while checking the vehicle, she lifted the front seat, center armrest and discovered a firearm. The reporting party told the officer she had not noticed the firearm until she lifted the armrest and she immediately called the Anaheim Police Department.

This officer secured the firearm, a Glock 19, which was later determined to have a full magazine of 15 rounds with one round in the chamber.

And Anaheim police officers ran the serial number on the firearm and determined that it belonged to the Respondent and it had not been reported missing or stolen.

Anaheim police officers contacted Respondent on December 28th about the firearm and asked him if it was in his possession.

The Respondent replied, "That's a good question."

Respondent then told the officers he had not seen the firearm in a month or two and did not report it as missing or stolen because he had not noticed it was missing.

On January 3rd, 2023, the Orange County Sheriff's Department initiated a second Internal Affairs investigation regarding the Respondent's personal Glock firearm that was located inside a rental truck on December 28th.

It should be noted that the Respondent returned the Ram 1500 rental truck on December 13th, 2022. The next day it was rented to another citizen in the City of Anaheim.

This citizen drove this vehicle unaware there was a loaded firearm beneath the center armrest for two weeks.

Respondent violated Penal Code Section 25140(b) when he left his handgun unsecured in the rental

vehicle. Under Penal Code Section 25452, a peace officers shall, when leaving a handgun in unattended vehicle, secure the handgun in the vehicle pursuant to Penal Code Section 25140.

The Respondent attended his first IA interview regarding the unsecured handgun on August 9th, 2023.

This would be his third IA interview since December 21st, 2022.

During this interview, the IA investigator asked follow-up questions about the Respondent's truthfulness during his first two administrative interviews.

The IA investigator had located traffic camera video and pictures that showed the Respondent driving a black Ram 1500 pickup in the City of Stanton and into the parking structure across from the Orange County Sheriff's Department Stanton Substation.

He also located surveillance photographs of the Respondent walking into the Stanton Substation.

This IA investigator was aware of the previous IA regarding the DUI arrest. These photographs are what led him to ask the Respondent some follow-up questions about the Respondent's truthfulness during the first two IA interviews.

Respondent's answers to some of these questions continued to be deceptive and dishonest.

During this interview, the IA investigator stated to the Respondent, "I have you on camera driving to work."

The Respondent said, "Yes, sir."

The IA investigator added, "In your rented truck during those days?"

Again the Respondent said, "Yes, sir."

The IA investigator then asked the Respondent very directly, "So when you say you were being driven to work, is that the truth? Or were you driving yourself to work?"

The Respondent said, "I drove myself to work, sir."

The IA investigator assigned to investigate the unsecured firearm scheduled a second interview with the Respondent on October 5th, 2023. This would be the Respondent's fourth interview over the course of approximately ten months.

The critical incident that was previously mentioned occurred on August 23rd, 2023, which is after his third interview, but before his fourth IA interview.

There were several statements Respondent made during his final interview which were determined to be dishonest.

Leading up to this interview, the IA investigator obtained body-worn camera footage showing the Respondent

driving a patrol car between October 7th, 2022, and November 7th, 2022. His license was suspended during this time frame.

The IA investigator asked the Respondent if he remembered stating during the interviews with the first IA investigator and later with him, that your trainee drove your patrol car while you were at work?

The Respondent said, "Yes, sir."

The IA investigator then asked, "Is there anything about that statement you would like to change?"

The Respondent replied, "After you guys advised me of the dates in question, there may have been a day that I had driven, whether it was to move the vehicle or I may have driven on my own. I don't recall specifically what day that was."

During the Respondent's fourth and final interview, he offered an explanation as to why he didn't answer completely about driving during his suspension period.

Specifically, the Respondent said, "I obviously drove during work, and I couldn't recall specifically when or if I did. And in thinking back into it, ultimately I was confused on the dates. There's multiple suspension dates that I was given and the reason I gave the answer that I did."

The evidence shows that any confusion about the

suspension dates on the part of the Respondent was cleared up when the Respondent went to DMV on December 20th, 2022, where he received his verbal notice of actions with the actual suspension dates as well as receiving the order of suspension earlier that week.

At the Respondent's request, he was interviewed by the Division on October 23rd, 2024. During this interview, he again made the assertion that he was confused about the dates of his suspension and said the suspension may have been in effect later in November of 2022.

Respondent stated he would provide copies of DMV paperwork to show the different suspension dates that created his confusion.

The Division later received an email from Respondent's attorney stating he could not locate the DMV paperwork he referenced during his interview; however, the Respondent's attorney did provide the Division with a letter from retired Orange County Sheriff's Department Assistant Sheriff Steven Kea, which was presented at the Respondent's Skelly hearing. A copy of that letter is included as Attachment O to the ISF.

In the letter, Retired Assistant Sheriff Kea addressed several specific points of the Respondent's

interviews and argued that the Respondent was not untruthful because he responded to the questions he was asked, which did not directly ask him whether he ever drove to work or ever drove on patrol.

Not only does this representation of the Respondent's answers misrepresent the evidence, but Retired Assistant Sheriff Kea's summary does not address the Respondent's affirmative statement to investigators that his driver's license was suspended for 30 days from the date of his conviction.

Further, from the contents of this letter, it appears that Retired Assistant Sheriff Kea was unaware the Respondent visited the DMV on December 20, 2022, the day before his first IA interview, where he obtained a restricted license which allowed him to drive legally to and from and in the course of employment.

The document received on this date clearly would have shown Retired Assistant Sheriff Kea the dishonesty in the statements the Respondent made on December 21st, 2022, and during subsequent interviews.

For these reasons, the Division did not find Retired Assistant Sheriff Kea's letter persuasive.

Following this interview, the Division received DMV documents from the Orange County Sheriff's Department Internal Affairs Division. Specifically, the Division

received a copy of the order of suspension dated October 14th, 2022, and the verbal notice of actions dated December 20th, 2022.

Based on the dates of the suspensions listed on these documents, the Division requested additional documentation.

The Division obtained body-worn camera footage, Respondent's patrol schedules, Respondent's time sheets, field training officer and trainee assignment schedules and daily observation reports for two trainees. All the requested documents were for a time period from October 7th, 2022, through December 20th, 2022.

The preceding information was reviewed which revealed the Respondent drove a patrol car on many additional dates during the time he was assigned a trainee.

This information revealed that a trainee was not available frequently enough to be able to drive the Respondent the whole time he was working his patrol shifts.

Based on this new information, the Division requested that the Respondent participate in a second interview. This interview took place on January 14th, 2025.

During this interview, the Division reviewed with

the Respondent the order of suspension and the verbal notice of actions.

The Respondent was asked specifically how long his driver's license was suspended before obtaining the restriction on his driver's license.

The Respondent said, "Knowing what I know now, it was from 10-7 to 12-20, sir."

The Division then asked the Respondent, "So that wasn't explained to you when you obtained this document or you didn't deduce that from receiving this document on December 20th?"

In response he said, "No, sir, like I stated in the interviews, I was confused on the entire process. I had not received a DUI or dealt with a license suspension before. And my experience with it in the field was limited as well."

The documents that Division reviewed with the Respondent were copies of the exact same documents he received on December 20th, 2022.

Based on this, it is highly probable that he had the exact same knowledge about his suspensions on December 20th, 2022, and on December 21st, '22, during his first IA interview.

The Respondent was also asked about who had provided him with rides to and from work.

He specifically mentioned Deputy Minero, a coworker from the Stanton Substation who provided him rides to work.

Based on this information, the Division scheduled an interview with Deputy Minero on March 4th, 2025.

During this interview, Deputy Minero was asked if he had provided rides to work for the Respondent during the time his license was suspended.

His answers were initially vague, but eventually he described some ridesharing the two would do for SWAT training.

At the end of the interview, Deputy Minero's attorney asked a clarifying question about whether Deputy Minero gave the Respondent rides to the Stanton Substation, and I quote, "During the time you guys worked there together."

Deputy Minero responded, "Not that I can remember."

The Division obtained the patrol schedule and time sheets for Deputy Minero.

The information showed that Deputy Minero's schedule was considerably different than the Respondent's making it very improbable that he was even in a position to provide transportation for the Respondent during the time frame his license was suspended.

The facts that I just recited support the Division's finding that Jared Nathaniel Brittain was involved in serious misconduct, specifically dishonesty and repeated and/or egregious acts that violate the law.

The facts of this case clearly establish that the Respondent was untruthful during four administrative interviews, had multiple opportunities to provide complete and truthful answers, but he chose not to.

The acts that violate the law included DUI, driving on a suspended license on multiple dates, and leaving an unsecured firearm in a vehicle.

For purposes of the Division's analysis, 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.

The Division recommends that Jared Nathaniel Brittain's POST certification be revoked.

I will now present the PowerPoint presentation to provide a visual timeline of the events and information provided during this presentation.

Next slide.

So this slide represents the beginning of the triggering events for this whole investigation

June 1st, 2022. I just want to highlight two things about that DUI arrest.

He was stopped for doing 104 miles an hour and he had a BAC of .20, which is extremely -- more than twice the legal limit.

October 7th is when he pled guilty to the two misdemeanor DUI counts and admitted to having a .20 BAC.

October 14th is the date that I mentioned several times. This is when DMV sent the order of suspension. This is an important document that comes up later on December -- the week of December 20th.

Next slide.

This is the actual screenshot of the order of suspension and it's not very clear, on the screen there, but I want to read that first line above the little spreadsheet there. It is where it says, it's the very first sentence on this document.

It says, your privilege to operate a motor vehicle is suspended effective October 7th, 2022, and shall not be reinstated before April 7th, 2023.

It is a very simple document, one-page document, easy to read, easy to understand.

Next slide, please.

Okay. This is the -- December 20th. This is the day before the first IA interview. It was this week

that he obtained the previous document, the order of suspension. And then on this date he went into DMV and this is the document that he signed. It is the verbal notice of actions.

This is the document, lists two specific suspensions. And as you can see there, one is effective 10-7-2022 through December 20th. The other is 10-28-22 through December 20th.

The Respondent acknowledging in his Division interview that he did sign for this document.

This is actually a written document that notices the person that they were verbally notified of these suspensions by DMV.

Next slide, please.

Again, he attended his first interview on December 21st, the very next day.

Next slide, please.

As we pointed out in the presentation, the Respondent was asked specifically if he, you know, if his license was fully suspended at any time. And his responses do not reflect what he just learned on December 20th. The period that he was suspended is actually 74 days, not 30 days.

Next slide.

Again, in the same interview, he's asked questions

and the BWC footage that was collected at two different points in this investigation, the first five were collected by the IA investigators, the rest were collected when I requested them during the investigation.

He drove 18 times in a patrol car. And I just want to point out that during the investigation, we requested just one sample of driving during those -- we didn't request every BWC footage available on each of those dates.

Next slide, please.

Again, he says, "So you had the trainee driving the whole time while you were doing your patrol work?"

This simply isn't possible. There -- on page 22 of the ISF you'll find a simple spreadsheet that lists all 18 of those dates. There were seven times that he had a trainee in the time where he still drove the patrol car.

Next slide, please.

December 28th is the day that the firearm was located in the rental truck. And as discussed, the investigation was authorized on January 3rd. And on February 15th he had a second interview regarding the DUI arrest.

Next slide, please.

Again, he continues to say that he had a 30-day

suspended license. It's simply not true. The information he obtained on December 20th clearly showed the length of his suspensions.

Again, I want to point out that the suspended license was effective for 74 days before restrictions.

Next slide.

August 9th he has his first interview regarding the unsecured firearm. And this is where the investigator began questioning about his truthfulness in the first two administrative investigations.

Next slide.

Respondent again gives a statement that some days his father and then Deputy Minero, who's the person driving him to and from work. As I noted in my interview with the -- Deputy Minero, he did not recall doing that.

Next slide, please.

October 5th, 2023, this is the final interview and the second one regarding the unsecured firearm.

Next slide.

Again, the BWC footage contradicts his statements.

Next slide.

On December 14th, 2023, the Orange County Sheriff's Department served the Respondent a notice of intent to terminate.

He had a Skelly hearing and following that Skelly hearing, he was provided the last chance agreement which resulted in his demotion and reassigned to the jail.

Next slide.

The Respondent -- Division mailed a letter of investigation on September 12th. At his request, he was interviewed on October 23rd, and then again on January 14th, 2025.

Next slide.

Again he was asked about how he would -- who was driving the patrol car. And he said, "When I had a trainee in the vehicle, yes."

BWC footage contradicts that, shows him driving while he did have a trainee. Also the trainees were not available to drive him during all the dates he worked during that time frame.

Next slide.

So under Vehicle Section 14601.2(a) a person shall not drive a motor vehicle at any time when that person's driving privilege is suspended or revoked for a conviction of violation of 23152 if the person so driving has knowledge of the suspension or revocation.

It also states that knowledge of the suspension or revocation of the driving privilege is conclusively presumed if mailed notice by the DMV pursuant to Vehicle

Code Section 13106.

As previously noted and the documents show, he was mailed that notice on October 14th, 2022.

Next slide.

This is the specific section mentioned in the presentation regarding the unsecured firearm. The important thing that I want to point out about this, this is not a case of an officer leaving a firearm in his truck parked out in front of his driveway.

This is a case where citizen was driving a vehicle for two weeks with a loaded firearm unbeknownst to that person.

Next slide.

That's it.

With that, I'm happy to answer any questions that you may have.

CHAIRPERSON DUDLEY: Okay. From the Board, are there any questions?

MEMBER CLAVO: Yes.

CHAIRPERSON DUDLEY: Yes, Dr. Clavo, did you have a question?

MEMBER CLAVO: Yes, ma'am. The Dodge Ram, that was a police vehicle?

MR. NANFITO: No, it was not. It was a rented vehicle from a dealership.

MEMBER CLAVO: Okay. And then it was -- a Glock that was left in the car 15 rounds and one in the chamber?

MR. NANFITO: Correct.

MEMBER CLAVO: And who notified the department, the DMV? Or did Mr. Brittain notify them eventually?

MR. NANFITO: Of the suspensions?

MEMBER CLAVO: Yes.

MR. NANFITO: The reports reflect that the Respondent did not notify his Stanton Substation that he had a suspended driver's license.

I'm not sure at what point the Department received the DMV documents that I showed you. Those were obtained during the Internal Affairs process.

The Department, I can't explain why they were unaware of the suspension. The typical process would be DMV would notify them, but they apparently weren't notified.

MEMBER CLAVO: And then it was ten days that you guys pretty much pulled that was on camera showing him driving? Was -- did I write that right?

MR. NANFITO: The traffic camera systems in Stanton, California were obtained by the IA investigators for a period of October 7th to November 7th. And those -- those, were the dates that

are -- that are identified.

The dates from November 8th to December 20th, because the Division made that request in 2024, had already been purged. So they were unavailable.

MEMBER CLAVO: Okay. One last question.

Did I -- did I hear or understand right that the Sheriff wrote a supporting letter on -- the Assistant Sheriff wrote a supporting letter on behalf of Mr. Brittain, but not having all the facts?

CHAIRPERSON DUDLEY: That was retired Assistant Sheriff.

MEMBER CLAVO: Okay. It was retired.

CHAIRPERSON DUDLEY: I didn't answer your question, I just wanted to clarify that that was --

MEMBER CLAVO: It was -- retired.

MR. NANFITO: That was Retired Assistant Sheriff, he wrote that letter for the Skelly hearing.

In that letter, and nor in the IA investigations, is there any mention of the documents that the Respondent received on December 20th and the week of December 20th.

So I do not know why or if he had that knowledge, but it was not in the letter.

MEMBER CLAVO: Thank you.

CHAIRPERSON DUDLEY: Thank you, Dr. Clavo.

Dr. Glaser.

MEMBER GLASER: Yeah, thank you.

Just for clarification, and I'm sorry if I missed it.

What was the impetus for the December 21 IA interview?

If -- had they obtained information about the suspension at that point?

MR. NANFITO: No, that -- the December 21st, 2022, interview was regarding the DUI arrest that occurred on June 1st, 2022. It was the first IA interview for that reason.

MEMBER GLASER: And was it -- is it just a coincidence that occurred a day after his visit to the DMV on December 20th?

MR. NANFITO: Yes, presumably.

MEMBER GLASER: Thank you.

CHAIRPERSON DUDLEY: Any other questions? Okay.

(No response.)

CHAIRPERSON DUDLEY: Seeing none.

At this time, does the subject officer and/or their counsel -- I believe the subject officer's present.

I believe that counsel is appearing remotely.

Do either of you wish to make a comment?

MR. BRITTAIN: Yes, ma'am.

CHAIRPERSON DUDLEY: Yes. If so, you will each be given three minutes to speak. And the time limit will be strictly enforced, so please be sure that you complete your comments within the allotted time.

And while commenting -- comments, keep in mind that the Board will only consider the facts as presented by the Division today and will not consider any additional facts or defense at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate clear and convincing evidence of a high probability that serious misconduct, as defined by Penal Code Section 13510.8 and Commission Regulation 1205, occurred.

So, Officer, would you like to be heard?

MR. BRITTAIN: Good morning. And thank you for allowing me the opportunity to speak today.

I want to begin by saying that I --

CHAIRPERSON DUDLEY: Excuse me, Officer, I misspoke. You have at least five minutes. Okay?

MR. BRITTAIN: Yes, ma'am.

I would like to begin by saying that I completely own the mistakes that I made. I do not deny them or make excuses for them.

But I would like to provide some context of why I'm in front of you today.

I've had time to reflect on the decisions I made during the lowest point in my life. I carry the weight of those choices every single day.

Plain and simple, I put others at risk and did not conduct myself as one in the profession should. And that was unacceptable.

I know I have made mistakes in the past, but I have also learned from them. I understand the difficult decisions this Board has to make and I've read most of the misconduct you have investigated.

I believe this process and your role is absolutely necessary.

I also believe the Board's primary concern in my instance is the issue of my dishonesty and I don't shy away from that. I failed to live to the standards of integrity without compromise.

I know better because I have never omitted or falsified information in the past.

But in this instance, to save my career, I betrayed not just the Department's values, but my own.

Before this I had never been in trouble and on the other side of an investigation. I was nervous and I followed legal advice I thought would guide me through

the process. But looking back, I realize I should have been more direct, forthcoming and transparent.

When I was questioned about whether I drove during my suspension, I tried to shield myself by offering partial truths. I said others drove me, which was true, but I omitted that I also drove myself. I convinced myself I was answering the questions just well enough to move past them.

But omission is deception and failure of integrity on my part.

Once the evidence came out and I was asked, I admitted to it. But by then I had already lost the trust of my department.

I've spent most of my adult life in service. I started as an explorer with the Sheriff's Department, served for six years in the Marine Corps, and the past eight years as a deputy.

I've handled hundreds of investigations, served with distinction, and responded to life-threatening situations without hesitation.

But, I've also struggled.

I've had troubles with PTSD, depression and anxiety, issues I tried to bury instead of address.

I coped poorly with those and I had an unhealthy patterns of alcohol abuse that contributed to my poor

decision-making.

Since then I've done the work. I've gone through constant counseling, joined AA, remained sober and developed healthy ways in order to manage my stress and trauma.

I accepted a demotion and I worked in custody this past year without incident and was repromoted, earning my way back to patrol with strong performance evaluations.

Towards the end of this investigation unfolding, I had the opportunity to be involved in the most critical and traumatic incident in my career and in Orange County.

It was an active shooter who had already killed multiple people and was firing at deputies from an elevated and fortified position.

While under direct fire, I led a team to flank and neutral -- help neutralize the suspect in order to begin life-saving measures. For that I was awarded the Medal of Courage.

That day reminded why I those this career. To serve, protect and act when others are in danger.

The week following that incident, I was placed on administrative leave pending terminations for my actions we're discussing today. I showed myself I had strength

by not resorting to alcohol and maintaining a positive attitude.

I used that time to continue the positive progress that I made, thankful to have a second chance at life and in this profession.

Since returning to work, I have also taken the responsibility of mentoring younger deputies, using my own mistakes to help avoid -- them avoid the same pitfalls.

I'm not here just to keep a job. I'm here because I want to become the kind of deputy that teaches others the value of integrity and what accountability looks like.

I'm not asking for forgiveness, but I'm asking for a chance to continue serving the public and guiding others by example.

I hope the Board can see that I'm not defined by the worst chapter in my career, but by the growth and accountability that came after.

Thank you again for your time and allowing me to speak.

CHAIRPERSON DUDLEY: Thank you.

And let me ask you some rather direct questions.

MR. BRITTAIN: Yes, ma'am.

CHAIRPERSON DUDLEY: And if you don't want to

answer them, don't.

But you put several things out there that I want to follow up on.

You heard the presentation today. You've read all the documents. You've been accused of multiple acts of dishonesty.

Are you telling us today that you, in fact, committed all those acts of dishonesty.

MR. BRITTAIN: Yes, ma'am.

CHAIRPERSON DUDLEY: You also said just now that you have found ways to deal with your PTSD.

Can you tell me what you did to deal with the PTSD?

MR. BRITTAIN: Yes. Primarily reached -- returning to faith, attending church consistently and exercising. Begin doing endurance sports that helped me to decompress and come back to reality.

CHAIRPERSON DUDLEY: Did you go to any specific therapy that deals with PTSD, EMDR or anything else?

MR. BRITTAIN: Yes, the counseling that I've been attending with TCTI, I've been doing that very, very consistently. And also tried the EMDR.

CHAIRPERSON DUDLEY: And how many times did you try EMDR?

MR. BRITTAIN: Twice, ma'am.

CHAIRPERSON DUDLEY: I'm sorry?

MR. BRITTAIN: Twice, ma'am.
CHAIRPERSON DUDLEY: And was it helpful?
MR. BRITTAIN: Yes, ma'am.
CHAIRPERSON DUDLEY: Okay. The act that you engaged in that ultimately you ended up at the Medal of Courage, that occurred after your suspension?
Knowledge of your suspension, but before your suspension occurred?
I was unclear on the timing of that.
MR. BRITTAIN: The incident occurred and then I was suspended for six months, the week after.
CHAIRPERSON DUDLEY: Okay. The incident occurred, then you were suspended, and then when did you get the medal of courage?
MR. BRITTAIN: Upon returning back to work.
CHAIRPERSON DUDLEY: Okay. How long have you -- when was the last time you had any alcohol?
MR. BRITTAIN: It's been nine months, ma'am.
CHAIRPERSON DUDLEY: And how long ago was the incident with driving under the influence with the over a .20?
MR. BRITTAIN: Over three years, ma'am.
CHAIRPERSON DUDLEY: Okay. So at some point you stopped drinking, and then you started drinking again?
MR. BRITTAIN: Yes. I've been battling with

sobriety and maintaining it consistently.

It's very hard. When things get difficult, it's easy to go to a drink. I've learned that and have been successful at maintaining that now.

After having short relapses of a few drinks and then feeling guilty about it afterwards.

CHAIRPERSON DUDLEY: Why do you think -- so after the DUI, you stopped. And then you went back to drinking. And then nine months ago you stopped.

Why do you think you've been successful this time, whereas you were intermittently successful in the past?

MR. BRITTAIN: Ultimately realizing the trouble that it has caused me and the risk that I put upon other people and leading me into this situation where I'm losing my career.

CHAIRPERSON DUDLEY: Okay. Have you ever substituted drugs for alcohol? Either prescription drugs or unlawful drugs?

MR. BRITTAIN: No, ma'am.

CHAIRPERSON DUDLEY: So it's always been alcohol?

MR. BRITTAIN: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Is there anything else -- other Board Members may have questions, too, of course.

Is there anything else you want this Board to know

about you that you haven't said?

MR. BRITTAIN: No, ma'am.

CHAIRPERSON DUDLEY: Okay. Thank you very much for your honesty and for coming here today and telling us a little more about you.

Other members of the Board?

Yes, let's start with Ms. Pena.

MEMBER PENA: How many -- how many days sober have you had now?

MR. BRITTAIN: Days?

MEMBER PENA: Days, months.

MR. BRITTAIN: I don't track the days. I try not to focus on the days of sobriety in order to just keep pushing towards them.

MEMBER PENA: Okay. Do you -- did your sponsor come with you today?

MR. BRITTAIN: I do not have a sponsor. I'm not directly involved in AA anymore. I was after the DUI.

MEMBER PENA: Do you go to any other type of counseling program for alcoholism besides your time in AA? Do you do anything else now?

MR. BRITTAIN: With my counselor from TCTI.

MEMBER PENA: What's that exactly?

MR. BRITTAIN: It is an organization that has partnered with our Department to provide counseling for

us.

MEMBER PENA: Okay. How often do you go to that?

MR. BRITTAIN: It's based on availability. And it's about every month or two months, depending on availability.

MEMBER PENA: I'm -- there have been various comments that you've made either on the record or through what's reported in investigations and what you've said here today about -- I think today you said you've taken full responsibility for your actions.

MR. BRITTAIN: Yes, ma'am.

MEMBER PENA: However, you submitted a written statement to us today that I actually had the opportunity to read.

It's dated July 10th, 2025, which is obviously not very long ago, a week ago.

And in your third paragraph where you actually begin to talk about what occurred, the last line in that sentence says -- or paragraph says, in talking about your ability to answer questions honestly, about when you drove et cetera, when you didn't drive.

You say, "That omission, while not an outright lie, was misleading and not in line with the level of transparency expected of someone in our position."

So in that paragraph, which is the first one where

you talk about what occurred, you say an omission was not an outright lie -- was not an outright lie.

I mean, you talk about the investigation as if you didn't lie about anything, you just left things out.

And leaving things out is a lie.

MR. BRITTAIN: Yes, ma'am.

MEMBER PENA: So which is it?

MR. BRITTAIN: It is a lie. An omission is deception and is dishonest.

MEMBER PENA: You also say some of your reasoning for answering questions is because you were following legal advice.

MR. BRITTAIN: Yes, ma'am.

MEMBER PENA: Was the legal advice to mislead? Or omit? Or lie?

MR. BRITTAIN: Yes, ma'am.

MEMBER PENA: It was?

MR. BRITTAIN: Yes.

MEMBER PENA: You got legal advice telling you not to answer questions accurately?

MR. BRITTAIN: Upon concluding the first interview, I realized that I had made incorrect statements.

I looked back in my paperwork and realized the dishonesty of the dates that I knew my license was suspended.

After that, I brought it to the attention of my attorney at the time. And I said, "Hey, I made this mistake, I believe I should tell them."

And he said, "Don't mention it unless they directly ask you in the future."

I know that driving on a suspended was another violation after my DUI and could possibly face termination, so I went with that advice and I answered the questions vaguely and not directly.

MEMBER PENA: Thank you.

MEMBER CLAVO: When you attended AA, how long did you go for?

MR. BRITTAIN: About six months.

MEMBER CLAVO: About six months.

And then do you have any other support mechanisms?

And I heard you say that you have the acronym. EMDR. EMDR. The counselor that you may attend once a month or every other month.

But do you have any family -- I heard you mention faith, that you're leaning in on faith.

So do you have a pastor, a priest, a minister that you meet with regularly that provides you some emotional, mental support?

Or are you leaning in on yourself to do all this by yourself?

I heard you say nine months clean, which isn't very long. You don't know the number of days, which kind of concerns me for -- for a person who's battling with alcoholism.

So do you have a support team? Do you have a support mechanism in place?

MR. BRITTAIN: Yes, ma'am. I have a family that I resort to as well as some friends that I directly worship together with.

And that are also in the profession that can relate and I can open up to things about.

Previously I completely tried to do this on my own and I realized it's very difficult for me to open up to other people. And that did not do well for me.

MEMBER CLAVO: One last question.

I believe I read or heard somewhere that stress, different things, and we know what contributes to PTSD.

So you are in a very stressful job.

MR. BRITTAIN: Yes, ma'am.

MEMBER CLAVO: And any day it can go from zero to 100.

With that being said, how will you cope with the next time you're faced with some -- life or death, or a stressful situation that may push you towards alcohol again?

MR. BRITTAIN: Just resorting back to everything that has happened in the past three years. I've grown tremendously from it. And I know those different coping mechanisms and the outlets that I have, whether it's counseling or friends, in order to open up to and address those issues before they become issues.

MEMBER GLASER: First, I want to thank you for being present today and for answering our questions and presenting your statement.

I also want to thank you for your service both to the nation and to Orange County and law enforcement.

I want to get back to what Board Member Pena was talking about with respect to dishonesty in the context of omission versus commission.

And I'm -- I want to give you another opportunity to talk about whether your dishonesty took the form of only omission or if there was direct deception on your part.

Because, you know, I would characterize it as if the Internal Affairs interviewers had asked you if you ever let your trainees drive and you said, yes, that would be a deception by omission.

But I think that they asked you if you drove and you said no.

And that sounds more like a direct deception. And

I would like to hear your answer with respect to that and other instances in which you gave dishonest responses, and whether you consider them only to be by omission.

MR. BRITTAIN: I do not believe it only to be omission. I believe it to be dishonest now that I have been through this investigates and I knew that. Yes, sir.

MEMBER CRAWFORD: Okay. Thank you for coming and being -- being honest with the Board, as I see it.

I'm -- I don't drink, but I do have a son that has the same issues you have.

It's a difficult -- it's difficult. You know, it's hereditary, it runs in families. And it is a sickness. And I will always say that.

But given -- given the job that you do, and you know, the commitment of being an example, it is one of the things I'm -- I'm struggling with, is that, you know, we expect more for our officers. And I'm speaking from what I do is -- you know, we want you to be honest, because just as we want you to be honest, you expect the public to be honest.

And I kind of sense that you were struggling, you know, you were given poor advice, but I'm not an attorney.

Several attorneys are sitting here. But it's common for them to tell you only answer the question and, you know, and to do that. And so you were put in a position where you look -- sounds like you were struggling, you know, between omission, dishonesty.

And so right now this Board has to look at the fact of dishonesty issue.

And, I'm sorry, I'm always a person that believes in second chances. But it's not only up to me, but I -- the reason why I'm speaking is I want you to understand we are sympathetic. I am, at least, to your struggle.

And that you got a long journey to do and you're, right now, at a crossroads. Like you said, you are fighting for your position. For your job. And I pray that you do take this and -- so that others learn from it.

MR. BRITTAIN: Yes, ma'am, thank you.

MEMBER CRAWFORD: So --

CHAIRPERSON DUDLEY: Thank you.

MEMBER LARA: Deputy, good morning. I wanted to echo the Board, to thank you for your service both to the country, to your county.

You clearly show great martial courage, obviously -- even under fire. And that is not anything to be taken lightly.

I obviously think that the Board understands also that we need to see great ethical courage from deputies and officers that do work.

A couple of questions for you.

Does -- and if you don't know, please, it's fine to say no.

Does your agency intend to keep you on as a deputy?

MR. BRITTAIN: Yes, sir.

MEMBER LARA: And how do you know this?

MR. BRITTAIN: I signed a last chance agreement upon returning to work stating that I was on probation period for the two-years regarding alcohol and drug related and dishonesty.

I completed my demotion period, which was a little over a year. And I have since been repromoted returning to patrol operations.

There's nothing in there that says termination date other than what the determination of POST is.

MEMBER LARA: Okay. If I could just have a moment. That's all I have. Thank you.

MEMBER JOHNSON: Johnson speaking.

Thank you for you are your service. I toured as a vet.

I want you to think about the -- take us back to the truck rental.

MR. BRITTAIN: Yes, sir.

MEMBER JOHNSON: Was your license suspended when you rented the truck?

MR. BRITTAIN: I do not recall the specific dates, but the dealership gave me a loaner vehicle while it was in the shop.

MEMBER JOHNSON: So you are not sure if your license was suspended at the time?

MR. BRITTAIN: I can't recall right now the dates that I received the truck and the suspension, sir.

MEMBER JOHNSON: I will ask clarity for that in a second.

My next question is, you've been employed as an officer for 11 years?

MR. BRITTAIN: No, sir, a little over 8 1/2.

MEMBER JOHNSON: 8 1/2.

During that time period, had it come to knowledge that one of the most important things, about being honest?

MR. BRITTAIN: Yes, sir. And during my time in the military.

MEMBER JOHNSON: Now, in that time period, did you know anyone that was going through any issues concerning being dishonest?

MR. BRITTAIN: Not directly, but I've heard

stories, sir.

MEMBER JOHNSON: So you was pretty much aware of how important honesty is?

MR. BRITTAIN: Yes, sir.

MEMBER JOHNSON: All right. I want to go back to that truck, on the rental vehicle, since you really don't remember if your license was suspended or not.

What was the purpose of having a firearm in the rental vehicle?

MR. BRITTAIN: The firearm was along with multiple firearms that I had when I went shooting. And it was misplaced inside the vehicle, sir.

MEMBER JOHNSON: So you misplaced it in the vehicle and then when asked about it, you could not remember where it was at or what you had done with it?

MR. BRITTAIN: Correct.

MEMBER JOHNSON: That in itself is a violation, unsecured firearm.

MR. BRITTAIN: Yes, sir.

MEMBER JOHNSON: I'll put it there.

I would like to ask about the license suspension and the truck rental.

MR. NANFITO: During my review of the Internal Affairs investigations, it indicated that the Ram 1500 was rented in September of 2022, prior to his conviction

on October 7th, 2022.

The suspensions took effect either on October 7th, 2022, or October 28th, 2022.

MEMBER JOHNSON: Thank you.

CHAIRPERSON DUDLEY: So now I'm confused.

At the time that he rented the truck, did he have a suspended license?

MR. NANFITO: After his arrest, he hired an attorney for the --

CHAIRPERSON DUDLEY: I couldn't hear you.

MR. NANFITO: I'm sorry?

CHAIRPERSON DUDLEY: I couldn't hear you.

MR. NANFITO: Oh. After his arrest, he hired an attorney to handle his admin per se issues and that was stayed until the court adjudicated the case.

The case was adjudicated on October 7th, 2022. That was when the first suspension took effect. A second suspension took effect on October 28th, 2022. And based on the information I reviewed in the Internal Affairs investigations, the Ram 1500 was given to him in September of 2022.

So no license suspensions had taken effect, to my knowledge, at that time.

CHAIRPERSON DUDLEY: Okay. So I'm an attorney, and I didn't understand all that.

So let's -- let's be clear.

So the answer to my question, unless I'm confused, is he rented it on September 22nd and at that point his license was not suspended; is that correct?

MR. NANFITO: To my knowledge, yes.

CHAIRPERSON DUDLEY: Okay. Yes, it was not suspended?

MS. WOOLLEY: And just to be clear, we don't know what date in September he rented it because we did not get that information from the dealership. But it was sometime in late September of 2022.

It might help to explain how the suspensions worked out.

CHAIRPERSON DUDLEY: Okay. Let's do that.

MS. WOOLLEY: Just to clarify, so when you get a driving under the influence charge, there are two suspensions that happen.

You get a suspension as a result of the arrest.

CHAIRPERSON DUDLEY: Right.

MS. WOOLLEY: Which is sometimes called an admin per se.

CHAIRPERSON DUDLEY: Right.

MS. WOOLLEY: That was the suspension implemented on October 28th.

Then there's the suspension that you get as a

result of a conviction when you get convicted in court. And that's the suspension that happened on October 7th.

The reason why there's two is because there's administrative one from the arrest. It's a separate proceeding.

Those can actually happen ahead of time. But it depends. You can ask the DMV to basically continue your hearing out until your court proceedings finish out and the DMV is usually very good about doing that.

So what happened here was that process was still going, while he waited for his criminal proceedings to finish. And at some point he had an issue I think with his truck, Mr. Brittain can certainly correct me if I'm wrong, and he got the truck sometime in late September 2022 while his license was still good and then had it until December 13th, 2022.

But the suspension took place and took effect on October 7th, because that's the day he was convicted in the criminal proceedings.

CHAIRPERSON DUDLEY: Yeah, I did -- I used to prosecute DUIs so I understand that.

But the two suspensions, one began October 7th, one began October 28th. The car was initially rented at the end of the September?

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: Okay. So when you rented the truck, you did not have a suspended license, you had a license. Is that your understanding now?

MR. BRITTAIN: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. But, you had the truck until when?

MR. BRITTAIN: It was the date they mentioned in December. I believe the 12th or 13th.

CHAIRPERSON DUDLEY: So at any point when you had the truck, were you driving it on a suspended license?

MR. BRITTAIN: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Now, why did you drive the truck on a suspended license?

MR. BRITTAIN: So the truck in question was not rented it -- in order to deceive or avoid detection.

It was because there were issues with my vehicle and I had it for an extended period of time.

I drove because I had the obligation and -- to show up for work. Because I already had shown that I have caused issues with myself, with the Department, I didn't want to inconvenience the Department anymore. Being a brand new training officer and having to be there. So I wanted to build upon my reputation and come back from the DUI that I had previously received.

CHAIRPERSON DUDLEY: Do you think it builds on your

reputation to unlawfully drive the truck?

MR. BRITTAIN: No, ma'am. And that's where I was getting at. I now realize that I put my partners and everybody else in a more inconvenience because of everything that occurred from driving on a suspended license.

CHAIRPERSON DUDLEY: Okay. So you're driving the truck on a suspended license. You're driving in to your job as a law enforcement officer, breaking the law driving on a suspended license.

You are going hunting, driving on a suspended license; correct?

MR. BRITTAIN: Yes, ma'am.

CHAIRPERSON DUDLEY: And you are taking your gun and you're -- have your gun in your truck. And the gun is not secured.

Help me understand how you left a gun that was not secured in your truck.

And further, when asked about where's the gun, you said, "I didn't even know it was missing."

This is a deadly weapon. Help me understand why you didn't know where your deadly weapon was?

MR. BRITTAIN: That's a good question.

I've been taught, and whether it was in the military or as a SWAT officer, in order to -- good

weapon accountability and everything like that.

With that being in mind, I have a case that secures my pistols and there's multiple in there. And I take it out when I go and I secured it and I brought that out of the truck.

I was unaware that I left that firearm underneath an armrest when I was clearing out my vehicle.

That case then goes into a safe when I get home. And I was unsure -- I should have maintained accountability and checking that they were all inside there, but I did not.

CHAIRPERSON DUDLEY: Okay. Help me understand a little more about that.

For me it would be tantamount to leaving my child in a car seat. Oops, left the kid in the car seat, you know. Leaving a gun, a loaded gun, in a car unsecured, were you drinking when you were driving then?

What was happening in your thought process?

You have a loaded gun in the car and then weeks later not even know where that gun was.

MR. BRITTAIN: I have no excuse. And no, I was not drinking, I have not drunk -- drank and drove since I was arrested for it and I will never do it that again.

CHAIRPERSON DUDLEY: So you can't help me understand a little more about your thought process, you

just forgot?

MR. BRITTAIN: Yes, ma'am. I don't have any excuse.

CHAIRPERSON DUDLEY: Okay. Anything else? Yes --

MEMBER CLAVO: Yes.

CHAIRPERSON DUDLEY: -- Dr. Clavo?

MEMBER CLAVO: You stated that you signed a last-chance agreement.

When did you sign that?

MR. BRITTAIN: It was in the beginning of 2024.

MEMBER CLAVO: Can you give me some insight on -- on that last chance agreement?

Were you not supposed to have any alcoholic beverages from that time on?

What was the stipulations of that last-chance agreement?

MR. BRITTAIN: From the top of my head, it is no violations of policy regarding alcohol, relating with alcohol, drug use or dishonesty.

No complete abstinence -- abstinence from alcohol use. But --

MEMBER CLAVO: No complete or you were to have complete abstinence from alcohol?

MR. BRITTAIN: It did not mention anything about that.

MEMBER CLAVO: Okay. And then I think I just heard you say that the gun was in the armrest. Is that what you stated? That it was in the armrest? The gun that was found in the Dodge Ram?

Or was it under the seat?

MR. BRITTAIN: So it's a truck with three front seats where the middle seat folds down. And it was underneath that.

MEMBER CLAVO: So it raises up and it was placed under that where it raises?

MR. BRITTAIN: Yes, ma'am.

MEMBER CLAVO: Is it -- is it a normal practice for you, or habit of yours, that you put your -- I'm a gun owner. I own several guns. I just went shooting the other day. So I'm very, you know -- I'm into it.

So is it a normal habit -- because I know where I place my guns when I come from the range. And you say you were coming from the range. So is it a habit for you to have your loaded Glock with 15 rounds and one in the chamber and place it under the seat? A fold-down seat that's in the front seat next to you?

I mean, I'm sure you're a concealed weapons carrier. But still my question remains.

MR. BRITTAIN: No, ma'am. That was a loaner vehicle that I was not familiar with. That is why I did

not normally place it there nor check it after.

MEMBER CLAVO: Okay. Thank you.

CHAIRPERSON DUDLEY: Yes, Mr. Johnson.

MEMBER JOHNSON: Going back to driving to work, you had stated in your interviews that you had a trainee or a partner that drove you to work.

And of course the individual at some point said he didn't remember doing that at all.

Did you ever have a conversation with him about you was going to make that statement?

MR. BRITTAIN: No, sir. I was told not to discuss anything regarding my interview with anybody that could be involved. So that's all I have.

MEMBER JOHNSON: So just out of the blue, you said Morales -- I forget his name. I think it started with an M -- drove you to work.

MR. BRITTAIN: During my license suspension, there was multiple times where I used him, as a close friend, in order to drive me multiple places to include there.

MEMBER JOHNSON: So maybe I'm not clear. I thought he had mentioned that he was unaware that he had driven you to work.

MR. BRITTAIN: Yes, sir, I don't have a reason for that -- his answer. It was -- he was questioned three years after the incident.

MEMBER JOHNSON: Do we have clarity on that?

MR. NANFITO: His interview took place in March of 2025. This time period that we're talking about, it would be in October through December 2022.

So this resulted when his attorney asked a clarifying question and asked had he ever given rides to Mr. Brittain during the time period of his suspension or while they worked together at the Stanton Substation.

His answer was, "Not that I can remember."

MEMBER JOHNSON: It just sounds pretty strange. I'm sure he was aware of your situation.

And he had an opportunity to also be dishonest. And he chose not to be. So it's just kind of curious to me that a good friend of yours would not remember driving you to work.

And so I think about when you said that you've heard other officers getting in trouble by being dishonest, and it appears to me you continue to bury yourself in the situation that you was trying to get out of.

I'm just trying to get a better understanding of why.

I mean, you were clear at some point that you were being dishonesty and then you continued to be. And then you brought other folks in, hoping them to help you in

many ways cover up the dishonesty.

I think you put your friend in a very odd position, his career or you. And he chose his career.

Well, I'm hoping that you learned something from this.

MR. BRITTAIN: Yes, sir.

CHAIRPERSON DUDLEY: Okay. Couple of housekeeping things.

Court reporter's been at it for an hour and 18 minutes.

So the -- there are two more things I'd like to do on this case. One is I want to check with Board Members to see if you have any other questions at this time.

The other thing is I want to give his attorney an opportunity to speak and an opportunity for you to ask questions.

So, just to give me a sense of timing, do you have any more questions for the officer?

(No response.)

CHAIRPERSON DUDLEY: No.

Okay. And let me check, I'm sorry, I don't know your name. Is the attorney here?

MS. COLEMAN: Yes, ma'am. Kylie Coleman with Ferrone Law Group here.

CHAIRPERSON DUDLEY: Okay. And would you like to

use your five minutes to speak?

MS. DEL MUGNAIO: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Then what I'm going to do is give the court reporter a break and when we come back, you will have your five minutes.

And then if the Board has any more questions or comments, we can resume that after you speak. Okay?

So it is now 10:18, let's come back at 10:28.

Ten minutes. Thank you, everyone.

(Brief break.)

CHAIRPERSON DUDLEY: Okay. Back on the record when you guys are ready.

And we'll get the attorney back on. Wonderful.

I had another question during the break, because my understanding is the DUI occurred on June 1st, 2022?

Does that sound about right?

MR. BRITTAIN: Yes, ma'am.

CHAIRPERSON DUDLEY: Yeah. And you rented the car in September. So explain to all of us -- so on June 1st you got the DUI -- and tell me if any of this is incorrect, because I'm just trying to remember back when I prosecuted DUIs.

You got -- you had to hand over your regular license to the police officer who gave you the DUI; is that correct?

MR. BRITTAIN: Yes, ma'am.

CHAIRPERSON DUDLEY: Then he gave you a paper DUI, excuse me. I'm sorry, a paper license.

MR. BRITTAIN: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. And then that paper license was only good for 30 days. So you or your attorney or somebody -- and again, correct me if I'm wrong -- had to get an extension, so beyond July 1, you had a valid license.

Do you remember any of that?

MR. BRITTAIN: Yes, ma'am. My attorney filed for an extension.

CHAIRPERSON DUDLEY: Okay. So you knew that the -- did you know how long that extension was good for?

MR. BRITTAIN: No. I heard that it was still backed up from the time during COVID and --

CHAIRPERSON DUDLEY: I'm sorry, say that again.

MR. BRITTAIN: I was -- I was told that the hearings were still held up from COVID and were delayed. So it was possibly going to be just before or after my court case.

CHAIRPERSON DUDLEY: Okay. So the -- and then your court case was October 28th and so there was that.

So you rented the truck on September 22nd. At that point, you had -- you were still under the extended

license, and so you knew at some point, you were going to be convicted of a DUI and it was going to have some ramification to your license.

Help me understand why you rented the truck if you had a car?

MR. BRITTAIN: My truck had issues, major electrical issues, so I brought it to the dealership where they gave me a loaner vehicle, not as a rental, but a loaner from the dealership.

MR. BRITTAIN: So this Ram truck that you rented was something that your -- the company that was repairing your truck gave you some kind of voucher to go get another one while it was being repaired?

MR. BRITTAIN: It was a loaner vehicle from the dealership, ma'am.

CHAIRPERSON DUDLEY: Okay. So this was the loaner vehicle?

MR. BRITTAIN: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. That's where my confusion was.

So at that point you still had -- you were still on the -- for lack of a better term -- the extended license, but you knew something was going to be happening in the future with your license, you just hadn't been given that legal determination yet.

Okay. Thank you.

Any other questions on that?

Mr. Johnson, go ahead.

MEMBER JOHNSON: And help me understand too. I've never been pulled over for DUI so I don't understand the process. But I have a nephew that has.

And I think he had told me it took a couple times before he actually lost his license.

So my question is: Was this your first DUI?

MR. BRITTAIN: Yes, sir.

MEMBER JOHNSON: And maybe for clarity, I guess, if you are stopped under the influence and it is a DUI, you automatically loses your license; is that correct?

MR. BRITTAIN: There's an admin hearing through the DMV that determines their suspension and then the court hearing that determines that suspension. It's not automatic, but yes, eventually it could be or it could be overturned.

MEMBER JOHNSON: Why would it be overturned?

MR. BRITTAIN: If the officer did not have probable cause to make the stop. If it was not a good stop in the first place. Or they did not drive under the influence.

MEMBER JOHNSON: If the driver wasn't under the influence. But you had a 2.0 or more.

MR. BRITTAIN: Yes, sir.

MEMBER JOHNSON: So it was obvious that it was a DUI.

And then the officer was procedurally correct in making the stop. So all that was correct.

It was just a matter of your own personal issue now of how to deal with this DUI.

And I think you make a petition to the Court through the DMV to extend; is that correct?

MR. BRITTAIN: Yes.

MEMBER JOHNSON: Get a temporary license?

MR. BRITTAIN: Yes, sir.

MEMBER JOHNSON: And you did that within the time frame. How quick did you do that?

MR. BRITTAIN: I do not recall specifically how quickly I did it, because my attorney did it. But you have up to 30 days to complete it.

MEMBER JOHNSON: Okay. And I think that's the extension you were speaking of? Okay.

CHAIRPERSON DUDLEY: So the 30 -- my understanding is that at the time the license is physically taken away, you know, the license we all carry, you have 30 days to go back to DMV to get the extension. And that's what happened here.

That's my understanding.

MEMBER CRAWFORD: So Board Member --

CHAIRPERSON DUDLEY: Yes, go ahead.

MEMBER CRAWFORD: For clarity, what I learned working with the DA and a former DA, that each county is different in terms of how the process worked.

Ventura County is totally different.

And then you have the other element of the DMV which is totally different.

And the only reason why I wanted to provide some clarity to that -- and it's funny I'm trying to make light of this -- is I just discovered that my license was suspended two years ago but the DMV didn't know it.

And when I went back to ask them, they're like, oh, we have never seen this.

So I just -- people need to understand in context that when you're working with two different agencies, it's a little different.

And then the counties it's different.

And so that's not to excuse anything. Point in case is the fact is that on September 22nd, what I'm hearing from your knowledge is you thought you had a valid license and you went to the dealership. And I know, I love going to the dealership and getting the rental cars there. They give them to you. And sometimes they don't check.

And so I just wanted to point that out.

Board Member Johnson, that was it.

CHAIRPERSON DUDLEY: Thank you.

Okay. Now, your attorney. We're going to hearing from your attorney now.

Please go ahead.

MS. COLEMAN: Thank you, ma'am. Good morning, Board Members. My name is Kylie Coleman and I represent deputy Jared Brittain.

I want to thank you for the opportunity to speak today.

This is a case about accountability, transformation and the ability to rebuild trust after failure.

My client made serious mistakes. There's no question about that. Those missteps driven by personal struggles and deep shame compounded into the dishonest conduct we're here to address today.

Deputy Brittain does not deny it. Instead in his Skelly hearing, he stood before his department with no excuses, just honesty, context and the sincere desire to take responsibility.

Deputy Brittain explained the context of his actions, untreated PTSD and a reliance on alcohol that fueled his shame and poor decisions.

However, he didn't deflect, he owned it. He

submitted over 20 letters of support from colleagues and community members, all affirming his strong character.

One of the most powerful came from his therapist who described the initial investigation as his rock bottom.

Once seen as one of the deputies' best, he had been suffering silently. But instead of continuing down that path he got treatment, regained his health and reconnected with his purpose.

The therapist noted that while sobriety is part of his healing, true change came when he took full accountability.

The Department made the change -- made the decision it rarely takes. It rescinded its determination for a termination and gave him a second chance.

Deputy Brittain accepted a demotion, gratefully, and simply said: Don't take my word, let me prove to you who I am now and who I'm working to become.

He then voluntarily proposed a last-chance agreement holding himself to the highest standard. If he violates any policy regarding dishonesty, alcohol or drug use, he will be immediately terminated.

He put that promise in writing on February 22nd, 2024, and he has lived up to that promise every day since.

He served over a year as a Deputy I in custody without a single incident, like he noted earning strong performance evaluations throughout and was later re-promoted to his Deputy II position and reassigned to patrol where he remains today in good standing.

He was a model deputy with no prior discipline and since this incident over three years ago he's proven that he still is.

Deputy Brittain mentors younger deputies, speaks openly about his past and reinforces that integrity isn't about being perfect, it's about owning your failures and proving you're learned from them. Again, the POST standard of integrity without compromise.

And Commissioners, here I understand, as does he, your duty to protect the credibility of this profession. But I ask that you look at the full picture, not lowest point, but the growth and commitment he has demonstrated since.

The department he has served faithfully for over eight years continues to stand by him. He's earned their trust back and we're respectfully asking you to allow him the opportunity to earn yours.

Deputy Brittain is not asking for leniency. He's asking for a chance to prove your trust won't be misplaced.

If it takes probation, check-ins, additional training, or temporary suspension, he's willing to accept whatever conditions you find appropriate to demonstrate that the man who is standing before you today is not the man who made those mistakes.

And we thank you for your time and commitment to this profession and for considering his future in it.

And that's all I have.

CHAIRPERSON DUDLEY: Thank you.

Do you have the last-chance agreement in front of you?

MS. COLEMAN: I do, ma'am.

CHAIRPERSON DUDLEY: Okay. When was it signed?

MS. COLEMAN: It was signed on February 22nd, 2024.

CHAIRPERSON DUDLEY: Do you know what it said about alcohol use?

MS. COLEMAN: Yes. Let me pull it up.

Are you referring to whether there was any restrictions on drinking in its entirety or --

CHAIRPERSON DUDLEY: Anything about alcohol use.

MS. COLEMAN: Alcohol use personally, no.

It only touches on the fact that if there's any sustained allegation of dishonesty, any sustained allegation of misconduct where alcohol was a factor in Deputy Brittain's behavior or whether there's violation

of any alcohol related policy.

And then similarly for any controlled substance.

CHAIRPERSON DUDLEY: Okay. So misconduct that was alcohol related or --

MS. COLEMAN: Or where -- the violation of any alcohol-related policy.

CHAIRPERSON DUDLEY: Okay. So there was nothing in there about that he has to -- that he has to stop using alcohol or he can't drink at all. Or he can't -- he has to stay out of places where alcohol is the main form of blah-blah-blah.

MS. COLEMAN: No, ma'am. That is not in this agreement.

CHAIRPERSON DUDLEY: So no abstinence at all?

MS. COLEMAN: Correct.

CHAIRPERSON DUDLEY: Okay.

Any other questions for the attorney?

MEMBER CLAVO: Yes.

CHAIRPERSON DUDLEY: Let's go Dr. Glaser, then Dr. Clavo.

MEMBER GLASER: Thank you.

Ms. Coleman, you indicated that the last-chance agreement requires a sustained finding with respect to various categories of offense; is that true?

So that it would require an Internal affairs

Investigation and a sustained finding in order for his position to be revoked?

MS. COLEMAN: Correct. A sustained finding of dishonesty, alcohol or drug use would be an automatic termination.

MEMBER GLASER: Okay. Thank you.

MEMBER CLAVO: I want to go back to the EMDR. That's the only therapy you're in; correct?

MR. BRITTAIN: No, I'm in the normal therapy, with my therapist that I do see on a regular basis. I just tried EMDR for the PTSD.

MEMBER CLAVO: Okay. Then let me go back I may have missed that earlier.

How often are you seeing that therapist?

MR. BRITTAIN: Every one or two months. When it was at the height of this whole incident, I was seeing her every two weeks.

But, I have since stepped back to once a month or every two months.

MEMBER CLAVO: You've been going there since 2022 or --

MR. BRITTAIN: Yes.

MEMBER CLAVO: -- just recently?

MR. BRITTAIN: It's been over three years.

MEMBER CLAVO: Over three years. Okay. That's my

question.

CHAIRPERSON DUDLEY: Anything else?

Yes, Mr. Johnson.

MEMBER JOHNSON: So you signed the last-chance agreement pertaining to dishonesty or alcohol. Is it for seven years? Or is it for a lifetime? Or career time, I should say.

MS. COLEMAN: The specific allegation is a two-year waiver of his rights if any of those sustained -- as I noted, are violated.

And then that is the two-year waiver, sir, to answer your question.

CHAIRPERSON DUDLEY: So that expires 2-22-26?

MS. COLEMAN: Correct. That would then be February 22nd of 2026.

CHAIRPERSON DUDLEY: Six months. Okay.

Anything else?

MEMBER JOHNSON: I guess my last question would be, was there given a choice of time length to determine whether you would sign that last chance?

In other words, was it offered that -- or did you propose the two years yourself?

Or could you have chosen five years?

MR. BRITTAIN: That is what the Department and County Counsel provided with me.

No back and forth from my understanding, sir.

MEMBER JOHNSON: Would you be willing to do five years?

MR. BRITTAIN: I would do whatever time was necessary to maintain my profession.

CHAIRPERSON DUDLEY: Anything else?

Okay. Anything else, Counsel?

MS. COLEMAN: No, ma'am, thank you.

CHAIRPERSON DUDLEY: Okay. Anything else, Officer?

MR. BRITTAIN: No.

MS. COLEMAN: And thank you, Board.

CHAIRPERSON DUDLEY: Thank you for coming forward.

Would you like to go into discussion?

Okay. We'll take a few minutes now and go into --

Oh, is there any public comment?

There was somebody on the --

MS. DEL MUGNAIO: Yeah. Right here.

The gentleman raising his hand.

CHAIRPERSON DUDLEY: Is there a Mr. Gill?

MR. GILL: Yes, the level of standard for this officer is abysmal. He's made multiple mistakes, time and time again.

Regular citizens are held to this kind of standard. The racist remarks, the DUIs, firearms in the seat unsecured, PTSD, emotionally unintelligent.

That's all. Thank you.

CHAIRPERSON DUDLEY: Mr. Gill? Mr. Gill, are you still there?

MR. GILL: Yes.

CHAIRPERSON DUDLEY: I -- first, thank you for calling.

You said something about racist comments by this officer? Or just officers in general?

Do you have any allegations you want to bring forward about this officer? Or just officers in general?

MR. GILL: This officer.

CHAIRPERSON DUDLEY: Well, what is it you want to say, Mr. Gill?

MR. GILL: Actually, I'm saying officers in general.

CHAIRPERSON DUDLEY: Okay. Okay. Is there anything else about this officer that you would like to say?

MR. GILL: Well, yes. The DUI, the PTSD, the un -- loaded firearm in the seat, emotionally unintelligent.

How can someone with PTSD and someone struggling with sobriety be able to carry a loaded firearm and deal with the public?

CHAIRPERSON DUDLEY: Okay. I understand. And --

MR. GILL: Along with dishonest paperwork and lying time and time again.

The integrity is not to lie. Not you get caught and then you take responsibility for it.

It's taking responsibility for your actions. He's -- he's a dishonest officer.

CHAIRPERSON DUDLEY: Yes. Yes. He has been a dishonest officer and that is something that he has told us today and something we've seen, as you have seen, in this past.

And we thank you for your call.

MR. GILL: Thank you.

CHAIRPERSON DUDLEY: Bye-bye.

MR. BEATTY: Madam Chair, do we want to identify the public caller's name?

CHAIRPERSON DUDLEY: His name was Salvador Gill.

The court reporter got it.

I didn't get his first name.

UNIDENTIFIED SPEAKER: Sakhbir.

MS. DEL MUGNAIO: For clarity, they're not required to identify themselves. So it is not an issue. We can just say "public comment."

CHAIRPERSON DUDLEY: Okay. Let's go into chambers, or whatever that is. Conference room.

(Time noted: 10:43 A.M.)

---o0o---

(Closed session was held:
10:45 A.M. to 11:12 A.M.)

---o0o---

(Time noted: 11:15 A.M.)

CHAIRPERSON DUDLEY: We will now reconvene to regular session to take a vote on the Board's recommendation in the matter of case POST2316745, Jared Brittain, who at the time of the events at issue in this case, was employed with the Orange County Sheriff's Department.

Does the Board have any comments in this matter?

Is there a motion to make a recommendation to the Commission in this matter?

MEMBER JOHNSON: Johnson. Recommend revocation, decertification.

CHAIRPERSON DUDLEY: Is there a second?

MEMBER GLASER: Second.

CHAIRPERSON DUDLEY: And Chandler, can you take the roll.

MR. KNAPP: Yes, Madam Chair.

Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Dudley?
CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Dudley, aye.
Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
That's seven yeses. Motion carries.
CHAIRPERSON DUDLEY: Motion passes.
Okay. Now we're going to call the second case.
At this time I will now call upon Law Enforcement Consultant Scott Baland, Professional Conduct Northern Bureau and Brian Hoffman, Attorney IV, Legal Affairs Bureau, to provide a report on case POST2318309 Robert Sasek, who at the time of the events at issue in

CERTIFICATE OF REPORTER

I, CONNIE J. PARCHMAN, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Connie J. Parchman, Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of August 2025.



Connie J. Parchman, CSR
Certified Shorthand Reporter
License No. 6137

AGENDA ITEM REPORT

Title: POST2318309 - ROBERT SASEK (POST ID:C81-Z88)
LAST EMPLOYING AGENCY: OROVILLE POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 09/10/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Northern Bureau	
RESEARCHED BY Scott Baland	**REVIEWED BY** Rob Guyton	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/16/2025
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:

Respondent began his employment with Oroville Police Department (OPD) on April 28, 2021, as a full-time Officer. At the time of the events at issue, Respondent was employed as an Officer with OPD. Respondent was terminated from OPD on August 9, 2024, as a result of an administrative investigation by OPD for a separate incident.

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

The case before the Board alleges the Respondent committed serious misconduct on September 1, 2022, when he took the Complainant into his care and custody on two separate occasions. After the second time, Respondent decided to transport the Complainant to Chico. While transporting the Complainant to Chico, Respondent purposely and deliberately exited the freeway on Neal Road, traveled for an unknown

distance, pulled over, and removed the Complainant from his patrol vehicle. Respondent abruptly left the scene, leaving the Complainant in a desolate location, with no available services, during the hours of darkness. The Complainant was not wearing shoes, had no money or cell phone, and was experiencing the effects of being under the influence of methamphetamine. During the encounter, Respondent never activated his body-worn camera and never utilized his patrol vehicle's radio or his cell phones to document the circumstances of the incident or the location he left the Complainant. While walking back towards the freeway, the Complainant was allegedly struck by a passing vehicle, sustaining major internal injuries. Respondent later admitted in his interviews to being frustrated with having to provide transportation to the Complainant.

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that the Respondent's conduct during this incident amounted to abuse of power, as described in Commission Regulation 1205(a)(2), in that Respondent had initially arrested the Complainant for trespassing at a Dollar General. The Butte County Jail nursing staff refused to clear the Complainant for booking due to her elevated blood pressure and advised the Complainant required medical treatment prior to booking. Respondent transported the Complainant to Oroville Medical Center, but never took her in for treatment. Instead, Respondent entered the hospital, leaving the Complainant in the patrol vehicle. Respondent returned to the patrol vehicle and cited and released the Complainant, advising her to seek medical treatment, and Respondent left the scene. Respondent was called back to Oroville Medical Center by a security officer, approximately 10 minutes later, because the Complainant was causing a disturbance and was trying to access restricted areas of the hospital.

Respondent returned to Oroville Medical Center and located the Complainant underneath an MRI trailer. Respondent never activated his body-worn camera (BWC) during the incident as he took custody of the Complainant and put her in the rear of his caged patrol vehicle. Respondent's supervisor and another officer were on scene. Instead of seeking the previous medical clearance, it was determined Respondent would transport the Complainant to the Chico area, where she was from. Respondent admitted he was frustrated with having to provide transportation to the Complainant all the way to Chico. At this time, another officer made a comment/joke that Respondent should just drop the Complainant off on Neal Road instead of going to Chico. Respondent stated he did not hear this comment/joke. Prior to the transport, Respondent rebooted his

work cell phone, which deactivated his RIMS. Respondent also never activated his BWC. While transporting the Complainant, Respondent exited the freeway on Neal Road, the same location as suggested by the other officer. Respondent drove down Neal Road, pulled over, and had the Complainant exit the patrol vehicle. Respondent left the scene, leaving the Complainant alone, during the hours of darkness, with no shoes, no cell phone, and no available services. Additionally, the Complainant was experiencing medical issues related to her elevated blood pressure and was still experiencing the effects of being under the influence of methamphetamine. At the time Respondent left the Complainant on Neal Road, he never broadcasted any information over the radio or via cell phone regarding the circumstances, the location where he left the Complainant, or his ending mileage. Additionally, Respondent never documented the incident at Oroville Medical Center, the transport, or leaving the Complainant on Neal Road in his arrest report from the Dollar General. Respondent had a duty to care for the Complainant and to leave her in a place of safety. Following Respondent's actions, the Complainant suffered severe injuries requiring extensive medical treatment and surgeries.

There is clear and convincing evidence to support Respondent committed serious misconduct as defined in Commission Regulation 1205(a)(2) - Abuse of Power when he utilized his peace office status to take care and custody of the Complainant and then abused that power when he neglected his duty and purposely transported and left the Complainant in a desolate, unsafe location, because of his frustration from having to deal with the Complainant on multiple occasions. These acts by the Respondent were significantly egregious due to the deliberate steps taken to ensure his actions were not recorded or documented, his premeditation to take the Complainant to Neal Road, and the subsequent injuries sustained by the Complainant.

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):
BRO1_POST2318309_Sasek Robert_ISF.pdf
BRO2_POST2318309_SasekRobert_ExecReviewDivisionRec.pdf
BRO3_POST2318309_SasekRobert_POSTProfile_Redacted.pdf
BRO4_POST2318309_SasekRobert_AgencyIA_Redacted.pdf
BRO5_POST2318309_SasekRobert_Attachment A Civilian Complaint Letter.pdf
BRO6_POST2318309_SasekRobert_Attachment B Butte County Sheriff's Office Report #22-06096.pdf
BRO7_POST2318309_SasekRobert_Attachment C OPD Report #22-2954.pdf
BRO8_POST2318309_SasekRobert_Attachment D Transcript of Sasek Interview.pdf
BRO9_POST2318309_SasekRobert_Attachment E Transcript of Second Sasek Interview.pdf
BRO10_POST2318309_SasekRobert_Attachment F Transcript of Khan Interview.pdf
BRO11_POST2318309_SasekRobert_Attachment G Transcript of Herrera Interview.pdf
BRO12_POST2318309_SasekRobert_Attachment_H_Transcripts_of_Security_Guard_1_Inter (002)_Redacted.pdf
BRO13_POST2318309_SasekRobert_Attachment_I_Sasek_Call_Logs_Redacted.pdf
BRO14_POST2318309_SasekRobert_Attachment J OPD CAD Log.pdf
BRO15_POST2318309_SasekRobert_Attachment K Transcript of POST Interview of Sergeant Khan.pdf
BRO16_POST2318309_SasekRobert_Attachment L Transcript of First POST Interview of Isaac Herrera.pdf
BRO17_POST2318309_SasekRobert_Attachment M Transcript of POST Interview #2 of Isaac Herrera V2.pdf
BRO18_POST2318309_SasekRobert_Attachment N Transcript of POST Interview of Security Guard 1.pdf
BRO19_POST2318309_SasekRobert_Attachment O Transcript of POST Interview of Robert Sasek.pdf
BRO20_POST2318309_SasekRobert_Attachment P Transcript of POST Interview of Complainant.pdf
POST2318309_Sasek_Robert_July_2025_POSAAB_Agenda_Record.pdf
POST2318309_Sasek_Robert_Board_Recommendation_Signed.pdf
POST2318309_Sasek_Robert_Transcript_Board_07.17.2025.pdf

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Robert Sasek

POST ID NUMBER: C81-Z88

EMPLOYING AGENCY: Oroville Police Department

POST CASE NUMBER: POST2318309

WRITTEN BY: Scott Baland – Law Enforcement Consultant II

DATE: 4/16/2025

Contents

I. Executive Summary 1

II. Background Information 2

a. Identity of Respondent 2

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline 2

c. Prior Employment History 3

d. Peace Officer Certification 3

e. The Present Allegations of Serious Misconduct 4

III. Investigative Methodology 6

IV. Factual Summary 7

V. Analysis and Findings 14

a. Does the alleged conduct violate Penal Code section 13510.8(b)(2) and California Regulation 1205(a)(2) – Abuse of Power? 14

VI. Supporting Evidence and Documentation 20

VII. Findings 21

I. Executive Summary

On September 1, 2022, “Complainant,” was arrested by Oroville Police Department Officer Robert Sasek, herein after “Respondent,” at the Dollar General in Oroville for trespassing. Respondent later noted in his citation he believed the Complainant was also possibly under the influence of a central nervous system stimulant at the time of the arrest. This was the second time the Complainant had been arrested that day; the first arrest was made by the Butte County Sheriff’s Office for trespassing on private property.

The Complainant was transported to the Butte County Jail by Respondent for booking; however, the Butte County Jail nursing staff denied her booking and required Respondent to obtain medical clearance for the Complainant prior to booking due to her elevated blood pressure. Respondent transported the Complainant to Oroville Medical Center but did not seek or obtain the requested medical clearance. Instead, he cited and released her and told her to seek medical treatment on her own. Shortly after releasing the Complainant, Respondent was called back to the hospital because the Complainant was causing a disturbance.

Upon his arrival, Respondent took custody of the Complainant, handcuffed her, and placed her in the rear of his patrol vehicle to transport her towards the Chico area pursuant to her request. Respondent never activated his body-worn camera, and he turned off his work cell phone. After traveling approximately 15.5 miles, Respondent exited the freeway on Neal Road, drove for approximately one mile, then pulled over and had the Complainant exit the patrol vehicle. Respondent left the Complainant in a dark, desolate location without any access to services in an unpopulated area. The Complainant was not wearing shoes, had an altered mental state, did not have a cell phone, or a purse. After Respondent left the scene, the Complainant sustained substantial injuries which ultimately required hospitalization when she was located the next day.

Respondent's actions demonstrated an abuse of his peace officer powers.

With the completion of POST's investigation and review, reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of suspension or revocation pursuant to Penal Code 13510.8.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as an Officer with the Oroville Police Department.

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).

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

Respondent began his employment with the Oroville Police Department on April 28, 2021, as a full-time Officer. Prior to his employment with the Oroville Police Department, Respondent completed the Basic Academy that included specific training in Learning Domain 3, *Principled Policing in the Community*, which taught curriculum on community policing, problem-solving, and the peace officer's role in the community. Additionally, Respondent received specific training during Learning Domain 31, *Custody*, with focused curriculum on peace officer's responsibilities in custodial situations; crimes involving treatment of prisoners, specifically, inhumane or oppressive treatment of the public and

violation of a prisoner's civil rights; and care and handling of prisoners in a local detention facility.

The Oroville Police Department has policies regarding Standards of Conduct (Policy 340). Every employee is trained and has knowledge of these policies during their field training program. These policies are reviewed periodically in briefings, departmental training days, and performance evaluations.

When Respondent was hired by the Oroville Police Department, he took an oath expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer. Respondent was given the Law Enforcement Code of Ethics which he affirmed, in part, that he would serve the community, safeguard lives and property, and respect the constitutional rights of all. Respondent successfully completed Oroville Police Department's field training program. This training program included showing sufficient knowledge of the laws in the State of California, Oroville Police Department policy, including but not limited to the aforementioned Policy 340, Policy 306 – *Handcuffing and Restraints*, and Policy 449 – *Portable Audio/Video Recorder* (i.e., Body-worn camera) and all other Oroville Police Department's procedures.

Respondent did not have any prior discipline that would be considered relevant to this case.

c. Prior Employment History

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

d. Peace Officer Certification

Respondent is assigned POST ID C81-Z88. He received the following peace officer certificate from POST:

- Basic – December 13, 2022 (#208597)

e. The Present Allegations of Serious Misconduct

1. Filing of Complaint with the Oroville Police Department

   On October 3, 2022, a government claim was filed on behalf of the Complainant, by her attorney, Robert Chalfant, against Respondent and the Oroville Police Department. As a result of the claim, the City of Oroville hired an outside entity, Employers Investigative Services (EIS), to conduct an administrative investigation into the allegations against Respondent and the Oroville Police Department. The investigation began on October 5, 2022. On October 6, 2022, Respondent was placed on administrative leave, pending the outcome of the investigation.

   As a result of this incident, the Complainant also filed a federal civil lawsuit, through her attorney, with the United States District Court - Eastern District, for a violation of her civil and constitutional rights against the City of Oroville. The City of Oroville ultimately settled with the Complainant for $3 million dollars.

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

   As a result of the administrative investigation conducted by EIS, the following findings were “sustained” against Respondent on September 13, 2023:

   a. Oroville Police Department Policy Manual 340.4 General Standards Members shall conduct themselves whether on or off duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.
   b. Oroville Police Department Policy Manual 340.5.2 Ethics, Subsection (g) – Any other failure to abide by the standards of ethical conduct.

c. Oroville Police Department Policy Manual 340.5.8 Performance Subsection (i) – Any act on or off duty that brings discredit to this Department.
d. Oroville Police Department Policy Manual 340.5.9 Conduct Subsection (f) – Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of the Department or City.
e. Oroville Police Department Policy Manual 340.5.9 Conduct Subsection (m) – Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this Department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this Department or its members.
f. City of Oroville Personnel Rules & Regulations Section 11.3 subsection K. Misconduct
g. City of Oroville Personnel Rules & Regulations Section 11.3 subsection T. Violation of department or city rules.
h. City of Oroville Personnel Rules & Regulations Section 11.3 subsection V. Other failure of good behavior either during or outside of duty hours which is such that it causes discredit to the city or his/her employment.
i. City of Oroville Memorandum of Understand with the Oroville Police Officers Association 30.4 Cause for Disciplinary Action, subsection C. Disclosure of confidential information.
j. City of Oroville Memorandum of Understand with the Oroville Police Officers Association 30.4 Cause for Disciplinary Action, subsection F. Discriminatory, discourteous or unbecoming behavior.
k. Oroville Memorandum of Understand with the Oroville Police Officers Association 30.4 Cause for Disciplinary Action, subsection I. Misconduct, i.e., any behavior that beings harm or discredit to the city.

As a result of the sustained findings against Respondent, Oroville Police Department imposed a 30-day suspension, without pay, and a subsequent 90-day Performance Improvement Plan. Respondent did not appeal his discipline.

During the course of his performance improvement plan, Respondent disclosed and criticized the City of Oroville's tentative settlement of the Complainant's lawsuit prior to its final approval. The City of Oroville and the Oroville Police Department had EIS conduct a separate investigation and it was determined that Respondent had engaged in unprofessional conduct, violated his Performance Improvement Plan, and violated various Oroville Police Department policies when he released information about the tentative settlement agreement while the details were confidential prior to its final approval. The City of Oroville and the Oroville Police Department terminated Respondent's employment as a result of the sustained findings of this investigation. Respondent has appealed that termination, and his appeal is ongoing.

3. Date of Receipt By POST

POST received the Agency Misconduct report from Oroville Police Department on September 25, 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 administrative investigation conducted by EIS on behalf of Oroville Police Department, which included interviews of three witnesses, the complainant, and the subject officer (Respondent), and a review of: body worn camera and other video surveillance footage, audio recordings, photographic evidence, Respondent's criminal report against the Complainant, associated Butte County Sheriff's Office reports related to the Complainant, and follow-up interviews of the three witnesses and Respondent by POST. All relevant documentation associated with the

administrative investigation was reviewed independently by POST. The Complainant did not submit to an interview to EIS and did not provide a medical release; however, she did initially give a statement to Butte County Sheriff's Office personnel which was captured on their body-worn cameras and documented in their reports. The Complainant did submit to an interview with POST for this investigation.

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

On September 1, 2022, at approximately 2111 hours, the Complainant was arrested by Respondent for a violation of California Penal Code §602(k) – *Trespassing*, at the Dollar General in Oroville. Respondent had to remove the Complainant from underneath shopping carts to complete the arrest. At the time of her arrest, the Complainant did not have shoes on.[1][2][3]

Respondent transported the Complainant to the Butte County Jail from the Dollar General starting at 2121 hours. He completed the transport at 2124 hours. The distance traveled was 0.3 miles. This starting and ending mileage was provided by Respondent to Oroville Police Department Dispatch and shows his understanding of

[1] Oroville Police Department Arrest Report #22-2954
[2] Oroville Police Department Computer Aided Dispatch Log #2209010130
[3] Transcript of Sasek Interview page 15, lines 15-18

Oroville Police Department policy regarding information required when providing transportation. During this arrest, Respondent stated the Complainant did not have any apparent injuries.[4] While at the Butte County Jail, the Complainant was not cleared for booking by the jail medical staff due to her elevated blood pressure. In his arrest report, Respondent stated the Complainant was, in his opinion, "under the influence of a central nervous system stimulant." Sergeant Ali Khan, the on-duty supervisor who personally observed the Complainant, felt she was either under the influence of narcotics or experiencing a mental health issue.[5] Butte County Jail then made an appointment at the Oroville Medical Center for the Complainant to be seen and medically cleared for booking.

Respondent transported the Complainant to the Oroville Medical Center at 2143 hours and advised his beginning mileage was the same as his ending mileage, due to the close proximity of the hospital to the jail. This again showed Respondent's knowledge of the policy to provide starting and ending times and mileage. According to his statement in his administrative interview,[6] Respondent acknowledged the Complainant was refused booking because of a medical problem and she needed to go to the hospital, but he stated that he did not take the Complainant into the hospital to get medically cleared because he did not think she was "647f", which refers to California Penal Code §647(f) – *Public Intoxication*. This directly contradicts Respondent's arrest report regarding the Complainant being under the influence of a central nervous system stimulant. Respondent stated he pointed to the hospital entrance and told the Complainant to "seek medical treatment because you have high blood pressure and that's why the jail's not taking you." Instead, of seeking medical clearance, at 2149 hours, Respondent cited and released the Complainant while in the hospital parking lot

[4] Transcript of Sasek Interview page 5, lines 21-32
[5] POST Interview of Sergeant Ali Khan, dated 1/8/2025
[6] Sasek 1st Administrative Interview, dated 10/19/2022

and at 2201 hours, Respondent advised dispatch "X-ray released and advised to seek medical treatment."[7]

The Complainant was later observed by hospital Security Guard 1. Security Guard 1 was a recently retired Oroville Police Department officer who had served in law enforcement for 21 years and specialized in narcotics and was certified as an expert in narcotics by Butte County Superior Court. In Security Guard 1's opinion, at the time the Complainant was cited and released by Respondent at the hospital, she was "definitely" under the influence of methamphetamine. EIS and POST both interviewed Security Guard 1 regarding his observations of Respondent and the Complainant.[8][9]

Respondent was then called by Security Guard 1 on his cell phone because the Complainant was causing a disturbance.[10] Respondent was then dispatched back to Oroville Medical Center at 2211 hours.[11] Respondent, Oroville Police Department Sergeant Khan, and Oroville Police Officer Isaac Hererra all responded to Oroville Medical Center. Security Guard 1 advised that upon Respondent's and Sergeant Khan's arrival; the Complainant was positioned underneath an MRI trailer. Officer Sasek took the Complainant into custody, put her in handcuffs, and transferred her into the rear seat of his caged, patrol vehicle. Respondent stated he never activated his body-worn camera for this call[12]; even though Oroville Police Department policy regarding the use of body-worn camera required the use of the camera for the investigation.[13] Security Guard 1 never saw the handcuffs taken off the Complainant. Sergeant Khan stated Officer Sasek would've been the one who handcuffed the Complainant.[5] In his follow-up

[7] Transcript of Sasek Interview page 13, lines 21-51 and Oroville Police Department CAD Log
[8] EIS Supplemental Investigation Interview w/Security Guard 1, dated 10/6/2023
[9] POST Follow-up Interview with Security Guard 1, dated 1/8/2025
[10] Sasek's Call Log for 9/1/2022
[11] Transcript of Sasek Interview page 2, lines 47-51
[12] Transcript of Sasek Interview, page 5, lines 6-8 and page 10, lines 34-45
[13] Oroville Police Department Policy 449

interview with POST, Respondent did not recall ever handcuffing the Complainant during this second call for service at the hospital.[14]

After securing the Complainant, Respondent, Sergeant Khan, and Officer Hererra, discussed what actions to take. Ultimately, the officers decided, with Sergeant Khan's approval, to transport the Complainant to Chico, where she resides.[15] Officer Hererra, stated while speaking with everyone, he made a "joke" to drop the Complainant off at Neal Road instead of taking her all the way to Chico.[16] Specifically, Officer Herrera stated he said, "Drop that bitch off on Neal Road!"[17]

During the conversation about what to do with the Complainant, Officer Hererra stated the Respondent seemed frustrated with both the Complainant and having to transport her to Chico. Respondent confirmed his frustration with being unavailable to support his fellow officers because of the Chico transport during his interview with POST.[14] Officer Herrera stated at the time of this comment/joke, both the Respondent and Sergeant Khan were leaning on the driver's side door/window when the comment/joke was made; the Respondent smirked and Sergeant Khan shrugged his shoulders in acknowledgment of Officer Hererra's comment/joke.[18] When asked, Officer Herrera stated the Respondent and Sergeant Khan "definitely" heard the comment/joke and would be lying if they said they didn't.

Respondent then exited the Oroville Medical Center with the Complainant in the rear of his caged vehicle. Respondent advised dispatch that he was "enroute" to an unknown location in Chico with the Complainant at 2218 hours and provided his beginning mileage.[10] At this time, Respondent stated he turned off his work cell phone to reboot RIMS. Respondent explained he "reset" his cell phone and RIMS because he had been

[14] POST Follow-up Interview with Robert Sasek, dated 2/5/2025
[15] Transcript of Sasek Interview, page 3. Lines 12-14 and page 5, lines 1-4
[16] Transcript of Hererra Interview, pages 4-6
[17] POST Follow-up interview with Isaac Herrera, dated 1/8/2025
[18] POST Follow-up interview #2 with Isaac Herrera, dated 1/21/2025

having problems and never turned it back on during this incident.[19] He also chose to not activate his body-worn camera, in conflict with Oroville Police Department policy. There was no record of Respondent advising dispatch of experiencing any type of issues with RIMS. Furthermore, Sergeant Khan stated that Respondent never advised him at any point during the shift that he was having or had issues with his RIMS or radio.[5] Respondent still had the patrol vehicle radio system and his personal cell phone available to him for any communication needs.

Respondent stated while on the way to Chico, the Complainant's demeanor changed and she demanded to get out of the patrol vehicle. Respondent stated he took the next exit pursuant to Complainant's demands, which was Neal Road and drove about a quarter mile and let the Complainant out near the "worm food farm." Neal Road is the same location that Officer Hererra had just joked or made a comment about dropping the Complainant off at. Respondent stated the Complainant got out of the car and began cursing at him. Respondent decided it was easier for him to just leave the scene to keep things from escalating.[20] Respondent stated at the time he left her he just thought to himself "Bye!" Respondent further stated his thought process was that he "could probably re-arrest her but were just going to do this over and over again."[14]

Respondent again didn't activate his body-worn camera, in conflict with Oroville Police Department policy, because he stated he was already getting back into the patrol vehicle and felt it was safer to leave the scene.[21] Respondent left the Complainant on Neal Road, which was dark and desolate. Respondent admitted that he left the Complainant when she had no shoes, no cellular phone, no flashlight, and he did not offer to call someone for her or allow her to use his cellular phone to request assistance.[22] Respondent admitted he left the Complainant in a greater position of

[19] Transcript of Sasek Interview, page 3, lines 16-19 and lines 43-52 and page 4, lines 2-27
[20] Transcript of Sasek Interview, page 3, lines 21-41; page 6, lines 11-32; page 10, line 52; and page 11, lines 1-32
[21] Transcript of Sasek Interview, page 11, lines 34-37
[22] Transcript of Sasek Interview, page 15, lines 29-52

danger, and in contradiction to his Oath and the Law Enforcement Code of Ethics.[14] Additionally, Respondent stated the Complainant's behavior had abruptly changed for the worse on the drive and he later reported in his arrest report that the Complainant was, in his opinion, under the influence of a central nervous system stimulant. As such, when he left her on Neal Road, the Complainant was still under the influence of drugs and/or experiencing a mental health issue and had been experiencing high blood pressure which required medical attention. During his administrative interview, Respondent stated "I didn't deem her to be 5150 at that time. I thought she was of sound mind"[23] and that she had been making good decisions up until her demeanor changed and that he probably put her in a worse position than she was before.[14] Respondent did not provide his ending mileage or the location where he left the Complainant to dispatch over the radio because the radio wasn't working at that location. However, Respondent admitted he never tried to transmit anything over the radio.[14] Respondent stated he did not try to switch radio frequencies to possibly broadcast information to Chico Police Department dispatch, even though that was an option available to him.[14] Respondent had not turned his work cell phone or RIMS back on.[24] Respondent also didn't try to use his personal cell phone to call in the required information because he said he didn't think about it, although he admitted using his cell phone was his normal back-up communications option.[25] Respondent did not attempt to contact Sergeant Khan, via radio or on either of his cell phones, to advise him of the circumstances leading to dropping the Complainant off on Neal Road.[5]

Once Respondent was back in the Oroville area, he provided his ending mileage to dispatch. Since he didn't write down what the ending mileage was when he left the Complainant on Neal Road, Respondent instead provided dispatch with his mileage at the time he was back in the Oroville area. Respondent stated he advised Sergeant Khan that he dropped the Complainant off on Neal Road.[6] This advisement occurred

[23] Transcript of Sasek Interview, page 15, lines 23-27
[24] Transcript of Sasek Interview, page 7, lines 9-15
[25] Transcript of Sasek Interview, page 14, lines 14-28

while Respondent was at an unrelated call after he got back into Oroville. According to Sergeant Khan, he didn't specifically recall being told this information by Respondent. Sergeant Khan stated he felt that Neal Road was in the area of transient camps and that had he known the Complainant was left in a desolate area in the condition she was in, he would have had Respondent return to her and provide assistance.[26] Sergeant Khan stated that Respondent never told him any of the circumstances that led up Respondent leaving the Complainant on Neal Road until the civil lawsuit was filed.[5]

Respondent stated in a second administrative interview that he never heard Officer Herrera make the joke about Neal Road while at the hospital and the fact that he dropped the Complainant off at that exact location was "100% coincidence" and just "a very bad hand that was dealt in coincidence."[27] This was confirmed by Respondent in his follow-up interview with POST.

Security Guard 1 was asked about the Neal Road joke made by Officer Herrera and stated he never heard anything mentioned about Neal Road or the landfill. However, Security Guard 1 advised he was approximately 20 feet away from where this conversation took place. Sergeant Khan stated he didn't recall Officer Herrera making the comment/joke about dropping the Complainant off on Neal Road, although he didn't deny that Officer Herrera could've made the comment/joke, he just didn't recall hearing it.[5]

Respondent also stated that it was possible Officer Herrera made the joke/comment in his presence, but due to hearing problems he suffered from his time in the United States Army which resulted in him having to wear a hearing aid, he may not have heard it.[14] In contrast, Officer Herrera stated that if Respondent and/or Sergeant Khan stated they didn't hear the comment/joke, that they would definitely be lying because they each

[26] Transcript of Sergeant Khan Interview, page 9, lines 28-51 and page 10, lines 1-5
[27] Transcript of Sasek Second Interview, page 2-4

provided a non-verbal response to the comment/joke and were less than one foot away from him when the comment/joke was made.[17] Respondent smirked at Officer Herrera when the comment/joke was made and Sergeant Khan shrugged his shoulders.[17]

The next morning, September 2, 2022, the Butte County Sheriff's Office responded to a call for service at Franklin Construction on Neal Road because an injured person been discovered. Witness #1 reported the Complainant was injured and appeared to "be on something" (CHP 9-1-1 Call from Witness #1). According to the Butte County Sheriff's Office report,[28] the Complainant stated she was struck by a passing vehicle on her right side. Butte County officers also recorded that the Complainant stated she was driven out to Neal Road by the peace officer who had arrested her and left her out there before being struck by a passing vehicle. Butte County Sheriff's Office did a search of the immediate area and didn't locate any evidence of a traffic collision occurring (blood, broken plastic, etc.). The California Highway Patrol was not requested to investigate a possible hit and run traffic collision. The Complainant's injuries were photographed by Butte County Sheriff's, and it was documented her injuries were consistent with rolling in brush, but it also notated she had "road rash" and significant bruising on her right side.

V. Analysis and Findings

a. Does the alleged conduct violate Penal Code section 13510.8(b)(2) and California Regulation 1205(a)(2) – Abuse of Power?

Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the abuse of power was a knowing abuse of the power and authority of a public office.
Title 11 of the California Code of Regulations Regulation 1205(a)(2)

[28] Butte County Sheriff's Office Report #22-06096

Respondent purposely and willfully used his position and power as a peace officer to take control and care of the Complainant. Respondent then neglected his oath and duties as a peace officer when he abandoned the Complainant on Neal Road to ensure she had no ability to return to Oroville, or any nearby metropolitan area, limiting her ability to obtain any services or further law enforcement encounters with her.

Clear and convincing evidence shows Respondent abused his power as a peace officer when he knowingly abandoned the Complainant on an unlit, desolate back county road, with complete and utter disregard for her safety or wellbeing. On September 1, 2022, Respondent took custody of the Complainant on two separate occasions. On the second occasion, Respondent returned to Oroville Medical Center after he received a call for service from Security Guard 1 because the Complainant was causing a disturbance and trespassing. Respondent, for the second time that evening, had to take custody of the Complainant by removing her from underneath an item, this time the MRI trailer. He then took custody and control of the Complainant and placed her in the back seat of his caged patrol vehicle.[14] The rear doors of the patrol vehicle could not be opened from the inside. Respondent then obtained approval from Sergeant Khan to transport the Complainant back to Chico where she stated her home was. During his interview with POST, Respondent admitted he didn't want to obtain the medical clearance and book the Complainant for his initial arrest of her because it would've taken him "a long time," "maybe 2-3 hours" when he initially dropped her off at the hospital for her initial trespass at the Dollar General"[14] Additionally, Respondent stated he was "frustrated" with having to take the Complainant all the way to Chico because he was going to be unavailable to answer calls for 45 minutes to an hour.[14] During this discussion at Oroville Medical Center with Sergeant Khan and Officer Herrera, Respondent admitted and voiced his frustration with having to transport the Complainant to Chico.[14] It was during this meeting that Officer Herrera admitted that he stated "Just drop that bitch off on Neal Road" in response to Respondent's frustration.[18]

Respondent stated he never heard this statement from Officer Herrera.[14] While enroute to Chico, after traveling about 15.5 miles, Respondent stated the Complainant became agitated and aggressive in the back of the vehicle and demanded to be let out of the patrol vehicle as they reached Neal Road. Of note, Neal Road was the exact location previously suggested by Officer Herrera. Neal Road is located in rural Butte County, between Oroville and Chico. Instead of continuing to transport the Complainant to Chico, as he promised and as approved by his supervisor, Respondent exited the freeway onto Neal Road and drove up to a mile before pulling over. Respondent then opened the rear door of the patrol vehicle and had the Complainant exit the patrol vehicle. Respondent stated the Complainant got mad at him and began kicking rocks at him. This caused Respondent to get back in his patrol vehicle and leave the scene. Respondent left the Complainant in a desolate location, during hours of darkness, with no public services available.[29] The Complainant was not wearing shoes, did not have a cell phone, purse, or flashlight. Respondent did not offer to call anyone for the Complainant and did not offer to her to use his cell phone prior to leaving her at this location.[30] Respondent just left her in a place of potential harm. Subsequently, after Respondent abandoned her, the Complainant suffered severe injuries requiring her hospitalization after being located the following morning. The Complainant did not have these injuries when she was arrested by Respondent.[31]

Conversely, the Complainant stated in her interview with POST, that as Respondent started to travel down Neal Road, she asked where they were going, and he said something to the effect of “Just shut the fuck up!”[32] Additionally, the Complainant stated that Respondent pulled over on Neal Road, he opened the door, grabbed her arm, and pulled her out of the patrol vehicle. The Complainant stated she asked Respondent, where they were and what was going on, and he told her “you’re not my fucking

[29] Transcript of Sasek Interview pages 3, 15, and 16
[30] Transcript of Sasek Interview page 15
[31] Transcript of Sasek Interview page 5
[32] POST Interview of Complainant, 4/15/2025

problem anymore…deal with it!"[32] Respondent got back in the patrol vehicle and sped off, kicking up dirt and gravel as he sped away. Respondent abandoned the Complainant on a remote, unlit county road without any access to a phone or other services so that he would no longer need to interact with the Complainant for the remainder of his shift. He was admittedly frustrated with the Complainant and wanted to make sure she wasn't going to be a problem for him or anyone else in Oroville Police Department. Respondent failed to activate his body-worn camera, issue any radio report, or call-in information to document where he abandoned the Complainant, even though these options were available to him.

During his interview with POST, Respondent agreed that his actions could be construed by someone as leaving her on Neal Road as a means of ensuring she wouldn't be an issue for him or Oroville Police Department for the remainder of that shift.[14] Respondent stated when he left the Complainant on Neal Road, he thought to himself "Bye!" Respondent further stated he thought he could've rearrested the Complainant, "but then we're just going to do this over and over again."[14] Respondent countered that his intention wasn't to abandon her on Neal Road when he left Oroville and stated if he "wanted to dump her, there were places in Oroville that he could have done so."[14] However, any locations within Oroville city limits wouldn't have ensured the Complainant would be kept from causing any further issues in Oroville that may have required Respondent's or any other law enforcement's response or attention.

It is indisputable that Respondent acted with indifference to Complainant's safety and placed her in a position of greater harm when he transported her from the Oroville Medical Center where she could receive medical treatment for elevated blood pressure to ultimately abandon the Complainant on an un-lit county road with no services available. Respondent's failure to accurately track his mileage, utilize the patrol vehicle's radio system or either of his cellular phones to report the incident or the final location where he abandoned the Complainant demonstrates further indifference to her harm

because it eliminated any record of the alleged confrontation, as well as the Complainant's last known physical location. He also failed to inform his supervisor why he deviated from the authorized transportation to Chico or any of his interactions with the Complainant that led to her being left on Neal Road.

Clear and convincing evidence establishes that Respondent abused his power as a peace officer when he demonstrated a clear indifference to the Complainant's safety and wellbeing when he took custody of her and purposely did not get her the required medical clearance for booking. Respondent's own statements demonstrate this clear indifference to the Complainant's safety. When asked why he didn't follow through with the medical clearance and booking of the Complainant, Respondent stated it would've taken too long, "two to three hours" and he wanted to get back to answering calls.[14] It is also undisputed that the Complainant was suffering from an altered medical state either through the influence of narcotics or behavioral/mental health issues, as noted by statements from Respondent, Sergeant Khan, Officer Hererra, and Security Guard 1 who each independently observed the Complainant prior to and at the Oroville Medical Center. Additionally, in her interview with POST, the Complainant advised she had used methamphetamine on the date of this incident and continued to feel the effects of the narcotic throughout the date of this incident, including when she was left on Neal Road.[32] The Complainant stated she had been suffering from other medical conditions throughout the night relating to dehydration and high blood pressure. These medical conditions were compounded by being struck by a vehicle while on Neal Road. The collision caused the Complainant to sustain internal injuries which included a ruptured small intestine, internal bleeding, damage to her colon, and other external injuries.[32] The Complainant's medical issues continued into the following day when she was discovered at the construction site and dealing with the Butte County Sheriff's office personnel.

Respondent's indifference to the safety of the Complainant ultimately placed her in a location where she sustained severe injuries. Respondent's actions were inconsistent

with his obligation to protect the public. He demonstrated a clear disrespect for the Complainant and frustration at performing his duties as a peace officer. Notably, Respondent does not refute any of his actions. His only justification for abandoning the Complainant on Neal Road is that her demeanor changed and she demanded to be let out of the vehicle and since he deemed this to be a courtesy transport, he let her out because he felt she had been making good decisions, even though, she was demonstrating mental health and/or narcotics-related issues throughout the day. The Complainant's statements clearly contradict this defense from Respondent. Furthermore, Respondent admitted that he placed her in a worse position from when he first took her into his care and custody and probably should have handled the incident differently.[14] When you take into account the statements from Officer Herrera, the Complainant, and Respondent, as well as the fact that Respondent purposely did not activate his body-worn camera and did not utilize his radio or cell phones, it becomes apparent and highly probable that Respondent willfully and deliberately took the Complainant to Neal Road in an effort to dump her there to insure she would not be an issue for him or Oroville Police Department for the remainder of the night.

The actions of Respondent during this incident clearly showed his intentions were to use his position of power and trust to intimidate the Complainant by discarding her in a location which made it virtually impossible for her to return to Oroville or seek any other services or assistance. Furthermore, the Complainant stated she never was told where Respondent was taking her, she never requested to go anywhere specific, and when he placed her into the patrol vehicle, she assumed that because he was a peace officer, he was either taking her to jail, to the hospital, to her home in Chico, or to a place of safety. Instead, he left her "in an even worse situation than I was already in."[32] The Complainant stated at the end of her interview that "regardless of what kind of situation I was in, if I was on drugs or not, I'm still a human being and I should be treated like a human being and my life is valuable."[32] Respondent's actions during this incident were a direct cause of the injuries sustained by the Complainant, which ultimately led to

multiple surgeries, the loss of a portion of her small intestines and colon, and the amputation of two of her toes.

VI. Supporting Evidence and Documentation

- Attachment A – Civilian complaint, dated 10/3/2022.
- Attachment B – Butte County Sheriff's Office Report #22-06096
- Attachment C – Oroville Police Department Report #22-2954
- Attachment D – Transcript of Sasek Interview
- Attachment E – Transcript of Second Sasek Interview
- Attachment F – Transcript of Khan Interview
- Attachment G – Transcript of Hererra Interview
- Attachment H – Transcript of Security Guard 1 Interview
- Attachment I – Sasek Call Logs
- Attachment J – Oroville Police Department CAD Log 2209010130
- Attachment K – Transcript of POST Interview of Sergeant Khan
- Attachment L – Transcript of POST Interview of Isaac Herrera
- Attachment M – Transcript of POST Interview #2 of Isaac Herrera
- Attachment N – Transcript of POST Interview of Security Guard 1
- Attachment O - Transcript of POST Interview of Robert Sasek
- Attachment P - Transcript of POST Interview of Complainant

VII. Findings

The evidence meets the clear and convincing standard to support the allegation(s) of serious misconduct as defined in Title 11 of the California Code of Regulations, regulation 1205(a)(2), Abuse of Power; and Penal Code section 13510.8(b)(2). A peace officer's inherent duty is to serve and protect the public by upholding the law. Peace officers are prohibited from placing members of the public into greater risk or intimidating or removing their ability to obtain public services. Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration for revocation of Respondent's POST Certificates. The Division recommends that Robert Sasek's POST certification be **revoked.**

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: 4/23/2025

CASE #: POST2318309

PEACE OFFICER: Robert Sasek

POST ID#: C81-Z88

AGENCY: Oroville Police Department

POST CONSULTANT / BC: LEC - Scott Baland/BC - Rob Guyton

ALLEGATION(S):

Commission Regulation 1205(a)(2) - Abuse of Power

On 9/1/2022, Respondent took the Complainant into his care and custody. While transporting the Complainant to Chico, Respondent purposely and deliberatly exited the freeway on Neal Road, traveled for an unknown distance, pulled over, and removed the Complainant from his patrol vehicle. Respondent abrutply left the scene, leaving the Complainant in a dark and desolate location with no available services. The Complainant was not wearing shoes, had no money or cell phone, and was experiencing the effects of being under the influence of methamphetimine. During the encounter, Respondent never activated his body-worn camera and never utilized his patrol vehicle's radio or his cell phones to document the circumstances of the incident or the location he left the Complainant. While walking back towards the freeway, the Complainant was struck by a passing vehicle, sustaining major internal injuries.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent acted willfully and negligently during his interaction with a civilian who was under his care. As such, Respondent abused his power as a peace officer when he purposely left the civilian in a dark and remote location, without access to assistance or services, and the civilian subsequently sustained injuries after being struck by a passing vehicle. This act was sufficiently egregious to warrant revocation of peace officer certification pursuant to 13510.8(b)(2)

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	Signature	4/23/25 Date
Annemarie Del Mugnaio Assistant Executive Director	Signature	April 23, 2025 Date
Manny Alvarez Executive Director	Signature	04/24/2025 Date

cc: Rob Guyton

cc: Jason Morlock

cc: Chandler Knapp

POST PROFILE NAME:

SASEK, ROBERT EDWARD

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 06/18/2025

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
C81-Z88		[redacted]		[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
208597	B	12/13/2022		44.05	0.00	

Total Number of Certificates: 1

PROOF OF ELIGIBILITY

POE	Agency Name	Agency	Issued	Status
P0012292	OROVILLE PD	04040	01/01/2022	Expired

Total Number of Proof of Eligibility: 1

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
04/28/2021	08/09/2024	8	PO	04/28/2021	04040	OROVILLE PD	F	P	

***Reason for Separation: 8 = Involuntary Separation**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
08/12/2020	A	4900-00133-19-001	192	X	Y	60020	YUBA C		BASIC COURSE - MODULE III (EXT)
11/21/2020	A	4900-00140-20-001	268	X	Y	60020	YUBA C		BASIC COURSE - MODULE II (EXT)
04/27/2021	A	4900-00150-20-001	421	X	Y	60020	YUBA C		BASIC COURSE - MODULE I (EXT)
06/21/2021	K	9180-25585-20-356	2	X	Y	04040	POST	*	TACTICAL COMMUNICATION (WEB)
04/05/2022	K	3910-32075-21-001	16	R	Y	04040	LASSEN CC		FIREARMS/TACTICAL RIFLE
06/17/2022	K	2950-21155-21-033	8		Y	04040	BUTTE CTR	*	DRIVER TRAINING (EVOC) UPDATE
09/30/2022	K	2970-21209-22-002	80	R	Y	04040	SRPSC		FIREARMS AND TACTICAL RIFLE INSTRUCTOR
12/22/2022	K	5180-29503-22-006	4	R	Y	04040	OPD	*	ARSTCTL(PSP)
02/10/2023	K	5180-29501-22-004	6		Y	04040	OPD	*	FIREARM(PSP)
06/16/2023	K	1239-20798-22-029	8		Y	04040	GS	*	CRISIS INTERVENTION AND DE-ESCALATION TRAINING
09/28/2023	K	1126-31445-23-008	24	X	Y	04040	3RD DEGREE		INTERVIEW & INTERROGATION

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific ***** = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

EMPLOYERS INVESTIGATIVE SERVICES
Background and Internal Affairs Investigations

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INTERNAL AFFAIRS INVESTIGATION NARRATIVE

Accused Employee: Sasek, Robert
Date Initiated:10/05/2022
Date Completed: 08/01/2023

SOURCE:

On 10/05/2023, our office was retained to conduct an internal affairs investigation. The Oroville Police Department received a document emailed to Chief Lagrone on 10/03/2022. EIS was requested to complete an investigation into Officer Sasek's actions on the night of 09/01/2022 after he provided complainant with a courtesy transport. She was found the next day bruised and reportedly struck by a vehicle on Neal Road. Concerns about [redacted] were also raised.

ALLEGATIONS:

complainant (through her attorney Robert Chalfant) claims in the written complaint that the below incident occurred. This is verbatim and typed as is:

On September 1, 2022, at approximately 2:00 p.m., complainant was arrested for trespassing (Penal Code Section 602) in Chico, California, and transported to the Butte County Jail ("Jail") in Oroville, CA. The arresting officer did not receive her shoes during the arrest and she was transported to the Butte County Jail without any footwear.

complainant underwent the booking process at the Jail and was seen by an intake nurse at approximately 2:50 p.m. After completing the booking process, complainant was cited and released. complainant was not given a bus pass so that she could return to her home in Chico, California, or provide shoes. complainant displayed obvious signs and symptoms of being under the influence at the time of her release from the Jail and this is recorded on Jail video.

[redacted] was arrested for a second time on September 1, 2022, and this occurred after her release from Jail. The second arrest occurred in Oroville around 9:00 p.m. and was by Officer Robert Sasek of the Oroville Police Department (OPD).

Officer Sasek transported complainant back to the Butte County jail for booking. complainant again went through the booking process at jail, and was seen by complainant, RN at approximately 10:03 p.m. Nurse [redacted] refused to admit complainant into the Jail until she was "medically cleared" at Oroville Hospital based upon complainant elevated blood pressure. The Jail made an appointment for complainant to be seen at Oroville Hospital for medical clearance and complainant was placed back into Officer Sasek's patrol vehicle so that he could take her to Oroville Hospital. Video from the Jail intake area shows Officer Sasek and complainant leaving the facility in his vehicle.

Officer Sasek drove complainant to Oroville Hospital as required by the Jail's booking staff. Officer Sasek had [redacted] complainant remain in his vehicle while he exited the vehicle and entered Oroville Hospital. Officer Sasek did not take complainant into the hospital to be seen by a medical provider as required for her to be properly booked into the Jail's custody.

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Instead, Officer Sasek drove complainant North on Highway for 15.5 miles to the area around Neal Road Recycling and Waste Facility. During the drive towards Chico, complainant asked, "Where are we going?" and Officer Sasek responded "Don't worry about it" and told her to "just shut up".

Officer Sasek parked his vehicle somewhere near the Waste Facility at approximately 11:00 p.m. and had complainant exit the vehicle. It was completely dark outside and complainant asked "Where are we?" Officer Sasek responded, "you will figure it out, it's not my problem." complainant was now all alone on Neal Road, it was pitch black out, and she had no phone, no shoes, no flashlight and had no idea where she was. Officer Sasek drove away leaving her there by the side of the road in the dark.

complainant then began walking on the gravel shoulder of the road in the direction that Officer Sasek had used to arrive at this location. As complainant made her way up the road near what is now known to be Franklin Construction, she was violently struck by a passing vehicle on her right side and was sent flying down a steep embankment into several large boulders where she remained in and out of consciousness and severely injured for approximately 12 hours. The vehicle that struck complainant did not stop to render assistance and instead fled from the scene of the accident. Her clothes were completely shredded and she had bruises all over the right side of her body. complainant needed emergency medical care but was unable to move.

At approximately 9:00 a.m. on September 2nd, complainant summoned the strength to crawl up the steep embankment where she had remained in and out of consciousness all night and was seen by workers at the Franklin Construction yard. They immediately recognized the seriousness of her injuries, provided water and assistance and called 911. Butte County Sheriff's Department officers arrived, insulted complainant by asking if "her boyfriend had hit her" and conducted no investigation into the hit and run that had occurred, or any inquiry into how complainant arrived at that location. complainant was transported by Ambulance to Enloe Medical Center in Chico, California.

complainant was in the ICU Unit at Enloe for approximately 7 days after being hit by the vehicle. complainant remained hospitalized for approximately 30 days since being abandoned on Neal Road by Officer Sasek. Based on the server-internal injuries that she sustained, medical providers were forced to remove 30 to 40% of her colon, and 2 feet of her small intestine. complainant has had multiple surgeries, and due to complications from the surgeries, developed sepsis. The infection was so severe that the skin on her right foot began deteriorating and her toes have turned black. Doctors at Enloe Hospital have informed her that she will likely require amputation. complainant has been on dialysis 24 hours a day since developing sepsis. Ms complainant has also been informed that due to the internal injuries and removal of a portion of her small intestine and a portion of her colon, she may be required to wear a colostomy bag for life.

Officer Sasek was on duty and in a marked patrol vehicle at the time of this incident. It is believed he was wearing a body-worn camera while transporting complainant, and that the vehicle may also have been equipped with an in-car-camera system that recorded audio. Additionally, the patrol vehicle was also likely equipped with an Automatic Vehicle Locator (AVL) GPS tracking device which would show the officer's location on 9/1/22 and confirm that he drove to Neal Road. Officer Sasek violated

After abandoning complainant on Neal Road, Officer Sasek subsequently returned to this office the following day and completed his arrest report for submission to the Butte County District Attorney. The DA is currently reviewing the arrest report and considering whether to pursue criminal charges against complainant Officer Sasek alleges in his report that he cited and released complainant at Oroville Hospital. – End.

RELEVANT POLICY SECTIONS

- 340.5.9 – CONDUCT: (m) – Any other on or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.
- [redacted]

SCOPE OF INVESTIGATION

The scope of this investigation involves only the conduct of the employees involved. In this instance, it solely surrounds Officer Sasek's alleged conduct of leaving complainant on the side of the road in the dark, without shoes or communication devices. It does not involve what happened to complainant after she and Officer Sasek parted ways on Neal Road. Some of the timelines are inextricably woven into this conduct as it may serve to show corroboration of statements. The scope covers [redacted] Officer Sasek during this time. It does not cover subsequent statements made by other employees that may or may not lead to separate investigations at a later date.

What happened after complainant left the company of Officer Sasek cannot be investigated (other than Officer Sasek's reporting requirements [redacted] because her attorney would not allow her to be interviewed. Furthermore, at the time of her hospitalization, she did not provide a medical release. Without investigative leads and a direct link to an alleged policy violation, only the conduct leading up to the discovery of complainant can be completed.

The policy violation allegations brought forth in the Federal Complaint were not initially investigated but obvious discrepancies are pointed out in order to give factual background information. To determine potential mitigating or litigating circumstances as to complainant claim in Federal Court, a separate investigation would need to take place.

FACTUAL BACKGROUND AND TIMELINE

The following facts provide the relevant background information regarding complainant allegation. It should be noted that some of this information is considered outside of the scope of this investigation but provides context as to how and why Oroville PD came into contact with complainant

The fact that Officer Sasek left complainant on the side of Neal Road at night is not in question. This is admitted to by Officer Sasek. The events that lead to Officer Sasek leaving complainant on Neal Road are also not in question.

Based upon the statements made and evidence reviewed, below is an approximate timeline of events surrounding this incident:

- 09/01/2022
  - 1330 Hours: complainant arrested by BCSO for trespassing near Chico.

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- 1617 Hours: complainant released by BCSO at jail.
- 2050 Hours: complainant causing disturbance and trespassing at Dollar General, Oroville.
- 2121 Hours: complainant transported to jail by Officer Sasek.
- 2124 Hours: Arrive at jail.
- 2143 Hours: complainant and Officer Sasek en-route to hospital.
- 2149 Hours: Arrive at hospital.
- 2201 Hours: complainant cited and released from hospital.
- 2211 Hours: Officer Sasek receives call about disturbance and is back enroute to hospital.
- 2213 Hours: Arrives at hospital.
- 2218 Hours: Officer Sasek transports complainant
- 2247 Hours: Officer Sasek gives ending mileage and goes 10-8.

– 09/02/2022
  - 0934 Hours: complainant found at Franklin Construction.

– 09/04/2022
  - 1220 Hours: complainant Purse Found near BCSO arrest location.
  - 1220 Hours: complainant reported as missing person by daughter, BCSO advises she is at Enloe.

– 09/06/2022
  - 1455 Hours: Sgt. Larson (BCSO) responds to Enloe for report and photos.

– 09/07/2022
  - Sgt. Larson (BCSO) conducts records check of complainant.

EXHIBITS

The following items were collected and reviewed during this investigation. Only the relevant portions of each exhibit are mentioned below. All exhibits are included in their entirety in this case file for review.

Exhibit 1: CAD Report 2209010130 – Dollar General CAD

This document was obtained by OPD records. Below are relevant portions of this document:

20:52:32 Incident initiated in the CAD Log
20:55:17: 3833 is On Scene
20:57:55: 38K1 is On Scene
20:57:55: 38S3 is On Scene

21:06:47: "ATTEMPTING TO GET FEMALE OUT OF THE STORE"
21:11:02: "ONE DETAINED"

21:21:33: 3833 ENRT. BCJ BM 0 AT 2121
This entry is important as it validates the time stamp on the CAD log. The CAD log shows the time is 21:21:33 and the dispatcher inputs the time in the log as 2121.

21:24:35: 3833 ONSCEN. BCJ EM 0.3 AT 2143

This entry is important as it validates the time stamp and the mileage provided from Dollar General to the Butte County Jail.

21:43:15: 3833 ENRT. OMC BM SAME AS ENDING AT 2143
This entry is important as [redacted] is alleging that at 10:03 p.m. the Jail Nurse refused to allow [redacted] to be booked and then she was transported to Oroville Hospital.

21:49:11: 3833 ONSCEN. OMC EM 3.7 AT 2148
21:49:25: 3833 CITE. OUT ON CITE
21:01:55: 3833 10-8. XRAY RELEASED AND ADVISED TO SEEK MEDICAL ATTENTION
This entry is significant since it shows that [redacted] is now at a hospital, and no longer in Police custody.

21:11:29: HOSPTIAL CB TO 33 HAVING ISSUE WITH DETAINEE REQ ASSISTANCE
22:11:50: 3833 ENRT. OMCER
22:13:20: 3833 ONSCEN.
22:18:50: 3833 ENRT. 1014 TO UNK 1020 IN CHICO BM 0 AT 2218
22:47:49: 3833 ONSCEN. TOWN EM 27/3

Exhibit 2: BCSO Case Report #22-06016 – Found Property

This document was requested by OPD Lt. Zarate from the Butte County Sheriff's Office. Once he obtained it, he forwarded it to me. In summary, On 06/04/2022, Sheryl Dean reported finding [redacted] purse at 3090 Guynn Ave, Chico.

Exhibit 3: BCSO CAD #2209040063

This document was requested by OPD Lt. Zarate from the Butte County Sheriff's Office. Once he obtained it, he forwarded it to me.

Summary: [redacted] made a missing person's report of her mother, [redacted] on 09/04/2022 at 1221 hours. [redacted] was last seen on 09/01/2022 when she was released from the jail. The call was handled via telephone and cleared at 1536 hours.

Exhibit 4: Officer Sasek Call Logs

This document was obtained by Lt. Zarate upon my request from OPD records.

Relevant Entries:

20:53:32: Dispatched to Dollar General
20:55:17: ON SCENE
21:21:33: EN ROUTE TO JAIL
21:49:11: ON SCENE OMC
21:49:25: CITE. OUT ON CITE
22:01:55: 10-8. XRAY RELEASED AND ADVISED TO SEEK MEDICAL ATTENTION
22:11:50: ENRT. OMCER
22:13:20: ONSCEN
22:18:50: ENRT. 1014 TO UNK 1020 IN CHICO BM 0 AT 2218

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22:47:49: ONSCEN. TOWN EM 27/3
22:49:46: DISPATCHED TO OROVILLE DAM

Exhibit 5: Officer Sasek GPS Location Logs

This data was reviewed. There are no discrepancies located in this data. Please see Lt. Zarate's supplemental report on how this information was obtained.

Exhibit 6: Oroville PD Case #22-2954

This document was provided to me by Lt. Zarate as part of the initial investigative packet and information at the start of this investigation.

Summary: On 09/01/2022, [W2] reported that female was trespassing in the Dollar General store. [complainant] was instructed to leave but refused and hid in the back. Officers contacted [complainant] hiding underneath merchandise carts and trying to climb further away. She was detained and it was determined that she was probably under the influence of a CNS stimulant. She was unable to pass a medical screening at the jail so she was transported to the hospital and released after being cited. This report was authored by Officer Robert Sasek on 09/09/2022.

Exhibit 7: CHP Incident Detail Report #220902CH00066

This document was provided to me by Lt. Zarate.

Below are the relevant entries:

Location Address: 999 Neal Rd.
Caller Name: [W3]
Phone Pickup 9/2/2022 09:29:57
Call Complete 9/2/2022 09:31:25
XRAY ON PROPERTY
HOMELESS REFUSING TO LEAVE
TRANS TO BUTSO
RP NOT ANSWERING ON TRANS//1039 BUTSO

Exhibit 8: CHP 911 Call Audio

This was obtained by Lt. Zarate and forwarded to me as part of the investigation.

This call lasts 1 minute, 22 seconds. This is the audio of Exhibit 7. It records [W3] calling in a female trespasser. The CHP operator transfers the call to BCSO. [W3] disconnects. CHP provides the information to BCSO.

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Exhibit 9: Photos of Franklin Construction and Fence Line:

On 02/21/2023, while at Franklin Construction speaking with W3 [redacted] I took 5 photos of the scene. The digital versions of these photos are on the included hard drive.





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Exhibit 10: BCSO Case Report #22-06096

This document was obtained by Lt. Zarate and forwarded to me upon my request.

Summary: On 09/06/2022 at about 1435 hours, W4 reported her mother, complainant was booked and released into the jail and then dropped off on a country road somewhere after being forced into a patrol car. complainant was reportedly hit by a car and later taken to the hospital.

BCSO Sgt. Larson handled the call for service and responded to Enloe Hospital. She learned that:

- complainant has a history of narcotic use and law enforcement contact.
- complainant was arrested on 9/1/22 at about 1330 hours for trespassing (swimming at someone's pool) in Chico.
- She was released from jail at 1617 hours.
- On 09/04/2022 her purse was found.
- Later that day, her daughter (W1) called to report compl missing. Deputy Barrett located [redacted] that day in the hospital under the name, complainant.
- W1 last saw her mother on 8/31/22 at about 1800 hours.
- W1 said someone saw her mother on 9/1/22 and she seemed "distressed."
- compl has an abusive boyfriend [redacted] and W1 was afraid he hurt her.
- W1 saw compl had multiple injuries.
- compl told W1 that a bald deputy driving a SUV told her to get in his vehicle, drove her to an unknown location and forced her out of the car. It was dark and she was "clipped" by a vehicle that knocked her

into a ditch. The same deputy that dropped her off responded to Franklin Construction when she was found.

- Sgt. Larson observed scratches on compl's arms and legs consistent with rolling around in dry brush. complainant had larg bruise on her right arm and shoulder. She had abrasions on her upper back, buttocks and thighs consistent with road rash. She had a complaint of pain to her ribs.
- Complainant told Sgt. Larson that she was arrested for trespassing and booked into the jail. The arresting deputy saw her at the jail and was mean to her and not let her urinate. complainant was released by the same deputy that arrested her and contacted outside by him and forced into his vehicle. He drove her to an unknown area and forced her out of the car where she was then hit by a car and rolled into a ditch. The same deputy that did this contacted her after she was found the next day.
- complainant was adamant that her clothing and shoes were at her house. This was disproven by Deputy Rubinoff's report on 9/4/22.
- complainant admitted to using methamphetamine prior to this incident and that it made her feel different that usual.
- complainant described the deputy that dropped her off as a "stocky white male."
- [redacted] would not provide a medical release form.
- Sgt. Larson photographed complainant injuries.
- Sgt. Larson reviewed body cam footage from captured events prior to compl. being hospitalized.
    - Deputy Botts contacted complainant at 3413 Bell Rd. She identified herself as complainant She was wearing a maroon tank top and black underwear. She told the deputy her belongings were at her house and provided vague statements. She was arrested and taken to the jail.
    - Captain Marsters reviewed surveillance video of the sheriff's office and observed complainant leaving the BCSO campus without being picked up.
    - Deputy Chamness contacted compl in the back of the ambulance at 999 Neal Rd. [redacted] was wearing different clothes. complainant provided a false name (complainant . She was not making sense when she said she was hit by a car. She would not provide any details. She appeared to be under the influence. No evidence of a vehicle collision were observed.
- On 9/7/22, Sgt. Larson contacted complainant again.
- W1 admitted that the mannerisms that Sgt. Larson described to her are consistent with compl being on drugs.
- W1 said that compl would lie to cover up her abusive boyfriend's actions.
- No phone calls from complainant to complainant's bf were located while compl was in the jail.
- complainant's bf was wanted for felony Domestic Violence.
- On 9/8/22, W1 contacted Sgt. Larson.
- She said compl was arrested again for trespassing a second time and taken to the jail again.
- Oroville PD contacted compl at Dollar General on 9/1/22. Officer Sasek arrested her and transported her to the jail. She failed the booking process and she was taken to OMC where she was cited and released.

Exhibit 11: BCSO 911 Call Transfer from CHP

This recording was obtained by Lt. Zarate and forwarded to me upon request.

This call lasts 1 minute, 59 seconds. It has the call transfer from CHP to BCSO but the reporting party, W3 is not on the line. A BCSO dispatcher calls W3 back. He reports a female not doing well. He said she has long black hair and a pink shirt, sitting on a water truck. He described her as "on something" and didn't know if she had any injuries. He said she had been in the weeds off of the side of a mountain.

Exhibit 12: Google Maps Directions

This shows the routes, times and miles from the hospital (near the helipad) to Franklin Construction. The time of travel per this document appears to fit what Officer Sasek reported in his interview and on the call log.

Exhibit 13: BCSO Body Cam Footage from 999 Neal Road

All BCSO body camera footage was obtained by Lt. Zarate upon our request and forwarded for use n this investigation.

Ex. 13.1 - BCSO Axon Body Cam Footage – 2022-09-02 X60A4213Z – Chamness

Summary: This is from the POV of Deputy Chamness. It is 6 minutes and 28 seconds long. He walks to the ambulance and finds Enloe Medics inside with complainant He questions her and she states she was hit by a car. She did not provide any details. She is aloof and only mutters that she is hit by a car when being questioned about providing a false name to the deputies. He questions her about giving them a false name. She lies about her identity and says she is not compl He pulls up her booking photo on his cell phone. Much of this video does not contain audio.

***Note**: I have had multiple previous law enforcement contacts with complainant and have personal knowledge that she will identify herself as complainant and/or complainant . complainant is a real person that resides in Glenn County and has an extensive criminal history.

Ex. 13.2: BCSO Axon Body Cam Footage – 2022-09-02 X60A58393 – Rubinoff

Summary: This is from the POV of Deputy Rubinoff. He arrives on scene at Neal Road. This video is 2 minutes and 5 seconds long. He locates other BCSO deputies talking with complainant while she is sitting on a water truck. The medics arrive on scene along with the fire department. complainant does not have any shoes on. Much of this video does not contain audio.

Ex. 13.3: BCSO Axon Body Cam Footage – 2022-09-02 X60A58540

Summary: This video is 23 minutes, 48 seconds long. This shows a deputy arriving on scene at Franklin Construction. He meets the RP, W3 He contacts complainant sitting on a water truck, slumped over without shoes and drinking water. She reports that she is sick. She says she hurt her arm and identifies herself as complainant She is covered in dirt and agrees to have an ambulance check on her. Other deputies, medics and fire personnel arrive on scene. Deputies walk a nearby gulch and return to the ambulance where complainant is located. Much of this video does not contain audio.

Ex. 13.4: BCSO Axon Body Cam Footage – 2022-09-02 X60A4213Z

Summary: This video is 2 minutes and 33 seconds long. It shows Deputy Chamness arriving on scene and walking up to another deputy and W3 at a water truck. complainant has no ID. She seems evasive when she is asked what her name is. The medics and fire department arrive on scene. complainant doesn't answer questions when asked how she got there. She walks to the ambulance under her own power. She believes she is in Sacramento. Some of this video does not contain audio.

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Ex. 13.5: BCSO Axon Body Cam Footage – 2022-09-02 X60A58393

Summary: This video is 6 minutes and 26 seconds long. It shows Deputy Rubinoff and another deputy talking to complainant in the ambulance. She is asked about her identity and what happened. She identifies herself as compl and as compl. The RP meets the deputies and thanks them. Much of this video does not contain audio.

Exhibit 14: BCSO Sgt. Larson Body Cam Footage from Enloe Hospital

All BCSO body camera footage was obtained by Lt. Zarate upon our request and forwarded for use n this investigation.

Summary: This BWC footage is from Sgt. Larson when she contacted complainant and her daughter at Enloe Hospital. It is 32 minutes and 27 seconds long. It shows Sgt. Larson talking to medical staff and interviewing Ms. co daughter. Her daughter is concerned that a deputy may have harmed her mother. Sgt. Larson then contacts complainant. She is in a hospital bed with a tube in her nose and IV lines. She is laying on her left side. She has marks and scratches on her arms. Sgt. Larson documents the injuries using a cell phone. complainant initially agrees to have a medical release signed. Her daughter says she doesn't seem comfortable with it and it's decided that they may sign it later on.

Exhibit 15: 19 Photos of complainant' injuries in hospital.

19 photos were taken by Sgt. Larson at Enloe Hospital. Below is a sample of these photos. Hardcopies as well as the digital copies provided by BCSO to Lt. Zarate of OPD are included for review.



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Exhibit 16: BCSO surveillance video showing James in jail and being released.

All BCSO footage was obtained by Lt. Zarate upon our request and forwarded for use n this investigation.

This is a series of videos showing James being booked and released from the BCSO jail. In summary, it shows that complainant did not enter a patrol vehicle and walked southbound out of the jail campus towards a bus stop.

Exhibit 17: BCSO BWC of Initial complainant Arrest

All BCSO body camera footage was obtained by Lt. Zarate upon our request and forwarded for use n this investigation.

Ex 17.1 BCSO BWC of Deputy handling initial compl. Trespass Call

This video is 25 minutes and 19 seconds long. The deputy finds complainant swimming in a pool. She said the property belongs to a friend of hers. She identifies herself as complainant complainant is arrested.

Ex 17.2 BCSO BWC of Deputy

This video is 2 minutes long. It shows a deputy searching complainant' property. She is questioned about how she got there.

Ex 17.3 BCSO BWC of Deputy handling call with complainant

This video is 26 minutes and 33 seconds long. It is from the POV of the second deputy handling the call.

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Exhibit 18: Civilian Complaint Litigation Hold Letter

This document was emailed to Chief of Police Bill LaGrone on October 3rd, 2022. The first two pages of the document is a notice to preserve all electronically stored information, copies, and backup as defined by Rule 34 of the Federal Rules of Civil procedure, relating to the arrest of complainant on 09/01/2022.

The next two pages are a copy of the Oroville Police Department Civilian Complaint form. The form has been typed; however, the signature, date, and name line are in handwritten format.

Exhibit 19: Complaint for Violation of Civil and Constitutional Rights in US District Eastern Court

This document shows Plaintiff, complainant demands a jury trial against the City of Oroville, Officer Robert Sasek, Sergeant Ali Khan and DOES 1-10.

This document was reviewed in its entirety. The relevant portions are highlighted below:

- complainant was arrested for trespassing and booked into the Butte County Jail on 09/01/2022 at about 1400 hours for trespassing while swimming in a homeowner's pool.
- The arresting BCSO deputy observed complainant was incoherent, had an altered mental status and was possibly under the influence.
- He did not retrieve complainant shoes after the arrest and she was booked without them.
- complainant was seen by the jail nurse at about 1450 hours, was cited, and released.
- complainant showed obvious signs of mental and physical impairment at this time.
- complainant was arrested again on 09/01/22 at the Home Depot in Oroville at about 2100 hours by Officer Sasek.
- complainant was incoherent and unable to care for herself at this time and Officer Sasek believed she was under the influence.
- Officer Sasek was informed of complainant previous arrest.
- Officer Sasek arrested complainant
- Officer Sasek transported complainant to the jail where she was seen by the nurse at about 2203 hours. She was refused booking until medically cleared.
- Officer Sasek was present during the time complainant was refused booking due to her being under the influence.
- Officer Sasek transported complainant to Oroville Hospital for a medical clearance.

- Officer Sasek left complainant in his vehicle at the hospital after going inside himself. He did not have her medically cleared. He cited and released her in violation of Penal Code Section 853.6(i) and OPD policy.
- Policy 420.4.2(a) was violated by Officer Sasek by releasing complainant on a citation and promise to appear because she was a danger to herself or others. Subsection (b) provides that the person requested requires medical examination or care.
- Officer Sasek was required by OPD policy to obtain permission from his supervisor to cite and release complainant
- A security guard encountered complainant in the parking lot and called Officer Sasek back.
- Officer Sasek was informed that complainant barricaded herself in a hospital bathroom.
- The security guard escorted complainant back out into the parking lot.
- Officer Sasek and Sgt. Khan responded to the hospital and discussed the matter.
- Officer Sasek placed complainant back into his patrol car and left.
- Officer Sasek drove complainant to a local gas station in Oroville. Sgt. Khan arrived at the gas station as did another officer and they discussed a plan of action.
- PC 832.7
- Officer Sasek drove complainant to an area near the Neal Road Waste Facility. While driving, complainant asked where they were going and he answered, "Don't worry about it" and told her to, "Just shut the fuck up."
- At about midnight, Officer Sasek pulled over and told complainant to get out of the vehicle. When she asked where they were, he responded, "You will figure it out, it's not my problem."
- Officer Sasek sped away, throwing dirt and gravel at complainant with his patrol car tires.
- complainant began walking towards Franklin Construction, the same way which Officer Sasek used to arrive at scene. She was struck on her right side by a passing vehicle and sent flying down an embankment where she remained for about 10 hours.
- BCSO staff arrived on scene, insulted complainant and did not inquire or investigate how she got there.

INVESTIGATION

Officer Sasek Interview

Officer Sasek was interviewed on 10/19/22. His attorney, William Baird, was present. Officer Sasek was mirandized and compelled to speak. Officer Sasek provided the following, summarized statement:

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Officer Sasek was called back to the Oroville Medical Center after citing and releasing complainant *on a previous call. He left to back his partner up on another call. After leaving that call, he received a call from retired officer* guard . guard *is a security guard at the hospital.* guard *reported the lady (*compl. *was acting weird at the hospital and asked that he return.*

Sasek arrived back at the hospital behind the E.R. entrance. guard *was with* compl *. She was calm. Sasek asked* complainant *what to do. She said she wanted to go home and Sasek offered her a ride.* [redacted] *said her home was in Chico and Chico was safe. Sasek agreed and his supervisor (*[redacted]*) cleared it.*

Sasek began to transport comp *As he was leaving, he was having issues with his work phone so he reset it. He reset the whole phone because just resetting IRIMS in the past hasn't worked. As he passed the Durham-Butte College exit on Hwy 99, he came up the hill and could see the green stop light.* compl *demanded to get out of the car. Sasek told* compl *that he wasn't going to let her out on Hwy 99. He took the first right that was available which was Neal Road. He continued Eastbound where he knew there was a large space available about a mile up the road.*

Upon arrival, Sasek asked compl *if she was okay. She didn't respond. He got out and opened the door and* compl *exited the car. She walked about 15 to 20 feet and called Sasek a motherfucker and started kicking rocks. He didn't want to have issues with* compl *in the middle of nowhere so he got in his patrol car and left.*

Officer Sasek took the same route back to Oroville that he took when transporting compl *– end.*

Officer Sasek clarified that he believed he dropped compl off at the entrance to the worm food business on Neal Road. He described it as a big open parking lot with a building nearby and a power pole.

Officer Sasek was asked about resetting his work phone and IRIMS. He said he noticed he had problems with his IRIMS just after leaving the hospital with compl . He said he tried to refresh it but it didn't work so he turned the phone off and turned it back on. He did this because he had been having radio problems and wanted to know what his team was doing at all times when he is out of town. Sasek said he didn't end up resetting it after he turned the phone back on. He didn't remember to turn his IRIMS back on until he got back into town.

Transcript

Stover: Okay, so just so I understand the word you're using, "reset". Are we talking completely powering the phone phone off, sliding to off, turning it to back on?

Ofc Sasek: Completely powering the phone off and then hitting the button to turn it back on again and then having to go back into RIMS and log in again.

Stover: Okay. So did you do all of that in the parking lot at the hospital?

Ofc Sasek: No. So as I was leaving the hospital I clicked on my RIMS and I went to refresh it, because you drag it down like a Facebook page and it'll refresh the app. It was giving me issues, it had been giving me issues throughout the night, and I was like you know if I'm going to be away from town, where we have radio issues all the time so I can't hear what my team is doing. I would like to be able to know what my team is doing on a current refresh.

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So I reset it and then I started driving and then I didn't end up resetting it. I think I may have turned it on, I can't remember if I hit the button to let it go through it's turn on process, but then I was driving, there was a bit of traffic and I wasn't going to try to poke through my phone and then drive through town.

Stover: Do you have any recollection of when you did turn that back on?

Ofc Sasek: So when I got RIMS and everything completely logged back on, I want to say I was near the 149 Highway 70 exit, coming back into town, because I'd heard some chatter over the radio, guys were busy and I was like, well I forgot to reset my app all the way through, so let me get it up and going and monitor radio traffic where I can try to figure out where they're at.

Officer Sasek was asked to describe the route he took when he transported compl. He believed he took Oro Dam Boulevard to Hwy 70. Took 70 North to 149 and North onto 99. He then took a right onto Neal Road.

Officer Sasek was asked about how he got the transport cleared by his supervisor. He said his supervisor was Sgt. [redacted]. [redacted] was on scene and speaking with Officer Herrera. Officer Sasek asked [redacted] if it was okay to give her a ride home and he said to go ahead. Sasek said his BWC was on, but it was not activated.

Transcript

Lefdal: Okay. Did you notice or notify anybody that you were going back to the hospital to deal with that issue?

Ofc Sasek: I advised dispatch.

Lefdal: Okay. Via the radio?

Ofc Sasek: Yes.

Lefdal: And everything in that transmission went fine?

Ofc Sasek: Yes.

Officer Sasek was asked about how [redacted] compl exited his patrol car.

Transcript

Stover: So going back to when you're parked at the gate there of the worm food place. How did she exit the vehicle?

Ofc Sasek: When I asked her. is this good, she didn't say anything. I opened my vehicle, turned around to make sure the back door was unlocked, opened the door, stepped back and she turned and walked right out.

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Officer Sasek confirmed that compl got out of the car under her own power. He did not recall seeing any physical injuries on compl during the incident or prior contacts with her that night. He did not see her fall or injure herself in his presence.

Transcript

Lefdal: So is it fair to say she was in control of her faculties when you left her?

Ofc Sasek: Yes. Yes. At that point in time she knew that she was in Oroville, she knew that going home to Chico was safe. So I didn't deem her to be... I didn't deem her to be 5150 at that time. I thought she was of sound mind.

Stover: Did she have any property with her?

Ofc Sasek: No. When I searched her she didn't have anything on her.

Stover: When she told you to stop, did she say anything about can I use your phone to call somebody?

Ofc Sasek: No, she did not.

Stover: Do you remember if you offered?

Ofc Sasek: I don't believe I offered. Like I said I stopped and let her out. She wasn't really talking much and then she started walking away and I was like this is just a little not regular. And then she turned and started, you know, MFing me, and I was just not going to keep myself in that situation.

Lefdal: Do you remember if she had shoes?

Ofc Sasek: I don't. I don't believe she had shoes. I don't believe she had shoes when I contacted her at Dollar General.

Lefdal: Okay. Do you remember the traffic conditions about that time at night on Neal Road?

Ofc Sasek: I think I saw one vehicle while I was on Neal Road.

Lefdal: You wouldn't happen to remember what vehicle that was?

Ofc Sasek: No I saw headlights.

Officer Sasek was aware that compl alleged that she was hit by a vehicle after he dropped her off. He said he only became aware of that due to the notice he received for this interview.

Officer Sasek was asked about using inappropriate or unprofessional language when he dropped compl off.

Transcript

Stover: Okay. She alleges that you used inappropriate and unprofessional language when you dropped her off at the gate to the worm farm. Do you have any recollection of that?

Ofc Sasek: I do not. I believe what I said to her is, when she started motherfucking me is, I'm not doing this, because I'm not going to get an altercation with anybody in the middle of nowhere by myself.

Stover: Can you elaborate on what you consider to be "motherfucking"? Like was she literally yelling -- you're a motherfucker?

Ofc Sasek: She said -- motherfucker, fuck you, fuck this -- as she was then turning and kicking rocks at me.

Officer Sasek was asked to explain his rationale for dropping compl off where he did. He said compl asked to be let out and because it was a consensual encounter, he complied with her request.

Officer Sasek was asked about the GPS in his car. He said he did not intentionally turn off the phone and he wasn't told to do it.

Sasek said it is not normal to run his body worn camera on transports but that policy will change for him from now on. He felt that he was helping someone and didn't expect this to take the turn it did.

Officer Sasek indicated he did not know exactly where he was transporting compl when he started the transport.

Transcript

Stover: So your radio traffic, you put that you were en route from the hospital to an unknown location in Chico. Did you not know where you were going?

Ofc Sasek: No I did not. It's not uncommon for somebody to say, can I get a ride to Chico and then they'll either provide us with a more detailed area where we're dropping them off when we get there because they don't know the exact address. We do transport a lot of transients and sometimes they're staying with friends so they don't know the address and whatnot. So that's what I was expecting was to get into town and be like, hey okay turn right here, turn left here, and this is where I'm staying.

Officer Sasek explained that he didn't put out the ending mileage when he ended the transport with compl because he didn't think his radio was working at that time. He said he gave an ending mileage when he got to a place where he thought his radio was working.

Transcript

Stover: So when you normally transport somebody and you have completed that courtesy transport to wherever, whether it be Chico or Neal Road at the worm farm, how come

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you didn't put out your ending mileage at that location and the person had been removed from the vehicle.

Ofc Sasek: Because I didn't think my radio was working at that point in time. So I got to where I knew that my radio would work and then I believe that I gave an ending mileage.

Stover: You did, you did. You gave the ending mileage when you got back to the city. So, I mean I'll just be frank with you. Here's the way that we look at this, right. We didn't have GPS tracking. Not sure if you turned it off. If it's a computer glitch what the deal is, because that's one layer of protection for you. We don't have a body worn camera, which would have been another layer of protection for you. And then the radio traffic, the mileage that you gave, you gave when you got back to the city, and you could have potentially put over the radio where you dropped her off, which would be normal protocol right, is to to say where you dropped the person off on the radio?

Ofc Sasek: Not necessarily on the radio, but I did advise my sergeant.

Stover: You advised your sergeant where you dropped her off?

Ofc Sasek: Yes.

Stover: That night?

Ofc Sasek: Yes.

...

Lefdal: Okay. I do have one follow up. And I'm sorry I'm not a big fan of going back and forth. But...

You had made a comment earlier that you didn't believe your radio was going to work while you were out on Neil Road when you dropped her off?

Ofc Sasek: Not necessarily Near Road. Our radios are super spotty. It could be a bad windy day and we don't hear much on our radios. Normally when I go to Chico, my radio does not work very well. On a clear day it could work fine. On a windy day it could not work fine. So whenever I leave the immediate area I expect my radio not to work, just as a backup I like to have the other tools available to me.

Lefdal: Like what?

Ofc Sasek: Like my phone.

Lefdal: Did you use your phone as a backup tool when you didn't use your radio to give the ending mileage when she actually ended out of the car, did you call dispatch and let them know?

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Ofc Sasek: No, I did not.

Lefdal: Okay. Can I ask why?

Ofc Sasek: I just didn't think of it. I was just trying to get back at that point in time. I was like, this is odd, this is not how my regular transport, you know, taking somebody to Chico would be. What to get back. It was an extremely busy night so I was just trying to get back to the guys so I could help.

Lefdal: Has your radio ever worked as it's supposed to just outside of the city limits?

Ofc Sasek: I would say not that far, no, it's not really clear. It doesn't normally work very clear. I would have to switch over to Gould and then dispatch has to do some weird thing. I don't know if they have to switch to Gould to hear me or what not. But when we work farther out of our area, we normally switch over to a radio, the Good Gould Channel and Gould Channel doesn't work very well.

Lefdal: Okay, so if you're transporting someone to Chico have you... Well, let me back this up a little bit more of a basis here. Have you transported someone as a courtesy ride to Chico before?

Ofc Sasek: I have.

Lefdal: Okay. And when that person gets out of the car, how will you notified dispatch that it was done?

Ofc Sasek: Normally what I do -- and I know this is kind of just a shitty situation, I apologize for my language -- I would write it down. And then I would give them the mileage from where where I dropped him off at, the location that I dropped him off at. At this point in time, or at that point in time I didn't look down at my radio because -- or not my radio, my mileage, because this was just, it was odd. You know, like the whole situation was odd and I didn't think to look down and you know, check my mileage.

So when I got back into town and I knew my radio was working completely and I started asking where the other units were is when I gave my mileage.

Lefdal: Okay.

Officer Sasek was asked if anything illegal or sexually related occurred with complainant when the transport ended. His attorney objected heavily to the line of questioning and ultimately Officer Sasek didn't answer the question.

Officer Sasek was asked about compl clothing. He indicated that he didn't know if compl clothing had changed during any of his interactions with her.

Officer Sasek was questioned further about his BWC and compl demeanor change.

Lefdal: Okay. When you went back to the hospital to deal that after that phone call from [guard], was your body cam on?

Ofc Sasek: No, it was not.

Lefdal: And why is that?

Ofc Sasek: Because everything was really... It was a nice encounter. I don't know how to describe. Like if I'm expecting something that's potentially going to go wrong, you know, I'll activate my body camera. But, you know, I've already talked to this lady, I built a decent rapport, she was being kind, there was no need, it was like, you know, I'm just going to go talk to her and figure out what the issue was.

Lefdal: So you guys were completely Code 4, you and her, through and your previous contacts?

Ofc Sasek: Yes. We made the contact at Dollar General, at the jail she was completely calm, compliant. There was no need to worry that I was expecting.

Lefdal: So that leads me to my next follow up question. So what happened with her being completely compliant Code 4, good rapport, to hitting, what, about Neal Road where she started saying, let me out and things became hostile?

Ofc Sasek: I have no clue. As far as I knew she was completely okay with getting a ride. She willingly got into the back of the car. We were going good. I had some music playing in the vehicle. And then we passed the Butte College Durham exit and the next thing I know is she said, hey I want out, let me out.

And I was like, okay, I'm not going to let you out on highway 99. I didn't feel like that was a smart thing to do. So I took that first right that I could, I drove up to Neal Road and then when I let her out at that little opening, everything was completely, it was calm. It was nice. She stepped out of her own accord. She popped out and she started to walk away, and I was like, okay, this is, okay, what's going on? You know, it's a little... But, okay.

Lefdal: A little what? Just finish your thought.

Ofc Sasek: Just a little off, you know, like...

Lefdal: Why?

Ofc Sasek: Because I expected to give this lady a ride to Chico and then all of a sudden she wanted out. And then the next thing I know is she was upset, and then she like...

Lefdal: Why was she upset?

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Ofc Sasek: I don't know. Like I said, she got about 15 to 20 feet away from the vehicle and then she turned around and as she turned around, she started "motherfucking" me and then she started kicking rocks, and I decided that I wasn't going to be a part of that situation because I'm out here all alone. It's just myself, I'm not trying to keep myself in any bad situations, I'm not going to try to fight a lady in the middle of nowhere, you know, I'm not going to sit there in a situation if I don't have to.

Lefdal: Did you have a thought about turning on your body cam at that point?

Ofc Sasek: At that point in time, I had already started to take a seat in my vehicle, so I figured it would just be smarter to leave.

Lefdal: So is it your statement that she just kind of did a 180, completely 180, bam, went from Code 4 to MFing you...

Ofc Sasek: Yes.

Lefdal: -- for no real reason whatsoever, based upon nothing what you've done?

Ofc Sasek: Exactly.

Lefdal: She had a complete turnabout?

Ofc Sasek: Yeah, she just kind of turned around and changed.

...

Lefdal: Okay. Based on what training and experience you have, did you believe [redacted] complainant to be under the influence of a controlled substance at the time that you were dealing with her?

Ofc Sasek: At the time that I contacted her at Dollar General, I believe that she may have been under the influence of something. But then as I spent more time with her going to the jail and whatnot, I believe that she might have some slight mental health issues instead. Based on my experience, people that are are high don't have the ability to calm down all the way, and by calm down I mean they can slow down their speech and stuff like that but their body will still be fidgeting and whatnot. She was able to calm down, like she would get worked up a little bit, and then she would calm down as if she was just worked up. She wouldn't calm down in her voice and her tone and how she talked to me and then keep twitching. She would completely calm down.

Lefdal: So she'd go to complete extremes, high and low?

Ofc Sasek: Not complete extremes, but like when when I was arresting her she was worked up, she was upset about being arrested so she was you know be-bopping and twitching a little bit. But then after that I would say adrenaline spike kicked up she started to come

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down off the adrenaline spike and then calm down, and she wasn't twitching and you know, uncontrolled body movements were not there, she was able to actually maintain a steady body position and have a conversation.

At the end of the interview, Officer Sasek indicated there were some lights in the area. He stated it was what he would consider well lit, but it was in the pitch dark either.

Sgt. Ali Khan Interview

[redacted] PC 832.7 [redacted]

[redacted] PC 832.7 [redacted]

Officer Sasek cleared the courtesy transport of [redacted] complainant *with Sgt.* [redacted]*. His understanding is that Officer Sasek was transporting her to Chico, either to where she lives or to the Home Depot, which commonly occurs.*

Transcript

Stover: Okay. So at the hospital he says that he cleared transporting her to Chico with you.

Khan: He did.

Stover: Okay. So what was your understanding of what he was going to do with her?

Khan: Take her to Chico, possibly to where she lives, or to Home Depot is where we normally take people in that area.

Stover: Okay. So we're going to jump right into that.

Khan: Okay.

Stover: So, Home Depot. Is that your understanding of the general destination when you provide a courtesy transport from Oroville to Chico? It's to the Home Depot parking lot?

Khan: If they want to just go to Chico in general? Yes.

Sgt. [redacted] said it was a busy night and that Officer Sasek MIGHT have told him he dropped her off somewhere but he didn't think about it. The last time he was aware of [redacted] compl condition was when they picked her up at Dollar General. She was wearing a shirt and pants but he didn't recall her shoes, if any. Sgt. [redacted] believed Officer Sasek found him on a call for service when he got back from dropping [redacted] compl off but doesn't recall him saying anything about dropping her off near the worm food farm.

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Sgt. [redacted] indicated that since the incident, he has had time to look into the Neal Road area. He was initially under the impression that it was closer to the Chico transient camps. He now has a better idea of where it is located.

Transcript

Stover: Okay. So when officer Sasek gets back, he meets up with you on a call and says, hey, I dropped her off. But you don't actually recall where he said he dropped her off at?

Khan: I don't.

Stover: Okay. If he had told you -- I dropped her off up by the worm farm -- do you think you would've been, like, okay... Or would you have had more questions? Or...

Khan: I would have had more questions. I mean, Neal Rode, I thought that was closer to like the transient camps that... Now that I've looked into it by, like, States, that whole area there. That's where I was thinking it was at. That's only after they asked me about it.

But from the time that occurred to the time they asked me about it, I didn't think anything of it at all.

Stover: Were you aware of any other information? Were you aware that Butte County went out there the next morning because she allegedly was hit by a car, or that she was in the hospital? Any of that?

Khan: I wasn't aware of anything at all.

...

Stover: So the night of the incident when he comes back and tells you, when you stated it's busy, you're just... You're under the impression that he dropped her off somewhere near the homeless encampments there by Estates.

Khan: Yeah. I mean, I trust my guys, and I didn't really have any questions for him at the time, and we were busy. And that's exactly what I thought he was. He had dropped her off where she wanted to go, which was Neal Road I guess.

Sgt. Khan was questioned about standard procedure as it pertains to providing courtesy transport.

Transcript

Stover: Okay. Alright. So... When he... There's some oddities in the way he behaved, in my opinion, okay, in what operationally seems normal to me. He provided some information that maybe it's not.

But when somebody transports a courtesy transport from here to Chico, and let's say they're going to go to the Home Depot parking lot...

Khan: Okay.

Stover: And they pull in the Home Depot parking lot, do they not get on the radio and say -- I dropped the subject at Home Depot, this is my ending mileage. I'm backing out to the city.

Khan: So standard policy, yeah, you're supposed to say, hey, 1087, and NE mileage, whatever your NE mileage will be. And then, yeah, you're back around to the city.

But we've been having a lot of radio issues. Like, our radios are, are screwed. Sometimes got in and out, and you can't hear anything, you can't transmit from there. So unless you call, there's no radio in Chico.

Stover: Okay. And that's a known thing?

Khan: Oh yeah. Like, they're, everyone's aware of it.

Stover: Okay.

Khan: Yeah.

Stover: Alright. So to be fair, you said you don't really recall -- you remember him saying Neil Road, I guess, or that's where you believed he told you. Did he say anything about the fact that, dropped her off, she didn't have any shoes, didn't have a cell phone, had no way to take care of herself, as far as...

Khan: No.

Sgt. Khan advised he was never told by Officer Sasek about any issues with RIMS but that it's not uncommon to have to restart the app. Sometimes it can take up to an hour.

Sgt. Khan was again asked about compl' clothing. He did not recall what she was wearing. He didn't recall her demeanor when they responded to the hospital to deal with her.

Sgt. Khan was asked about his interaction with Officer Sasek when he got back that night. He indicated that there was a fire at Hwy 70 and Oro Dam Boulevard that night and he gave permission to Officer Sasek to respond Code 3 to that call. Sgt. Khan was near the back of the police department checking out a suspicious circumstances incident at a nearby business. He didn't recall exactly when he met up with Officer Sasek following his transport of compl. Sgt. Khan indicated that in retrospect, he should have paid more attention due to an officer not going 10-97 at the end of a transport.

Transcript

Lefdal: Were you at that fire?

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Khan: I wasn't.

Lefdal: Okay. Do you remember what call you were on?

Khan: Yeah, I was right here behind the PD. Someone... We saw the brake lights flashing out one of the vehicles back here. Like, Mount Enterprises, and we thought someone was breaking in there, so we had to clear the whole yard, and it was just me. I think I waited for officer Herrera to show up, and we did that. We were dealing with that while he was over there at the fire.

Lefdal: Okay. At what point did he meet, Sasek meet up with you? And...

Khan: So that's what I don't remember. I don't exactly remember when he told me that... If he says he did, he did. I believe him 100%, he's an honest dude. I just don't remember when he told me that he dropped her off at Neal Road.

Lefdal: So you don't have independent recollection of you guys doing a face to face, and him telling you what happened?

Khan: I don't.

Lefdal: But at some point you come to the knowledge, you come in possession of the knowledge that he dropped her off at Neal Road?

Khan: Yeah.

Lefdal: But you don't know whether it would be a radio, cell phone, in person?

Khan: No.

Lefdal: Okay. Do you recall ever having a time on that patrol on that shift where you're going, gee, Robert has been gone for a while, or, where's my officer? Or thinking anything along those lines? Like... I haven't heard from him.

Khan: Are you referring to when you went to drop her off?

Lefdal: Yes. Sure.

Khan: It didn't take that long.

Lefdal: Okay. Did anything click with you when he gave his total mileage over the radio when he got back to town? Did anyone... Did anything click in your, in your mind going -- that doesn't make much sense, because I didn't hear him say anything before.

Khan: I did not. No.

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Lefdal: Okay. Looking back, would it have?

Khan: Oh, yeah. Oh, yeah, it definitely would have.

Lefdal: Okay. In what way?

Khan: I think in my part I should have been paying more attention, not did a... I should have paid more attention to what he said on the radio, and why he didn't go 97 where he went, to where he dropped her off at. But like I said, it was busy, so I don't... I mean, I blame myself a lot too.

Lefdal: When you say it was busy, give me a brief description. Like, were you call to call that night?

Khan: We had quite a few calls. Yeah.

Lefdal: Okay. And do you remember how many officers were on shift that you were supervising? Including MLE's.

Khan: Just officer Herrera and officer Sasek, that's all.

Lefdal: Okay. So no MLE's or anything like that?

Khan: No.

Sgt. Khan was asked if he felt that Officer Sasek had minimized his involvement in transporting comlp t all [redacted]
[redacted] PC 832.7

Transcript

Stover: I realize nobody wants to get anybody else in trouble. Right? But like, as his supervisor, do you feel like perhaps maybe he minimized some of the circumstances of this when telling you what happened? Or... Are you the kind of supervisor that when somebody comes to and says, hey, I did this, you ask them follow up questions. Like...

I feel like he... I feel like if he had come to you and told you the entire circumstances of surrounding why she was there, and where he actually dropped her off, that you may have taken some action.

Khan: So, yeah. Ready for my answer?

Stover: Yes, please.

Khan: Okay. So, yeah, if I'd have known that he dropped off over there, I'd have told to go, go look for her, pick her back up.

But... Can you repeat your question again? Sorry.

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Stover: So, my thing is, is do you think he gave you... Do you think he was truthful with you? But gave you one tenth of the circumstances? Or do you feel like maybe you didn't interpret what he was trying to tell you?

Khan: I just don't remember exactly when he told me what he told me that day. I just remember Neil road and I didn't think anything of it at the time.

Stover: Okay. But if he had told you -- I dumped her off in the dark by the worm farm, with no shoes, no cell phone, up by the dump, and then I left her on the side of the road -- would that have changed you think the way you dealt with it that night?

Khan: Oh, yeah. I'd of told him to go pick her up.

W3 Contact

On 02/21/2023, I contacted W3 at Franklin Construction located at 999 Neal Road in Chico, California. W3 was the reporting party on 09/01/2022 when compl was located and later transported by Enloe Ambulance to the hospital.

W3 was cooperative but requested that our conversation not be recorded. He said he didn't want to end up in the media. In summary, W3 reported the following:

W3 *was at work and was standing near the shop. He looked to the West and saw a female* (later identified as complainant) *walking up the hill out of the ravine towards the shop. She was obviously disheveled and looked like she was under the influence. She had weeds in her hair and her shoulder was injured. He doesn't recall which shoulder. She was possibly wearing green pants and a tank top. She walked through the equipment towards the North.* W3 *lost sight of her for a minute but later found her sitting on the stop of a water truck parked nearby. He told her she needed to leave. She was acting erratically and didn't really say anything. She possibly said, "okay" when she was told to leave. She was completely out of it and seemed like she was on every drug there was.* W3 *went and retrieved a bottle of water for her. He walked up to her but stopped several feet away because she smelled so bad. She had defecated in her pants and it was apparent that she had spent the night in the ravine.*

W3 *called 911 and the sheriff's office came out with an ambulance. The deputies were appropriate and professional. She didn't really respond to their requests, but she was transported via the ambulance. – end.*

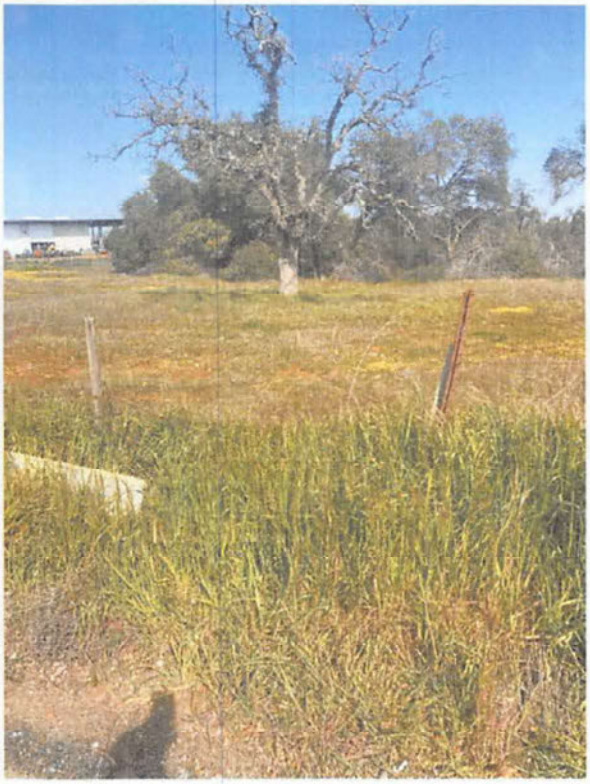
W3 said he was aware of the complaint that was made. He said it's not uncommon for transients to find their way into his equipment yard. He felt as though they were drawn in by the lights. W3 said he didn't have any cameras facing the direction in which compl was encountered. He was under the impression that compl found her way into his equipment yard from Highway 99 and had no doubt that she spent the night down in the ravine. He said the sheriff's deputies went down into the ravine the day she was transported but didn't find any evidence that she had camped or slept down there.

I asked W3 if there was a break in the fence that he felt compl could have used to enter the property. He said the fence was down on the road in a small area but that was it. I thanked W3 for his cooperation and asked that he call me back if he thought of any other information that would be useful.

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I went out onto Neal Road and looked at the fence separating the road from Franklin Construction's property. There were two areas of the fence that would appear to be "open" enough to go through fairly easily. Both areas are between the area where Officer Sasek reported dropping compl off and the main entrance to Franklin Construction. (See photos).





Attempt to Interview Ms. compl

On 03/03/2023, I spoke with complainant's attorney, Robert Chavant. I asked if I could speak to his client to get more information from her about the incident. He said he would talk to his client but that his opinion was that she should not provide a statement. He then asked if the involved officers admitted any fault. I explained to him that I couldn't divulge that information. I asked that he or his client contact me if they chose to provide a statement.

BCSO Evidence Received

On 03/07/2023, I received the following from Lt. Zarate:

BCSO Report #22-06096 from Sgt. Larson
BCSO CAD #2209020040 – Welfare Check from Neal Road
BCSO CAD #2209060113 – Suspicious Circumstances from Sgt. Larson at Enloe Hospital
BCSO Audio of 911 transfer from CHP with Mike Lad as Reporting Person
BCSO Axon Body Cam Footage – 2022-09-02 X60A58540
BCSO Axon Body Cam Footage – 2022-09-02 X60A4213Z – Chamness
BCSO Axon Body Cam Footage – 2022-09-02 X60A58393 – Rubinoff

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BCSO Axon Body Cam Footage – 2022-09-02 X60A4213Z – Chamness (2) "hit by a car"
BCSO Axon Body Cam Footage – 2022-09-02 X60A58393 – Rubinoff (2)
BCSO Axon Body Cam Footage – 2022-09-06 X60A57920 – Larson at Enloe.
19 Photos of complainant injuries in hospital.
BCSO surveillance video showing ompl in jail and being released.

Officer Herrera Interview:

On 03/21/2023, Officer Isaac Herrera was interviewed at OPD. He was with his attorney, Patrick Brady. Officer Herrera was compelled to speak and in summary, provided the following statement:

Officer Herrera was on duty on 09/01/2022 and recalls the incident with complainant. Following her initial arrest at Dollar General, they again were called to deal with her at the Oroville Hospital. Officer Sasek was the responding officer and Officer Herrera responded to back him up as well as Sgt. Khan.

By the time Officer Herrera arrived on scene, compl had already been secured (presumably in the back of Officer Sasek's patrol car. Security Officer guard was there. Officer Herrera didn't even get out of his patrol car. They were at the back door of the emergency room and it was at night time. Officer Sasek appeared frustrated because he had been dealing with Ms. compl all night. Sgt. Khan and Officer Sasek were discussing what to do with her. It was determined that they were going to give her a ride to her home in Chico. Officer Sasek indicated he wasn't excited to go all the way to Chico. Officer Herrera jokingly said that he should drop her off at Neil Road. He said it flippantly and didn't mean it seriously. There was no further discussion between anyone about dropping her off at Neil Road. Officer Herrera left the hospital in his patrol car, followed by Sgt. Khan. Officer Sasek left shortly afterwards with Ms. compl – end.

I asked Officer Herrera if he ever met up with Officer Sasek and complainant after he left the hospital. He said no. I asked him if he ever met up with anyone from that scene at any kind of a gas station. He said no. When I asked him where he thought Ms. compl might get that idea from, he said the hospital could be mistaken for a fuel station by someone under the influence.

Officer Herrera stated he didn't want to say Sasek was frustrated over the situation that night because the jail didn't accept compl and the hospital didn't want to take her but, he believed Sasek expressed that he didn't want to go all the way to Chico that night. Officer Herrera said he made the joke about dropping her off on Neil Road in passing and believed that no decision was made off of that comment. Officer Herrera said he didn't know that Officer Sasek was really going to drop her off on Neil Road.

Officer Herrera said the last time he physically saw complainant was during the arrest at Dollar General where she was acting erratically. He didn't actually see her at the hospital but knew she was there.

I asked Officer Herrera if there was anything else I should know about this case or any information/evidence he had. He said there wasn't. Officer Herrera was admonished not to discuss the case with anyone other than his attorney, myself, or Lt. Zarate.

The interview with Officer Herrera was audio recorded and transcribed. He was sent a copy of the transcript and told to advise me if he had anything to add, edit or delete.

Officer Sasek Re-Interview:

On 06/14/2023, I re-interviewed Officer Sasek with the intention of questioning him further about Officer Herrera's statement of "dumping" Ms. compl off on Neal Road. He was previously noticed through his attorney and a transcript of his previous interview was provided to him. We met at OPD with his attorney, Mr. Baird. Mr. Baird asserted that his client is using the same rights he had during the previous interview. I compelled Officer Sasek to speak to me.

I explained to Officer Sasek the reason for the interview and I asked him if he had heard Officer Herrera make that statement at the hospital the night he gave Ms. compl a ride home. *He said he had not heard Officer Herrera make that statement.* He indicated that it was a coincidence. I asked him if this was the first time he had heard that statement. He indicated that it wasn't. He explained that, just prior to me interviewing Officer Herrera on this case, Officer Herrera called Officer Sasek. Officer Herrera told him that he felt obligated to let him know that he had made that statement that night and that he was going to tell me about it during our interview. Officer Sasek said that he realized nobody is supposed to discuss the case but that Officer Herrera felt obligated to let him know.

Transcript

Lefdal: Okay. And you've read it.

So let me ask you, were you present for any statements being made about quote-unquote, "dumping" Ms compl out on Neil road?

Sasek: No, I was not.

Lefdal: Okay. So you never heard that statement?

Sasek: No, I did not.

Lefdal: From anybody?

Sasek: From anybody.

Lefdal: Okay. This... So this is the first time that you've heard that?

Sasek: No. I was...

Lefdal: Can you clarify that?

Sasek: I was advised by Officer Herrera that he was going to be interviewed and he didn't want to feel as I was going to betray him -- or not betray him -- as in, he was going to betray me. Because he said that he made a distasteful joke and he was going to let you know about it, or let the investigator know about it.

Lefdal: Okay.

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Sasek: And then he basically told me that he made some kind of joke about -- while you're on the way, drop her off on Neil Road.

Lefdal: Okay.

Sasek: So I heard about this after our interview. I understand that we're not supposed to discuss this, but he did reach out to me and just let me know, hey, I don't want you to feel like I'm betraying you, but I did make a joke and, heads up. So when this does come up, you're not getting hit out of left field.

Lefdal: Okay.

Sasek: So, when the joke was made, I was unaware of it. I did not hear it. That was the first I had heard of it was when Officer Herrera told me that, hey, man, just a heads up. If this comes back, this is what I said.

Lefdal: Okay. So is it... So this is a coincidence?

Sasek: 100%.

Lefdal: 100% a coincidence?

Sasek: 100%, I had no intention of dumping somebody off at anywhere.

I do this job to take care of people. My brother-in-law lives in the field. You know where the olive orchard is up on Table Mountain? Right up here?

Note: Based upon Officer Sasek leaving Ms. compl at the almost exact spot where Officer Herrera joked about leaving her just moments prior, the statement by Officer Sasek indicating he didn't hear the statement is concerning. He indicates this is merely a coincidence. Officer Sasek was at the hospital with Officer Herrera and Ms. compl at the time Officer Herrera made the "off color" statement.

Timeline

Based upon the statements made and evidence reviewed, below is an approximate timeline of events surrounding this incident:

- 09/01/2022
  - 1330 Hours: Ms. compl arrested by BCSO for trespassing near Chico.
  - 1617 Hours: Ms. compl released by BCSO at jail.
  - 2050 Hours: Ms. compl causing disturbance and trespassing at Dollar General, Oroville.
  - 2121 Hours: Ms. compl transported to jail by Officer Sasek.
  - 2124 Hours: Arrive at jail.
  - 2143 Hours: Ms. compl and Officer Sasek en-route to hospital.
  - 2149 Hours: Arrive at hospital.
  - 2201 Hours: Ms. compl cited and released from hospital.

- 2211 Hours: Officer Sasek receives call about disturbance and is back enroute to hospital.
- 2213 Hours: Arrives at hospital.
- 2218 Hours: Officer Sasek transports Ms. compl
- 2247 Hours: Officer Sasek gives ending mileage and goes 10-8.

– 09/02/2022
  - 0934 Hours: Ms. compl found at Franklin Construction.

– 09/04/2022
  - 1220 Hours: Ms. compl Purse Found near BCSO arrest location.
  - 1220 Hours: Ms. compl reported as missing person by daughter, BCSO advises she is at Enloe.

– 09/06/2022
  - 1455 Hours: Sgt. Larson (BCSO) responds to Enloe for report and photos.

– 09/07/2022
  - Sgt. Larson (BCSO) conducts records check of Ms. compl .

FINDINGS:

Summary of Events Based on Investigation:

The following summary of events was determined based upon evidence, documents, and statements obtained from interviews.

complainant was originally contacted and arrested by the Butte County Sheriff's Office for trespassing on 09/01/2022 while swimming in a residential pool. She was booked into the Butte County Jail in Oroville, California. She was released at 1617 hours the same date. She left the BCSO campus, walking southbound towards the area of Dollar General and Home Depot.

Later that evening, at 2050 hours, she was contacted by Oroville PD Officers (including Officer Sasek) after it was reported that she was causing a disturbance inside Dollar General and refusing to leave. After barricading herself in the back room, she was arrested by Officer Sasek and taken back to the jail. At the jail, she failed her medical clearance. Officer Sasek transported her to the Oroville Hospital for a clearance. At the hospital, she was cited and released.

Ten minutes later, Officer Sasek gets a phone call from a security guard stating that Ms. compl is causing a disturbance and that she has to leave. Officers Sasek and Herrera respond as well as Sgt. Khan. Officer Sasek's body camera is not activated because he didn't believe it to be necessary based on the type of encounter it was. It is determined that Officer Sasek will provide a courtesy transport to an unknown location in Chico for Ms. compl This is a common practice. Officer Herrera jokingly states that Officer Sasek can always just drop her off halfway at Neal Road.

Officer Sasek transports Ms. compl in his patrol car, northbound out of town until they reach Hwy 70. They go northbound on Hwy 70 until they turn West on Hwy 149. They turn North on Hwy 99w. Officer Sasek reports Ms. compl demands to be let out of his vehicle. He decides that it is not safe to drop Ms. compl off at the lit intersection of Hwy 99 and Neal Road. This intersection is controlled 4 ways by traffic lights and has roadway

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lighting. He knows of a wide area on Neal Road about 1 mile to the East. He drives her there, towards the crest of the hill, where he lets her out of the vehicle. She does not have a cell phone or shoes. It is dark. There is an approximately 20-foot, steep, embankment on the North side of the road. Officer Sasek leaves Ms. compl and returns to Oroville. At no time does Officer Sasek provide an ending mileage via phone, radio, or written document during the incident. Officer Sasek does not believe his radio would work there but doesn't know for sure. He gives his ending mileage later, as he nears Oroville.

The next day, Ms. compl is located at 999 Neal Road at Franklin Construction. She is bruised and has several cuts, scrapes and marks. She has made her way from the shoulder of Neal Road into the yard of the business. W3 contacts here and requests she leaves. W3 calls the sheriff's office and an ambulance. BCSO personnel arrive along with an Enloe Ambulance and Butte County Fire. Ms. compl falsely identifies herself as complainant and refuses to answer questions directly. During questioning, she is threatened to be taken to jail. At this time, she mutters that she was hit by a car. No evidence of this is located by the deputies. Ms. compl is transported and admitted to Enloe Hospital in Chico under the name of complainant

Ms. compl daughter calls the sheriff's office to report her mother missing. BCSO staff explain to her that she was admitted under a different name and that she is in Enloe. Ms. compl' other daughter calls the sheriff's office to report possible misconduct based upon what Ms. compl told her. Ms. compl claims a bald, stocky, white deputy forced her into his patrol vehicle, transported her into the middle of nowhere, dumped her off and she was struck by a vehicle. Sgt. Larson investigates and finds no evidence to support this claim. She advises Ms. compl daughter that it appears Oroville PD transported Ms. compl somewhere and that is the last known contact law enforcement had with her.

Per Google, Butte County is 1,636.5 square miles. Furthermore, it is reasonable to believe that this incident would look worse if Officer Sasek were to have made a premeditated decision to drop her off here and that he may receive worse discipline, as opposed to making a poor, split-second decision. It is not probable that Officer Sasek dropped off Ms. compl here simply as a coincidence.

Discrepancies:

The following discrepancies were located during this investigation. Not all of these are within the scope of the investigation however, it cannot be overlooked that they were encountered:

- Ms. compl claims a bald deputy that arrested her took her to Neal Road.
  - This is not the case. Officer Sasek is not bald and is not a deputy sheriff. BCSO wears green and/or tan uniforms. OPD Officers wear a dark navy blue or black uniform.
- Ms. compl claims that the same deputy that arrested her gave her ride from jail.
  - This is not accurate. Video shows Ms. compl walking away from the jail towards the Butte County District Attorney's Office.
- Ms. compl was adamant that her clothing was located at her home.
  - This is not accurate. Deputy Rubinoff took the clothing when he arrested her for trespassing.
- Ms. compl described the "deputy" that dropped her off as a stocky, white male.
  - Not so. Officer Sasek is a compl male.

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- Ms. compl claims she was struck by a vehicle.
  - Sgt. Larson puts in her report that the marks, scrapes and scratches are consistent with someone going through dry brush. Furthermore, I canvased the scene and found no evidence of a previous motor vehicle accident such as blood, hair, broken plastic, glass, etc.

- Ms. compl claims in the Federal Complaint that she was arrested by Officer Sasek at the Home Depot store.
  - This is not accurate. By all accounts, Ms. compl was arrested at the Dollar General store in Oroville, CA.

- Ms. compl claims in the Federal Complaint that she was cited and released by Officer Sasek in violation of 853.6(i) of the California Penal Code.
  - This section has a multitude of sub-sections and subsection (i) must be accompanied by another section in order to be effective.

- Ms. cp~ompl laims in the Federal Complaint that OPD Policy Section 420.4.2(a) was violated because subsection (b) was not met.
  - Subsection (a) prevents citing an offender if they are a danger to themselves or others. Subsection (b) provides that the person arrested requires medical examination or medical care. Ms. compl was indeed at the hospital at the time of her cite and release and Officer Sasek reportedly advised her to seek medical attention inside.

- Ms compl claims in the Federal Complaint that Officer Sasek violated policy 420.4.2 by not getting permission from his shift supervisor to release her.
  - Section 420.4.2 states, "The shift supervisor *MAY* authorize a release on citation....."

- Ms. compl claims in her Federal Complaint that Officer Sasek "abandoned her" in the parking lot and insinuates that she was not given the opportunity for proper care.
  - Ms. compl reports that she barricaded herself in the hospital bathroom. This is undoubtedly inside the hospital where medical staff work.

- Ms. compl claims in her Federal Complaint that Officer Sasek transported her to a gas station where he met up with Officer Herrera and another unknown officer to come up with a plan.
  - There is no evidence of this. Officer Sasek denies doing this and said he drove non-stop to the area on Neal Road where he dropped Ms. compl off. The timeline supports this claim. Officer Herrera denies this as well. He stated he met with Officer Sasek and Sgt. Khan at the hospital when they deal with Ms. compl the second time.

- Ms. compl claims in her Federal Complaint that she remembers specific conversations between her and Officer Sasek and uses quotes.
  - Ms. compl could not recall the correct agency that arrested her the second time, the correct agency that transported her to Neal Road, the anatomically correct description of Officer Sasek, the location of where she was taken from or where she left her clothing but can somehow recall specific conversations.

- Ms. compl claims in her Federal Complaint that she began walking in the same direction that she arrived from after being let out of Officer Sasek's car, towards Franklin Construction.

- Franklin Construction is due East from where Officer Sasek recalls dropping Ms. compl off. They approached the area from the West, from Hwy 99. Furthermore, Officer Sasek dropped Ms. compl off on the South side of Neal Road. It is impossible to walk in the same direction in which they approached from, but still in the direction of Franklin Construction.

- Ms. compl claims in her Federal Complaint that she was struck on the right side of her body by a passing vehicle and thrown down an embankment.
  - In order for this to happen and Ms. compl be walking back towards Hwy 99, she would have to have been walking on the South side of Neal Road. Furthermore, the only embankment in the immediate area is on the North side of Neal Road, directly to the Northwest of where Officer Sasek dropped her off. In order for her to be struck on the right side by a vehicle and thrown down an embankment, she would have to had been walking, opposing traffic, Eastbound on the North side of Neal Road towards Franklin Construction. This area was checked extensively for signs of a collision and none were located.

- Ms. compl claims in her Federal Complaint that BCSO deputies did not attempt to ascertain how she got there.
  - This is incorrect. Video shows them conducting an investigation and even walking the ravine that she was seen coming out of.

Questions and Answers:

Officer Sasek: In order to determine whether or not Officer Sasek violated OPD policy, the following questions should be asked:

Question 1: Did Officer Sasek conduct himself or do anything that he *reasonably* should have known was contrary to good order, efficiency or *would reflect unfavorably upon this department* or its members.

Answer 1: The fact that Officer Sasek took a female to a remote location where he let her out of his patrol car in the dark, without shoes, a flashlight or cell phone and in a questionable mental state is without question. Officer Sasek does not deny these facts. He argues that Ms. compl demanded out of his patrol car and, due to it being only a courtesy transport, he acquiesced. Officer Sasek drove past a lit, controlled intersection at Hwy 99 and Neal Road while going to their final location. Officer Sasek believed this was not the safest location and proceeded up the road near Franklin Construction.

- It should also be noted that Officer Sasek deactivated his IRIMS software. He claims this was due to a malfunction. He failed to provide an ending mileage at the time he dropped Ms. compl off. He reports this was due to his *belief* that his radio wouldn't work.

- Officer Sasek failed to record the interaction on his BWC because he didn't think of it.

- Officer Sasek failed to place a phone call with his cell phone to document the ending of the transport or notify his supervisor of the change in plans.

- Officer Sasek did not document in his report in dealing with Ms. compl, the circumstances in which he left her. No written report was made as to his contact with Ms. compl after she was booked into the jail and released from the hospital. He did not provide a supplemental report or initiate a second

report to document the encounter. The report was completed on 09/09/2022, 8 days after the encounter, giving him plenty of time to do so.

Question 2: Did Officer Sasek drop Ms. compl off intentionally and with Malice?

Answer 2: There is no evidence to suggest malice was present during this incident.

The question of intent is not as easily answered. Officer Herrera reported that he made a joke in poor taste while at the hospital with Officer Sasek and Ms. compl stating that Officer Sasek could always just drop off Ms. compl at Neal Road. Officer Sasek denies hearing this comment. Furthermore, Officer Herrera said he felt so badly about having to testify to this, that he first called Officer Sasek to give him warning that he was going to state this during his interview.

It is worth noting that Butte County is 1636.5 square miles and the fact that Officer Sasek chose the exact place Officer Herrera mentioned earlier requires you to question Officer Sasek's statement that this was not pre-meditated and calls into question his credibility.

PC 832.7

PC 832.7

PC 832.7

POLICY RECOMMENDATIONS:

OPD Policy was reviewed as part of this investigation. Although policy exists for dealing with custodial transportation, nothing pertaining to dealing with non-custodial or "courtesy transports" could be found. Specifics pertaining to:

- Dealing with courtesy transports of the opposite sex.
- Documenting the transport.
- Notifying supervisors.
- What to do if the civilian wants out of the patrol car.
- Accepted locations of drop-off, etc.

would have been useful in this investigation and consideration should be given by the agency to its implementation.

METHODOLOGY

This investigation was conducted using methodology following industry standards and using investigative techniques taught in both law enforcement and the private sector. I have training from California P.O.S.T. to

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conduct law enforcement internal affairs investigations, training for the Peace Officer Research Association of California, Force Science Institute, California Association of Licensed Investigators as well as multiple other state and private training entities. I have conducted workplace investigations since 1998 and have been licensed by the California State Bureau of Investigative Services since 2005.

All transcripts are cited as accurately as possible from audio recordings taken from interviews. Complete accuracy of each word verbatim cannot be promised but every effort was made to provide truthful, accurate statements.

The evidentiary standard applied to this investigation involved a preponderance of evidence. In essence, did one side outweigh the other. All investigative conclusions in this report are based upon this standard.

E.I.S. investigators remained completely independent during this investigation. At no time did the city nor its agents attempt to dissuade or direct this investigation but did provide answers and clarity at times while attempting to learn historical data or attempt contact with staff.

Dusty R. Lefdal
Investigator
Employer's Investigative Services
capi #24506

ROBERT CHALFANT
Law Office of Robert Chalfant

October 3, 2022

CIVILIAN COMPLAINT

LITIGATION HOLD LETTER

BY EMAIL ONLY: blagrone@oropd.org
Chief of Police Bill LaGrone
Oroville Police Department
2055 Lincoln Street
Oroville, CA 95965

Subj: Civilian Complaint/Preservation of Relevant Information/Litigation Hold for All Information Relating To complainant Arrest On Or About September 1, 2022.

Dear Oroville Police Department:

Attached please find a Civilian Complaint presented on behalf of my client, complainant. Please direct all future correspondence relating to the complaint to me at the following address:

Robert Chalfant
Law Office of Robert Chalfant
5701 Lonetree Blvd., Suite 312
Rocklin, CA 95765

This letter is to also notify Oroville Police Department (OPD), to preserve all electronically stored information, copies and backup, as defined by Rule 34 of the Federal Rules of Civil procedure, along with any paper files which OPD maintains are relevant to this dispute. complainant will be seeking in discovery of electronic data in OPD's custody and control that is relevant to this action.

Under the Federal Rules of Civil Procedure, all parties to this action have a legal obligation to preserve all evidence that may be relevant to this case. This includes the obligation to preserve all electronic evidence, such as emails, voice mails, texts, and images that are related to the incident. The responsibility to preserve evidence is very broad and applies to all types of materials, regardless of whether they are maintained electronically (through email) or in hard copy (i.e., reports, journals, pictures and photographs, calendars and videotapes).

T: 916.647.7728
5701 Lonetree Blvd., Suite 312, Rocklin, CA 95765
robert@rchalfant.com | robertchalfantlaw.com

These are just some of the types of records and documents that must be saved and maintained. Other examples are records relating to [redacted] transport to any medical facilities for evaluation, documents reflecting [redacted] being booked into the Butte County Jail, documents reflecting [redacted] needing to be medically cleared prior to being booked into the Butte County Jail, and the GPS tracking of the arresting officer's car on September 1st and 2nd.

You are hereby advised of your legal obligation to preserve, maintain, and to not destroy any evidence. There are penalties and sanctions that a court may impose for the destruction of relevant evidence, including monetary sanctions, evidentiary sanctions, and the entering of default judgment against OPD and its employees.

Sincerely,

ROBERT CHALFANT

Oroville Police Department

Civilian Complaint

Investigation

Complainant's Full Name [redacted]

Residence Address Can be reached through Counsel.

Complainant Information: Male ☐ Female ☑ Age [redacted] Date of Birth [redacted]

Victim (if other than complainant) [redacted]

Victim's Address Can be reached through Counsel Phone (916) 647-7728

Incident Location Oroville, Butte Co. Jail, Neal Road Date 9/1/22

Police Agency Involved Oroville Police Dept. Officer Robert Sasek

Description of Police Vehicle Marked veh. Uniform Yes

Action Complained of See attached.

Injured Person [redacted] Address

Type of Injury See attached.

Injured Person Address

Type of Injury

Witness Detective Tiffany Larson Address Butte County Sheriff
Witness Address
Witness Address
Witness Address

What was complained of at the time of the incident? See attached.

Does Complaint involve an arrest? Yes. Case Number Unknown

Name/Description of person(s) arrested:

[redacted]

Complaint Received by: Supervisor Date/Time

☐ In Person ☐ By Telephone ☐ By Mail ☐ Other

If possible, have the complainant submit a written statement.

Oroville Police Department
Civilian's Complaint Statement
Form

Date: 9-26-22

Civilian's Name (P
Civilian's Signature

complainant

complainant

RC
ROBERT CHALFANT
Law Office of Robert Chalfant

ATTACHMENT TO CITIZEN COMPLAINT

(a) Name of Complainant

[redacted] complainant

(b) Address Where Notices To Be Sent

Robert Chalfant
Law Office of Robert Chalfant
5701 Lonetree Blvd., Suite 312
Rocklin, CA 95765
(916) 647-7728

(c) Date, Place, and Circumstances Giving Rise to the Civilian Complaint

On September 1, 2022, at approximately 2:00 p.m., [redacted] complainant was arrested for trespassing (Penal Code Section 602), in Chico, California, and transported to the Butte County Jail ("Jail") in Oroville, CA. The arresting officer did not retrieve her shoes during the arrest and she was transported to the Butte County Jail without any footwear.

[redacted] complainant underwent the booking process at the Jail and was seen by an intake nurse at approximately 2:50 p.m. After completing the booking process, [redacted] complainant was cited and released. [redacted] complainant was not given a bus pass so that she could return to her home in Chico, California or provided shoes. [redacted] complainant displayed obvious signs and symptoms of being under the influence at the time of her release from the Jail and this is recorded on Jail video.

[redacted] complainant was arrested a second time on September 1, 2022 and this occurred after her release from Jail. This second arrest occurred in Oroville around 9:00 p.m. and was by Officer Robert Sasek of the Oroville Police Department (OPD).

Officer Sasek transported [redacted] complainant back to the Butte County jail for booking. [redacted] complainant again went through the booking process at jail, and was seen by Manuel Salinas, RN at approximately 10:03 p.m. Nurse Salinas refused to admit [redacted] complainant into the Jail until she was "medically cleared" at Oroville Hospital based upon [redacted] complainant's elevated blood pressure. The Jail made an appointment for [redacted] complainant to be seen at Oroville Hospital for medical clearance and [redacted] complainant was placed back into Officer Sasek's patrol vehicle so that he could take her to Oroville Hospital. Video from the Jail intake area shows Officer Sasek and [redacted] complainant leaving the facility in his vehicle.

Officer Sasek drove complainant to Oroville Hospital as required by the Jail's booking staff. Officer Sasek had complainant remain in his vehicle while he exited the vehicle and entered Oroville Hospital. Officer Sasek did not take complainant into the hospital to be seen by a medical provider as required for her to be properly booked into the Jail's custody.

Instead, Officer Sasek drove complainant North on Highway for 15.5 miles to the area around Neal Road Recycling and Waste Facility. During the drive towards Chico, complainant asked, "Where are we going?" and Officer Sasek responded "Don't worry about it" and told her to "just shut up."

Officer Sasek parked his vehicle somewhere near the Waste Facility at approximately 11:00 p.m. and had complainant exit the vehicle. It was completely dark outside and complainant asked "Where are we?" Officer Sasek responded, "you will figure it out, it's not my problem." compl was now all alone on Neal Road, it was pitch black out, and she had no phone, no shoes, no flashlight and had no idea where she was. Officer Sasek drove away leaving her there by the side of the road in the dark.

complainant then began walking on the gravel shoulder of the road in the direction that Officer Sasek had used to arrive at this location. As complainant made her way up the road near what is now known to be Franklin Construction, she was violently struck by a passing vehicle on her right side and was sent flying down a steep embankment into several large boulders where she remained in and out of consciousness and severely injured for approximately 12 hours. The vehicle that struck complainant did not stop to render assistance and instead fled from the scene of the accident. complainant had sustained catastrophic physical and internal injuries after being hit by the vehicle. Her clothes were completely shredded and she had bruises all over the right side of her body. complainant needed emergency medical care but was unable to move.

At approximately 9:00 a.m. on September 2nd, complainant summoned the strength to crawl up the steep embankment where she had remained in and out of consciousness all night and was seen by workers at the Franklin Construction yard. They immediately recognized the seriousness of her injuries, provided water and assistance and called 911. Butte County Sheriff's Department officers arrived, insulted complainant by asking if "her boyfriend had hit her'" and conducted no investigation into the hit and run that had occurred, or any inquiry into how compl had arrived at that location. complainant was transported by ambulance to Enloe Medical Center in Chico, California.

complainant was in the ICU Unit at Enloe for approximately 7 days after being hit by the vehicle. complainant remained hospitalized for approximately 30 days since being abandoned on Neal Road by Officer Sasek. Based on the severe internal injuries that she sustained, medical providers were forced to remove 30 to 40% of her colon, and 2 feet of her small intestine. compl has had multiple surgeries, and due to complications from the surgeries, developed sepsis. The infection was so severe that the skin on her right foot began deteriorating and her toes have turned black. Doctors at Enloe Hospital have informed her that she will likely require

amputation. complainant has been on dialysis 24 hours a day since developing sepsis. complainant has also been informed that due to the internal injuries and removal of a portion of her small intestine and a portion of her colon, she may be required to wear a colostomy bag for life.

Officer Sasek was on duty and in a marked patrol vehicle at the time of this incident. It is believed he was wearing a body worn camera while transporting complainant, and that the vehicle may also have been equipped with an in-car-camera system that recorded audio. Additionally, the patrol vehicle was also likely equipped with an Automatic Vehicle Locator (AVL) GPS tracking device which would show the officer's location on 9/1/22 and confirm that he drove to Neal Road. Officer Sasek violated

After abandoning complainant on Neal Road, Officer Sasek subsequently returned to his office the following day and completed his arrest report for submission to the Butte County District Attorney. The DA is currently reviewing the arrest report and considering whether to pursue criminal charges against complainant. Officer Sasek alleges in his report that he cited and released complainant at Oroville Hospital.

BUTTE COUNTY SHERIFFS OFFICE

5 GILLICK WAY OROVILLE, CA 95965 530-538-7321
INFORMATION REPORT

Case 22-06096

OFFENSES

F/M A/C	Offenses	Date Occurred	Time Occurred	Incident #
Info	Information Only	09/06/2022	1435	2209060113

Date Reported	Time Reported
09/06/2022	1435

Related Cases

Date Printed	Time Printed	Printed By
09/16/2022	09:00:34	45747

Latitude	Longitude
39.739340	-121.823600

Location	Beat	Area	Disposition	Dispo Date
Unknown Location - Chico, Hwy 99/SKYWAY, Chico, CA 95926		X440		

Location Type	Location of Entry	Method of Entry	Point of Entry	Alarm System	Means of Attack (Robbery)

Victim	Drivers License	Cell Phone	Email			
Residence Address	Notified of Victim Rights	Residence Phone	DOB	Age	Sex	Race
Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
Assistance Rendered/Victim Disposition		Transporting Agency	Means of Attack (Assaults)			
Description of Injuries		Other Information				

Contacted	Drivers License	Cell Phone	Email			
[redacted] complainant	[redacted] complainant	[redacted]				
Residence Address		Residence Phone	DOB	Age	Sex	Race
[redacted] complainant		[redacted] complainant				
Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
		[redacted]				

Suspect Name	Action Taken	Charges			
Residence Address	Residence Phone	DOB	Age	Sex	Race
Business Name and Address	Business Phone	Height	Wt	Hair	Eyes
Identifying Features	Cell Phone	Drivers License		Arrest Number	
Aliases				CII	

VEHICLES

Status	Vehicle Make and Model	License/State	VIN	Val Damgd

DEPUTIES

Prepared By	Date	Assisted By	Approved By	Date
43987 - Larson, Tiffany	09/06/2022		44708 - Ayala, Manuel	09/15/2022

Routed To	Date	Routed To	Date	Notes

CONTROLLED DOCUMENT - NOT FOR DUPLICATION

Contacted	Drivers License	Cell Phone	Email			
W1 [redacted]	W1 [redacted]					
Residence Address		**Residence Phone**	**DOB**	**Age**	**Sex**	**Race**
W1 [redacted]		W1 [redacted]				
Business Name and Address		**Business Phone**	**Height**	**Wt**	**Hair**	**Eyes**
			W1 [redacted]			

Mentioned - Other	Drivers License	Cell Phone	Email			
W5 [redacted]						
Residence Address		**Residence Phone**	**DOB**	**Age**	**Sex**	**Race**
W5 [redacted]			W5 [redacted]			
Business Name and Address		**Business Phone**	**Height**	**Wt**	**Hair**	**Eyes**
			W5 [redacted]			

CONTROLLED DOCUMENT - NOT FOR DUPLICATION

Source/Probable Cause:

On 09/06/2022 at approximately 1435 hours, W4 called to report a suspicious circumstance involving her mother, complainant compl told W4 that she was booked into the Butte County Jail and released shortly after. Once compl was released, she was forced into a patrol vehicle and dropped off on a county road. W4 said compl said she was hit by a car and later taken to the hospital. Based on the allegations, I handled the call for service.

Arrival/Investigation:

Prior to responding to Enloe Hospital, I learned the following:

- compl has a history of narcotic use and law enforcement contact.
- compl was arrested on 9/1/2022 around 1330 hours by Deputy Botts (BCSO #22-05956) at [redacted]. At the time of the call for service, compl was swimming in someone's pool and was subsequently arrested for trespassing. The reporting party advised compl was either under the influence of a controlled substance or had mental health issues. compl was booked into the Butte County Jail. During the call for service, Deputy Botts collected a black shirt and green pants (which were wet) and booked them into her property at the jail.
- compl was released from jail on 09/01/2022 at 1617 hours with a notice to appear.
- On 09/02/2022 at approximately 0934 hours, employees from 999 Neal Road (Franklin Construction) contacted a female who appeared to be sleeping in the bushes. Per the incident log, it was not confirmed compl was the contacted female until after she was transported to Enloe by EMS. The incident was captured using body camera and a report was not taken (incident # 2209020040).
- On 09/4/2022 a resident on Guynn Ave located compl s purse on her front porch. Deputy Rubnioff collected compl 's purse, broken cell phone and cards. The items were booked into evidence as safe keeping (BCSO 22-6016).
- Later that day on 9/4/2022 W1 called to report her mother, compl was missing. W1 said compl was last seen on 9/01/2022 when she was released from jail. Deputy Barrett located [redacted] at Enloe Hospital and she was registered under a different name, complainant

Interviews with W1 and complainant:

Although I did have some information, I was unable to refute compl s statements without doing further follow up. I responded to Enloe and spoke with W1 compl 's daughter, who was bedside. The following is a summary of her statement:

W1 said she last saw her mother on 8/31/2022 at approximately 1800 hours. She was very concerned because compl 's purse, cell phone and shoes were not at her house. compl said someone saw her on 9/1/2022 and she looked like she was in distress. On 09/01/2022 W1 learned compl had been arrested for trespassing. W1 learned compl had been released later that day. W1 said by the 4th, she could not find compl and called to report her as missing. W1 learned compl was at Enloe, registered under an alias. W1 said she was concerned about compl because compl has an abusive boyfriend, complainant's bf W1 was afraid compl bf had harmed her.

Prepared By:		Date:	Approved By:		Date:
43987	LARSON, TIFFANY	09/07/2022	44708	AYALA, MANUEL	09/15/2022

[ ] *BODY CAMERA RECORDED*

CONTROLLED DOCUMENT - NOT FOR DUPLICATION

When W1 contacted compl at the hospital, she noticed compl had numerous injuries. compl told W1 she had been arrested then booked into jail. Once compl was released, a white bald deputy driving a SUV, told her to get in his vehicle. The deputy drove her to an unknown location and forced her out of the vehicle. compl said it was dark and she was walking in the unknown area and was "clipped" by a vehicle and thrown into bushes. compl told W1 she was in the ditch until deputies found her. compl told W1 the same deputy who dropped her off, responded to her aid after being hit by a car. W1 was extremely upset and believed compl's account of the last several days. W1 felt like the deputy who reportedly dropped compl off on the "county road" was responsible for her getting hit by a car. W1 was very worried about what else happened to compl.

I then talked to compl. I noticed she had scratches all over her arms, and legs that were consistent with rolling around in the dry brush. I noticed she had a large bruise on her right arm and shoulder. She had abrasions on her upper back, buttocks and thighs. The abrasions were consistent with "road rash." comp complained of pain to her ribs as well. It was obvious that compl sustained some type of trauma and injuries to her body after being released from the Butte County Jail on 9/1/22.

compl said she was arrested for trespassing for being at her friend's house. compl said she was arrested and booked into the Butte County Jail. compl said the arresting deputy, also saw her in the jail and he was mean to her. He would not let her "go pee." compl said she was released and the same deputy that arrested her and who would not let her use the bathroom, contacted her outside of the jail and forced her to get into his SUV patrol vehicle. compl said he drove her to an unknown area and forced her out of the vehicle because he was being rude to her. comp said while she was walking back to town, she was hit by a car and rolled into the ditch. compl contacted some people and she asked for water. compl said the same deputy from before was the responding deputy. [redacted] was taken to Enloe to be treated for her injuries.

While I spoke with comp, W1 mentioned she was worried about compl because her purse, phone and shoes were not at her house. compl was adamant that her belongings were all at her house. It should be noted, this detail was disproven by Deputy Rubinoff's report on 9/4/22.

I asked compl if she used any drugs prior to all of this and she said yes. She said she had used methamphetamine and it made her feel different than she usually does when she is high. compl described the deputy as a stocky white male driving a marked SUV. compl said she was never sexually assaulted by the deputy or had any force used against her during any of the reported incidents. I asked if I could obtain a copy of her medical records so I could understand what her injuries were. Enloe staff refused to provide any details about compl condition, her stay, her complaints or her reports. comp said she did not want to give me her medical records until she understood what was wrong with her.

I photographed comp and her injuries and uploaded them to Evidence.com. I attempted to record the contact using my issued body worn camera. I later learned the interviews were not captured using my camera for an unknown reason.

Follow up and body camera footage review:

I conducted follow up and reviewed body camera footage from the captured events. I confirmed the following:

- Deputy Botts contacted a female swimming in the pool of 3413 Bell Road. She identified herself as comp comp (later identified as comp). She was wearing a maroon tank top and black underwear. comp told Deputy Botts that her purse, cell phone and other belongings were at her house "over there". During the contact, comp passively resisted by not answering questions, providing vague statements and providing an alias. She was ultimately arrested and taken to the Butte County Jail. This incident was mentioned above.
- During the course of the investigation, Captain Marsters viewed video footage from the front of the Butte County Jail. Captain Marsters advised comp was observed walking from the front of the jail, across the parking lot, up Gillick Way and she left the BCSO campus without being picked up by anyone at the time of her release.
- Deputy Chamness contacted comp while she was in the back of the ambulance at 999 Neal Road. It appeared comp was wearing green pants and a different pink tank top then the first video (Deputy Botts video). During the call, comp provided a false name, comp. She was wearing green pants and a pink tank top. comp was making nonsensical statements and mentioned she was hit by a car. When further questioned, comp would not provide any details regarding the hit and run. She appeared to be under the influence and did not display any signs of being in any pain. I did see that she had fresh injuries on her upper body that were consistent with the injuries I observed while she was at Enloe. She was transported to Enloe and for an unknown reason was admitted under an alias of comp. Deputies remained on scene and searched the ravine for any of comp property or any signs of foul play or a TC with negative results. A case was not taken for this incident.

  From the video, it appeared comp had the injuries she had when I contacted her at Enloe. The EMS staff was pushing on her chest, back and rib cage and she did not display any discomfort. comp said she had been "hit by a car" but was unable to provide any details about the collision. This incident was described above.

I looked at the current patrol schedule and confirmed none of the same deputies were working on 9/1 as 9/2. I looked at the Butte County call log and did not locate anyone log a courtesy transport from the Butte County Jail to north county.

Follow up with W1

On 09/07/2022 W1 contacted me and asked for any updates. I provided her with my findings to that point. I told her that based on the evidence I reviewed, I have no reason to believe a Butte County Deputy is responsible for comp being on Neal Road or being in harms way. Based on comp injuries and her location, I believe there is a possibility she was picked and dropped off on or around Neal Road prior to her being found on 9/2/2022.

W1 said comp was still adamant that she was picked up by a deputy and taken to the county road. comp said the deputy was being disrespectful and made fun of her teeth. The comment made her emotional.

comp said W1 has been sober for a long time. When I described comp behavior that I witnessed on the body

worn camera footage, W1 said she was familiar with the behavior and it is consistent with [redacted] using methamphetamine.

I asked W1 about bf and their abusive relationship, which she had mentioned in our original conversation. W1 said bf is dangerous and has a history of hurting people. W1 said comp would lie to protect bf even if he hurt her. bf said W1 has a felony warrant and is currently "wanted". W1 found it odd that comp did not call her or her sister when she was released from jail. W1 said she thought comp may have called bf, because she always calls someone to pick her up from jail.

I told W1 that I did believe something happened to [redacted] and that I would continue to work on the investigation. W1 said she would call me with any updated information.

Follow up regarding comp's bf:

Based on the information provided, I suspected comp may have contacted bf for a ride but that had not been confirmed. I reviewed the jail phone calls on 9/1/2022 from 1330 hours to 1617 hours. I did not locate any calls that appeared to be comp calling bf or anyone else for a ride.

It should be noted, I reviewed bf people file and confirmed he has history of domestic violence and has an un-comfirmed felony warrant. The warrant is for DV related offenses and comp was the original victim in that case #[redacted]

Follow up with W1:

During my days off on 9/8/22, I received a text message from W1. W1 wrote the following:

" My mom said she was arrested again after she was released on the 1st for trespassing and the had taken her back to the jail. When she was released the second time at night is when he made her get into her car."

I advised W1 that comp was only arrested once and booked once by BCSO. The one time was on 9/1/22 for trespassing by Deputy Botts.

W1 responded:

"Yeah that's what I told her because I went back and checked the booking log. Is it possible she was taken to the jail and not booked in for some reason? She said she got another pink slip and everything."

W1 asked me to call her. On 9/13/2022 I returned back to work and told her I was back to work and I would call her. I have been unable to make contact with W1 due to the nature of night shift as of 09/15/2022 0130 hours.

Records review:

For diligence, I checked the BCJ booking log again and confirmed [comp] was only arrested and booked once by BCSO on 9/1/22. I had dispatch contact Chico PD, and check the [comp] records through Gridley PD, Oroville PD and Paradise PD (using the "collaboration" function) to confirm [comp] had not been contacted since 9/1/2022 after 1617 hours by any other agency.

Dispatch advised OPD was the only agency who had contact with [comp] since our arrest on 9/1/22. Dispatch provided OPD case number 22-2954. The narrative indicated on 9/1/22 at approximately 2052 hours, officers were sent to the Dollar General, 2084 3rd Street, on the report of a female trespassing and refusing to leave. Upon arrival, Officer Sasek contacted [comp] in the back of the store and she was refused to leave. During the investigation, [comp] displayed outward signs of impairment. [comp] was ultimately arrested for trespassing and transported to the Butte County Jail. While at the Butte County Jail, [comp] failed the medical booking process. [comp] was transported to OMC where she was cited and released for trespassing.
Dispatch requested a copy of the above described OPD case. To ensure I obtained a copy of the report, I contacted the BCSO Records Division and requested they obtain and attach a copy of the report during normal business hours.

Based on the information I have gathered, it is unknown why [comp] did not pass the medical screening at BCJ and if she actually obtained treatment at OMC during the night of 9/1/2022 after her arrest by OPD.

Follow up with [W1]:

On 09/15/2022 at approximately 0330 hours, I sent [W1] and message relaying a summary of the above provided information. At the time of this report, I have not spoken with [W1] since I sent the updated message.

Events based on evidence:

Based on body camera footage and Deputy Botts' narrative, I know [comp] was arrested by Deputy Botts on 9/1/2022 and booked into jail. Based on BCJ records, I know [comp] was released from jail on 9/1/2022 at approximately 1617 hours. Based on video footage from BCSO, I know [comp] walked off the BCSO campus shortly there after. Based on the OPD report, I know [comp] was contacted later that day (9/1) after 2052 hours and ultimately arrested. Per the report, during the contact, [comp] appeared to be under the influence, was passively resisting and was making nonsensical statements. [comp] transported to the Butte County Jail where she failed the medical screening process. [comp] was later cited and released to OMC. It should be noted, I am unable to account for [comp] time between her release from BCJ and her arrest by OPD.

Based on the call log and body worn camera footage I know, on 9/2/2022 at 0934 hours, [comp] was contacted again by BCSO Deputies (Deputy Rubinoff, Deputy Chamness and Sgt O'Hern) at 999 Neal Road. During the contact, [comp] was uncooperative and provided nonsensical statements. She was taken to Enloe. It should be noted, I am unable to account for [comp] time between her release at OMC to her contact on 9/2/2022.

Conclusion based on investigation:

There are portions of comp statements that I was able to piece together and find a logical and truthful reasons for, although her details are extremely skewed. However, there are several statements that I was able to disprove based on physical evidence. I am able to prove she was arrested by BCSO and booked on 9/1/22. I am able to prove comp was arrested again but by OPD, then taken to BCJ and later released at OMC. I am unable to determine how comp was transported to Neal Road or what happened to her while she was on Neal Road. It is unclear if comp had the injuries I observed, both on body camera footage and in person at Enloe, when she was arrested by OPD on 9/1/2022. I am unable to determine how comp sustained her injuries and in fact if she was hit by a vehicle prior to our contact on 9/2/2022. Based on the evidence I have collected, I have no reason to believe a Butte County Deputy forced comp into his car while at BCJ and transported her to Neal Road.

Based on comp incomplete recollection of the events, comp consistent behavior during each contact, my training and experience of narcotic users who often have a lapse of their judgment and memory while they are under the influence, I do not believe comp was picked up by a Butte County Deputy at the Butte County Jail, given a ride to Neal Road, left to her own devices where she was possibly struck by a vehicle. I do believe comp was somehow transported to Neal Road. However, without further information from OPD, I do not know when or where comp sustained her injuries.

At the completion of this investigation, I provided W1 with a summary of the events I am able to confirm. I have not received a medical release form from comp to determine what her actual injuries were. I also do not have a medical release form to confirm if comp received medical treatment from OMC after her cite and release.

Recommendations:
Without further information, this investigation will be unfounded and will serve as documentation for the investigation I conducted.

Case Status:
Information only, unfounded.

Prepared By:	Date:	Approved By:	Date:
43987 LARSON, TIFFANY	09/07/2022	44708 AYALA, MANUEL	09/15/2022
[ ] *BODY CAMERA RECORDED*			

Arrival/Investigation:
On 09/30/2022 I received video footage of a female, suspected to be [comp], leaving the Butte County Sheriff's Office on 09/1/2022.

I was able to review three of the five video feeds. The video footage showed a petite female with dark hair, who appeared to be [comp], leaving the Butte County Jail at approximately 1636 hours on 09/01/22. She was wearing light colored long pants and a dark long sleeved shirt. She appeared to have slight limp as she walked. At 1639 hours, the female walked to the side walk of Gillick Way and walked eastbound. She walked up Gillick Way toward County Center Drive. At 1640 hours, she was seen walking up to the DA's Office, using the dirt foot path, that parallels County Center Drive. The video lost sight of her at approximately 1641 hours. She did not appear to be picked up while at the Butte County Sheriff's Office.

Since the original report, I have been in contact with [W1] several times by text message. I have provided [W1] with updates regarding my investigation. I referred [comp] to the Oroville Police Department regarding [comp] arrest and release on 9/1/2022. I provided her with the arresting officer's name and the OPD case number.

I have not received any further information or statements from [comp] I have not received a medical release form for her medical records while at Enloe.

On 9/27/2022 at approximately 1307 hours, I received a voicemail on my work phone from Robert Shelf ([redacted]). Shelf represented himself as [comp] attorney. I returned his phone call during my shift on 9/29/2022 and I left a message. At the time of this supplemental report, I have not spoke to Shelf.

Evidence:
I downloaded the video footage to Evidence.com but I also booked the hard copy of the disk into evidence at the Butte County Sheriff's Office.

Case Status:
Closed by report.

Prepared By:	Date:	Approved By:	Date:
43987 LARSON, TIFFANY	09/30/2022	44708 AYALA, MANUEL	09/30/2022
[ ] *BODY CAMERA RECORDED*			

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Evidence:
Upon further inspection of my Evidence.com log, I located my initial recorded interview with [redacted] and [redacted]. I labeled the video in Evidence.com and logged into the evidence tab in this case.

Recommendations:
This supplemental report will serve as documentation for the location of the recorded interview with [redacted] and [redacted].

Case Status:
Closed by report.

Prepared By:	Date:	Approved By:	Date:
43987 LARSON, TIFFANY	11/05/2022	40741 BRAZZI, JOSHUA	11/08/2022
[X] *BODY CAMERA RECORDED*			

CONTROLLED DOCUMENT - NOT FOR DUPLICATION

BUTTE COUNTY SHERIFFS OFFICE

CAD INCIDENT REPORT
2209060113

03/02/2023

CONTROLLED DOCUMENT - NOT FOR DUPLICATION

Location	Cross Streets	City
UNKNOWN LOCATION - CHICO, HWY 99/SKYWAY	SKYWAY	CHICO

Incident Type	Call Taker	Dispatcher
SUSC - SUSPICIOUS CIRCUMSTANCES	38075	38075

Date	Priority	Primary Unit	Beat	Fire Zone	Area	Map	Source
09/06/2022	4	S07		X440	X440		TELEPHONE CALL

Caller Name	Caller Address	Caller Phone
[redacted] W4		[redacted]

Dispositions	Weapon	Alm Level	Case Number
Report Taken			22-06096

Vehicles	Associated Incidents

Incident Times

Received	14:29:16
Created	14:35:03
Dispatched	18:18:03
En Route	18:18:03
On Scene	18:52:19
Closed	19:34:23
Rcvd-Closed	5:05:07

Special Circumstances

Persons	Sex	DOB	Race	DL
[redacted] compainant	[redacted]	[redacted]	White	[redacted]

Unit Times	Deputies	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear
S07	43987	18:18:03	18:18:03	18:52:19	19:34:23	34:16	34:16	42:04	1:16:20

Incident Comments

[RP ADV HER MOTHER TOLD HER AND HER SISTER THIS MORNING THAT SHE WAS BKD INTO THE COUNTY JAIL AND WHEN SHE WAS RELEASED AND WAS WALKING OUT THE GATE AT THE JAIL A DEP IN AN SUV TOLD HER TO GET IN AND SHE THOUGHT HE WAS GOING TO GIVE HER A COURTESY RIDE TO CHICO.
RPS MOM ADV THE DEP PULLED OFF ON A COUNTY RD, UNK LOC, WHERE THEY STAYED FOR AN UNK AMT OF TIME, THEN THE DEP TOLD HER TO GET OUT OF THE VEH AND LEFT HER IN THE MIDDLE OF THE RD. RPS MOM STARTED WALKING AND AT ONE PT GOT CLIPPED BY A VEH AND WAS KNOCKED OUT.
RPS MOM WOKE UP THE NEXT MORNING AND WALKED, POSS TO THE NEAL RD DUMP, AND CALLED FOR HELP. SHE ALSO ADV THAT THE SAME DEP THAT DUMPED HER OFF THE NIGHT BEFORE WAS ONE OF THE UNITS WHO RESP TO NEAL RD.]

TIME	#	EVENT	BY
14:35:03	1	Incident initiated at Unknown Location - Chico, Hwy 99/SKYWAY, Chico	38075
14:35:33	2	RPS MOM IS IN THE HOSP UNDER [redacted] complainant	38075
	3	RPS MOMS REAL NAME IS [redacted] complainant	
14:42:47	4	RP ADV HER MOM TOLD HER AND HER SISTER ALL OF THIS	38075
	5	MORNING WHEN RP GOT TO THE HOSP.	
14:45:33	6	RP IS CURR W/HER MOM AT ENLOE HOSP FIRST FL RM 114A.	38075
14:46:00	7	RPS SISTER [redacted] W1	38075
14:50:30	8	RP ADV NURSE AT ENLOE IS ADV SHE ARRIVED AT ENLOE ON	38075
	9	09022022 AT 1401 HRS, BELIEVED TO BE BY AMBU, AND THAT DEPS	
	10	WERE ALSO THERE.	
15:11:59	11	CHP HAS NO HX W/THE SUBJ UNDER HER NAME OR HER	38075
	12	ALIAS [redacted] complainant	
	13	NEG BCSO HX W/SUBJ SINCE HER RELEASE FROM BCJ ON 090122 AT	
	14	1617 HRS AND THE DAU MAKING THE MP RPT ON 09042022.	
15:14:16	15	BUTTE EMS RESP TO 999 NEAL RD FOR A MSWC ON THE FEM.	38075
	16	BUTTE EMS RECV THE CALL ON 09022022 AT 0941 HRS FROM	
	17	CALFIRE.	
	18	VICT WAS LOC AND WAS TRANS TO ENLOE.	
	19	CALFIRE ALSO DISPATCHED THE INC AS CRIMINAL VIO W/STAGING.	

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TIME	#	EVENT	BY
15:16:43	1	Associated Incident added: 202209020040	38075
15:22:53	2	CALFIRE CAD INC SHOWS THEY WERE CONT BY BCSO RE: A MSWC	38075
	3	AND THAT UNITS STAGED UNTIL ADV SCENE SECURE BY DEPS, AT	
	4	WHICH POINT THEY RESP IN.	
15:43:55	5	CONT ENLOE AND SPOKE TO SOCIAL WORKER [redacted] W1 AT [redacted]	38075
	6	[redacted] WHO ADV THAT THE FEM WAS BROUGHT INTO ENLOE BY BUTTE	
	7	EMS ON 09022022 AT 1031 HRS.	
	8	SHE TOLD ER STAFF THAT SHE WAS HIT BY A CAR, BUT HER LOC	
	9	WAS ALTERED AND SHE COULD NOT CLARIFY OR ADV ON ANY	
	10	ADDIT DETAILS.	
	11	THE FEM HAD MULT BRUISES, IN VARIOUS STAGES OF HEALING,	
	12	CONSISTENT W/BEING STRUCK, UNK W/WHAT, UNK IF FROM A	
	13	BEATING OR A MVA.	
	14	IT DOES NOT APPEAR THAT LE WAS CONT RE: HER COMPLAINT OF	
	15	BEING HIT BY A VEH, MOST LIKELY DUE TO HER ALTERED LOC AND	
	16	UNABLE TO DETERMINE IF WHAT SHE WAS SAYING ACTUALLY	
	17	OCCURRED.	
17:11:31	18	31-4 ADV TO HAVE S07 HANDLE THIS WHEN SHE COMES ON AT 1800	38075
	19	HRS.	
17:11:37	20	S07 Incident held for S07	38075
17:26:53	21	DEPS WHO RESP TO INC 2209060040 ARE S14/K58/60. NONE OF THEM	38075
	22	WERE WORKING WHEN RP WAS RELEASED FROM BCJ ON 09012022.	
18:18:03	23	S07 10-49. Unknown Location - Chico, Hwy 99/SKYWAY, Chico	38075
18:18:03	24	S07 Hold released for S07	38075
18:18:50	25	S07 [redacted] complainant [redacted] (10/30/1969) A3587775/CA added to incident	38075
18:18:50	26	S07 10-27: A3587775	38075
18:18:50	27	S07 Wanted Check: [redacted] complainant [redacted] - [redacted]	38075
18:18:50	28	S07 Missing Persons Check: [redacted] complainant [redacted] - [redacted]	38075
18:18:50	29	S07 APPS: [redacted] complainant [redacted]	38075
18:21:35	30	S07 10-49. ENLOE	38075
18:52:19	31	S07 10-97.	38075
18:52:23	32	S07 CD4.	38075
19:34:20	33	S07 Case number BCSO 22-06096 assigned to 2209060113	45361
19:34:23	34	S07 10-8.	45361
19:34:24	35	S07 Closed - Disposition RX	45361

CONTROLLED DOCUMENT - NOT FOR DUPLICATION

BUTTE COUNTY SHERIFFS OFFICE

CAD INCIDENT REPORT
2209020040

03/02/2023

Location	Cross Streets	City
999 NEAL RD	HWY 99/PARADISE BUTTE	CHICO

Incident Type	Call Taker	Dispatcher
MSWC - WELFARE CHECK-MISCELLANEOUS	43084	43084

Date	Priority	Primary Unit	Beat	Fire Zone	Area	Map	Source
09/02/2022	2	K58		K7	K7		W

Caller Name	Caller Address	Caller Phone
W3 [redacted]	[redacted]	[redacted]

Dispositions	Weapon	Alm Level	Case Number
Outside Assist			

Vehicles	Associated Incidents

Incident Times

Received	09:30:41
Created	09:34:39
Dispatched	09:35:50
En Route	09:35:50
On Scene	09:49:12
Closed	10:14:30
Rcvd-Closed	43:49

Special Circumstances

Persons	Sex	DOB	Race	DL
[redacted] complainant	[redacted]	[redacted]	[redacted]	[redacted]

Unit Times	Deputies	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear
K58	45360	09:35:50	09:35:50	09:56:08	10:14:30	20:18	20:18	18:22	38:40
S14	44278	09:36:06	09:36:06	09:49:12	10:14:30	13:06	13:06	25:18	38:24
U60	45352	09:40:39	09:40:39		09:51:18	N/A	N/A	N/A	10:39
U60	45352	09:56:26	09:56:26	09:56:32	10:14:30	00:06	00:06	17:58	18:04

Incident Comments

911 TRANSFER FROM CHP / DISCONNECTED ON TRANSFER.
RP REPORTING A WFA WHO SEEMS OUT OF IT. SHE WAS SLEEPING IN THE WEEDS AND THEY ARE GIVING HER WATER NOW.
NEG WEAPONS
WFA, 30S, LONG BLACK HAIR

Cellular E911 Call:
Lat:39.670305 Lon:-121.730972
Service Class: WPH2

TIME	#	EVENT	BY
09:34:39	1	Incident initiated at 999 Neal Rd, Paradise	43084
09:35:16	2	Location changed from 999 Neal Rd, Paradise to 999 Neal Rd, Chico	43084
09:35:50	3	K58 10-49. 999 Neal Rd, Chico	43084
09:36:06	4	S14 10-49. 999 Neal Rd, Chico	43084
09:37:48	5	CAL FIRE STAGING	43084
09:40:39	6	U60 10-49. 999 Neal Rd, Chico	43084
09:49:12	7	S14 10-97.	43084
09:50:41	8	S14 HAVE MEDICS RESPOND IN//10-39 TO CAL FIRE	45068
09:51:18	9	U60 10-8. Freed	43084
09:52:29	10	S14 CD4.	43084
09:52:47	11	S14 10-27: [redacted] complainant [redacted]	43084
09:52:47	12	S14 Wanted Check: [redacted] complainant [redacted]	43084
09:52:48	13	S14 Missing Persons Check: [redacted]	43084
09:52:48	14	S14 APPS: [redacted] complainant [redacted]	43084
09:56:08	15	K58 10-97.	43084
09:56:12	16	K58 CD4.	43084

CONTROLLED DOCUMENT - NOT FOR DUPLICATION

TIME	#	EVENT	BY
09:56:26	1	U60 10-49. 999 Neal Rd, Chico	43084
09:56:32	2	U60 10-97.	43084
09:56:36	3	U60 CD4.	43084
09:58:49	4	FIRE AND MEDICS IN THE AREA	43084
10:00:32	5	FEMALE IS GOING TO BE TRANSFERED TO ENLOE / UNITS CHECKING	43084
	6	THE RAVINE FOR PROPERTY	
10:09:18	7	S14 10-27: A3587775	43084
10:09:18	8	S14 Wanted Check: [redacted] complainant [redacted]	43084
10:09:18	9	S14 Missing Persons Check: [redacted] - [redacted]	43084
10:09:18	10	S14 APPS: [redacted] complainant - [redacted]	43084
10:14:30	11	S14 10-8. . Disposition OA	45068
10:14:30	12	U60 10-8. . Disposition OA	45068
10:14:30	13	K58 10-8. poss patch for [redacted] AOA TO MEDICAL	45068
10:14:30	14	K58 Closed - Disposition OA	45068
[09/06/2022]			
15:16:35	15	Associated Incident added: 202209060113	38075
[11/22/2022]			
16:06:44	16	[redacted] complainant [redacted] [redacted] [redacted] added to incident	33910

OROVILLE POLICE DEPARTMENT

2055 LINCOLN ST OROVILLE, CA 95966 530-538-2448

MISDEMEANOR REPORT

Case 22-2954

OFFENSES

F/M	A/C	Offenses	
M	C	602(K) PC	Tresp inj prop/obstr bus

Date Occurred	Time Occurred	Incident #
09/01/2022	2052	2209010130

Date Reported	Time Reported
09/01/2022	2052

Related Cases

Date Printed	Time Printed	Printed By
10/05/2022	06:29:43	529

Latitude	Longitude
39.521650	-121.571770

Location	Beat	Area	Disposition	Dispo Date
Dollar General North, 2084 3RD St, Oroville, CA 95965	TH	TH	Cleared by Arrest	09/01/2022

Location Type	Location of Entry	Method of Entry	Point of Entry	Alarm System	Means of Attack (Robbery)

VICTIM

Victim	Drivers License	Cell Phone	Email			
Dollar General North						
Residence Address	**Notified of Victim Rights**	**Residence Phone**	**DOB**	**Age**	**Sex**	**Race**
2084 3RD St, Oroville, CA 95965	No	530-282-1018				
Business Name and Address		**Business Phone**	**Height**	**Wt**	**Hair**	**Eyes**
Assistance Rendered/Victim Disposition		**Transporting Agency**	**Means of Attack (Assaults)**			
None - Property Crime						
Description of Injuries		**Other Information**				

RP

Reporting Party	Drivers License	Cell Phone	Email			
W2 [redacted]						
Residence Address		**Residence Phone**	**DOB**	**Age**	**Sex**	**Race**
2084 3RD, Oroville		[redacted]				
Business Name and Address		**Business Phone**	**Height**	**Wt**	**Hair**	**Eyes**

SUSPECT

Suspect Arrested		Action Taken	Charges			
complainant [redacted]		Summoned/Cited	602(K) PC			
Residence Address		**Residence Phone**	**DOB**	**Age**	**Sex**	**Race**
[redacted]			[redacted]			
Business Name and Address		**Business Phone**	**Height**	**Wt**	**Hair**	**Eyes**
			[redacted]			
Identifying Features		**Cell Phone**	**Drivers License**		**Arrest Number**	
			[redacted]		9108	
Aliases					**CII**	
					[redacted]	

VEHICLES

Status	Vehicle Make and Model	License/State	VIN	Val Damgd

OFFICERS

Prepared By	Date	Assisted By	Approved By	Date
703 - Sasek, Robert	09/01/2022		645 - Khan, Ali	09/14/2022

Routed To	Date	Routed To	Date	Notes
DA	09/15/2022	DA	09/15/2022	
DA	09/15/2022			
DA	09/15/2022			
DA	09/15/2022			

CONTROLLED DOCUMENT

Notification:

On September 1, 2022, I was on patrol, in the City of Oroville, Butte County. I was wearing a standard issued Oroville Police Department (OPD) uniform and driving a marked patrol car. At approximately 2052 hours, I was dispatched to the report of trespassing at 2084 3rd Ave, Dollar General.

Investigation:

I arrived on scene and contacted the reporting party, who identified herself by CA license as W2 W2 made the following statement in summary:

W2 stated there was a female hiding in the back store room of the building. W2 stated she instructed the female to leave but she refused and began to hide.

I entered the back room and announced my self as an officer with the Oroville Police Department. I located the female who would later be identified as complainant underneath merchandise carts. compl was attempting to climb further underneath the carts in an attempt to get away from law enforcement officers when told to come out. compl was shouting she couldn't move when told to come out. compl was observed several times maneuvering herself forward in an attempt to get away. compl was finally stopped by a pole which was placed in front of her shoulder locking her in place while officers moved the carts and were able to detained compl

I attempted to interview compl however it was my opinion that she was under the influence of a central nervous stimulant and was making several nonsensical statements.

compl was searched incident to arrest with nothing illegal being found on her person. compl was unable to pass a medical screening at the Butte County Jail. compl was transported to the Oroville Hospital and released after being cited for being violation of 602 (K) PC.

Case status

Cleared by arrest

Recommendations:

Forward to DA's office for Prosecution .

Forward body camera footage to DA's office.

Prepared By:	Date:	Approved By:	Date:
703 SASEK, ROBERT	09/09/2022	645 KHAN, ALI	09/14/2022
[X] *BODY CAMERA RECORDED*			

OROVILLE POLICE DEPARTMENT

ARREST REPORT

complainant

10/05/2022

Address [redacted]			Mailing Address				
ID [redacted]	Phone	Cell Phone	DOB [redacted]	Age	Sex	Height	Weight
Race [redacted]		Hair	Eyes			CII	
Drivers License [redacted]		Vehicle				FBI #	
Business Name		Address	City & State				
Business Phone	Email					Arrest ID 9108	
Next of Kin/Parent/Guardian		Address				Phone	
Occupation		Gang Affiliation				School ID	
Officer Safety			Note				
Aliases							

Arrest Date 09/01/2022	Arrest Time 21:50	Location of Arrest 2084 3RD St	Action Taken Summoned/Cited	Case # 22-2954	Cite # 26066
Level Misdemean or (Adult And Juvenile)	Arresting Officers Sasek, Robert		Arrest Disposition Adult - Complaint Sought	Booking #	Warrant #

Counts	Charges	
1	602(K) PC	Tresp inj prop/obstr bus (M)

CONTROLLED DOCUMENT

Robert Sasek – Oroville Police Department Officer
William Baird – Mastagni Holsteadt
Michael Stover – EIS
Dusty Lefdal – EIS

Stover: Alright, we are starting the recording.

October 19th, 2022. Mike Stover with Employers Investigative Services. If we could just everybody go down the room and identify themselves? My last name spelling is Stover. S-t-o-v-e-r. If everybody could do likewise for transcription.

Lefdal: My name is Dusty Lefdal, L-e-f-d-a-l, with Employers Investigative Services.

Ofc Sasek: My name is Officer Robert Sasek. Last name is spelled S-a-s-e-k, with the Oroville Police Department.

Baird: William Baird with Mastagni Holstedt, B-a-i-r-d.

Stover: Basically, we're going to start off Lybarger and Miranda. Okay. I'm going to basically read through a script, for the lack of a better term, and make sure that you understand your rights.

So the purpose of this investigation is to conduct an interview of Officer Sasek who is an employee of the Oroville Police department in the capacity of a police officer. This is an administrative investigation on the charges that were in the notice. You got your copy of your notice?

Ofc Sasek: I did.

Stover: Okay. Alright. This is an administrative investigation only. Do you understand that?

Ofc Sasek: I do.

Stover: However, since the allegation indicated, may indicate that a crime has been committed, I am going to advise you of your rights, okay? You have the right to remain silent. Anything you say can and will be used against you in a court of law, you have the right to talk to an attorney and have him or her present before and during any questioning. If you can't afford to hire an attorney, one will be appointed free of charge to represent you before and during questioning if you wish. Do you understand these rights?

Ofc Sasek: I do understand.

Stover: Having these rights in mind, do you want to talk to me?

Ofc Sasek: No.

Stover: Okay. Alright. Although you have the right to remain silent and not incriminate yourself, your silence can be deemed insubordination and result in administrative discipline. Since any statement under compulsion of threat of discipline cannot be used against you in a later criminal proceeding, I am ordering you to answer all of my questions.

If you do not answer my questions truthfully and fully, a charge of insubordination may be

imposed which could result in discipline, including up to termination. Do you understand this is an administrative investigation?

Ofc Sasek: I do.

Stover: Do you understand the allegation against you?

Ofc Sasek: I do.

Stover: Do you understand that I am now ordering you to speak to us?

Ofc Sasek: I do.

Stover: So the reason we're here today comes from an incident that occurred with a subject by the name of [redacted] complainant. There was a couple of contacts that the Oroville Police Department had with her. She ended up being arrested at the Dollar Tree and then taken to the jail and then the jail refused to accept her.

She ended up being taken to the hospital and then from the hospital she was provided a courtesy ride. She's filed a complaint with the city basically regarding the courtesy ride. Are you familiar with the incident I'm speaking about?

Ofc Sasek: I am.

Stover: Give me one second, I just want to put the actual date of the... This occurred on September 1st. The initial call that Oroville Police Department was involved with was at 20:52, and that was at the Dollar Tree, excuse me, Dollar General, not Dollar Tree.

So basically I'm just... I don't plan on surprising you. I'm not really the, a-ha kind of guy here. So I've got a whole list of questions to ask you about it. Really, I'd like to start with if you just want to give me a summary of your recollection of the events from when, and it's my understanding and if I'm wrong, I'd like to be corrected, that you were called back to the hospital, Oroville Medical Center, and you were going to provide this person a courtesy transport to Chico.

Ofc Sasek: Yes.

Baird: And this is William Baird, just for clarification and to put on the record, we did ask to be able to see the report to refresh Officer Sasek's memory. He hasn't been able to see it because he's been on administrative leave. We were denied that opportunity. And so obviously he's been ordered to answer questions and he's going to do so, but I just want to make sure that's on the record.

Stover: So going to when you went back to Oroville Medical Center to provide the ride to [redacted] comp

Ofc Sasek: So I cited [redacted] complainant out and cleared the call. I went to back my partner up on another call, upon completing that call, I think I was coming back to the police department. I got a call from a retired officer [redacted] guard and he informed me that the lady that I had dropped off was just acting a little weird, doing some stuff, and that he wanted me to come back and contact her and have her trespassed.

So I arrived back on scene, when I got there I was behind the ER entrance, there's two sets of trailers, I believe they're MRI trailers or whatnot. And he was walking up with her, she was calm and he was like, hey, you know. I think I heard him say, hey you can't be hanging around here, you're going to have to go.

I asked her, hey what's going on? How do we solve this problem, you can't be messing around at the hospital if you're not here to get treatment or be seen like I advise you to, you're going to be trespassed. And I was like, do we solve this?

And she said -- I want to go home.

I said, you know can I help you get someplace safe? She said, yeah, I want to go to Chico, Chico's safe, Chico's home. And I said okay. My supervisor cleared it and I began to transport her.

As I was leaving I was having issues with my work phone, because I understand that that's been brought up. I reset my phone because we have issues with mobile RIMS, and I didn't want to drive around and try to mess with it when I was turning it back on, or while I was driving around.

So as I passed the Durham exit, the Durham View College exit on 99, I came up the hill. As I came up the hill you could see the green stoplight, and [redacted] complainant said that she wanted out of the car. She said stop, let me out, I went out. And I said I'm not going to let out on Highway 99. I took the first right that was available which was Neil Road. I drove approximately a mile up the road to where I knew there was a large parking area, it's kind of like a dirt parking area where you might park a tractor trailer or whatnot.

I asked if this was okay, she didn't say anything. I opened up the door, she hopped out of her own free accord, walked about 15 to 20 feet, and looked around and then started "motherfucking" me and kicking rocks. And I was like, I'm not going to have any issues with this lady out in the middle of nowhere, I got in my patrol car and I left. And then I took the same route that I had left back into town.

Stover: Okay. Can you try and give me any better description on the spot you dropped her off? Like any landmarks, any driveways, any businesses?

Ofc Sasek: There's, I don't know how to describe it other than the worm food place. There's a big old, long building out there and some dirt piles, kind of to the south west of where I dropped her off. I drove up, there's a gate with a big old open parking lot, it's like a gravel parking lot. I think there's a little building right there and like a light pole. And that's where I dropped her off, it's probably a mile or so up the road.

Stover: Okay. So, you are correct, I'm curious as to how you're aware that there's allegations regarding the phone. So you say you reset your phone? Did you restart the whole phone? Did you restart the app?

Ofc Sasek: Yes, I restarted the whole phone. In my experience, restarting the app hasn't given us a lot of success, because sometimes the app will just freeze up and I'll go ahead and I'll wipe it and you know, kick it over the side, and I'll go to log back in and it'll take me like 15, 20 minutes to log back in, if it does. The most success I've had with immediate log out and re-log in is if I reset my phone, start it back up, open up the application and go through my log in process again.

Stover: Okay, so just so I understand the word you're using, "reset". Are we talking completely powering the phone phone off, sliding to off, turning it to back on?

Ofc Sasek: Completely powering the phone off and then hitting the button to turn it back on again and then having to go back into RIMS and log in again.

Stover: Okay. So did you do all of that in the parking lot at the hospital?

Ofc Sasek: No. So as I was leaving the hospital I clicked on my RIMS and I went to refresh it, because you drag it down like a Facebook page and it'll refresh the app. It was giving me issues, it had been giving me issues throughout the night, and I was like you know if I'm going to be away from town, where we have radio issues all the time so I can't hear what my team is doing. I would like to be able to know what my team is doing on a current refresh.

So I reset it and then I started driving and then I didn't end up resetting it. I think I may have turned it on, I can't remember if I hit the button to let it go through it's turn on process, but then I was driving, there was a bit of traffic and I wasn't going to try to poke through my phone and then drive through town.

Stover: Do you have any recollection of when you did turn that back on?

Ofc Sasek: So when I got RIMS and everything completely logged back on, I want to say I was near the 149 Highway 70 exit, coming back into town, because I'd heard some chatter over the radio, guys were busy and I was like, well I forgot to reset my app all the way through, so let me get it up and going and monitor radio traffic where I can try to figure out where they're at.

Stover: Okay. Can you describe to me the route you took leaving the hospital on your way northbound towards Chico?

Ofc Sasek: So I believe I came out onto Oro Dam Boulevard. I came all the way down the highway 70. So I'd been traveling west Oro Dam Boulevard, up to highway 70. Got on highway 70 traveling north on highway 70, west onto 149, north on to 99. And then I turned right off onto Neal Road, when she stated that she wanted out.

Stover: And then how about your return route?

Ofc Sasek: I came reverse route, I came south on 99 off Neal Road, east onto 149, south onto 70. And then I think I took the Oro Dam Boulevard exit, because I think that's where the guys were, was in that vicinity, or it was the closest to get me to them. I can't remember where I was once I got into town.

Stover: You had made a statement that you cleared it with either your sergeant or your supervisor?

Ofc Sasek: Yes and that would be Sergeant Khan.

Stover: Okay, can you take me through how that occurred, was it phone, in person, over the radio?

Ofc Sasek: We cleared the call that we were on previously. We went back to the hospital. They

followed me to the hospital, and I want to say he was talking to Officer Herrera while I was over with the security guard officer, retired officer [guard]. And when she said she wanted a ride home, I said am I good to give them a ride home, I believe. And she said, yeah, go ahead and get her home. So my transport to Chico was approved verbally in person.

Stover: Did you have a body worn camera on?

Ofc Sasek: I had it on, it was not activated.

Stover: So going back to when you're parked at the gate there of the worm food place. How did she exit the vehicle?

Ofc Sasek: When I asked her. is this good, she didn't say anything. I opened my vehicle, turned around to make sure the back door was unlocked, opened the door, stepped back and she turned and walked right out.

Stover: Okay. So she got out of the vehicle on her own power?

Ofc Sasek: Of her own power.

Stover: Do you recall seeing either at the Dollar Tree, the hospital, at the jail, visible injury on [comp]

Ofc Sasek: No, not that I recall.

Stover: In your presence at any of those locations did you see her fall?

Ofc Sasek: No, I did not.

Stover: Or any mechanism in which she would have received injury?

Ofc Sasek: I did not see her fall or receive any injuries in my presence.

Stover: Okay. Are you aware of what she's alleging occurred after you dropped her off up there?

Ofc Sasek: No.

Stover: So nobody... Go ahead.

Ofc Sasek: I understand that she was potentially struck by a vehicle. That's all I know. I don't know any other...

Stover: Okay, and how did you come by that information?

Ofc Sasek: When I was notified of being put on administrative leave, I was told that there was an incident that occurred with this woman and then she was struck by a vehicle.

Stover: So it was about a month from this incident until when a complaint came in, okay. A complaint's been filed by an attorney out of Chico on behalf of [complainant]

From the night where you dropped her off at the worm food farm until you were put on admin leave, were you aware of anything else occurring with [compl] Were you aware that

she had potentially been struck by a vehicle, was in the hospital, reported as a missing person? Any of that stuff?

Ofc Sasek: No, I was not aware of any of that.

Stover: Okay. Did anybody from the Butte County Sheriff's Department attempt to contact you from the first of September until the day you were put on admin, leave that you recall?

Ofc Sasek: No.

Stover: Okay. She alleges that you used inappropriate and unprofessional language when you dropped her off at the gate to the worm farm. Do you have any recollection of that?

Ofc Sasek: I do not. I believe what I said to her is, when she started motherfucking me is, I'm not doing this, because I'm not going to get an altercation with anybody in the middle of nowhere by myself.

Stover: Can you elaborate on what you consider to be "motherfucking"? Like was she literally yelling -- you're a motherfucker?

Ofc Sasek: She said -- motherfucker, fuck you, fuck this -- as she was then turning and kicking rocks at me.

Stover: Okay. So can you explain to me your rationale for why you dropped her off and got her out of your car?

Ofc Sasek: Because she asked out, she asked to be let out. As far as I'm concerned this was a consensual encounter afterwards. I had already cited and released her on 602. So this was a courtesy ride and if she asked to be let out and I don't let her out then I have her for false imprisonment, potentially kidnapping under the color of authority. So when somebody who's in my car for the reasons that they want to be in my car and they're not detained, if they ask to be out, I have to let them out.

Stover: So to be clear, you did not intentionally turn off the GPS tracking on your phone?

Ofc Sasek: No I did not.

Stover: No one told you, your supervisor, another officer told you to turn off the GPS on that device?

Ofc Sasek: No.

Stover: Okay. Do you normally not run body worn camera even on courtesy transports?

Ofc Sasek: We don't normally run them on courtesy transports. That's something that will change for me from now on. But you know this seemed like I was helping somebody. So there's no... I wasn't expecting this to become something horrible, essentially. I was just going to provide this lady a ride to where she wanted to be and hopefully help her have a better night, and now we're here.

Stover: So your radio traffic, you put that you were en route from the hospital to an unknown location in Chico. Did you not know where you were going?

Ofc Sasek: No I did not. It's not uncommon for somebody to say, can I get a ride to Chico and then they'll either provide us with a more detailed area where we're dropping them off when we get there because they don't know the exact address. We do transport a lot of transients and sometimes they're staying with friends so they don't know the address and whatnot. So that's what I was expecting was to get into town and be like, hey okay turn right here, turn left here, and this is where I'm staying.

Stover: So when you normally transport somebody and you have completed that courtesy transport to wherever, whether it be Chico or Neal Road at the worm farm, how come you didn't put out your ending mileage at that location and the person had been removed from the vehicle.

Ofc Sasek: Because I didn't think my radio was working at that point in time. So I got to where I knew that my radio would work and then I believe that I gave an ending mileage.

Stover: You did, you did. You gave the ending mileage when you got back to the city. So, I mean I'll just be frank with you. Here's the way that we look at this, right. We didn't have GPS tracking. Not sure if you turned it off. If it's a computer glitch what the deal is, because that's one layer of protection for you. We don't have a body worn camera, which would have been another layer of protection for you. And then the radio traffic, the mileage that you gave, you gave when you got back to the city, and you could have potentially put over the radio where you dropped her off, which would be normal protocol right, is to to say where you dropped the person off on the radio?

Ofc Sasek: Not necessarily on the radio, but I did advise my sergeant.

Stover: You advised your sergeant where you dropped her off?

Ofc Sasek: Yes.

Stover: That night?

Ofc Sasek: Yes.

Stover: Okay. I mean I just want you to understand this, you're sitting there in the chair, like the reason you're on admin leave is, it would appear at first glance that all the layers of protection have been disabled and so people are concerned that you did something nefarious. Is that reasonable?

Ofc Sasek: That makes sense.

Stover: Does it appear that reasonable to you?

Ofc Sasek: That makes sense, yes.

Stover: Okay. So I'm going to ask you a question. I've been told I'm going to ask you this question. This is not coming from me, okay. Was there any kind of sexual contact that occurred between you and [complainant redacted]

Baird: I'm going to object to this questioning? Nothing about this was noticed at all. I would ask you if we're going to talk about any potential sexual contact that we get a new notice and

a new opportunity to discuss this. And I'm partly making this notice, and I guess I'll say that I think that if my request is you know, denied and Mr Sasek or Officer Sasek's forced to answer, I'd like to point out the remedy for violating POBR, which POBR is the one that requires the notice would be suppression of statements that he makes.

So I think that you're on notice, the department's on notice that that would be the remedy we would seek for continued violation of POBR, because we didn't receive any notice about this line of questioning at all.

Stover: So how much time would you feel is reasonable? I mean, do you want us to step out of the room and you can talk about it for a minute. I believe that the allegation that he's being asked about is covered by the notice. I mean, any anything that discredits the department or puts the department in poor light. So I realize it's kind of a catch all section. But the issue is I have three layers of safety that's been avoided that would help answer these questions. I have a strong suspicion that's the reason he's on admin leave right now. And if I can get an answer to that question, that issue will probably resolve itself.

Baird: I mean I would want to know what's the basis for the question? What specifically has been alleged?

Stover: The issue is that it appears that all of the devices that would attract his location and his opportunity to help clarify, by either putting it on the radio or using body worn camera, and I'm going to give you the benefit of the doubt and assume he's not lying to me about the phone not working. I mean, I don't have any evidence to believe that he is lying to me about that. But the issue is that the appearance is something nefarious could have happened or did happen is there.

Baird: And I guess my concern is that is there any good faith basis for asking a question about this? Has there been any allegation made? And if so, what's the nature of the allegation that's been made? Is it touching, penetration, kissing? I don't know any of these things and I think that he's entitled to get notice to those under under POBR.

Stover: Okay, we're going to go off the record here for a second and we're going to take a break.

Sasek2

Stover: Okay, we're back on the record. It is, 1:27. Okay. So taking your objection, if I rephrase the question, did anything illegal happen there, does that change your objection?

Baird: I would still have the same objection.

Stover: Okay. From Dollar General where she got arrested to the jail, jail to the hospital, hospital to the courtesy transport -- do you have any recollection of her clothing changing?

Baird: And I'd like a minute to be able to talk with him about this.

Stover: Okay.

Baird: -- line of questioning, if that's alright, can we take a break?

Stover: Sure, of course.

Sasek3

Stover: Back on at 1:52. Okay, took a little break there, you guys talked. Ready to move forward?

Baird: We did talk. I will continue to object to this line of questioning, which I think is related to possible sexual misconduct allegations which weren't noticed. Again, I don't think it's sufficient to sort of notice somebody for conduct unbecoming, and then intend for that to encapsulate every possible other potential violation. And the whole point of the notice requirement is to allow opportunity to prepare. And so with a general allegation of conduct unbecoming it's impossible to address and talk every specific possible area of misconduct in addition to the other points I made in my previous objection. But that said we're fine to answer questions now having talked.

Stover: Okay. Do you need me to repeat the question?

Ofc Sasek: Will you please?

Stover: So I note your objection, but I am going to tell you to answer this one, just so that you are aware. From when you dealt with [complainant] at the initial call, trespassing call, to the jail, picked her up from the jail, took her to hospital, ended up going back to the hospital and giving her the courtesy ride, do you have any recollection if her clothing changed at any point?

Ofc Sasek: How do you mean change?

Stover: What she was wearing.

Ofc Sasek: Like was she wearing something else?

Stover: Yes.

Ofc Sasek: I do not... I don't know for certain if she changed her clothes or not.

Stover: Okay. So just so I understand, the answer the question is you don't know, right?

Ofc Sasek: I don't know.

Stover: Okay, alright. At any point, did you discuss this incident with Officer Olive prior to being noticed that you were on Admin Leave?

Ofc Sasek: No, I did not.

Stover: Okay. I think Mr Lefdal has some follow up questions.

Lefdal: Alright. Going back to, you going back to the hospital after former Officer [guard] called you. How did you receive that notification?

Ofc Sasek: He called me on my phone.

Lefdal: Okay. Work phone, personal phone?

Ofc Sasek: Personal phone.

Lefdal: Okay. And what did he tell you?

Ofc Sasek: He said that lady that you dropped off has been acting weird and she can't stay here, you need to come back and talk to her.

Lefdal: Okay, Is your understanding he was doing that as an employee of the hospital?

Ofc Sasek: Of the hospital. Yeah he works security there now since he's retired. So he just gave me a call. He's like hey, you know, that lady you dropped off, she's doing weird stuff so you got to come. I want her gone.

Lefdal: Okay.

Ofc Sasek: So I came back and I informed her that she was going to have to leave her or she was going to be trespassed. He already told me he would be willing to trespass her so that she could not be there causing an issue if she was not there to receive medical treatment.

Lefdal: Okay. Did you notice or notify anybody that you were going back to the hospital to deal with that issue?

Ofc Sasek: I advised dispatch.

Lefdal: Okay. Via the radio?

Ofc Sasek: Yes.

Lefdal: And everything in that transmission went fine?

Ofc Sasek: Yes.

Lefdal: Okay. When you went back to the hospital to deal that after that phone call from guard, was your body cam on?

Ofc Sasek: No, it was not.

Lefdal: And why is that?

Ofc Sasek: Because everything was really... It was a nice encounter. I don't know how to describe. Like if I'm expecting something that's potentially going to go wrong, you know, I'll activate my body camera. But, you know, I've already talked to this lady, I built a decent rapport, she was being kind, there was no need, it was like, you know, I'm just going to go talk to her and figure out what the issue was.

Lefdal: So you guys were completely Code 4, you and her, through and your previous contacts?

Ofc Sasek: Yes. We made the contact at Dollar General, at the jail she was completely calm, compliant. There was no need to worry that I was expecting.

Lefdal: So that leads me to my next follow up question. So what happened with her being

completely compliant Code 4, good rapport, to hitting, what, about Neal Road where she started saying, let me out and things became hostile?

Ofc Sasek: I have no clue. As far as I knew she was completely okay with getting a ride. She willingly got into the back of the car. We were going good. I had some music playing in the vehicle. And then we passed the Butte College Durham exit and the next thing I know is she said, hey I want out, let me out.

And I was like, okay, I'm not going to let you out on highway 99. I didn't feel like that was a smart thing to do. So I took that first right that I could, I drove up to Neal Road and then when I let her out at that little opening, everything was completely, it was calm. It was nice. She stepped out of her own accord. She popped out and she started to walk away, and I was like, okay, this is, okay, what's going on? You know, it's a little... But, okay.

Lefdal: A little what? Just finish your thought.

Ofc Sasek: Just a little off, you know, like...

Lefdal: Why?

Ofc Sasek: Because I expected to give this lady a ride to Chico and then all of a sudden she wanted out. And then the next thing I know is she was upset, and then she like...

Lefdal: Why was she upset?

Ofc Sasek: I don't know. Like I said, she got about 15 to 20 feet away from the vehicle and then she turned around and as she turned around, she started "motherfucking" me and then she started kicking rocks, and I decided that I wasn't going to be a part of that situation because I'm out here all alone. It's just myself, I'm not trying to keep myself in any bad situations, I'm not going to try to fight a lady in the middle of nowhere, you know, I'm not going to sit there in a situation if I don't have to.

Lefdal: Did you have a thought about turning on your body cam at that point?

Ofc Sasek: At that point in time, I had already started to take a seat in my vehicle, so I figured it would just be smarter to leave.

Lefdal: So is it your statement that she just kind of did a 180, completely 180, bam, went from Code 4 to MFing you...

Ofc Sasek: Yes.

Lefdal: -- for no real reason whatsoever, based upon nothing what you've done?

Ofc Sasek: Exactly.

Lefdal: She had a complete turnabout?

Ofc Sasek: Yeah, she just kind of turned around and changed.

Lefdal: Okay. Is it common practice or is it your knowledge that it's common practice to provide

courtesy rides to Home Depot in Chico?

Ofc Sasek: I wouldn't say specifically Home Depot, but to Chico, yes, and in other areas. I know we as the department, people have transported people to Sacramento, Yuba City, Marysville, Chico, Gridley. It's a common thing to transport people on a courtesy ride.

Lefdal: Sure when it's Chico specific, is it your understanding you're supposed to give them a ride to Home Depot?

Ofc Sasek: I've never been advised or told to take anybody to Home Depot.

Lefdal: Okay. So that's never been addressed with you, in any way shape or form?

Ofc Sasek: No.

Lefdal: If I were to tell you that's the known practice, this would be the first time you heard about it?

Ofc Sasek: That's the first time that I've heard about it, yes.

Lefdal: Understood. Getting into your training a little bit. Have you ever been to an 11550 course or a DRE Certified?

Ofc Sasek: No I have not.

Lefdal: Have you made any 11550 arrests?

Ofc Sasek: 11550 no.

Lefdal: Okay. Based on what training and experience you have, did you believe [redacted] (complainant) to be under the influence of a controlled substance at the time that you were dealing with her?

Ofc Sasek: At the time that I contacted her at Dollar General, I believe that she may have been under the influence of something. But then as I spent more time with her going to the jail and whatnot, I believe that she might have some slight mental health issues instead. Based on my experience, people that are are high don't have the ability to calm down all the way, and by calm down I mean they can slow down their speech and stuff like that but their body will still be fidgeting and whatnot. She was able to calm down, like she would get worked up a little bit, and then she would calm down as if she was just worked up. She wouldn't calm down in her voice and her tone and how she talked to me and then keep twitching. She would completely calm down.

Lefdal: So she'd go to complete extremes, high and low?

Ofc Sasek: Not complete extremes, but like when when I was arresting her she was worked up, she was upset about being arrested so she was you know be-bopping and twitching a little bit. But then after that I would say adrenaline spike kicked up she started to come down off the adrenaline spike and then calm down, and she wasn't twitching and you know, uncontrolled body movements were not there, she was able to actually maintain a steady body position and have a conversation.

Lefdal: I think that's it for me.

Stover: I'm going to pull Google Earth up here and hopefully you can kind of try and point out...

Ofc Sasek: I can point out exactly where it was.

Stover: Where it was. Okay cool, will save us all a drive.

So when you took her to the hospital and you cited her out, where was she at when you left? Was she in the hospital?

Ofc Sasek: No. So, do you know the area a little bit?

Stover: No.

Ofc Sasek: Okay, so if you go to the hospital there's like a helipad, we use this, there's a helipad and there's a driveway and then there's a little driveway that goes up and then this is the emergency room bay doors. And we park right here normally when we go to the hospital. And then if you walk alongside the building there's the entrance to the ER for the regular people.

So I cited her out right there. I pointed to the doors and I said I advise you to go seek medical treatment because you have high blood pressure and that's why the jail's not taking you. And she said okay. And then from what I understand she did go into the hospital and didn't do much from there.

Stover: Do you recall if you had any conversation? Did she say whether or not she checked in, they triaged her, they took her in?

Ofc Sasek: I do not recall. From what I've heard is she did not get triaged or anything like that. But she did go into the hospital, but I don't know what happened after that.

Stover: And so that I make sure for absolute clarity. The reason you took her to the hospital was because the jail said she had high blood pressure and they wouldn't take her.

Ofc Sasek: Yes.

Stover: And had a medical problem and need to go to hospital.

Ofc Sasek: Yes.

Stover: Okay.

Ofc Sasek: They did offer me a medical clearance. But I told them I didn't think she was...

Normally in a case like that if she were to be... What, we do a 647F, I would do a medical clearance and hold her. But I didn't determine she to be a 647F at that time, so I was just going to release her to the hospital and advise her to seek medical.

Stover: And she was in custody for a misdemeanor, correct?

Ofc Sasek: She was.

Stover: And the furtherance of that crime had been resolved by you leaving Dollar General, right?

Ofc Sasek: Yes.

Lefdal: Okay. I do have one follow up. And I'm sorry I'm not a big fan of going back and forth. But...

You had made a comment earlier that you didn't believe your radio was going to work while you were out on Neil Road when you dropped her off?

Ofc Sasek: Not necessarily Near Road. Our radios are super spotty. It could be a bad windy day and we don't hear much on our radios. Normally when I go to Chico, my radio does not work very well. On a clear day it could work fine. On a windy day it could not work fine. So whenever I leave the immediate area I expect my radio not to work, just as a backup I like to have the other tools available to me.

Lefdal: Like what?

Ofc Sasek: Like my phone.

Lefdal: Did you use your phone as a backup tool when you didn't use your radio to give the ending mileage when she actually ended out of the car, did you call dispatch and let them know?

Ofc Sasek: No, I did not.

Lefdal: Okay. Can I ask why?

Ofc Sasek: I just didn't think of it. I was just trying to get back at that point in time. I was like, this is odd, this is not how my regular transport, you know, taking somebody to Chico would be. What to get back. It was an extremely busy night so I was just trying to get back to the guys so I could help.

Lefdal: Has your radio ever worked as it's supposed to just outside of the city limits?

Ofc Sasek: I would say not that far, no, it's not really clear. It doesn't normally work very clear. I would have to switch over to Gould and then dispatch has to do some weird thing. I don't know if they have to switch to Gould to hear me or what not. But when we work farther out of our area, we normally switch over to a radio, the Good Gould Channel and Gould Channel doesn't work very well.

Lefdal: Okay, so if you're transporting someone to Chico have you... Well, let me back this up a little bit more of a basis here. Have you transported someone as a courtesy ride to Chico before?

Ofc Sasek: I have.

Lefdal: Okay. And when that person gets out of the car, how will you notified dispatch that it was done?

Ofc Sasek: Normally what I do -- and I know this is kind of just a shitty situation, I apologize for my language -- I would write it down. And then I would give them the mileage from where where I dropped him off at, the location that I dropped him off at. At this point in time, or

at that point in time I didn't look down at my radio because -- or not my radio, my mileage, because this was just, it was odd. You know, like the whole situation was odd and I didn't think to look down and you know, check my mileage.

So when I got back into town and I knew my radio was working completely and I started asking where the other units were is when I gave my mileage.

Lefdal: Okay.

Stover: Okay this is Google Earth. Take a look at that and see if that looks like, and you can manipulate it, zoom in, zoom out.

Ofc Sasek: So I would say I parked right about here, and I'll leave it, right there where I dropped a pin is where I stopped and let her out. And then she started walking towards this little white gate whatnot thing that appears, and she got 15 to 20 feet away. And that's when she turned.

Stover: Hang on I want to screenshot that. You're welcome to take a picture of that if you want.

So this is this is Franklin Construction and then the load dump above it, 99 is going to be, yep, that way.

Lefdal: So is it fair to say she was in control of her faculties when you left her?

Ofc Sasek: Yes. Yes. At that point in time she knew that she was in Oroville, she knew that going home to Chico was safe. So I didn't deem her to be... I didn't deem her to be 5150 at that time. I thought she was of sound mind.

Stover: Did she have any property with her?

Ofc Sasek: No. When I searched her she didn't have anything on her.

Stover: When she told you to stop, did she say anything about can I use your phone to call somebody?

Ofc Sasek: No, she did not.

Stover: Do you remember if you offered?

Ofc Sasek: I don't believe I offered. Like I said I stopped and let her out. She wasn't really talking much and then she started walking away and I was like this is just a little not regular. And then she turned and started, you know, MFing me, and I was just not going to keep myself in that situation.

Lefdal: Do you remember if she had shoes?

Ofc Sasek: I don't. I don't believe she had shoes. I don't believe she had shoes when I contacted her at Dollar General.

Lefdal: Okay. Do you remember the traffic conditions about that time at night on Neal Road?

Ofc Sasek: I think I saw one vehicle while I was on Neal Road.

Lefdal: You wouldn't happen to remember what vehicle that was?

Ofc Sasek: No I saw headlights.

Lefdal: That's all I've got for right now.

Stover: So we're pretty much done here. I just like to, at the end of interviews, make sure that you're not holding anything that's exculpatory. Like you don't know of video evidence that would show you driving away. You don't have any other evidence that would help me prove that's exactly where you dropped her off?

Ofc Sasek: I don't. I have driven the road to see if there was surveillance cameras to help me out. I didn't see any cameras.

Stover: Was was there a light on there? On a pole?

Ofc Sasek: I think there was a light on the far building that goes down the dirt road a little bit, and then I think there was a light at the construction place. So it wasn't very well lit, but you weren't sitting in pitch darkness.

Stover: Anything you want to add before we turn the recorder's off.

Lefdal: Admonishment as far as...

Stover: Yeah, as far as, don't speak to anybody about this investigation. We're not the ones in charge of your admin leave, that may change, may not change, but we don't have any bearing on that. Your admin will address that with you. If later you feel like, oh, I completely told you the wrong thing, or oh, I did remember I have this that I should have given them, get ahold of us, email, telephone number. You're welcome to do it through your representative. He knows how to get ahold of me, he has my phone number.

But don't wait if something in your mind says, oh... Even if you're freaking out and you say oh, it's going to make me look like a liar. We want to address it immediately upon the refreshed recollection, rather than if we discover that something doesn't match, and then you try and tell me, oh, I told my representative, but, you know, I don't want there to be any mis-communique or anything. Okay?

Ofc Sasek: Understood.

Baird: And do you mind if before we finish finish, him and I are able to talk for a moment?

Stover: Sure, you want to put something on the record.

Baird: Yeah, I think there may be something we want to bring up.

Stover: Yeah, absolutely.

Sasek4

Stover: 2:24 back on the record. Anything you want to add in closing?

Ofc Sasek: So, we wanted to go over the clothing again, you'd asked if it had changed.

So when I initially contacted her, she was underneath some items in Dollar General, and I believe she was in some sort of like a sweat pants or capris or whatnot, and a tank top style shirt. When I detained her in handcuffs, her hands were behind her back, and when she came up off the floor, her shirt was shifted and her breast was showing. I tactfully pulled her shirt to where she was no longer exposed, that would have been in front of two other officers and the employee that was back, I think she was still back there.

And then when she was moved to my patrol vehicle in front of Dollar General, I searched her how I was trained to conduct a search of a female with the back of the hand, whatnot. Searching through so it was all done correctly.

And then as far as if her clothes had changed after she was released to the hospital, I'm unsure if her shirt was changed or if her pants had changed. I was told that she was trying to get into vehicles, the MRI machine or whatnot, so I wasn't really focusing on her clothes. So I couldn't tell you if they actually did change or not.

Stover: Okay fair enough.

Baird: I don't have anything else.

Lefdal: Alright. And you remember the admonishment not to talk to anyone except for your attorney about this, or us?

Ofc Sasek: Yep.

Lefdal: Okay. And that we will turn this off.

12/6/2022 RECEIPT ONLY

Sasekpt1

Lefdal: We are on the record. Today is June 14th, 2023. The time is 11:59. My name is Dusty Lefdal, and that is D-u-s-t-y L-e-f-d-a-l. I'm an investigator with Employers Investigative Services, retained to do an internal affairs investigation for Oroville Police Department.

Officer Sasek, I'd like you to state your name and spell it for the record, please.

Sasek: Officer Robert Sasek, R-o-b-e-r-t, last name, S-a-s-e-k.

Lefdal: And I apologize for mispronouncing it...

Sasek: You're good.

Lefdal: Mr Baird.

Baird: William Baird, with Mastagni Holdstedt, representing Officer Sasek.

Lefdal: Officer Sasek. We are here so that I can reinterview you and ask some clarifying questions based on your interview from October 19th of last year. Before we go any further and do that, I want to remind you that I am compelling you to speak here. The rights that you had in your previous in interview on that date are still in full force. Those are known as the Lybarger warning and your Miranda rights.

So I think your attorney will probably want to put something on the record and I give him first opportunity to do that.

Baird: Sure. This is William Baird again with Mastagni. Officer Sasek, I've spoken with him about this. He wishes to assert his right to remain silent, not make any statements. If he's going to make statements today, he's doing so under the understanding that he's being ordered to do so under the threat of further disciplinary action, including insubordination.

Lefdal: Okay. And so Officer Sasek, just as protocol I'm going to ask you. Keeping all those rights in mind that you have, do you wish to speak to me?

Sasek: No.

Lefdal: Okay. Do understand that I am ordering you to speak to me?

Sasek: I do understand.

Lefdal: Okay. Alright. And that if you don't comply with that, that that would be insubordination.

Sasek: Yeah.

Lefdal: Okay. Mr Baird, are you satisfied with that?

Sasek: Yes, sir.

Lefdal: Okay. So, specifically, I want to bring you back to the interview from October 19th of last year where I was talking to you about compl And specifically, the point in that contact with compl where you're transporting her, what you thought, to Chico at the time.

And I had asked you, what made you choose that spot? And I'm paraphrasing. But essentially you told me that while on transport, as you approached the intersection of Neil

Road on 99, she wanted out of the car..

Sasek: Yes.

Lefdal: And you didn't feel comfortable leaving her on the side of the 99, so you drove up to a wider spot off of Neil Road.

Sasek: Correct.

Lefdal: And then I had asked you some clarifying questions after that. And I did that for a reason. You had made a statement that she started kind of MFing you, quote-unquote, "motherfucking" you, for nothing that you had done. You have no idea why. She just kind of did a complete 180. And according to your transcript here, I use the term "180" and you agreed with that. She just kind of did a complete 180.

Since your interview, it's come to light that, actually, some statements were made previously in the evening, right before you transported compl about, quote-unquote, "dumping her" on Neil road.

So I want to revisit this.

Sasek: Okay.

Lefdal: Is there anything from your statement -- and you've had a copy of this transcript, right?

Sasek: Mhm.

Lefdal: Okay. And you've read it.

So let me ask you, were you present for any statements being made about quote-unquote, "dumping" compl out on Neil road?

Sasek: No, I was not.

Lefdal: Okay. So you never heard that statement?

Sasek: No, I did not.

Lefdal: From anybody?

Sasek: From anybody.

Lefdal: Okay. This... So this is the first time that you've heard that?

Sasek: No. I was...

Lefdal: Can you clarify that?

Sasek: I was advised by Officer Herrera that he was going to be interviewed and he didn't want to feel as I was going to betray him -- or not betray him -- as in, he was going to betray me. Because he said that he made a distasteful joke and he was going to let you know about it, or let the investigator know about it.

Lefdal: Okay.

Sasek: And then he basically told me that he made some kind of joke about -- while you're on the way, drop her off on Neil Road.

Lefdal: Okay.

Sasek: So I heard about this after our interview. I understand that we're not supposed to discuss this, but he did reach out to me and just let me know, hey, I don't want you to feel like I'm betraying you, but I did make a joke and, heads up. So when this does come up, you're not getting hit out of left field.

Lefdal: Okay.

Sasek: So, when the joke was made, I was unaware of it. I did not hear it. That was the first I had heard of it was when Officer Herrera told me that, hey, man, just a heads up. If this comes back, this is what I said.

Lefdal: Okay. So is it... So this is a coincidence?

Sasek: 100%.

Lefdal: 100% a coincidence?

Sasek: 100%, I had no intention of dumping somebody off at anywhere.

I do this job to take care of people. My brother-in-law lives in the field. You know where the olive orchard is up on Table Mountain? Right up here?

Lefdal: Yeah.

Sasek: My brother-in-law has schizophrenia, and uses methamphetamine. I come from a family of addiction. I'm literally here to help people. I'm not here to do anything bad to people.

Lefdal: Okay. Just for the record. I don't think that there was any malice in this either. I don't want you thinking that I'm walking around thinking that. There's nothing that indicates that.

I think my bigger concern, Robert, was the appearance. Right? You work at a very busy department?

Sasek: Yes.

Lefdal: With a lot of needs. And we ask a lot of you. My concern was, is that if at that point you had other things to do and you just made a decision.

Sasek: No. That was not the decision that happened. It wasn't, oh, I've got better things to do.

I know that if things would have changed, Sergeant Tom would have called me in, and be like, hey, you need to get back here now. And then the things that would have changed is I probably would have done a code run to the closest place, that was the AM/PM or the CHP station, and then let her out and gone from there.

So it wasn't one of those decisions where, hey, we're busy, let me shorten my trip. We knew this was a long trip. Going to Chico is something that happens occasionally and we understand that our officers are going to be out for a small extended period of time.

Lefdal: So, purely a coincidence that Officer Herrera said this and you did not hear that at the hospital.

Sasek: I did not hear that at the hospital. This is 100%. Just, a very bad hand that was dealt in coincidence.

Lefdal: Okay. Alright. Is there anything else that you would like to... I'm not going to keep beating on this. Is there anything else that you would like to clarify from your last statement?

Sasek: No. I mean, I told how it is. Like, this is where we're at. It's just a whole lot of...

Lefdal: I'm not going to lie. The timing and coincidence on this sucks.

Sasek: Oh, 100%. I've been trying to play it over in my head, over and over and over and over again. So, no.

Lefdal: Have you come into possession of any other evidence or any other knowledge that I can use to help exonerate you in this?

Sasek: Not that I know of, not that I can think of. And if I do think of it, I'll reach out to him, we'll reach out to you.

Lefdal: Please do. Okay.

Standard admonition that I give everybody again. Please don't talk to anybody about this. I understand that not everybody else played by those rules. And if you do have any information that I can use, please let me know.

Sasek: Most definitely.

Lefdal: Mr Baird, do you have anything you would like to add for the record?

Baird: I don't. But, before we stop, do you mind if we have --

Lefdal: Absolutely. I'm going to turn this off for now. Alright, time is 12:07.

Sasekpt2

Lefdal: Okay, we're back on the record. It's 12:09. You two have had a chance to talk. Is there anything else that anybody would like to state?

Baird: I don't have anything.

Lefdal: Officer?

Sasek: No.

Lefdal: Alright. At this time, it's 12:10, I will end the interview. Thank you.

Lefdal: And we are on the record. My name is Dusty Lefdal, and the spelling of that is D-u-s-t-y L-e-f-d-a-l. I'm an internal affairs investigator with employers investigative services. We are retained by the city of Oroville Police Department. And we are here to do an interview on Sergeant Khan.

[redacted] PC 832.7

The date is November 10th, 2022. The time is 14:51 hours. Present in the room located at Oroville PD is Mike Stover, Ali Khan, as well as myself, Dusty R Lefdal of employers investigative services. I'm just going to go around the room, take a quick break, and have you say and spell your name for the record please.

Stover: Michael Stover, S-t-o-v-e-r, Employers Investigative Services.

Khan: Ali Khan, K-h-a-n, Oroville PD Sergeant.

Lefdal: [redacted] PC 832.7

Khan: [redacted]

Lefdal: [redacted] PC 832.7

Khan: [redacted]

Lefdal: [redacted] PC 832.7

Khan: [redacted]

Lefdal: [redacted] PC 832.7

PC 832.7

Khan: PC 832.7

Lefdal: PC 832.7

Khan: PC 832.7

Lefdal: PC 832.7

Khan:

Lefdal: PC 832.7

Khan:

Lefdal: This is your house, you know where all the bathrooms are. Break rooms. If you need a break, you feel like you just need a moment to kind of gather your chickens, tell us. You know, we can leave the room, you can leave the room, whatever it is.

I see you're recording, as well as we are.

I just want to make sure you're perfectly comfortable? You ready to move forward?

Khan: Yeah.

Lefdal: Okay. With that being said, I will turn it over to Mike. He's going to have some questions. I might have some follow up questions afterwards. I try and wait so that you're not getting bombarded with a bunch of questions.

Stover: Okay. So we're here to talk about the incident involving officer Sasek that did the courtesy transport from OMC. Apparently it went south between here and Chico. He dumped her off somewhere up by the worm farm on Neal Road. She's alleging that she got hit by a car after he dropped her out of the car.

So, the main reason you're here, because I want to confirm some things that officer Sasek told us our true.

Khan: Okay.

Stover: Are you familiar with that incident?

Khan: I am.

Stover: Okay. I mean, if you need to take time to refresh yourself or go read a report or anything

you're welcome to.

Khan: No.

Stover: Okay. So at the hospital he says that he cleared transporting her to Chico with you.

Khan: He did.

Stover: Okay. So what was your understanding of what he was going to do with her?

Khan: Take her to Chico, possibly to where she lives, or to Home Depot is where we normally take people in that area.

Stover: Okay. So we're going to jump right into that.

Khan: Okay.

Stover: So, Home Depot. Is that your understanding of the general destination when you provide a courtesy transport from Oroville to Chico? It's to the Home Depot parking lot?

Khan: If they want to just go to Chico in general? Yes.

Stover: [redacted] PC 832.7

So, how often are we having issues in Oroville that we can't solve by either taking them to the jail, taking him to the hospital. How often are we solving problems by taking people from Oroville and dropping them off in Chico?

Khan: Not very often.

Stover: Can you put a number on it?

Khan: Shoot. I haven't taken anybody there in like the last four years probably.

Stover: Okay. So this is not an every week occurrence.

Khan: No.

Stover: Because they're trying to determine, like, if they need to come up with some kind of policy matrix as far as how to start to deal with this. If it's an every day problem or an every week problem, like they feel like they probably need to figure out some kind of solution.

But you don't think it is that prevalent?

Khan: No, no.

Stover: Okay. Alright. So do you remember if you specifically told you he was going to take her to a house in Chico, or if he was taking her to Home Depot?

Khan: I don't remember exactly where he said he was going, or where she requested to be

taken.

Stover: Okay. Alright, so then he takes her. Whatever occurred... Are you aware of what occurred on his way to Chico? Did he... He says when he got back to town he went and briefed you on what occurred. So what is your understanding of what occurred? If anything.

Khan: I remember it was a busy night. We were on a call. And he might have told me that, hey, I dropped her off somewhere. And I didn't think anything of it at the time, until like a month later when they asked me about it, and I was like, oh, shit.

Stover: Okay. So... Were you aware of her condition at the hospital? As far as no shoes, hardly any clothing on, no cell phone, no wallet, no purse, no ID, no possessions?

Khan: So the last time I remember what her condition was was when we got her from a Dollar General.

Stover: Okay.

Khan: And she was wearing a shirt and pants is from what I can remember. I'm not sure about the shoes. I didn't pay that close of attention.

Stover: Okay. So when officer Sasek gets back, he meets up with you on a call and says, hey, I dropped her off. But you don't actually recall where he said he dropped her off at?

Khan: I don't.

Stover: Okay. If he had told you -- I dropped her off up by the worm farm -- do you think you would've been, like, okay... Or would you have had more questions? Or...

Khan: I would have had more questions. I mean, Neal Rode, I thought that was closer to like the transient camps that... Now that I've looked into it by, like, States, that whole area there. That's where I was thinking it was at. That's only after they asked me about it.

But from the time that occurred to the time they asked me about it, I didn't think anything of it at all.

Stover: Were you aware of any other information? Were you aware that Butte County went out there the next morning because she allegedly was hit by a car, or that she was in the hospital? Any of that?

Khan: I wasn't aware of anything at all.

Stover: Okay. Alright. So... When he... There's some oddities in the way he behaved, in my opinion, okay, in what operationally seems normal to me. He provided some information that maybe it's not.

But when somebody transports a courtesy transport from here to Chico, and let's say they're going to go to the Home Depot parking lot...

Khan: Okay.

Stover: And they pull in the Home Depot parking lot, do they not get on the radio and say -- I

dropped the subject at Home Depot, this is my ending mileage. I'm backing out to the city.

Khan: So standard policy, yeah, you're supposed to say, hey, 1087, and NE mileage, whatever your NE mileage will be. And then, yeah, you're back around to the city.

But we've been having a lot of radio issues. Like, our radios are, are screwed. Sometimes got in and out, and you can't hear anything, you can't transmit from there. So unless you call, there's no radio in Chico.

Stover: Okay. And that's a known thing?

Khan: Oh yeah. Like, they're, everyone's aware of it.

Stover: Okay.

Khan: Yeah.

Stover: Alright. So to be fair, you said you don't really recall -- you remember him saying Neil Road, I guess, or that's where you believed he told you. Did he say anything about the fact that, dropped her off, she didn't have any shoes, didn't have a cell phone, had no way to take care of herself, as far as...

Khan: No.

Stover: Okay. Alright. Did he tell you anything about having issues with his phone? Having issues with RIMS?

Khan: No.

Stover: On a typical shift, how many times do you think you have to reboot your phone to get RIMS to work?

Khan: Oh, sometimes once or twice. I'm not sure if you guys are familiar with by RIMS. But like there's a thing called RICO. I don't even know what it stands for, but sometimes it loses the RICO server and you have to restart it. And then you can't log back in for... Sometimes it takes an hour to log back in, for some odd reason.

Stover: Okay.

Khan: But we have those issues with our mobile RIMS.

Stover: So the night of the incident when he comes back and tells you, when you stated it's busy, you're just... You're under the impression that he dropped her off somewhere near the homeless encampments there by Estates.

Khan: Yeah. I mean, I trust my guys, and I didn't really have any questions for him at the time, and we were busy. And that's exactly what I thought he was. He had dropped her off where she wanted to go, which was Neal Road I guess.

Lefdal: Okay. Alright. I'm going to ask you to kind of go back into memory banks here a little bit to that night.

Khan: Say that again?

Lefdal: I'm going to ask you to go back to the memory banks a little bit of that night, okay?

Khan: Okay.

Lefdal: So, just so that we can get the timeline figured out, and I'm going to help kind of try and jog your memory.

When was the first time that you became aware that she needed a ride from the hospital to get transported as a courtesy transport? Like, what happened there?

Khan: So, we got a call back to the... So we dropped her off at OMC I believe, if I remember properly. And then we got a call back over there that she was causing an issue from one of the security guards. And myself, Sasek, and... I think it was just us two, maybe. Went back over there. And I'm not sure how she ended up back by the cars, but it was... One of our old officers, Officer [redacted] guard was there, and he said, hey, like, she's causing an issue here, you guys need to get her out of here.

And so when we asked her if she wanted to go to Chico, and then she said, yeah. So that's the time that I remember she wanted to go to Chico, and I gave Robert permission to take her to Chico.

Lefdal: And so you were there when she got in the patrol car?

Khan: Yeah.

Lefdal: Okay. Was she handcuffed?

Khan: I don't think so.

Lefdal: But you... Do you have [indistinct] and I realize we already asked this question. Do you have any recollection of what she was wearing when she got in that car?

Khan: Not from the hospital. I just remember her at Dollar General.

Lefdal: Okay. When she was taken into custody.

Khan: Right.

Lefdal: Okay. What was her demeanor when she got into the patrol car at the hospital? Do you remember?

Khan: I don't remember.

Lefdal: Okay. So, he loads her up. He takes her, you give him permission to do that, that's fine.

Some time goes by and he comes back into the city?

Khan: Yes he does.

Lefdal: Okay. And did he... How did you become aware that he came back into the city, back into

his beat?

Khan: So, he was coming back, and we had a fire at Highway 70, in Ordem. And I believe I gave him permission to go code 3 to the fire from wherever he said it was back in the city limits. I'm not sure where he was at at that time. But he had radio communication at that time. And I think he gave his like total mileage or something at that time. And then yeah, I sent him to the fire.

Lefdal: Okay. So he goes [indistinct] back in the city. There's a fire on Highway 70 at Ordem. You give him permission to roll code to that fire.

Khan: I think that's what happened. Yeah.

Lefdal: Okay. And then at that time he acknowledges that you give him permission, and then he gives his mileage?

Khan: Ah, I think the mileage stuff happened before.

Lefdal: But in the same transmission? Or not?

Khan: I couldn't 100% say.

Lefdal: Fair enough.

Khan: And it's all recorded. I think we can listen to it if you need to.

Lefdal: Were you at that fire?

Khan: I wasn't.

Lefdal: Okay. Do you remember what call you were on?

Khan: Yeah, I was right here behind the PD. Someone... We saw the brake lights flashing out one of the vehicles back here. Like, Mount Enterprises, and we thought someone was breaking in there, so we had to clear the whole yard, and it was just me. I think I waited for officer Herrera to show up, and we did that. We were dealing with that while he was over there at the fire.

Lefdal: Okay. At what point did he meet, Sasek meet up with you? And...

Khan: So that's what I don't remember. I don't exactly remember when he told me that... If he says he did, he did. I believe him 100%, he's an honest dude. I just don't remember when he told me that he dropped her off at Neal Road.

Lefdal: So you don't have independent recollection of you guys doing a face to face, and him telling you what happened?

Khan: I don't.

Lefdal: But at some point you come to the knowledge, you come in possession of the knowledge that he dropped her off at Neal Road?

Khan: Yeah.

Lefdal: But you don't know whether it would be a radio, cell phone, in person?

Khan: No.

Lefdal: Okay. Do you recall ever having a time on that patrol on that shift where you're going, gee, Robert has been gone for a while, or, where's my officer? Or thinking anything along those lines? Like... I haven't heard from him.

Khan: Are you referring to when you went to drop her off?

Lefdal: Yes. Sure.

Khan: It didn't take that long.

Lefdal: Okay. Did anything click with you when he gave his total mileage over the radio when he got back to town? Did anyone... Did anything click in your, in your mind going -- that doesn't make much sense, because I didn't hear him say anything before.

Khan: I did not. No.

Lefdal: Okay. Looking back, would it have?

Khan: Oh, yeah. Oh, yeah, it definitely would have.

Lefdal: Okay. In what way?

Khan: I think in my part I should have been paying more attention, not did a... I should have paid more attention to what he said on the radio, and why he didn't go 97 where he went, to where he dropped her off at. But like I said, it was busy, so I don't... I mean, I blame myself a lot too.

Lefdal: When you say it was busy, give me a brief description. Like, were you called a call that night?

Khan: We had quite a few calls. Yeah.

Lefdal: Okay. And do you remember how many officers were on shift that you were supervising? Including MLE's.

Khan: Just officer Herrera and officer Sasek, that's all.

Lefdal: Okay. So no MLE's or anything like that?

Khan: No.

Lefdal: Okay. So when you were on shift, were you the highest ranking officer that night?

Khan: I was.

Lefdal: Are you also in charge of dispatch?

Khan: Yes.

Lefdal: Okay. How many people were in dispatch?

Khan: One to two.

Lefdal: Okay. And you recall it just being busy?

Khan: Yes.

Lefdal: That's all I've got, Mike. I'll give it back to you if you've got anything.

Stover: So you say that he's an honest guy and that if he says he said that that you believe him?

Khan: Mhm.

Stover: But you told me you kind of had the feeling like he dropped her off closer to Estates drive by the homeless encampments.

That thought process, was that based on what he told you that night, when he said Neal Road? And like how did you come to the conclusion there?

Khan: So I thought Neil Road was a lot closer to Estates Drive. That's just me thinking. I'm not... I mean, if he said Neil road, I didn't think Neil road was that far away from Estates. But that's just my... That's just how I thought of it at the time.

Stover: I realize nobody wants to get anybody else in trouble. Right? But like, as his supervisor, do you feel like perhaps maybe he minimized some of the circumstances of this when telling you what happened? Or... Are you the kind of supervisor that when somebody comes to and says, hey, I did this, you ask them follow up questions. Like...

I feel like he... I feel like if he had come to you and told you the entire circumstances of surrounding why she was there, and where he actually dropped her off, that you may have taken some action.

Khan: So, yeah. Ready for my answer?

Stover: Yes, please.

Khan: Okay. So, yeah, if I'd have known that he dropped off over there, I'd have told to go, go look for her, pick her back up.

But... Can you repeat your question again? Sorry.

Stover: So, my thing is, is do you think he gave you... Do you think he was truthful with you? But gave you one tenth of the circumstances? Or do you feel like maybe you didn't interpret what he was trying to tell you?

Khan: I just don't remember exactly when he told me what he told me that day. I just remember Neil road and I didn't think anything of it at the time.

Stover: Okay. But if he had told you -- I dumped her off in the dark by the worm farm, with no shoes, no cell phone, up by the dump, and then I left her on the side of the road -- would that have changed you think the way you dealt with it that night?

Khan: Oh, yeah. I'd of told him to go pick her up.

Stover: Sure.

Lefdal: Have you been out there, Ali?

Khan: To?

Lefdal: By the worm farm?

Khan: I've been to the dump. I'm... I don't know about no worm farm.

Lefdal: How about at night? Have you ever been up Neal Road towards the, from highway 99 to the landfill at night?

Khan: No. Just like 99, I drove down 99 [indistinct]

Lefdal: Okay.

Stover: And he didn't tell you like, she started screaming at me -- I want out of the car, drop me off -- and he felt like he was going to be in violation of law for kidnapping, for keeping her in the car...

Khan: No.

Stover: So none of that strikes a...

Khan: No.

Stover: Like, oh yeah, I remember that now. No?

Khan: No.

Stover: Yeah. Okay.

Lefdal: Is it your, for lack of a better term, testimony that he didn't tell you that? Or that you don't recall him telling you that?

Khan: I just don't recall.

Lefdal: Do you feel that you would recall something like that had he said it?

Khan: Depending on what we're doing, probably.

Stover: Because... Some of the compounding factors are here. We turned our phone off. By "we" I mean Officer Sasek. He rebooted RIMS in the parking lot of the hospital. Starts to drive away. It's rebooting up. He doesn't log back in. So I have no GPS tags. He doesn't run his body worn camera. He doesn't give any of his info over the radio. Like, it just seems like

there were a lot of things going on that he should have told you. Right?

Khan: Right.

Stover: Like, you know... And I don't know if maybe that's not the culture here? That, don't bother the Sergeant with that stuff.

But I feel like if he had given you a few more slivers of information, you could have made a command and control decision that may have resulted in this entire circumstance not have happened.

Khan: Right.

Stover: Okay. But he's also a brand new cop that probably doesn't get it.

Khan: Inexperience.

Stover: He might now. But... Okay, I don't really have any other questions for you.

Lefdal: Neither do I.

Stover: Going to go off the record now.

Officer Herrera Interview 03/21/2023

Lefdal: Alright, and we are on the record. Before we get going any further, I just want to start out by, I'm going to read you what's called the Lybarger warning, and then I'm going to do some brief housekeeping, and then we'll get into the crux of the matter.

The date is March 21st, 2023. The time is 13:22 hours. Present in the room located at the Oroville Police Department is officer Herrera and Patrick Brady, as well as myself, Dusty R Lefdal of EIS.

The purpose of this investigation is to conduct an interview of officer Herrera who's an employee of the Oroville Police Department in the capacity of a police officer. [redacted] PC 832.7 [redacted]. This investigation is being recorded by myself in plain view. You'll have access to the recording in the event that any further proceedings are contemplated. Also, you have the right to record this interview with your own recorder if you wish to do so. At this time, I will request that each person present identify themselves on recording by stating their name, title and place of employment. Isaac, I'll start with you.

Herrera: Isaac Herrera, sworn law enforcement with the Oroville Police Department.

Lefdal: Can you spell your name for the record, please?

Herrera: Last name Herrera. H-e-r-r-e-r-a, first is Isaac, I-s-a-a-c.

Brady: My name is Patrick Brady. I'm here on behalf of Mr Herrera. I'm an attorney with Mastagni Holstedt. My name is spelled P-a-t-r-i-c-k, last name, Brady, B-r-a-d-y.

Lefdal: And my name is Dusty Lefdal of Employers Investigative Services, and I have been retained by the City of Oroville Police Department to conduct an internal affairs investigation. The spelling of my name is D-u-s-t-y, and my last name is Lefdal, L-e-f-d-a-l.

[redacted] PC 832.7 [redacted]

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted]

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted]

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted]

[redacted] PC 832.7

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted]?

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted]?

Herrera: [redacted]

Lefdal: [redacted] PC 832.7

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted]

Herrera: [redacted]

Lefdal: Alright. That's out of the way. This is your house, Isaac. You know where all the restrooms are at, the doors are closed for our privacy and privacy only. If you ever need a moment to confer with your attorney, you just need a break, use the restroom, all you got to do is tell me. I'm not expecting this to take long, but whatever needs you have, just voice them and we'll make it happen. Okay?

Herrera: Copy that.

Lefdal: Pretty straightforward process. Certainly nothing to be stressed out over. The reason you're here is basically I need your help. So there was an incident that took place on -- I'm going to bring your attention back to September 1st of last year. In a nutshell, a young lady by the name of [redacted] compl was arrested at the Dollar General Store. I believe it was Dollar Tree or Dollar General. She was 11-5, the jail refused to take [indistinct] and she was arrested by officer Sasek.

Herrera: Correct.

Lefdal: She was later taken to the hospital and cited and released. Shortly after that second release by Officer Sasek, OPD returned to the hospital because she was causing a disturbance. And I believe that at that point that's probably when you enter, is that correct? This incident?

Herrera: Correct.

Lefdal: Okay. So basically what I'm looking for is what happened, your version of events, that happened after arriving at the hospital to deal with the disturbance?

Herrera: Okay. So, by the time I got to the hospital, the disturbance was already taken care of. So I pulled up in my patrol vehicle and never exited my patrol vehicle.

Lefdal: Okay.

Did you just like pull up to the other guys and door up? Or...

Herrera: Yeah. Sergeant [redacted] was outside, officer Sasek was outside, as well as the security officer, security, [redacted guard] was outside as well.

And we're at the back door of the ER.

Lefdal: Okay.

Herrera: So it was right outside the ER.

Lefdal: Do you recall where [redacted compl] was at this time?

Herrera: To my understanding she was in the back, or getting put into the back officer Sasek's patrol vehicle, or was already in there.

Lefdal: Okay. Do you recall her demeanor at that point?

Herrera: I was at the Dollar General on the initial call. She was in the back room, and I believe Dollar General had just got a shipment in, and there was a lot of these silver carts that they load merchandise on and that they roll out into the aisles to stock the shelves, if you know what I'm talking about.

Lefdal: I do.

Herrera: So it was like, completely compact in there. So we had to like, remove like damn near, excuse me -- we had to remove like three dozen carts, maybe even four dozen carts to kind of make room. Because she was underneath one, like hiding.

So, it was officer Sasek's call for service. So he was point on the call. I just remember she was in there. Her demeanor... I know her appearance was like grungy, homelessly-looking. And, you know, we kind of knew she was probably 11-5 or high under the influence just because it's a routine look. But nothing out of the ordinary. She was just in there. And that was my, I guess, observation of her.

Lefdal: Okay.

How about at the hospital?

Herrera: I did not see her at the hospital.

Lefdal: Didn't. So you never actually put your eyes on her at the hospital at any point?

Herrera: No.

Lefdal: Okay. How long were you there, roughly, an estimate.

Herrera: Less than five minutes. I had pulled up in my patrol vehicle and just was talking to security [redacted guard], sergeant [redacted] and Officer Sasek from my window.

Lefdal: Okay. Is this during the night time or day time?

Herrera: This is during the night time. I believe I had just gotten RB's so it was like, maybe not past 10 yet. Or not past 9 or 10. So... We had started at 6pm, 1800 that night.

Lefdal: Okay. Who left the scene first? You or Officer Sasek with [redacted]

Herrera: I left the scene first, because I was already in my patrol vehicle.

Lefdal: At any point after you left the hospital, did you meet up with Officer Sasek and [redacted]

Herrera: No.

Lefdal: No. At no point. Okay. So is it fair to say -- and correct me if I'm wrong if this isn't correct -- but is it fair to say, the last time you saw [redacted] was at the call for service at Dollar General?

Herrera: Um, actually see her, yes. But I know she was outside the hospital when I --

Lefdal: Fair enough.

Herrera: Okay.

Lefdal: Alright. When you were at the scene at the hospital, did you overhear, were you part of a conversation about how to solve this problem with [redacted]

Herrera: I understood that officer Sasek was going to be transporting [redacted] to Chico.

Lefdal: Okay. Do you remember how you understood that to be?

Herrera: I think, since he... Since he took her to the jail, and then took her to the hospital, and then the hospital didn't, I guess, want her there, or she was causing a disturbance, it was, he was going to take her home to Chico, I guess that's where she's from.

Lefdal: Okay.

Herrera: So, I knew that was being decided. Because we're a three man team for the city of Oroville, so it was going to be like, be available, you know... Because --

Lefdal: So they were keeping you in the loop, is that fair to say?

Herrera: Yeah. Because it was only going to be me and Sergeant [redacted] for calls for service while Sasek was going to transport.

Lefdal: And you already in a way, you already answered this, but I got to be clear because of the complaint that was filed.

At any point after you left the hospital, did you meet up at any kind of a gas station or a business that would, could be thought of as a gas station, to conspire as to what to do with [redacted]

Herrera: No.

Lefdal: Is it fair to say that while you were at the hospital, that that was the only discussion you

had that night about what to do with her?

Herrera: Yeah.

Lefdal: -- after that call for service?

Herrera: Right.

Lefdal: Okay. Did you get a chance to review the complaint? [inaudible][crosstalk] was published.

Herrera: I've seen the news articles. I haven't actually seen the actual filing.

Lefdal: Okay.

So... In it, it basically, it says that -- three officers met up at a gas station at night and conspired against her -- which, it's not super clear what the conspiracy is, but it ultimately led up to her being dropped off on the side of the road, on Neil Road.

Is there any idea where she would have come up with that? Like, do you have a theory that I could follow up on? Like, where, where she comes up with this? Because based upon what you just told me, it didn't happen.

Herrera: Yeah. No. No, there was, there was no meeting at any gas station or business after the hospital.

Lefdal: Okay.

Brady: Do you want to take a moment?

Herrera: Yeah, if I could just have a moment with...

Lefdal: Okay. Absolutely. Absolutely.

HerreraInt2 03212023

Lefdal: Okay, we're back on the record, it's 13:35.

I believe when we left, I had asked if... I give you a summary, but, any idea where she's coming up with this? Anything that I can follow up on that can lead me to get some facts in this case regarding that issue?

Herrera: Yeah, so, outside the hospital when I had pulled up, officer Sasek -- I don't want to say, like, he appeared... He didn't... Officer Sasek -- I don't want to say he appeared frustrated over the, I guess, the situation, because, you know, we had to like dig her out of the Dollar General Area, go to the jail, deny, go to the hospital, issue, and now having to, you know, take her, you know, to Chico, I guess, to solve the issue.

I believe he had expressed that he didn't want to go all the way to Chico. And I had made a crude joke in poor taste about -- drop her off at "No Road."

Lefdal: Oh.

Herrera: So I, I made a joke in passing. There is no ultimate decision off of that. But I believe, to answer your question, that is a possibility of where she may have gotten that.

Lefdal: Now, to my understanding, there was no decision made, and I didn't know he was going to... I didn't know the designation of where he was going to drop her off at. I just... Because I would want to make that clear.

To my understanding he was going to take her to Chico to take her home, or somewhere in Chico.

Lefdal: So, to put this back and make sure I have everything correctly.

The discussion was being had between you, Sergeant [redacted], and officer Sasek about what to do with compl [redacted], because she'd been an ongoing issue that night.

As a joke in passing, you mentioned -- you know, just drop her off on Neil Road.

Herrera: Right.

Lefdal: Not expecting anyone to take it seriously.

Herrera: The discussion was being held between Sasek and Sergeant [redacted] of what to do. And I had made that joke.

Lefdal: Oh, you just injected the joke into the conversation?

Herrera: Correct.

Lefdal: Okay. But you're not a supervisor to officer Sasek, correct?

Herrera: No. Me and... I'm a little... We're, I guess, on this, we're even, I have been with the department a little bit longer on the sworn side. But no, I'm not officer Sasek's supervisor, or...

Lefdal: And it's your testimony that you said that joke flippantly, jokingly.

Herrera: It... Looking back... Well, now that I'm here, it was a very crude joke in poor taste.

Lefdal: But, you didn't have any intent for anyone to follow up?

Herrera: No.

Lefdal: -- and actually do that action?

Herrera: Not at all. Not at all.

Lefdal: Okay. Do you recall any further discussion between Sergeant [redacted] and Officer Sasek regarding that joke, or that -- my words, not yours -- "idea"?

Herrera: No, no other discussion after that.

Lefdal: Okay. Alright. Totally get it.

Okay, regarding compl [redacted] testimony at this point, her complaint, her recollection that you guys met up at a fuel station, a gas station, to conspire against her -- any idea where she specifically came up with that idea? Anything that I could follow up on?

Herrera: Not to my knowledge. I mean, we're at the back of the ER, there's some, you know,

overhangs or, you know, little awnings or whatnot outside, and it's, you know, well lit. But other than that, I don't know where this gas station comes into play.

Lefdal: Okay. To someone... Is it fair to say... And I have been there during the day but I haven't been there at night. Are there like neon lights that you would find? Is it lit up kind of like a gas station? Like an overhang...

Herrera: You can say that. I mean, it's pretty bright.

Lefdal: Could, it be considered mistakenly as a gas station, from someone who may be under the influence?

Herrera: You could say so.

Lefdal: And been awake for a long time?

Herrera: You could say so.

Lefdal: Okay. Alright. So you drove away and that was the last, that was it.

Herrera: Correct.

Lefdal: Officer Sasek and Sergeant [redacted] were still on the scene by the time you left?

Herrera: By the... As I was pulling away, Sergeant [redacted] was already entering his patrol vehicle, and officer Sasek was returning to his.

Lefdal: Perfect, okay. Anything that you would like to clarify? Anything that you want to add to anything that you said?

Brady: Do you want to talk, or do you want to...

Herrera: Just, if I can...

Brady: Yeah, let's just go talk one more time. That's a good idea.

HerreraInt3 03212023

Lefdal: Alright, we're back on the record and the time is 13:41.

Is there anything else regarding this incident with compl [redacted] and officer Sasek that you feel that I should know, that you are in possession of any knowledge that I should know?

Herrera: No.

Lefdal: Okay. Are you in possession of any physical evidence that I should have?

Herrera: No.

Lefdal: Okay. Perfect. Mr Brady, is there anything that you would like to add or clarify for your client?

Brady: Nothing from me.

Lefdal: Alright. At that time, I'm going to admonish you not speak to anybody about this case

other than your attorney or myself or Lieutenant Zarate? Okay.

Herrera: Copy that.

Lefdal: In about 10 days or as soon as I get this transcribed, I'll send you a transcript to review. If you can have anything you want to add, just get a hold of your attorney and we'll get back together. But, if I don't hear from you after that, then I'm going to [indistinct] Okay.

Herrera: Copy that.

Lefdal: Alright, I'm going to end this, and the time is 13:42.

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INTERNAL AFFAIRS INVESTIGATION SUPPLEMENT

Accused Employee: Sasek [redacted]
Date: 10/06/2023

SOURCE:

On 09/28/2023 I was requested by Lt. Zarate to contact guard and obtain his statement regarding his observations leading up to Officer Sasek and Sgt. Khan's arrival to the scene.

ALLEGATIONS:

Guard was on duty as a security guard on the night when Officer Sasek transported compl. It was believed that Mr. guard may have information relevant to the investigation.

INVESTIGATION

After three phone calls, I was able to schedule a time to meet with Mr. guard at his home. On 10/06/2023 at about 0940 hours, I sat down with guard in his living room located at 1921 Feather Ave in Oroville, CA. I explained to him why I was there and with is permission, the interview was recorded.

The following is a summary of his statement to me. It is not verbatim. It is not necessarily in the order of which Mr. guard relayed the information but for clarity, goes in chronological order:

Guard *was on duty as a security guard the night in question at Oroville Hospital. He does not recall how many people were on duty then; it could have been one other person or up to 4 total. He was assigned to the emergency room area.*

Guard *went outside to the ambulance bay to do a check. He saw Officer Sasek standing next to his patrol car with a female (later identified as* complainant*). They were both outside of the patrol car. He doesn't recall whether or not she was in handcuffs but she might not have been. Sasek was writing her a ticket and told her that she needed to seek medical attention.* Guard *does not recall* complainant *attitude but recalls she was leaning on the vehicle.* compl *signed the ticket and walked away. She tried opening the doors to the emergency room lobby but didn't go in. She closed the door and walked towards the lower lot and helicopter pad area.* Guard *told Officer Sasek that she was going to be a problem and if she started any problems, he was going to call Sasek back.*

Guard *was a police officer for 21 years. He worked in undercover narcotics and can testify as an expert in court as to drug production and trafficking. Based upon his training and experience, he believed* compl *was under the influence of methamphetamine. She had a weird mannerism about her, was scanning the area and had no purpose to her walk.*

Officer Sasek and guard *talked for a while. They used to work together so they were B.S.ing. They lost sight of* compl*. Officer Sasek left and* guard *went back into the emergency room for 20 to 30 minutes.*

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Guard came back out the bay doors and found compl standing next to the MRI trailers. He confronted her and told her she needed to either seek medical attention or leave the property. Compl indicated that she would seek help but instead, ran away and sprinted to the X-Ray doors. These doors are not for the public and is an employee-only entrance. Guard had a feeling that compl never had the intent to seek help, she was just looking to stay off the street. Compl opened the doors to the x-ray wing and went inside. Guard chased her down the hallways where compl was repeatedly trying to open locked doors. Guard caught compl by the collar of her shirt and tried to direct her away. She diverted her direction as though she was going to comply and he let go.

Compl opened an employee-only bathroom and locked herself inside. She was non-communicative and she seemed panicked.

Guard called Officer Sasek on his personal cell phone. He is friends with Officer Sasek. Sasek told him he was on the way. While waiting, guard used his keys to open the bathroom door where he found compl standing there. She wasn't combative. He took a clump of her clothing at the shoulders and she tried to pull away. He directed her out of the bathroom and out the same doors she came in. He believes compl was in the bathroom for no more than 10 minutes.

Once outside, guard released compl and she walked down the walkway towards the MRI trailers. She walked up the metal steps to one of the trailers and tried to enter. He stopped her and she walked to the other one and crawled underneath it.

Officer Sasek showed up followed by Sgt. Khan guard doesn't recall if compl came out willingly or if she was taken out from under the trailer. Once out, she was handcuffed. Guard wasn't going to press charges but he needed her off the property. Compl wasn't happy at this point but she wasn't screaming or belligerent. She was not communicating.

Officer Herrera showed up but guard doesn't believe he ever got out of his patrol car. Compl was already in the back seat of Officer Sasek's patrol car. Officer Sasek and Sgt. Khan discussed what to do with compl and Sasek asked if he could take her to Chico. At one point, Officer Sasek opened the door to his patrol car and asked compl if she wanted to go to Chico. compl said yes and he shut the door. Sasek got the okay from Sgt. Khan to proceed with the plan and. Although he doesn't recall specifics, he remembers feeling that Sgt. Khan told Officer Sasek to hurry up and come back.

Guard has supervised all three of these OPD employees at one point and wondered why they wouldn't just clear her at the jail and book her. Guard made a comment to the officers that once she is in Chico, she's just going to get arrested again. He does not recall anyone taking the handcuffs off of compl.

Guard never heard anything mentioned between Sasek, Khan or Herrera about Neal Road or the landfill or anything like that. He learned later on that compl was found by the landfill. He remembers feeling that night that it was not safe for compl to wonder around because she was obviously under the influence. She should have been cleared and booked. He remembers feeling that it was apparent that these three guys didn't want to take her to the jail and that when she was dropped off at the hospital, it was a 'dump and go' situation. This pissed off guard

Sometime later, Officer Sasek was at the hospital on a different call and spoke with guard Sasek tol guard his side of the story. He doesn't remember 100% of the conversation. guard told Officer Sasek that if he was the

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supervisor on duty, he wouldn't have allowed that because she was so inebriated and didn't have all of her faculties. – END.

I thanked Mr. [redacted] guard for his time and he gave me permission to contact him if I had any further questions. I ended the recording.

Dusty R. Lefdal
Investigator
Employer's Investigative Services
capi #24506

[redacted] Guard

Lefdal: So, like I told you before the recorder went on, as far as the reason that I'm here, if you could just kind of... And I think the date is September 30th, I don't have it in front of me. But if you can tell me, what you remember from that night with [redacted] complainant and Officer Sasek, all of that, and then I might ask some clarifying questions later on.

[redacted] Guard

Alright. Sasek arrived at the hospital... Well, I walked out of the hospital, the back door of the ER and saw Sasek out there and he was basically, scratching her a ticket for, I believe for a warrant. And he said that the jail did not clear her, and so he was basically telling me about the events that led to her arrest. And he released her to go seek medical care.

And she walked over to the ER, and I don't think she ever went inside and then started walking around the parking lot. And I told Sasek I said, hey, man, this girl is going to be a problem. So, you know, if she is, I'll be calling you back, you know, just can't drop off like that. He's like, alright, I think she'll be fine. I'm like, okay.

So he leaves. I went and did some checks, I don't remember exactly what I did, but I know I came back out to the back of the ER to see if she was still milling around, because based on what she did that brought her there, I didn't want her getting in somebody's vehicle and trying to go to sleep or do whatever.

So I see her out back by, we have these MRI trailers for people, and I said, hey, I said, what are you doing? I said you need to be seen or you need to leave. And, she said, well, I'm going to go be seen and she started walking over to these rear doors that go back into our X-Ray department. And I said, hey, you can't go in that way, you have to use the Emergency Room entrance.

She was probably 10 or 15 yards away from me. She had a good head start. She ran and went through the doors. So I ran, and went through the doors and I started following her around the hospital telling her, hey, you have to, you can't.... Because it was after nine o'clock and the hospital shut down except for the emergency room.

So there she starts trying to open doors and she finally goes into a bathroom. I went to grab her, she slams the door shut and she locks it. And it's kind of like an employee's, it's in the back of the hospital where, you know. So I told her to come out and she's not really communicating with me. So I called Sasek, and I said, hey, dude, you need to come get this gal. I said you shouldn't have left her here anyway and she's high as hell. He's like, alright, I'm coming back.

So I hung up the phone. I took my keys, I unlocked the door, I snatched her up and I pulled her out of the hospital. And then she started trying to get into the MRI trailers and then she got underneath one of the MRI trailers and wouldn't come out. So Sasek and Sarge show up and we pull her out from underneath the trailer and handcuff her and they set her in the back of his patrol car. We have a conversation and then they leave.

Lefdal: Okay. So the night this happened, had it turned dark yet?

[redacted] Guard

Oh yeah, it was pitch black.

Lefdal: You said it was after nine?

[redacted]

Mhm. I don't remember... I don't remember the exact time, but I know it was dark when I first saw Sasek writing her the citation. So it was definitely dark when I got her out of the hospital. And since the rest of the hospital was kind of shut down, it had to be.... That

happens at eight o'clock, so I definitely know it was after eight.

Lefdal: Were you just happened to been standing behind the ER when Sasek showed up with her, or did you have a heads up that he was in route with her? I guess how did you first interact and why, what led up to that?

Guard So, I am assigned to the ER.

Lefdal: As security?

Guard Yes.

Lefdal: Okay.

Guard So we have anywhere, fully staffed, we have four security guards at the hospital. I don't remember if we were fully staffed that night, but anyway, if we're fully staffed we have two guards that are assigned to the ER, and then we have a guard that roams the inside main interior of the hospital, and then we have a guard that's usually in a golf cart or a patrol car that goes through the hospital and some off-site clinics and stuff that we have, checking the perimeter there.

Lefdal: And you were assigned that night to the ER?

Guard Yeah. When I first started working there I pretty much worked in the ER for a totally year solid. So basically what I would do kind of my gig was, I'd sit in the triage area for about 15, 20 minutes and then I get up and I'd walk through the ER and I'd go out the back door by the ambulance bay. And it's there on my check when I went out to the ambulance bay that I saw..... Sasek was already parked, He already had her out of the car and he was writing the citation.

Lefdal: At the ambulance bay?

Guard Yeah, just right by the ambulance bay and where those MRI... I guess it's hard to explain if you've never been there.

Lefdal: I know what you're talking about.

Guard Yeah, right there. He was parked right near those MRI trailers.

Lefdal: And she was out of the car, out of the patrol car?

Guard Yeah.

Lefdal: Was she still in cuffs?

Guard I want to say she was, but I couldn't... I don't remember 100%, but I'm thinking she wasn't.

Lefdal: And what were they doing? I think you said he was scratching her.

Guard Yeah, Sasek had his chit book on the hood of his car, scratching in it, and I think she was leaned up on the patrol car near the back of the door. He was just getting ready to have her sign her promise to appear.

Lefdal: Do you remember her attitude if any, if she was calm, if she was compliant, if she was

angry, your words, or if you don't know, you don't know?

Guard — All I remember is she was standing outside against the patrol car, I don't remember. It wasn't until I heard her talking to him when she was signing the ticket and the way she was walking away that I was kind of like, dude, she's going to be a problem.

Lefdal: — So she signed the ticket and walked away?

Guard — Yeah.

Lefdal: — What about her walking away, like what about that kind of clicked in your head that dude, this chick's going to be a problem child for me? Like, articulate that for somebody who wasn't there.

Guard — Well...

Lefdal: — I think I know what you're talking about but to somebody who isn't....

Guard — Yeah, it's just, you know, I've been a police officer for 21 years and I immediately recognized the signs of somebody that's deeply under the influence of a controlled substance. And so her mannerism and the way that she was kind of scanning her immediate surroundings and the way that she didn't walk with any type of purpose, it was just like she was completely formulating what the heck she was going to do the entire time. And then based on that when she went over to the entrance of the ER and didn't go in, I was like, she's high as a kite, she's going to be a problem.

So, yeah, I just had that feeling that this gal is not going to comply with going into the hospital and I'm probably going to end up babysitting her at one point. That was just kind of what my overall feeling was.

Lefdal: — So, you were on a job for 21 years? Any part of that have you gone to 11-5 school, DRE, anything like that?

Guard — Yeah. I was an undercover narcotics officer for almost three years, oh, no three and half years.

Lefdal: — So, needless to say you've got quite a bit of experience with people that are under the influence of controlled substances?

Guard — Yes. I mean I'm a court expert on the production and distribution of methamphetamine and all that kind of stuff.

Lefdal: — Based on your training experience, did you feel that she was under the influence that night?

Guard — Oh, yeah. I knew right from the minute that we contacted her.

Lefdal: — In your opinion, based upon what you saw in your training experience, did you ever formulate whether it was like, seemed as depressant, seeing as stimulant, an opiate?

Guard — Oh, I knew she was on methamphetamine.

Lefdal: — So she signs a ticket, she walks away, she's clearly 11-5\. She does not go into the ER, she walks where?

Guard She walks.... So you're familiar with it right?

Lefdal: A little bit, yeah. The part that we're talking about yeah, I went up there....

Guard So you have your ambulance bay where we were kind of at and then she walked down and there's an ambulance bay entrance and then there's a regular person entrance. If my memory serves me right, the most that she did is she opened, I think she opened the door and looked inside the lobby waiting room of the ER. I don't think her body ever broke the threshold of the doorway, but then she shut the door and started walking off.

So the ER kind of has an upper parking lot, where it's just a bunch of handicap parking.

Lefdal: And this is kind of on the east side?

Guard Yeah. So she had to walk. So she started walking towards, we have these stairs that kind of go down into the lower parking lot. She started walking towards that area....

Lefdal: Which my understanding would be more on the north side by the helicopter pad?

Guard Yes, If you walk down those stairs and kept going straight, you'd walk right onto the helicopter pad. So my initial concern with that is, if you're not from this area, you're not going to know where you're going to go. The one exit there kind of dumps you into a quasi residential apartment area.

Lefdal: Yeah, kind of a weird little exit there.

Guard Yeah. And if she went...

Lefdal: To zigzag to go the other way and then you end up on the back side of, what is that?

Guard Well, yeah, that was the other thing that concerned me. So if she went down the stairs and then kind of went northbound and then around, we have a brand new hospital that's being constructed, that's all open. And they had made a kind of a makeshift entry and exit to one of the rear parking lots where the new construction was going on, that also dumps into a residential neighborhood. If you go over there now it's all been gated off. That's not an exit anymore, but at the time this happened it was.

So she was going in the absolute complete opposite direction of what would dump you out on to Olive Highway where there was any kind of eating establishments or any place to go. And so it just it was all bad, I mean, there was just too much opportunity for checking car door handles and going into a residential neighborhood.

Lefdal: Totally get it. So she walks off in that direction and then what did you do?

Guard We sat there and I kept my eye, we were just BS-ing, and I can't tell you for how long, but we out there long enough where at one point in time I lost sight of her. So I thought, well, maybe she....

Lefdal: Were you BS-ing with....

Guard Sasek, yeah.

Lefdal: Was anybody else there?

Guard Mhm.

Lefdal: Okay.

Guard: No.

Lefdal: You lose sight of her.

Guard: We lose sight of her. And Sasek was getting ready to leave and I remember telling him it was like, dude, if she's a problem calling you back. And he's like, no, I think you're good. I'm like, okay. So he left.

And I don't remember how much time went by between me going back in the hospital and me coming back out the ambulance bay and she was out there.

Lefdal: So you went inside and you came back out?

Guard: Yeah, probably about.... It's hard to say, but I probably was inside for at least 20 minutes, probably no longer than half an hour. So anywhere between 20 to 30 minutes,

Lefdal: You come back out then what?

Guard: I came back out and I came back out the, I believe I came back out the hospital bay doors like I originally did and she was walking around the parking lot, so near the MRI trailers.

So I made contact with her and that's when she took off and ran into what we call the X-Ray door entrance to the hospital.

Lefdal: And when you made contact with her, you told her basically go seek help like you're here or leave the property?

Guard: I was like, yeah, I told her basically, hey, you either need to go to the emergency room and to be seen or you need to leave property.

Lefdal: Okay. And did she say anything to you at that point?

Guard: She said she was going to go seek help. And then when I tried to tell her, hey, you have to come over here to go in, she sprinted for the X-Ray doors. Now, if you were back there and I don't know if you noticed or not, but there's the two MRI trailers and then there's a walkway that kind of goes down around and it goes into these double doors. Now those get locked at eight o'clock every night, but during COVID, we were under different rules and that was one of the only doors that employees used to come in.

Lefdal: So they didn't have to go through a sea of COVID in the ER?

Guard: Right. What used to be the old employee doors, we use that, we called it the COVID hall, that's where they used to isolate COVID patients. Well, now we're back to how it was, you know, for 50 some odd years of the hospital, the employees go in through that door again. But at the time.....

Lefdal: And that's an employee entrance, that's not a public entrance, she had no business going through there?

Guard: Right. That is never.... Even in the middle of the day, that's not a door that the general public goes through.

Lefdal: So she goes through those doors. Does she open the doors?

Guard: Yeah. Oh, yeah.

Lefdal: And then what happened?

Guard: I chased her down and I followed her and we walked some of the hallways a little bit and she was trying doors, and most of all the....

Lefdal: Did she go in those doors?

Guard: No. A lot of them are locked. I did have to....

Lefdal: I'm sorry, the original doors, those X-Ray doors, she actually went inside?

Guard: Yes.

Lefdal: Okay, now, back up just a minute. You said she actually ran?

Guard: Yeah.

Lefdal: Like she was running away from something?

Guard: She was running away from me. I tried to get her to redirect her over towards the Emergency Room entrance.

Lefdal: So she ran away from you into those doors?

Guard: Yes.

Lefdal: Did she think that she was in trouble for something or what was your thought process about, dude, why is this chick running from here?

Guard: Well, just from just for mannerism and what was going on, I knew that she had no intention of going through the ER. I just felt like she was just trying to get out of the elements.

Lefdal: Gotcha. I see what you're saying. So she opens the doors, goes in, starts trying other doors down the hallway.

Guard: Starts trying other doors. I had to grab her by the scruff of the collar of her jacket or shirt to keep her, she tried to go into one of the actual X-Ray rooms. And so she turned around, we walked out, she walked down the hall further and she went into a bathroom and...

Lefdal: Did she break away from you when you grabbed the collar?

Guard: No. So I hadn't been working security there very long and I didn't have a great grasp of what.... I knew I wasn't a cop anymore and I couldn't do cop shit. So I grabbed her, I kept her from going into X-Ray and once she diverted and wasn't going to go in there, I let her go. And then she went down the hall a little farther and she opened a door that's kind of like an employee.... It's kind of like a bathroom that X-Ray staff uses. They kind of get changed and do the bathroom in there. It's not really a bathroom that the general public would use.

So we're pushed into a part of the hospital that is where like all the X-Ray rooms are at, all

of the rooms where they do ultrasound.

Lefdal: Would you consider it a controlled part?

Guard: What's that?

Lefdal: Would you consider it a controlled portion of the hospital?

Guard: Yes. Our pharmacy is back there, the main lab where staff test blood and runs tests on blood, all that.

Lefdal: In other words, the average person is not just walking down this these hallways and going into these buildings unescorted?

Guard: Right. This is a part of the building like you would be if you were getting an X ray or a procedure done and some staff members. This isn't a part of the hospital where somebody just kind of mills around and is going to an appointment.

Lefdal: So this bathroom that she went into is it staff only? Is it escorted? Like can public use it if they're back there being like being tested for something?

Guard: They may allow them to, that I don't know.

Lefdal: But is it mostly staff that's supposed to use this restroom?

Guard: Yes, that's pretty much all I've ever seen use it.

Lefdal: Okay. So she goes into the staff bathroom and she locks the door?

Guard: Yes.

Lefdal: Then what?

Guard: I backed up. I grabbed my phone and I called Sasek and I said hey, dude, you need to come get this chick. She's walking around the hospital, we're closed, she's not supposed to be back here, I told her to leave. She's not complying and now she's locked herself in the bathroom.

Lefdal: So did you call dispatch? Did you call his cell?

Guard: Sasek's one of my friends, I called his personal cell phone. I don't even think I called his.... I don't even think I called his work cell phone. I called his personal cellphone.

Lefdal: Okay. As this is going on, did you even know who this chick was? Have you ever dealt with her?

Guard: Never laid eyes on her before.

Lefdal: So, she's like been identified as compl, so I'll refer to her as compl. is she yelling at you? Is she exclaiming anything while she's locked in this bathroom, was she telling you to....?

Guard: No, she's not really communicating with me at all. She's in that.... She has an expression on her face that she's kind of panicked, but at the same time she wasn't, she had this odd behavior, you know.

Lefdal: Would you call it typical of someone that's under the influence of a controlled substance like a stimulant?

Guard: Oh, most definitely. She had all the movements. And part of the problem too is I have the background of what led to her arrest anyway, which was they caught her in like the storage area of Dollar General, I think it was. Anyway, some store and she was hiding and they had to pull her out from some area where there was a bunch of merchandise, like she was hidden back in there.

So I kind of had that in my brain too -- is this gal's just trying to look for some hole to crawl into for the night and you know, that type of thing.

Lefdal: And how did you come to know that information?

Guard: When I saw Sasek out there, when he wrote her a ticket, we were bullshitting, he told me.

Lefdal: Oh, after he scratched her.

Guard: Yeah, I was like, where did you find this gal at, you know? And so he kind of broke it down for me.

Lefdal: Okay. So you called Robert on a cell, on his personal cell, you think and tell him, hey, you need to come get her, she's causing a problem?

Guard: Yep. I said she's back here in the hospital and he's like, I'm en-route and I don't remember what else he said. But, I stood there for a while and he hadn't shown up yet. So I was like, screw it. I grabbed my keys, I unlocked the bathroom and I went in there and I grabbed her and I escorted her out of the hospital. And I had control of the.... I didn't grab her shoulder, but I had a handful of her clothing in my hand from on her shoulder. And as I was walking her out towards those doors that she came in at, every once in a while when we went by a hallway, she tried to pull and go that way and I just redirect her and directed her right to those doors and walked her out the back.

Lefdal: Okay. Out the same doors that she came in?

Guard: Yep.

Lefdal: When you unlocked the bathroom, what was she doing in there when you see her?

Guard: You know, I really don't know. My recollection, when I opened the door, she was right there at the door. So I don't know if, when she heard me unlocking it, if she was going to try and push the door to keep it shut or what she was doing, I do remember, I didn't have to use really any force to open the door. I know when I opened the door it bumped into her. So she was right at the door. And when she backed up and I got the door open, she she didn't have really anything. So everything that she had was on her. I don't really think she was in there long enough where I would say she could tear anything up. So I just pulled her out of there and walked her out.

Lefdal: To the best of your recollection, and if you don't know you don't know. Are you able to approximate how long she was in that bathroom? If you had to go back or if you don't know, you don't know?

Guard: It was no more than 10 minutes.

Lefdal: Okay. So you escort her out the front door. She's not handcuffed?

[redacted] No.

Lefdal: You escort her out those doors, those X-Ray doors, then what?

[redacted] We went out the doors and I released my hold on her clothing or body or whatever. And we started walking down the little walkway.

Lefdal: The two of you?

[redacted] Yeah. And we got up the walkway. That entrance, it's kind of sunk down a little bit. So when you're up on the top, you kind of walk down and it kind of curves around and it goes in. So once we got up to the top, there's like a retaining wall. Right on the other side of that retaining wall is the.... And there's bushes and stuff. There's the two MRI trailers. And she started walking over towards those. I was like, hey, you can't go in there. She went up the little metal stairs to one of them, tried to open the door. I grabbed her again, I pulled her down, said, you got to go off property.

She went to the other one and crawled underneath it. And there's where she sat until Sasek and Khan right.

Lefdal: Then what happened after that?

[redacted] So I wasn't going to fight with this chick anymore. So I just sat there and waited till the police department arrived. And then we.... I don't remember if we physically pulled her out from underneath there or if Sasek got there and just ordered her to come out. Anyhow, she ended up out from underneath there. She got handcuffed and she got sat in the back of a patrol car.

Lefdal: So she was cuffed?

[redacted] Yes.

Lefdal: Do you remember who cuffed her?

[redacted] I'm assuming Sasek. I don't remember, I don't even remember..... I know Khan showed up, but I don't remember exactly at what point he showed up. And then Herrera showed up and I don't even think Herrera ever got out of his car. But everybody was parked right there at the ambulance bay next to the MRI trailers.

Lefdal: So there would have been three patrol cars there?

[redacted] Yeah. But I don't think Herrera showed up until she.... I think she had actually had been sat in the back of Sasek's car when Herrera showed up. if I remember right.

Lefdal: What was her demeanor when she got handcuffed, do you recall?

[redacted] She wasn't happy, but she wasn't like screaming or yelling or anything like that. She was just in a very weird state. She just really didn't communicate very much.

Lefdal: So she gets handcuffed, she gets put in the back of a car. Do you know who's patrol car?

[redacted] Yeah, it was Sasek's.

Lefdal: Then what?

Guard

Then we sat around and had a short conversation. Sasek was asking Khan what they needed to do with her. Like I had told Gil before, this was kind of a weird thing for me because I've supervised all three of these individuals at one point in time. And it got mentioned taking her to Chico and I was sitting there thinking, why in the hell do you guys just not take her in and get an an f-ing jail clearance and take her back to jail? But Sasek opened the door and asked her, do you want to go to Chico? And I heard her say yes and he shut the door. So, the decision was made to take her to Chico.

And at that point in time, I kind of backed off of my thinking, this is a really bad idea. I was like, well, at least they have her verbal admission that she wants to go to Chico. So I was like, you know, whatever, it's just.... I do know that I made the comment, you know, she's going to get arrested in Chico and she's going to get right back brought up here again and get released? But, they made the decision that they were going to do what they were going to do.

Lefdal: When you say, they made the decision, describe that to me? Was this Khan's decision, or was it Robert's decision, was it....

Guard

So the way that I remember it going down, it was kind of Sasek's idea, hey, why don't we just take her back to Chico where she's from? And there was some conversation about that which I can't give to you word for word. But it led to Sasek opening the back door and asking her if she wanted to go to Chico, and I heard her say, yeah, she did. And then shut the door and then it was more of a conversation about logistics, get there and get back, you know, we have calls coming in.

Lefdal: And was that from Khan to Sasek?

Guard

Yeah, it was mostly those two in engaged in the conversation about doing that. Like, I don't remember it being word for word, but I do remember that Khan was the OIC, or he may have even already been promoted to sergeant, I don't remember which, but it was ultimately the decision laid on his shoulders and he made the decision to allow Sasek to drive her to Chico.

Lefdal: Do you remember any part of that conversation where Sasek was told basically hurry, go there, come back, don't dilly dally? Anything similar to that?

Guard

It was kind of like yeah, you're good, just go there and, and come back. Like I said, I don't remember the word for word conversation, I just remember Khan blessing the decision to ride her to Chico.

Lefdal: Do you remember any statements made about going to Neil Road, going towards the landfill, going partially to Chico? Anything that would indicate that she was dropped off prior to going to Chico?

Guard

No. I know there was never a mention... The only thing that was mentioned was taking her to Chico. I don't even remember if it was ever even stated where at in Chico.

I know that I said, hey, I've done this once or twice, and I've always dropped them off at the Burger King and stuff, that's right there by Home Depot in Chico, where Yuba College is at. And I said it's well lit, and everything else.

And so that's the only thing that I know of. Now I heard later about she got dropped off the Neil Road and something about she was screaming, let me out, let me out.

Lefdal: You heard that later after this night?

Guard: Yes, like days later I heard about that.

Lefdal: Where did you hear that from?

Guard: I do not remember who exactly I heard it from. I just remember that I was just like, why in the hell would you... I was like, I would continue to Chico or I'd turn around and take her right back to the jail, or something. I mean, I don't... I just didn't understand why. I just don't understand why Sasek did that.

Lefdal: Yeah, I think that's the million dollar question, right. So at no point did you ever hear anything about, either joking or not joking, about Neil Road? Landfill? Franklin construction? Nothing even in a joking manner that would indicate that they were going to go take her somewhere and drop her off somewhere other than Chico?

Guard: No, to me it was, they were going to Chico. I heard no... There was... At least the conversation that I was privy to -- and I believe I sat out there when they all drove off, I kind of remained in the area. I never heard anything about that. As far as I knew he was taking her to Chico and I really don't know where in Chico he was even going to take her. I just remember that's what they were going to do.

Lefdal: Okay. Do you remember her being unhandcuffed at any point?

Guard: No. I don't remember if... I'm going to say no, that I think she remained in the car and the door remained shut through the entirety of that conversation, other than when Sasek asked her if she wanted to go to Chico.

Lefdal: And that whole time she is sitting and cuffed in the back seat of the patrol car. Well, he had cuffed her outside of the patrol car.

Guard: Yeah. Yeah, I'm 100% certain... Yeah, I'm fairly certain that when she came out from underneath the trailer, she got handcuffed.

Lefdal: Okay.

Guard: Because my intention was -- you need to take this chick to jail. And if you got to get a med clearance, you do what you got to do, but she can't be walking around.

It wasn't safe for her or anybody else for her to be walking around. And it really wouldn't have been... And it obviously wasn't safe for her to just go into the ER on her own accord and seek help. She seemed medically fine to me, other than she was extremely high.

Lefdal: Sure.

Guard: And so... And I don't remember, and I don't know if it was ever told to me why she wasn't medically cleared. I just know, based on my own personal experience and training, that yeah, it sucks it takes an officer off the street. But spend the 20, 30 40 minutes, whatever, however long, get her freaking clear to take her to jail.

Lefdal: Yeah.

Guard: And then when the jail says she's sober and they release her, you know, so be it. Any kind of liability is off your ass.

Lefdal: Correct.

Guard: And so... Yeah, that was just kind of...

Like I told Gil, I just didn't want to be -- that guy that's, you know, the retired police officer, and he's trying to tell these young bucks how to do their job.

Lefdal: I get it.

Guard: I just... I didn't feel like that was my role. And I've had experience with, you know, in early in my career with retired cops, and I just didn't want to be that dude. You know? You guys are grown men, you know what you're doing.

Lefdal: To ask a clarifying question. So he pulls her... Or we don't know how she comes out from underneath the MRI trailer. But she gets somehow out from underneath the MRI trailer, and she is handcuffed. The hospital doesn't want to press charges at that point?

Was there anything that you needed to have... I guess what's, 21 years on the job, she's clearly detained if she's in handcuffs.

Guard: Yeah.

Lefdal: Was that just him trying to figure out what's going on? Was that because, was she detained because she was going to be 602'd? Where are we at with that?

Guard: So... If she was a local chick and she was, they were going to take her to jail, I would have requested a 602 admonishment.

Lefdal: Sure.

Guard: And the hospital is not really... A lot of times it takes an act of God for them to want us to ride a...

Lefdal: Totally get it.

Guard: Because it is hospital.

Lefdal: Sure. Sometimes you just need the problem solved and move on.

Guard: Right. No, none of that... What I told Sasek is -- she has got to go, she cannot be on my property. You do what you got to do. Take her to jail. You got to take her to... I don't care what you do, she can't be on this property.

Lefdal: At which point he applied the handcuffs?

Guard: I think that happened right when we got there, and they'd gotten her in the car, and I was telling him she cannot be here.

And that's what they were trying to figure out.

So here, I don't want to talk bad. But the problem is, those three guys had to make a decision on what they were going to do with her. And clearly the decision to take her to jail was not in their frontside scope. It just wasn't. That wasn't something that seemed like they wanted to do. Because getting a jail clearance sucks ass half the time.

Lefdal: I get it. I totally get where you're coming from. And we've all seen it a million times where the last thing I want to do whether it's 20 minutes before the end of shift or I've got 19 calls pending or whatever, this one, I can solve the problem quickly by not having to do this, this, this and this, and I'm already down pavement. Totally getting it and I'm not going to defend that at all.

I guess I'm trying to get to the mindset of, because somebody could look at this and go -- well, okay, if she's in handcuffs, it's what we would call 1148, you know, just transport, courtesy transport.

Guard: Right.

Lefdal: Because I'm not going to give somebody a courtesy transport in handcuffs.

Guard: Right.

Lefdal: But there are times where I don't know what I'm dealing with and I may end up detaining you in cuffs until I figure out what the heck's going on, even if there's no crime, I just don't know, and it's for everybody safety until I can figure out what's going on.

In your opinion, 21 years on the job, is that kind of where we were where Robert was at, in your opinion? Like, yeah, I don't know what I'm going to do with this chick. She's in cuffs for now, and then I'll figure it out.

Guard: Yeah, that's pretty much.

Lefdal: Okay.

Guard: That's pretty much where we were at.

Lefdal: Okay. But she wasn't arrested, that you saw.

Guard: I was not... I was not pursuing any type of criminal complaint. I just wanted her off the hospital grounds.

Lefdal: Fair enough.

Guard: Because I don't... Just, as a security guard, especially at the hospital, I have a really limited scope of practice.

Lefdal: It doesn't look good when people are getting arrested at the hospital every day. It's not good for the company.

Guard: Right. And I wasn't really comfortable putting my hands on this gal. But the only reason that I did was because she was trying to go into -- the X ray, you know, she's trying to go into areas of patient care, where she's not supposed to.

Lefdal: Really, your whole job to keep that from happening.

Guard: Right.

Lefdal: No, I totally get that.

Guard: And so that was... And I think that might have been a night where it was just me and one other guard on. And he was off doing his other duties. And so it was like...

I was a little pissed because I felt like it was a dump-and-go at the hospital. A lot of times the jail is like, they don't do a jail clearance so you take them to the hospital. She wasn't... She got arrested for, I believe, a warrant. So I don't think she was... I don't know, but it didn't appear that she was getting any charges for what occurred at Dollar General. And so there was no fresh charges on her.

And he basically would be able to write in his report, hey, the jail didn't clear. So we took her for her to seek medical aid if she needed to.

But she didn't, which I'm good with. But I'm not good with her hanging out around the hospital.

Lefdal: Correct. I get that.

[redacted] Guard: Because now the liability that Sasek and the jail had now becomes a hospital's liability because she's on our property.

Lefdal: Totally get it. Alright.

When he hooked her up after coming from the MRI trailer, did he say anything to her as far as, hey, you're under arrest, or, hey, I'm just going to detain you for right now, do you recall any statements made by Robert?

[redacted] Guard: I don't remember any of that. I just remember that he handcuffed.

I almost 100% certain that he handcuffed her.

Lefdal: Alright.

[redacted] Guard: [aside] Hey, [redacted] can you give us a few? Sorry buddy.

[redacted] Guard: You're good. [inaudible]

Lefdal: I think that's about all I got unless you got something else that you think I should know.

[redacted] Guard: No, I mean that is pretty...

Lefdal: I guess to clarify, I do have one other question. Robert had said... Or, you had made a comment that you had supervised him in the past and you know him. Obviously you had his cellphone. Did he ever make any statements to you after this? Like an apology? Like -- hey dude, sorry, I kind of dumped this on you -- or telling you his side of the story, or anything like that?

[redacted] Guard: Yeah, he's told me... He kind of told me his side of the story. And... So I heard about what happened, and I don't remember exactly who told it to me. Because I... So, there's officers that come and go from the hospital on a daily basis. Almost every shift, I bump into one of my former coworkers. And then when I talked to Sasek, you know, he just told me -- hey...

I can't remember 100% of the conversation but he kind of verified a little bit of what I heard that she was kind of freaking out so that's where she wanted to go.

And I was just like, dude, come on.

Lefdal: Was that like, at the hospital?

Guard: Yeah.

Lefdal: Okay.

Alright. Just to clarify, I got to ask. Did he ever contact you and ask you to change your statement in any way, shape or form?

Guard: No, no, not at all. I think we talked about it one time a little bit after, a couple of days after it happened, maybe.

Lefdal: Okay.

Guard PC 832.7 [redacted]

PC 832.7 [redacted]

[redacted] PC 832.7 [redacted]

Lefdal: Do you remember who it was?

Guard: I don't remember his name. I just remember he said that he was the private investigator for compl attorney. And he pretty much did what we're doing right now. He recorded an interview with me.

Lefdal: He come sit down bedside?

Guard: No, he did it over the phone.

Lefdal: Really?

Guard: Yeah. Did it over the phone. I don't know where he was. I don't recall where he was from or where he was making the phone call from.

And, so, yeah, I agreed to answer his questions. And I pretty much told him what I'm telling you guys. So I was just like...

Like, when you called me, then I ended up... I had a conversation, I just called Gil, like, hey, just... He'd reached out to me and -- I just wanted to make sure Sasek... I don't want to get Sasek in trouble for anything. I just...

And he was like, no, we're just... I guess there's a civil part of all this, obviously.

Lefdal: There is. And I think that that's, like I said, I handle the IA side. I have a feeling some of those things are going to emerge, which is why I got brought back into it.

Guard: Oh, okay.

Lefdal: But that's above my pay grade.

Guard: Yeah. It's...

Lefdal: If LT asks me to do something, I do it. You know how that goes.

Guard: Yeah. The whole thing is unfortunate. And you know, and I told Sasek before. I said, dude, you know, first of all, if I was your supervisor, that wouldn't have happened.

Lefdal: You told him that?

Guard: Yeah. Oh yeah. And the only reason... And I told Gil this too. I'm not these guys' -- I'm a freaking security guard now. I'm retired. And I'm just... The only reason I'm working anyway is just for medical insurance. And so it's not like... I don't go to the department and hang out. I just did not want to be that guy that got retired and, you know, can't let go of the ghost. You know?

Lefdal: I get it.

Guard: But, and like I told Gil, you know, when I was young, that's something I would have done.

Lefdal: Sure.

Guard: Never because I couldn't get a jail clearance. You know, we've had guys in Oroville where, just generating numerous calls, but you never have enough to arrest them, and you're like, hey...

Lefdal: Got to solve the problem. Sure.

Guard: Is there somewhere I can take you within reason that will alleviate?

Lefdal: Got to solve the problem. I've got other things to do.

Guard: Yeah. But I've never taken anybody that's clearly as allebriated. That's the problem with Sasek that I found, was that, you know, it's not like you had a person with all their faculties that wanted to go to Chico. You had somebody that was highly allebriated and high. And... They don't make good decisions or they wouldn't be in the situation they're in to begin with. Yeah, I was just disappointed in the whole thing, to be honest. But is what it is.

Lefdal: Alright, man. That should do it. Are you okay if I call or text with like follow up questions, if I have any?

Guard: Yeah. No, you're fine.

Lefdal: Cool. Try not to bug you if I don't have to, but I appreciate you taking the time.

Date	Time	Inc#	Unit	Text
09/01/2022	23:53:15	2209010143	3832	CODE 4.
09/01/2022	00:19:56	2209010001	3833	DISP. Oroville Apartments, 39 Nelson Ave, Oroville
09/01/2022	00:19:56	2209010001	3833	Sending Incident to 3833 Pager
09/01/2022	00:24:17	2209010001	3833	ONSCEN.
09/01/2022	00:25:03	2209010001	3833	CODE 4.
09/01/2022	00:26:07	2209010001	3833	10-8. . Disposition UN
09/01/2022	01:21:42	2209010003	3833	DISP. Motel 6, 505 Montgomery St, Oroville
09/01/2022	01:21:42	2209010003	3833	Sending Incident to 3833 Pager
09/01/2022	01:26:08	2209010003	3833	ONSCEN. 1085
09/01/2022	01:28:33	2209010003	3833	10-27: [redacted]
09/01/2022	01:28:33	2209010003	3833	Wanted Check: [redacted]
09/01/2022	01:28:33	2209010003	3833	Missing Persons Check [redacted]
09/01/2022	01:28:33	2209010003	3833	APPS: [redacted]
09/01/2022	01:29:24	2209010003	3833	10-8.
09/01/2022	01:29:24	2209010003	3833	Closed - Disposition GA
09/01/2022	01:31:12	2209010002	3833	[redacted]
09/01/2022	01:31:12	2209010002	3833	Sending Incident to 3833 Pager
09/01/2022	01:35:18	2209010002	3833	ONSCEN. ATC
09/01/2022	01:38:14	2209010002	3833	10-8. . Disposition CO
09/01/2022	01:39:44	2209010004	3833	Traffic Stop at Mitchell Ave/Hewitt Ave, Oroville 3
09/01/2022	01:39:44	2209010004	3833	ONSCEN. Mitchell Ave/Hewitt Ave, Oroville
09/01/2022	01:39:45	2209010004	3833	10-29: [redacted]
09/01/2022	01:39:45	2209010004	3833	DMV check: [redacted]
09/01/2022	01:40:19	2209010004	3833	CODE 4. WITH ONE
09/01/2022	01:41:14	2209010004	3833	10-27: [redacted]
09/01/2022	01:41:15	2209010004	3833	Wanted Check: [redacted]
09/01/2022	01:41:15	2209010004	3833	Missing Persons Check: [redacted]
09/01/2022	01:41:15	2209010004	3833	APPS: [redacted]
09/01/2022	01:45:52	2209010004	3833	10-8. TW LIGHTING EQUIP
09/01/2022	01:45:52	2209010004	3833	Closed - Disposition TW
09/01/2022	04:58:28	2209010009	3833	DISP. 1569 Myers St #2, Oroville
09/01/2022	04:58:28	2209010009	3833	Sending Incident to 3833 Pager
09/01/2022	05:17:05	2209010009	3833	10-8. . Disposition NA
09/01/2022	06:09:53		3833	OFF.
09/01/2022	17:28:06		3833	10-8 - ON DUTY: SASEK, ROBERT.SIGNED ON TO IRIMS
09/01/2022	17:35:28	2209010116	3833	DISP. 0 Green Bridge, (Unknown Address), Oroville
09/01/2022	17:35:28	2209010116	3833	Sending Incident to 3833 Pager
09/01/2022	17:35:43	2209010116	3833	10-8. Freed
09/01/2022	17:35:59	2209010116	3833	DISP. 0 Green Bridge, (Unknown Address), Oroville

09/01/2022	17:35:59	2209010116	3833	Sending Incident to 3833 Pager
09/01/2022	17:39:32	2209010116	3833	ONSCEN.
09/01/2022	17:41:31	2209010116	3833	10-8. . Disposition NA
09/01/2022	17:43:23	2209010117	3833	[redacted]
09/01/2022	17:43:24	2209010117	3833	Sending Incident to 3833 Pager
09/01/2022	17:47:07	2209010117	3833	ONSCEN.
09/01/2022	17:49:23	2209010117	3833	10-22 MEDICS FEMALE IS G/A MALE IS STILL ON SCENE
09/01/2022	17:49:44	2209010117	3833	10-29: [redacted]
09/01/2022	17:49:44	2209010117	3833	DMV check: [redacted]
09/01/2022	17:50:07	2209010117	3833	[redacted]
09/01/2022	17:51:46	2209010117	3833	10-8.
09/01/2022	17:51:46	2209010117	3833	Closed - Disposition DO
09/01/2022	17:53:55	2209010117	3833	[redacted]
09/01/2022	17:53:58	2209010117	3833	Sending Incident to 3833 Pager
09/01/2022	17:54:58	2209010117	3833	10-8.
09/01/2022	17:54:58	2209010117	3833	Closed - Disposition NA
09/01/2022	17:57:18		3833	10-27 [redacted]
09/01/2022	17:57:18		3833	Wanted Check: [redacted]
09/01/2022	17:57:18		3833	Missing Persons Check: [redacted]
09/01/2022	17:57:18		3833	APPS: [redacted]
09/01/2022	18:24:18	2209010119	3833	DISP. Holiday Inn Express Hotel, 550 Oroville Dam Blvd E, Oroville
09/01/2022	18:24:18	2209010119	3833	Sending Incident to 3833 Pager
09/01/2022	18:43:38	2209010119	3833	ONSCEN.
09/01/2022	18:44:22	2209010119	3833	CODE 4.
09/01/2022	18:47:27	2209010119	3833	10-8. . Disposition GA
09/01/2022	20:05:42	2209010124	3833	DISP [redacted]
09/01/2022	20:05:42	2209010124	3833	Sending Incident to 3833 Pager
09/01/2022	20:12:35	2209010124	3833	ONSCEN.
09/01/2022	20:15:14	2209010124	3833	ATC
09/01/2022	20:15:59	2209010124	3833	CODE 4.
09/01/2022	20:19:44	2209010124	3833	10-8. MALE SUBJ CODE 4 NEG 5150
09/01/2022	20:19:44	2209010124	3833	Closed - Disposition UN
09/01/2022	20:41:27	2209010127	3833	[redacted]
09/01/2022	20:41:27	2209010127	3833	Sending Incident to 3833 Pager
09/01/2022	20:41:41	2209010127	3833	[redacted]
09/01/2022	20:41:41	2209010127	3833	
09/01/2022	20:45:54	2209010127	3833	ATC
09/01/2022	20:45:54	2209010127	3833	ONSCEN. ATC
09/01/2022	20:46:15	2209010127	3833	CODE 4.
09/01/2022	20:52:55	2209010127	3833	10-8. . Disposition NA

09/01/2022	20:53:32	2209010130	3833	DISP. Dollar General North, 2084 3RD St, Oroville
09/01/2022	20:53:32	2209010130	3833	Sending Incident to 3833 Pager
09/01/2022	20:55:17	2209010130	3833	ONSCEN.
09/01/2022	20:58:01	2209010130	3833	CODE 4.
09/01/2022	21:18:12	2209010130	3833	[redacted] added to incident
09/01/2022	21:18:12	2209010130	3833	10-27: [redacted]
09/01/2022	21:18:12	2209010130	3833	Wanted Check: [redacted]
09/01/2022	21:18:12	2209010130	3833	Missing Persons Check [redacted]
09/01/2022	21:18:12	2209010130	3833	APPS: [redacted]
09/01/2022	21:21:33	2209010130	3833	ENRT. BCJ BM 0 AT 2121
09/01/2022	21:24:35	2209010130	3833	ONSCEN. BCJ EM 0.3 AT 2124
09/01/2022	21:25:39	2209010130	3833	Case number 22-2954 assigned to 2209010130
09/01/2022	21:43:15	2209010130	3833	ENRT. OMC BM SAME AS ENDING AT 2143
09/01/2022	21:45:56	2209010130	3833	[redacted] added to incident
09/01/2022	21:45:56	2209010130	3833	10-27: [redacted]
09/01/2022	21:45:56	2209010130	3833	Wanted Check: [redacted]
09/01/2022	21:45:57	2209010130	3833	Missing Persons Check: [redacted]
09/01/2022	21:45:57	2209010130	3833	APPS: [redacted]
09/01/2022	21:49:11	2209010130	3833	ONSCEN. OMC EM 3.7 AT 2148
09/01/2022	21:49:25	2209010130	3833	CITE. OUT ON CITE
09/01/2022	22:01:55	2209010130	3833	10-8. XRAY RELEASED AND ADVISED TO SEEK MEDICAL ATTENTION
09/01/2022	22:01:55	2209010130	3833	Closed - Disposition CR
09/01/2022	22:11:42	2209010130	3833	DISP. Dollar General North, 2084 3RD St, Oroville
09/01/2022	22:11:42	2209010130	3833	Sending Incident to 3833 Pager
09/01/2022	22:11:50	2209010130	3833	ENRT. OMCER
09/01/2022	22:13:20	2209010130	3833	ONSCEN.
09/01/2022	22:13:48	2209010130	3833	ONSCEN. OMCER
09/01/2022	22:14:36	2209010130	3833	CODE 4.
09/01/2022	22:18:50	2209010130	3833	ENRT. 1014 TO UNK 1020 IN CHICO BM 0 AT2218
09/01/2022	22:47:49	2209010130	3833	ONSCEN. TOWN EM 27/3
09/01/2022	22:49:37	2209010130	3833	10-8.
09/01/2022	22:49:38	2209010130	3833	Closed - Disposition CR
09/01/2022	22:49:46	2209010141	3833	DISP. Oroville Dam Blvd E/Feather River Blvd, Oroville
09/01/2022	22:49:46	2209010141	3833	Sending Incident to 3833 Pager
09/01/2022	22:52:06	2209010141	3833	ONSCEN.
09/01/2022	22:54:08	2209010141	3833	CODE 4. FIRE 97
09/01/2022	22:56:07	2209010141	3833	10-8. Freed
09/01/2022	22:56:07	2209010141	3833	Incident returned to pending status
09/01/2022	22:56:33	2209010141	3833	DISP. Oroville Dam Blvd E/Feather River Blvd, Oroville
09/01/2022	22:56:33	2209010141	3833	Sending Incident to 3833 Pager

09/01/2022	22:56:40	2209010141	3833	ONSCEN.
09/01/2022	23:02:13	2209010141	3833	10-8.
09/01/2022	23:02:13	2209010141	3833	Closed - Disposition RE
09/01/2022	23:07:55	2209010138	3833	DISP. [redacted]
09/01/2022	23:07:55	2209010138	3833	Sending Incident to 3833 Pager
09/01/2022	23:08:01	2209010138	3833	ONSCEN.
09/01/2022	23:11:14	2209010138	3833	10-8.
09/01/2022	23:11:14	2209010138	3833	Closed - Disposition UL
09/01/2022	23:12:55	2209010144	3833	DISP. Motel 6, 505 Montgomery St, Oroville
09/01/2022	23:12:56	2209010144	3833	Sending Incident to 3833 Pager
09/01/2022	23:24:34	2209010144	3833	ONSCEN.
09/01/2022	23:28:47	2209010144	3833	10-8.
09/01/2022	23:28:47	2209010144	3833	Closed - Disposition UL
09/01/2022	23:29:45	2209010145	3833	DISP. Walmart Supercenter #1575, 465 Cal Oak Rd, Oroville
09/01/2022	23:29:45	2209010145	3833	Sending Incident to 3833 Pager
09/01/2022	23:32:38	2209010145	3833	ONSCEN. OUT WITH VEH
09/01/2022	23:33:23	2209010145	3833	CODE 4. WITH RP
09/01/2022	23:33:57	2209010145	3833	10-29: [redacted]
09/01/2022	23:33:57	2209010145	3833	DMV check [redacted]
09/01/2022	23:35:18	2209010145	3833	[redacted] dded to incident
09/01/2022	23:35:18	2209010145	3833	10-27: [redacted]
09/01/2022	23:35:18	2209010145	3833	Wanted Check: [redacted]
09/01/2022	23:35:18	2209010145	3833	Missing Persons Check: [redacted]
09/01/2022	23:35:18	2209010145	3833	APPS: [redacted]
09/01/2022	23:50:35	2209010145	3833	10-8. THEY ARE GOING TO ACCESS SURVEILLANCE IN THE MORNING AND RECONTACT
09/01/2022	23:50:35	2209010145	3833	Closed - Disposition PE
09/01/2022	23:53:05	2209010143	3833	DISP. Pacific Coast Producers, 1601 Mitchell Ave, Oroville
09/01/2022	23:53:05	2209010143	3833	Sending Incident to 3833 Pager
09/01/2022	23:53:09	2209010143	3833	ONSCEN.
09/01/2022	23:53:15	2209010143	3833	CODE 4.

OROVILLE POLICE DEPARTMENT

CAD INCIDENT REPORT
2209010130

10/05/2022

Location	Cross Streets	City
DOLLAR GENERAL NORTH, 2084 3RD ST	GRAND AVE/NELSON AVE	OROVILLE

Incident Type	Call Taker	Dispatcher
602 - TRESPASSING	729	729

Date	Priority	Primary Unit	Beat	Fire Zone	Area	Map	Source
09/01/2022	2	3833	TH	TH	TH		W

Caller Name	Caller Address	Caller Phone
W2 [redacted]	2084 3RD, Oroville	[redacted]

Dispositions	Weapon	Alm Level	Case Number
Cite and Release			22-2954

Vehicles	Associated Incidents

Incident Times

Received	20:50:01
Created	20:52:32
Dispatched	20:53:32
En Route	
On Scene	20:55:17
Closed	22:01:55
Rcvd-Closed	1:11:54

Special Circumstances

Persons	Sex	DOB	Race	DL
W2 [redacted] complainant				

Unit Times	Officers	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear
3833	703	20:53:32		20:55:17	22:01:55	01:45	N/A	1:06:38	1:08:23
3832	714	20:53:36			20:53:45	N/A	N/A	N/A	00:09
38S3	645	20:53:40		20:57:55	21:21:40	04:15	N/A	23:45	28:00
38K1	716	20:53:40		20:57:55	21:21:40	04:15	N/A	23:45	28:00
3833	703	22:11:42	22:11:50	22:13:20	22:49:37	01:38	01:30	36:17	37:55
3832	714	22:13:10		22:13:20	22:37:21	00:10	N/A	24:01	24:11
38S3	645	22:13:15		22:13:20	22:37:24	00:05	N/A	24:04	24:09
38K1	716	22:13:15		22:13:20	22:37:24	00:05	N/A	24:04	24:09

Incident Comments

WFA IN PEACH COLORED SHIRT SLEEPING IN THE BACK IN THE RECEIVING ROOM REFUSING TO LEAVE
Cellular E911 Call:
Lat:39.521765 Lon:-121.57188
Service Class: WPH2

TIME	#	EVENT	BY
20:52:32	1	Incident initiated at Dollar General North, 2084 3RD St, Oroville	729
20:53:32	2	3833 DISP. Dollar General North, 2084 3RD St, Oroville	729
20:53:32	3	3833 Sending Incident to 3833 Pager	729
20:53:36	4	3832 DISP. Dollar General North, 2084 3RD St, Oroville	729
20:53:36	5	3832 Sending Incident to 3832 Pager	729
20:53:40	6	38S3 DISP. Dollar General North, 2084 3RD St, Oroville	729
20:53:40	7	38K1 DISP. Dollar General North, 2084 3RD St, Oroville	729
20:53:41	8	38S3 Sending Incident to 38S3 Pager	729
20:53:45	9	3832 10-8. Freed	729
20:55:17	10	3833 ONSCEN.	729
20:57:55	11	38K1 ONSCEN.	729
20:57:55	12	38S3 ONSCEN.	729
20:58:01	13	3833 CODE 4.	729
20:58:01	14	38K1 CODE 4.	729
20:58:01	15	38S3 CODE 4.	729
21:06:47	16	ATTEMPTING TO GET FEMALE OUT OF THE STORE	729
21:11:02	17	ONE DETAINED	729

CONTROLLED DOCUMENT

CONTROLLED DOCUMENT

TIME	#	EVENT	BY
21:18:12	1	3833 [redacted] W2 added to incident	729
21:18:12	2	3833 [redacted]	729
21:18:12	3	3833 Wanted Check: [redacted] W2	729
21:18:12	4	3833 Missing Persons Check: [redacted]	729
21:18:12	5	3833 APPS: [redacted]	729
21:21:33	6	3833 ENRT. BCJ BM 0 AT 2121	729
21:21:40	7	38K1 10-8. Freed	729
21:21:40	8	38S3 10-8. Freed	729
21:24:35	9	3833 ONSCEN. BCJ EM 0.3 AT 2124	729
21:25:39	10	3833 Case number 22-2954 assigned to 2209010130	729
21:43:15	11	3833 ENRT. OMC BM SAME AS ENDING AT 2143	729
21:45:56	12	3833 [redacted] added to incident	729
21:45:56	13	3833 10-27: [redacted]	729
21:45:56	14	3833 Wanted Check: [redacted] complainant	729
21:45:57	15	3833 Missing Persons Check: [redacted]	729
21:45:57	16	3833 APPS: [redacted]	729
21:49:11	17	3833 ONSCEN. OMC EM 3.7 AT 2148	729
21:49:25	18	3833 CITE. OUT ON CITE	729
22:01:55	19	3833 10-8. XRAY RELEASED AND ADVISED TO SEEK MEDICAL	729
	20	ATTENTION	
22:01:55	21	3833 Closed - Disposition CR	729
22:10:52	22	Reopened	729
22:11:29	23	HOSP CB TO 33 HAVING ISSUES WITH DETAINEE REQ ASSISTANCE	729
22:11:42	24	3833 DISP. Dollar General North, 2084 3RD St, Oroville	729
22:11:42	25	3833 Sending Incident to 3833 Pager	729
22:11:50	26	3833 ENRT. OMCER	729
22:13:10	27	3832 DISP. Dollar General North, 2084 3RD St, Oroville	729
22:13:10	28	3832 Sending Incident to 3832 Pager	729
22:13:15	29	38S3 DISP. Dollar General North, 2084 3RD St, Oroville	729
22:13:15	30	38K1 DISP. Dollar General North, 2084 3RD St, Oroville	729
22:13:15	31	38S3 Sending Incident to 38S3 Pager	729
22:13:20	32	3832 ONSCEN.	729
22:13:20	33	3833 ONSCEN.	729
22:13:20	34	38K1 ONSCEN.	729
22:13:20	35	38S3 ONSCEN.	729
22:13:48	36	38K1 OMCER	729
22:13:48	37	3832 ONSCEN. OMCER	729
22:13:48	38	3833 ONSCEN. OMCER	729
22:13:48	39	38K1 ONSCEN. OMCER	729
22:13:48	40	38S3 ONSCEN. OMCER	729
22:14:36	41	3832 CODE 4.	729
22:14:36	42	3833 CODE 4.	729
22:14:36	43	38K1 CODE 4.	729
22:14:36	44	38S3 CODE 4.	729
22:18:50	45	3833 ENRT. 1014 TO UNK 1020 IN CHICO BM 0 AT2218	729
22:21:45	46	3832 10-29: [redacted]	729
22:21:45	47	3832 DMV check: [redacted]	729
22:37:21	48	3832 10-8. Freed	729
22:37:24	49	38K1 10-8. Freed	729
22:37:24	50	38S3 10-8. Freed	729
22:47:49	51	3833 ONSCEN. TOWN EM 27/3	729
22:49:37	52	3833 10-8.	729
22:49:38	53	3833 Closed - Disposition CR	729
[09/14/2022]			
19:07:10	54	[redacted] complainant added to incident	736

Interview w/ Sgt. Ali Khan

1/8/2025

0:05
OK, so the date is January 8th, 2025.

0:09
It's approximately 1:28 PM.

0:12
My name is Scott Baland.

0:14
I'm a law enforcement consultant with the Commission on Peace Officers Standards and Training Post.

0:20
The purpose of our meeting today is to talk to you about the facts and circumstances involving an investigation into alleged serious misconduct in violation of Penal Code section 13510.8, Subsection one, which is dishonesty, and then subsection 6, which is acts that violate the law in regards to a case against former Oroville Police Department Officer Robert Sasek, post case number 231-8309.

0:52
You're not the subject of these allegations.

0:56
And we you were given notice and we set up this interview last week on the 3rd and January 3rd.

1:03
And this interview is being recorded.

1:05
And statements you make here may be used by post in connection with its duties.

1:09
The recording helps us to ensure that all your statements are completely and accurately transcribed and is authorized by Commission Regulation Title 11, Section 12, O six of the California Code of Regulations.

1:22
You will have access to a copy of the recording if further proceedings are contemplated or if further interview of you occurs.

1:30
You also have the right to record this interview if you need to take a break and use the restroom, whatever, the police let me know.

1:37
However, before making a request, we just ask that you answer whatever question was pending before we take that break.

1:45
Post is not your employing agency.

1:47
Therefore, this interview is not subject to Government Code section 33 O three of the Public Safety Officer's Bill of Rights.

1:55
Your agency may or may not have policies which mandate your cooperation in this investigation.

2:00
However, POST is acting independently from your agency and is representing only the interests of the people of the State of California.

2:08
Penal Code section 13510.8, Subsection A, subsection 8 includes the definition of includes the definition of serious misconduct, failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to this chapter.

2:27
For purposes purposes of this paragraph, the lawful exercise of rights granted under the United States Constitution, the California Constitution, or any other law shall not be considered a failure to cooperate.

2:41
And now we're almost at the end.

2:44
Thank God.

2:46
Is there any reason why you would not be able to give accurate and truthful answers to our questions today?

2:51
No OK.

2:54
Please keep in mind that dishonesty in connection with an investigation of police misconduct is itself serious misconduct, A set forth in Penal Code section 13510.8, subsection A, subsection one.

5:08
Yeah.

5:08
I mean, it's it's all part of this, but yeah, you were.

5:13
And do you recall who else was working that shift with you?

5:16
Yes.

5:18
Who?

5:19
Robert Sasek and Isaac D, no Isaac Herrera.

5:24
OK.

5:24
And just the three of you guys working patrol.

5:26
Correct.

5:28
OK.

5:29
And so I'm assuming you were the shift supervisor on this day?

5:32
I was.

5:34
And then what?

5:36
What were your guys's work hours?

5:37
What's your guys's shift hours on, if you recall on that day?

6:00 PM to 6:00 AM?

5:43
OK.

5:45
And then let's see, do you recall?

5:53
I'm going to just get right into it now.

5:55
I call for service at the Oroville Medical Center regarding a disruptive individual.

6:00
And if so, what's your recollection that kind of led up to this call?

6:05
Yeah.

6:05
So I suppose we're talking about complainant, correct?

6:10
Correct.

6:11
Yeah.

6:11
So we got a call initially and it was at Dollar General that she was underneath some like the inventory they had in the back.

6:20
So we arrested her from there.

6:22
I believe Robert Sasek took her to the jail.

6:24
They refused her.

6:25
So we took her to the hospital and then we left her there to get medical treatment.

6:29
And then they called back and said she was in some, she's causing some sort of disturbance over there.

6:34
That's that's what I remember about going back over there.

6:37
OK, when I guess when she was taken to the jail on the initial Dollar General arrest, if you are rejected, you know, requiring medical booking or clearance before booking, did Officer Sasek notify you of that or did you hear that on the radio or anything?

6:59
Yeah, I was aware

That she required medical clearance?

Yes.

7:02
OK, what's what's the Oroville's policy 'cause I don't know, I I just I was CHP, I know my policies and what they were does when that happens, is he required to get the clearance medical clearance and book or in this instance he cited and released her.

7:24
Is that is that an option?

7:26
And if so, does he have to get your approval as the supervisor to do so?

7:31
That that is an option?

7:32
You got it before.

7:33
It used to be we can cite them out outside the hospital.

7:36
But we after that incident, we actually changed it to where we have to take them inside, get them a a bed.

7:41
And if they're not going to clear medical, then we can cite them out because we don't have enough resources to stay in there.

7:46
But yes, the supervisor does know.

7:47
Yeah.

7:49
OK.

7:50
And then so did he let you know, like, hey, I'm going to cite and release her?

7:53
Yeah

7:54
Or did you find out after the fact?

7:56
OK.

7:57
And then what, because I, my knowledge is that he didn't even bring her in the hospital.

8:04
And you said that's changed now.

8:06
Was there a reason why he wouldn't have gone through the, the clearance and then book in process with her?

8:14
I, I don't know, I'm not sure.

8:17
Just I mean, it's, I mean, I know he came to you and said, Hey, let's after we're going to cite and release her.

8:23
And I know how it is sometimes dealing with these in custodies.

8:27
You know, some of them, some of them are good and go along with the program.

8:29
Obviously some of them are bad.

8:30
And I've cited and released my fair share and I know how that can go.

8:36
So now in this instance, he cites and releases her to Oroville and then she becomes a disturbance to the Medical Center.

8:43
She becomes a disturbance there.

8:45
And then you guys are contacted again by guard to come back and deal with her essentially, right?

8:54
Correct.

8:56
So, and I know you and Officer Sasek respond and I know guard there.

9:03
Do you recall, 'cause I think he said she was like underneath an MRI trailer, or this is Officer guard, said she was like underneath the MRI trailer or something to that effect and basically had to get pulled out.

9:17
And then he says that she was cuffed.

9:19
He doesn't remember if it was you, if it was Sasek, but he remembers her being handcuffed.

9:24
But do you recall anything from that part of the incident?

9:28
I know I didn't handcuff her.

9:29
I think she, she might have been handcuffed.

9:31
It would have been Sasek that handcuffed her.

9:34
OK.

9:35
And then I know reading through the prior, I don't know if yours did it, but I know Sasek said that when he responded back here to the hospital, he didn't activate his BWC, his body worn camera.

9:49
And did you do you know if you had yours on during this incident?

9:53
I don't remember.

9:53
No.

9:55
But is would it be normal to have it on?

9:58
Like when you're getting in, you know, is it somebody you're dealing with that you've already dealt with as an in custody?

10:03
Would that be a normal incident where you would probably have it on or normally?

10:07
Yeah, we should have it on.

10:08
Yeah.

10:08
OK, so after she's detained, you know, whether or not she's handcuffed, I'm just going off of [redacted] guard as she was.

10:20
Then she's transported to Sasek's patrol vehicle and then put in the back seat.

10:27
Is that your understanding too or recollection?

10:30
Yeah.

OK.

10:32
And then I'm assuming I just CHP doesn't always, not all of our cars were cage cars.

10:42
But are all of Oroville's cage cars?

10:44
Yes, they are.

10:45
OK.

10:46
So she's put in the back of the cage car.

10:49
You don't recall whether or not she's still handcuffed at this point or do you know?

10:53
I don't, I don't remember.

10:55
But irregardless, she's in the back of the patrol car.

10:58
And then at that point, I know Officer Herrera sometime in there arrives on scene as well.

11:05
And then there's a meeting that takes place between you guys and Officer Herrera's patrol car.

11:11
Do you recall that?

11:13
Yeah.

11:15
And then it's discussed that at that point you approved Officer Sasek to transport her to Chico.

11:22
It's and reading, I think they're different transcripts.

11:26
Either she was asked do you want to go or whatever, But the decision was made to transport her to Chico, Correct.

11:32
Yeah, I think she wanted to go.

11:33
That's what I remember

11:34
And then and and obviously you were there, but you, you okayed that for Sasek to take her there.

11:40
I did.

11:40
OK that yeah.

11:43
And given that there's only three of you, does that put a strain or would that have potentially put a strain on your, you know, you and Herrera at that point for calls for service?

11:54
It did put a strain on us.

11:56
Which I can imagine...Officer Herrera had mentioned that essentially he said, I, I keep wanting to say [redacted] guard was there, but he was a little ways away.

12:12
But you guys were talking at the door, decided, OK, yeah, Chico's good, take her to Chico.

12:18
He said it seemed like Sasek was frustrated a little bit, maybe dealing with [redacted] complainan this time and having to go to Chico and maybe leaving you guys hanging on calls.

12:29
Do you recall any getting any sense of frustration on Sasek's part?

12:34
I don't.

12:35
OK.

12:37
And then let's see.

12:45
And then prior to and including this incident, were you made aware by either Officer Sasek or Herrera about having any issues with radio calls or systems?

12:58
I know, I know you were asked about it earlier, but I'm just kind of following up on like the RIMS issues and radio issues.

13:06
When I talked to Herrera, he said he didn't have any issues and initially didn't, I didn't see anything that showed evidence of Sasek having, you know, reported any issues prior to or including this, you know, up to this incident at the hospital.

13:22
But do you recall him or anybody talking to you about issues that day?

13:26
Not that day, no, it was later on.

13:30
But it's it's not uncommon to have issues, correct?

13:34
Our radios don't really work in Chico that good.

13:36
OK, if and I might be going off on a little tangent, I'll go back to the incident.

13:42
But if and I'm just generally speaking, if in Oroville, I don't even know if you guys have a policy for it, but let's say you're going to be shutting down your RIMS or some kind of communication.

13:52
Is there a policy that or a notification process that's supposed to take place?

13:57
Like let's say Sasek is having problems.

14:00
Is he supposed to like shut it down, notify the supervisor and dispatch like, hey, I'm doing this I'm, I'm, you know, rebooting or whatever.

14:07
So I'm going to be radio silent for a little bit or what's, what's the method or, you know, process for that?

14:14
There is none if it so mobile RIMS is on our, on our work phones.

14:18
And if it if, if it corrupts or whatever, you just you turn it off and you just log back in.

14:22
There's no process to tell anybody that it happened.

14:25
OK.

14:25
And then because and CHP didn't have that.

14:29
So that's all this is all new to me says forgive my ignorance on it, but all we had was either our cell phones or obviously your dash radio or your extender.

14:41
You still have those in place too, right, like car radio and, you know, if, if needed, a cell phone that can be used.

14:49
Yeah, yeah, we have a car radio.

14:50
We just got computers recently.

14:51
So this this is very new.

14:53
It wasn't we didn't have computers then.

14:54
We just had our work phone that had RIMS on it.

14:56
And then you have your car radio that always stays on.

14:59
OK all right.

15:00
And then the but the purpose of the RIMS, what is it?

15:03

I mean, is it is that used for the communication or what is?

15:07
No, it's just a CAD.

15:08
OK Oh to you know, so you can type messages and

15:14
Yeah, you just look at your you can look, you can view your calls on it and like you could type in details and read reports on it and stuff.

15:18
It's like the same thing that MDT would have, but it's on a phone.

15:21
Got you.

15:21
OK, that makes sense.

15:26
So Officer Sasek in his in his interview said that he had been having issues with RIMS and that he rebooted it.

15:34
He he gave his starting mileage when he was leaving the hospital and then rebooted his his stuff.

15:41
But then basically that was kind of the end of his communication on the transport.

15:49
But so I just want to make sure leading up to that he hadn't notified you or said, hey, man, I'm having problems with my radio or anything that would warrant him not communicating during the transport.

16:02
No, no.

16:04
Outside of potentially having spotty radio coverage when he got out to, you know, the Chico area and does Oroville is your guys's radio system.

16:15
And I'm just again, forgive me for using my CHP background, but that's all I know.

16:20

If if I'm leaving one of our areas and going into an adjacent area, I can switch my frequency so that I'm on there like a different tower or whatever.

16:29
Do you guys have that capability as well?

16:32
No, we have two towers and they're both in town.

16:34
The only radio station we can switch to out of town to get better service would be like the county.

16:39
It would be county dispatch.

16:40
So we don't really do that unless we're in a pursuit.

16:42
OK, but you couldn't let you couldn't, let's say like somehow get a hold of Chico PD because now you're closer to them.

16:49
That's that's not a thing?

16:51
I, I know, you can switch over to Chico PD. I know you could do that, but that's not like common practice.

16:55
Like we wouldn't go on Chico PD net unless it was an emergency.

16:58
OK, No, I'm just, I'm just trying to figure it out and kind of compare it to what I know.

17:03
And you know how if I was having issues, then I can move to another area area to contact them.

17:10
So I'll go back to.

17:16
So when, when there's when when we're at this meeting at the hospital with you, Sasek and Herrera.

17:26

Herrera testified or gave in his interview that he made what he called an off color joke about dropping her off on Neal Rd.

17:34
Because he, and I'm sure you've heard this because he, you know, because he of his opinion, he thought Sasek was frustrated with having to go all the way to Chico and he said, well, why don't you drop her off on Neal Rd. instead?

17:49
Do you recall hearing this comment?

17:52
I don't remember hearing that.

17:53
I've heard that he said it, but I don't remember hearing it.

17:55
Like like I didn't, I didn't, I didn't catch it at the time.

17:59
OK.

18:01
And I guess I'm assuming I make assumptions here, but you've you've worked in Oroville for a while.

18:08
I'm assuming you're fairly familiar with the Oroville slash Chico area, like just in general, you grew up around here, there or whatever.

18:17
Yup.

18:18
OK, because I don't I don't know the area.

18:20
So how do you know, like, 'cause Herrera said, I think they heard me say that because they both kind of gave like a non verbal response of like a shoulder shrug, like kind of like a smile shoulder shrug.

18:36
And he and he even kind of said like he was like, look, you know, I used to be a Lieutenant and he kept calling me Lt.

18:43
for some reason.

18:43
I'm like, hey, I'm not an Lt.

18:45
anymore.

18:45
I'm just, you know, a lowly worker now.

18:47
But he was like, you know how it is, you know, we're in law enforcement and even in like the medical field, we all kind of have this joking camaraderie thing that we all do just to kind of like get through our day and deal with what we deal with.

19:03
And I understand that because I, you know, I, you know, to try to see dead bodies and some of the stuff that we deal with, you almost have to make light of it to, you know, make it to be able to deal with it.

19:13
So that's the way he kind of interpreted it.

19:16
He was like, I was making an off color joke.

19:18
He's like, I never once thought that Sasek.

19:22
He's like, I don't think I, he's like, I don't doubt that he heard me.

19:25
I just didn't think he would take it to heart and take it seriously.

19:29
And but he was like, I he's like, I'm confident that they both heard it.

19:32
And I'm not trying to say you didn't hear it.

19:34
I'm just saying, is it possible that you heard it and just kind of as a joke was just kind of like whatever.

19:39
Yeah, that's I, I just can't like 100% say that I heard it.

19:42
I'm I if he, if he says he said it and then I'm sure he said it, I wouldn't be surprised if he did or not, but like,

19:49
I don't know why he would admit to saying it.

19:49
Yeah, exactly.

19:50
I just can't 100% like, Oh yeah, I remember him saying that.

19:53
Say that.

19:54
Yeah, like 100%.

19:55
I can confirm.

19:56
And then cuz then I when I was reading through your transcript and this would make sense to me, is that later on and I and I might ask different questions, but later on.

20:05
I know.

20:06
When Sasek came back and contacted you and said, hey, I dropped her off on Neal Rd.

20:11
You you had mentioned to the other investigators, like I thought it was near like the homeless encampments like this.

20:16
I think they called it the estates or something.

20:18
They kind of read funny in the transcript.

20:20
But is it called the estates or estates or something like that?

20:23
Yeah.

20:24
So Estates Dr.

20:25
I I thought I assumed it was a lot closer to Neal Rd. than what it actually is.

20:29
I just never put two and two together.

20:31
But I thought so there's a bunch of homeless camps in Chico, like close to Estates Rd.

20:35
I thought maybe that's where he dropped her off at was like the homeless encampment.

20:39
It's and again, I don't know the area.

20:41
So I'm just asking for your knowledge is is Estates Rd. close to Oroville or where is it in relation to?

20:44
Closer to Chico.

20:49
OK, so if, and I'm just going to make an assumption, you can say yes or no.

20:54
But if you heard at at the time at the hospital, if if Herrera said that and you said Neal Rd.

21:01
but in your mind and your mind said being that it's near the homeless encampments, I mean, is it possible that you're just kind of like, yeah, that that's cool, You know, whatever.

21:09
I mean, if you don't know where Neal Rd. is in relation to the homeless encampments and you think it's close to it, you know me, I would be like, yeah, that's, that makes sense.

21:17
You know, take her to the homeless encampments.

21:19

If, if that works, you know, for her, is that, I mean, is it possible that's where you may be heard at the the car?

21:25
And I'm not trying to put words in your mouth or thoughts in your head.

21:28
I'm just, I'm just trying to...

21:30
I mean, if it was like if he was saying, yeah, I'm gonna take her to her camp at the, at the homeless and camp and close to Neal Road.

21:35
And yeah, it makes sense 'cause it's probably like 2 miles north of Neal Rd., the Estates Dr.where all those camps are at, just about, yeah, probably close to two, 2 1/2 miles.

21:43
But yeah, if I, yeah, I mean, that's not what I heard, but yeah, OK.

21:47
No, no, I just, I'm not, I'm not trying to put words in your mouth or anything.

21:50
I'm just, I'm just trying to like, think like, OK, well, maybe he heard this.

21:54
And then now when I read the transcript and they said, well, I thought it was close to, I said, OK, maybe if he did hear it at the car, in his mind, he was like, well, that's, that's the homeless accountants.

22:03
That's cool, whatever, you know, give the shoulder shrug that Herrera saw and and that was it.

22:08
But OK, let's see.

22:13
Do you what's what's Oroville's policy when when you're providing a transport?

22:21
And again, I know what CHP's was, you know, we had to give starting any mileage.

22:25
You know, if it's a female X-ray, you know, you had to give that for sure.

22:29

And then you know your location, you know, like either if you know it ahead of time, you say I'm en route to Chico Home Depot or whatever.

22:37
And then when once you get to wherever you're going, is Oroville's policy the kind of the same where you give starting any mileage?

22:40
Same thing.

22:43
OK, let's see.

23:00
Sorry, I'm just reading through when when complainat was arrested at the Dollar General and then basically recontacted at the hospital.

23:16
Is it your opinion that she was under the influence of something?

23:21
It's either that or she had behavioral health issues.

23:23
OK.

23:24
And and I'll just just I guess more for a foundational, are you a DRE, drug recognition expert? or you know, as far as like having knowledge of people, I'm sure you've dealt with being up there a lot of people that are under the influence.

23:37
But as far as like formalized training other than just making arrests and whatnot, do you have anything like that for people under the influence?

23:45
No, just I've I've done ARIDE and DUI FST school.

23:49
That's about it.

23:50
OK, but she was either under the influence or having some mental health issues?

23:56
Correct.

23:58

And that that was at the Dollar General and as well as when she was at the hospital getting ready to be transported?

24:02
Right.

OK.

24:04
And so back, back to the Neal Road comment by Herrera.

24:19
I mean, you said you didn't hear it, but do you know or think that if Officer Sasek heard it or did he make any kind of verbal or nonverbal response to it?

24:28
No, I, I said I don't remember it being said.

24:31
OK.

24:37
But during that same conversation is when the, you know, go ahead and take her to Chico.

24:42
All that was formulated correct?

24:46
Um, in that time frame, Yes.

24:48
But at the at the patrol car that Herrera was sitting in and you and Sasek are there, that's when you were discussing Chico and you gave the approval to take her to Chico.

24:58
I did, yeah.

24:59
OK.

24:59
But, and I'm, and believe me, I'm not trying to double cross your question, but I'm just confirming.

25:06
During that same time, you did not hear him make the suggestion about Neal Road.

25:10
And you don't know if Sasek did?

25:13
No, I don't. I don't...I just don't remember, yeah.

25:15
OK.

25:28
During Officer Sasek's transport of compl to the Chico/Neal Rd.

25:35
Did he contact you at any point during the transport?

25:38
No.

25:39
Whether by radio, phone?

25:41
No.

25:43
And as a supervisor, I'm just going back to my own experience.

25:49
Is it safe to say that the people you work with have both your personal cell phone and your work cell phone? So they could contact you if they needed to?

25:57
That's correct.

25:58
OK, but he didn't call you at any point during that either or text you?

26:02
No.

26:03
OK.

26:09
If if he was having radio issues and spotty radio, spotty radio coverage out there, would the cell phone have been his like go to back up plan in your opinion?

26:22
Yeah.

26:22
Or should have should have been like if he was having issues?

26:25
He could have called you or called dispatch and gave the appropriate any mileage and location that that sort of stuff.

26:32
Yeah.

26:38
So when when he when he comes back into Oroville after dropping her off, he contacts you at some point.

26:48
I think you were on a different call, but he never mentions that he had any kind of, I'll say verbal or physical altercation with compl or any anything related to why he left her on Neal Rd.

27:04
No

27:06
So he just, and I know in reading your prior one you, you couldn't recall exactly when he told you about Neal Rd., but you just remember him being back in the area because you guys were busy on, I think there was a fire call, some something that happened in at Oroville PD, maybe a break in or something.

27:22
But you just remember him being back in the area.

27:25
Yeah.

27:25
And then at some point later on, he may have mentioned to you the Neal dropping her off on Neal Rd.

27:31
But nothing about the circumstances that led to that, correct?

27:36
Correct.

27:39
I guess what, at what point did you become aware of that?

27:43
There was those issues.

27:45
It was like a month later when the chief called me into his office and, and asked me about it.

27:50
And that's what I became aware of it.

27:52
But up up until that point, you, you had no, no knowledge of her.

27:57
You know, I, I know Officer Sasek's statement is, is that he was providing a courtesy transport and then she kind of did a 180, if you will, from being what we would call code 4, but you know, kind of just mellow and then switched and then demanded to get out.

28:09
And that's why he let her out versus hers, as you probably know, is that he purposely dropped her off out there, drove her a mile out and then kicked her out and said, figure it out.

28:19
But you didn't learn any of that until a month or so later?

28:22
Yeah.

28:23
Not until the chief asked me about it.

28:25
OK.

28:38
When?

28:40
When you guys were at the hospital.

28:42
I'm.

28:42
I'm sorry.

28:42
I keep going back, But I know guard was around.

28:47
I don't think he was as close as the other three of you guys, but he'd made a comment that at some point when he heard that she was going to get taken to Chico, he kind of interjected himself and kind of disagreed because she was under the influence.

29:01
It was going to continue to be a problem.

29:03
Do you recall anything like that, Like just him, like kind of giving his opinion of her?

29:11
I don't remember what guardsaid.

29:21
Knowing, knowing now that obviously Officer Sasek dropped her off on Neal Rd.

29:30
and obviously he didn't talk to you or you didn't know about it, but he didn't talk to you about the the incident afterwards.

29:37
But he did prepare an arrest report for the Dollar General stuff, right?

29:42
And I don't know were you, were you involved in the approval process of that report at all?

29:48
Yeah, I think I approved it.

29:49
But if I remember correctly, there was he didn't include any information regarding the the transport and what happened subsequent to that in that report.

30:00
No, it was a pretty short report.

30:02
And but again, if, if you if he didn't make you aware of any of any of that right after the incident occurred, you wouldn't have known to look for it in the report, right?

30:18
Or is that something, is that something you as a supervisor would have wanted in the report?

30:22
You know, just for, for lack of a better term, CYA purposes, certain liability purposes for the department.

30:29
There should have been more in the report.

30:31
It's my bad that I approved it.

30:32
It wasn't really.

30:33
No, I'm not, I'm not blaming you.

30:36
I'm not blaming you for it.

30:37
I'm just because you don't know what you don't know.

30:39
I've been there.

30:40
Where I, you know, I'm at a scene and the officers don't tell me what happened.

30:44
And it wasn't until I found our dash Cam footage that, you know, there was a, you know, a good physical abuse, excessive use of force.

30:52
I didn't know it until after I saw that.

30:54
So you wouldn't have known it unless he either told you or you know, you he had body Cam on and you were able to see something like that.

31:01
But I mean, you don't know what you don't know either, right?

31:04
I mean, yeah.

Yeah. I mean, even when I heard about her, I thought it was closer to the homeless camps on Estates Dr.

32:33
and I didn't think of that.

32:34
But like, now that I know exactly where it was at and exactly what happened.

32:38
Yeah, I would think it would probably put her in Al mean a dark area with no flashlight and stuff, trying to walk to wherever you got to go.

32:45
It's probably more dangerous situation than being at the hospital or in city in the city limits somewhere.

32:49
Yeah.

32:50
And then again, I if if that was to have happened where, you know, I'm going to drop her off here.

32:59
Do you think he should have contacted you as the supervisor to at that time, not later on, but as it happened even or maybe even before it happened and said, hey, sarge, this is what's happening.

33:11
What should I do And said to give you that opportunity as the supervisor to say this is what I want you to do.

33:18
And this, you know, knowing what would best protect him, the department, you and every and her, you know, would that have been your, I guess, assumption that he should have done?

33:29
Yeah, he should have, I mean he should have. I would have told him to bring her back to town or keep going where you're going.

33:35
Yeah.

33:35
But that's looking back now.

33:36
I mean, obviously it didn't happen.

33:37
No, no, obviously hindsight's.

33:39
Yeah, hindsight's 2020.

33:41
I get that.

33:42
But again, I'm just asking you to kind of use that hindsight now because again, you only knew what you knew at that time and what he told you and or didn't tell you.

33:50
So I'm not going to judge you for what you didn't know.

33:54
But now that you know it, you know, I'm just kind of asking what you would have done.

34:01
Do you think because it was a, you know, a busy night, you know, Officer Sasek, having dealt with her at the Dollar General, then again at the hospital.

34:13
I know you said he he didn't show frustration, but do you think he purposely and like maliciously dropped her off on Neal Rd.

34:22
as kind of a way to just get rid of her for the night?

34:26
You know, it was towards the end of your guys's shift and maybe he didn't think, OK, now you're not going to come back and be a problem for Oroville Oroville and at least not tonight.

34:35
Do you think that's that was his mindset?

34:38
No, Robert's a really good guy and he's an honest guy.

34:40
I don't think that was his mindset at the time.

34:43
I think he said was from like what I've read is like she was in the altercation with him, whatever, he wanted to get out of the car so he let her out.

34:50
I don't think he would like maliciously do anything like that.

34:53
OK, When he was as a as a Sergeant, would you have, you know, expected or maybe just in your experience, if you were dealing with somebody like her in your car, shouldn't he have activated his body worn camera while he was in the car, while she was making these whatever, whenever she made that switch just to protect himself?

35:20
Yeah, he should have.

35:21
Yeah.

35:22
Activated the camera.

35:27
Let's see.

35:29
Do you know prior to this date, September 1st, had Head Officer Sasek had any other incidents with compl prior?

35:40
I mean, is she a known person to Oroville?

35:43
No, I I've been here for a while.

35:44
I that's the only time I've ever dealt with her.

35:46
OK.

35:56
Does well and again, you said you didn't find out about it for about a month, but CHP had a form that we would use in in addition to our reports when there was a potential for civil liability.

36:09
Like it's almost like a attorney-client privilege saying that we would write up if we thought like, hey, this person could come back and try to sue the department.

36:19
And it was just something that was kept in house for our department, our legal.

36:23
So they had like the back story and it was protected by attorney-client privilege.

36:27
So it wasn't going to get PRA'd or anything like that.

36:31
To your knowledge, Officer Sasek, didn't you know?

36:34
Or does Oroville have something like that?

36:36
And then two, did he prepare something for that?

36:39
No, we don't have that.

36:39
And no, he didn't prepare it.

36:41
OK.

36:43
And again, he didn't come back afterwards when he was preparing the report or at any point to tell you about what occurred in the the interactions that he had with compl that led to him and her leaving on leaving her on Neal Rd.

37:00
Not until, like, I found out about them.

37:01
I asked him about it, but I don't I don't think he did before that.

37:04
And when and when you asked him what, what did he say?

37:07
Just like kind of what he talked about in his interview.

37:11
Yeah.

37:13
OK, what about as a Sergeant, did you say like, hey man, why didn't you tell me?

37:18
I, I, that's the kind of stuff I need to know.

37:21
Well, I think at that point in time we were worried about like the POBAR thing and like not talking about the investigation and all that stuff.

37:27
So no, I didn't.

37:29
When when you say it was like a month later, was this because I'm, I'm trying to think back, was this when the civil suit dropped or was...?

37:37
Yeah, that's when the chief got an e-mail from the attorneys and stating all the facts and stuff.

37:42
So from the date this incident occurred until they got the civil suit, basically it was there was nothing going on with this, right?

37:49
No internal on your guys' part?

37:51
No.

37:52
OK, I think.

38:07
I'm pretty sure, I think that's all I have.

38:11
And the main thing is that I wanted to ask about was, you know, the RIMS issues, the radio issues when you kind of knew about Neal Road and you know, kind of what occurred and mainly to tie up because I know you were interviewed prior to Herrera and then that statement came out about Neal Road and then I didn't see that you were re interviewed to see just ask like, hey man, did you hear him say that? You know?

Interview with Isaac Herrera

1/8/2025

0:02
OK.

0:03
Today's date is January 8th, 2025.

0:06
It's approximately 11:28 AM.

0:09
My name is Scott Baland.

0:11
I'm a law enforcement consultant with the Commission on Peace Officer Standards and Training POST.

0:15
And the purpose of our meeting today is to talk to you about the facts and circumstances involving an investigation into alleged serious misconduct in violation of Penal Code section 13510.8, Subsection 1, which is dishonesty, and subsection 6, which is acts that violate the law against Orrville.

0:38
Former Oroville Police Department officer Robert Sasek, POST case number 231-8309.

0:47
You are not the subject of the allegations.

0:52
You were given notice.

0:53
And we set up this interview at last week on January 3rd.

0:57
This interview is being recorded and statements you make here may be used by post in connection with its duties.

1:04
The recording helps us to ensure that all of your statements are completely and accurately transcribed and is authorized by Commission Regulation Title 11, Section 12, O six of the California Code of Regulation.

1:18

4:35
So if you want to start off with the Dollar General, then go ahead and do that.

4:38
Yeah.

4:39
So what led up to the Oroville medical call was initial call that Robert Sasek Oroville 33 was dispatched to AI think trespassing at Dollar General in Oroville and we had went because we it's a small town and we usually ride all ride together.

5:01
It's only a Sergeant and two officers on.

5:05
So we all go together at Dollar General.

5:07
We're all in our separate vehicles and I guess some lady, Dana **** had buried herself underneath these silver roll out carts that has merchandise that I think they roll out to the aisles to stock the shelves.

5:23
But she was like super deep in there.

5:26
And so we're in there and we're, like, carting out all these carts into the store, like flooding the store with the carts.

5:35
And she was really deep in there.

5:36
And we don't know how she, like, got underneath this silver carts, like almost get in underneath the sedan, how short the height clearance is.

5:47
And Roberts Sasek, how do you know even how to take off his vest and, like, get underneath and tell her finally to get out?

5:54
So it was a little bit humorous.

5:56
Some of the workers were making, you know, jokes.

5:59
Oroville's pretty known for, you know, meth users and tweakers.

6:04
So it was Robert's call.

6:06
So he was the point on it.

6:08
And so he was spearheading everything.

6:10
He, you know, put the cuffs on her.

6:12
He he did the 10, you know, took the 10:15 to the jail.

6:16
And then from my understanding, he had taken her to the jail and then she required a medical clearance.

6:22
So from there, Robert Sasek took her to the Oroville ER and I believe [redacted], who used to be employed with Oroville Police Department, was now since retired from law enforcement, is now working security at the hospital.

6:38
So Robert took at that time, me and me and Sergeant Khan are, you know, we're 10-8 and we're handling calls why Officer Sasek is dealing with his arrestee.

6:51
So from my understanding, medical clearance was required at the jail.

6:56
He took her to the Oroville hospital, I believe, checked in with [redacted] at the hospital, like, hey, we need medical clearance.

7:04
And I believe he cited her out at that time.

7:08
OK, so so then he knew what was, was the initial Dollar General, I'm assuming it was a trespassing 1015 arrest.

12:35
And I believe since Sec. Guard was prior OPD contacted Sasek either on his personal line or I'm, I thought I can, I think I can recall he called contacted Sasek on his personal line or he used dispatch.

12:54
So I hear it on the radio that 33 is back at the hospital.

13:01
And at this time I believe I was getting Arby's for my household.

13:05
You know, I would have had some time to get some food for the for the fam.

13:08
And then I had pulled up at the back of the hospital since Con ended up, you know, dispatching that he was over there.

13:17
And so I had pulled up at the hospital after that, after Sec. Guard had called, requested SAS to come back to address his arrestee or the female that he left there.

13:28
OK, So when you got there, and I I've read your your previous statement that you gave to the other investigators, the employee investigative services.

13:36
So correct me if I'm wrong, but you get there.

13:40
She's already, Khan's already there.

13:42
Sasek's already there.

13:44
She's already in the back of Sasek's car at that point that by the time you arrive.

13:48
Do you remember?

13:49
I didn't.

13:50
Yeah.

13:50
So Sasek and Khan, Sergeant Khan were outside of their vehicles and they're out.

13:55
And I had pulled up in my patrol vehicle and I didn't get out.

13:58
I had, they both came up to my window and I believe she was already in the back of Sasek's car because Sasek was at my window, my car window.

14:08
OK, so and then so you don't know if she was handcuffed at this point or not?

14:15
No, like I said, I had pulled up.

14:17
They were already out and they had, you know, gravitated towards my window because I had just, you know, pulled up and rolled down my window.

14:24
And I don't know if 

was outside standing with the the female or for my understanding, since Sasek was at my window, she was already secured in the back of his car.

14:36
And just, I guess generally speaking, in a in a call like this, because obviously you didn't see it, but would your assumption have been that she was handcuffed if she if she was in the back of his car?

14:48
And based on the call and the previous call saves assumption to say if she was in the back of the car, she might have been in handcuffs or she at least should have been in handcuffs.

14:59
Yeah.

14:59
OK.

15:00
And then.

15:01
So then at this point, Khan and Sasek are at your window?

15:07
Yes.

15:08
Is this where there was a conversation about what to do with her?

15:12
Yeah.

15:12
So take her to Chico or whatever.

15:14
Go ahead and explain that.

15:16
So, I mean, it's September 1st.

15:18
I believe it's a Thursday.

15:20
Either we're at the end of our work week or we have to work the next night.

15:24
At this point.

15:25
Sasek, you know, I, I, I think in my interview with investigators, I, it, it was a safe, you know, to assume, like maybe Sasek was, you know, frustrated over this whole call.

15:35
You know, he, he's dealing with her.

15:37
He had to take his vest off and get her out from under all those carts, go to the jail, get denied, go to the hospital, side her out, get back to the hospital.

15:47
And now he, you know, I think he was kind of frustrated over the whole situation.

15:53
And he's like, well, I'm going to take her home to Chico 'cause I guess she had a Chico address.

15:57
But he was like, I don't want to go all the way to Chico.

16:00

And you know, I made a, a crude joke in poor taste at the time, which I didn't think anything was going to happen to that extent.

16:10
But since he had said, you know, we're at my window and you know, we're, you know, even though we're not a necessary like at a call, call for service, you know, we're all at my window.

16:21
No, no body cams are rolling.

16:22
And then he made that comment.

16:25
And I'd say, you know, why don't you drop her off at Neal Rd.?

16:28
Because Neal Rd.

16:29
is a light and then like a mile and 1/2 or two miles is the Welcome to Chico sign.

16:35
So I had made that joke saying, yeah, well, that's you don't want to go all the way to Chico, drop her off on Neal Road.

16:39
That's Chico.

16:40
And at the time, you know, we're a pretty nice little close knit group.

16:46
And you know, you work with the the public, the the worst of the public and you know, there's jokes that are made and kind of conversations had that isn't probably not acceptable in the public side.

17:01
But when you work with the the worst of the worst, you know, you kind of make light of situations and stuff like that.

17:08
And you know, like I said, I made a crude joke in poor taste.

17:11
And yeah, so I did say that.

17:15
And, you know, it's caused a whirlwind of trouble for a lot of people.

17:19
And so when you make this comment or joke and they're at your window, what kind of reaction did you get from Khan and Sasek?

17:31
You know, verbal and or non verbal?

17:34
You know what?

17:35
Khan's a Sergeant at the time.

17:37
Sasek, you know, was just kind of just, you know, kind of, you know, just showing frustration over the situation.

17:46
And, you know, Khan just shrugged his shoulders, like, hey, just get her to Chico.

17:49
You know, like, I don't give a shit.

17:51
Get her to Chico.

17:52
Like I this is what I Khan did, You know, he said, yeah, you know, he was supposed to take you Chico because she had a Chico address.

17:59
At least to my understanding, he was taking her to Chico because she had a Chico address either on file or her 27.

18:07
So but given their close proximity, there's is there any chance that they didn't hear you make that statement?

18:15
Because I find it, I find it kind of hard that they wouldn't have heard it.

18:19
No, they definitely heard it.

20:37
So like within a foot of you, right or so less than less than a foot.

20:42
Yeah, OK.

20:43
And and you're speaking normal conversation volume, tone.

20:47
Yeah, absolutely.

20:49
And no, he knew I said that.

20:52
And the reason why I heard he said he allegedly dropped her off at Neal Rd.

20:59
is because she's Complainant

21:03
When his his 1014 at this time, his transport was started to either wig out or request to get off at Neal Rd.

21:16
She started like either like wigging out or requesting heavily to get dropped off right there.

21:23
So he said he had dropped her off up the street from 99 and Neal Rd.

21:29
I believe.

21:30
OK.

21:31
And then and obviously I know you've probably heard because of just everything that's going on, whatever in the papers or just sword of mouth talking to them, that Officer Sasek had turned off his RIMS or try to reset his RIMS right at the point didn't have obviously, as you mentioned, no body cams on.

21:53
So as you can, as you can imagine, 'cause I know you're not, you're a smart guy, did on the, on its face, it looks really bad.

22:02
It looks like it looks like he purposely turned off his RIMS.

22:07
He purposely did not activate his body Cam, you know, that sort of thing.

22:12
So I wanted to get into the RIMS because I don't have that system, but I'm assuming or I didn't work with that system.

22:18
It's a cell phone based system.

22:20
Is that correct?

22:21
And it's your radio and GPS, right?

22:24
I believe the RIMS is a, it's an application or computer program where we do, you know, reports and everything.

22:32
And we had department issued iPhones that also has, you know, I believe RIMS and Active 911 on it.

22:40
So that is what you're referencing to.

22:46
But each officer had their own personal department issued cell phone.

22:51
And then is there also a actual radio in the car, handheld mic and all that, that you use?

22:56
Well, you have your handheld on your vest and then you have your car radio.

23:01
They are.

23:01
So those are independent of RIMS.

23:02
They're not linked with it.

23:04
OK.

23:06
And I know if you cue your mic on dispatch, it shows whose radio it is.

23:11
OK, At least my understanding.

23:13
So on this date, I mean, I'm I'm asking you to remember back, but do you recall you or him having any issues with RIMS or radio communications at all?

23:25
No

OK.

23:26
So, and if if you were like say you were having problems or, or maybe just generally as OPD, if you're having problems with your radio or RIMS, what's, what's the protocol?

23:38
Do you, do you notify a Sergeant?

23:40
Do you go back to the office and switch, you know, phones, cars, whatever, what's the process?

23:47
So RIMS, you know, I don't think there's never really no issues with RIMS.

23:52
The only issues with radios I ever had is your battery.

23:57
But if you're having issues either with your, you know, your, you know, your little extension.

24:03
Yeah, either switch it out, but if you're having issues, check in with your Sergeant and get it switched immediately because you don't know what the next call is going to be.

So in, in his interview, Officer Sase says that he was having problems with RIMS, but he put out his starting mileage and en route to an unknown address to Chico.

27:05
But then that's when everything gets shut off.

27:07
He, he says he restarts RIMS, but everything's shut off.

27:11
You know, whatever happens, happens.

27:12
He goes out to Neal Road, drops her, but he doesn't provide an ending mileage on the radio, doesn't utilize a cell phone to call dispatch, which I would assume could be a backup.

27:25
He doesn't.

27:25
He waits until he gets back into the city limits of Oroville, turns everything back on and then provides what his mileage is at that time, not what the ending mileage was and just says any mileage, you know.

27:36
And I think he might have said dropped off at Neal Road or something, but I don't know.

27:40
I'd have to go back and look.

27:41
But so based on what you mentioned, first of all, there shouldn't have really been an issue with RIMS.

27:48
There's other radio, you know, you can he could have switched to a different the gold or whatever you mentioned and or utilized his cell phone, right to provide the the required information to to protect himself personal or work work phone.

28:05
Yeah.

28:06
And then somebody else had mentioned, Mr.

28:10
[redacted] had mentioned that there was also the, the ability to contact Chico PD and provide info.

28:17
So he's like, even if my radio wasn't working very well for Oroville, I could switch, call Chico PD and just say, hey, I'm having radio issues.

28:24
This is Oroville 32.

28:26
I have I'm dropping off a transport and this is my, that way it's documented somewhere.

28:32
Is that that that sounds familiar to you?

28:35
Yeah.

28:35
He's a 20 year vet Army guy.

28:38
So yeah, he's yeah, that was definitely an option.

28:40
I wouldn't think of that, but that's definitely an option.

28:43
OK, so let me see.

28:46
So I, I went back because I know Sasek said he had been having RIMS problems and mentioned like spotty or radio coverage.

28:55
So I went back just to look like, because I think he mentioned like, well, it depends on the weather, wind, you know, some of that stuff can affect radio.

29:02
And I know with CHP that happens.

29:04
Yeah, that's true.

29:05
Yeah.

29:05
On on that date, I just went back and searched on Google.

29:08
But on that date there was really nothing that showed inclement weather.

29:13
It was a hot day.

29:14
It was like over 100°.

29:16
So.

29:16
And it was, you know, early September, so summer day, I'm assuming.

29:19
Yeah, August is still a planet factor.

29:22
So I didn't, I didn't see anywhere where I could have seen like rain or wind as being a factor.

29:28
But you don't recall having any issues that day?

29:30
You said no.

29:32
And even, you know, if I drive a female or even like a juvenile, I have my body Cam up front because.

29:38
Yeah, no, well, that was, that's another question I have is and CHP, it's kind of a little bit behind the times on body cams, but I understand the purpose of it is, you know, like basically any contact with a citizen, I would turn it on because it's going to protect me more often than not, you know, because it's going to record what this individual's doing that, you know, in the prior to that it was just my word versus theirs.

30:06
Now I have it documented so is because I know Officer Sasesk said he did not activate it basically on he might have had it on the Dollar General call, I can't remember.

30:16
But when he had to respond back to the hospital, he did not.

30:20
And to me that should have been a call that I would have activated on.

30:23
You're, you're going in, you're physically putting hands on somebody, you're taking, putting them in handcuffs, put them in your car.

30:29
To me that equals body Cam on.

30:31
Does that sound about right?

30:32
Like, would you have had your body Cam on?

30:35
Yeah.

30:35
Especially after already allegedly citing her out and then now transferring her to Chico.

30:42
Yeah.

30:43
And then cuz at any point during that transport, even if he didn't have it on when she started, you know, like changing her demeanor, he could have hit the button and turned it on.

30:52
Correct.

30:53
Right.

30:54
Especially if you're out of town.

30:56
Radio's failing body cams operatable.

31:00
Yeah, and I'm, I'm just reading over some of my questions because I, I know you've answered some of them, so I don't want to go back over them.

31:12
If you were having issues with any of your systems, what what was your secondary method to communicate with Co workers in dispatch?

31:18
Was it cell phone or like changing radio frequencies?

31:24
You can, yeah.

31:25
Changing.

31:26
You know, you have your handheld and then you have your car radio.

31:29
And both of them are the same system.

31:31
And you can either switch to gold or silver.

31:34
And, you know, you have your personal cell phone.

31:38
You have your work cell phone and two radios.

31:42
So that's four different methods of communications.

31:46
Yeah.

31:48
OK.

31:49
And then at what point did you learn that Officer Sasek had, in fact, dropped her off on Neal Road?

31:58
It might have been.

31:59
It might have been when he came back or at the end of the shift.

32:04
And yeah, it was definitely either when he got back or at the end of the shift.

32:10
And then what did what was that conversation like?

32:15
It was either like brief, like he just, you know, said, yeah, he dropped her off over there and she started, you know, wigging out and he dropped her off.

32:24
And that was that.

32:27
What was your reaction to him dropping her off on Neal Road?

32:32
I knew it wasn't good.

32:34
I knew.

32:34
I think I either told at that time I, you know, I think I told my mom about it.

32:39
And because she says, yeah, I remember you like told me and you were shaking your head like, I don't know, like I wasn't smart.

32:45
You know, I knew it wasn't good.

32:48
And I thought, you know, somewhere in the back of my mind I was like, this is going to come back and bite everybody or something.

32:55
And did you did you have a conversation with him about that?

32:58
No, to say like to voice your concerns or no?

33:03
Well, no, I didn't have the conversation. We actually really started talking about it is when everything hit the newspapers back in March of 23.

33:09
And he knew what I said cuz I was like, dude, you know, I was like, I said what I said I didn't know you're he's like, no, I know.

33:16
But she started, you know, wigging out and requesting that I get her out of the car right now.

33:21
I don't know if she heard Neal Road and you know, focusing on that cuz she was 11550, you know, under the influence still.

33:28
Or maybe you know, peek in and going up and down, you know.

33:34
But we talked about it definitely all three of us when the lawsuit came out in the newspaper and they named Khan, they named Sasek.

33:41
And initially then my name was not involved, but I knew quickly people can easily get that information sure enough.

33:48
And then my name got, you know, attached to it and the news.

33:52
And then, you know, I don't know, my, my name got painted pretty heavily in bold letters all over that.

34:00
Yeah.

34:00
And yeah.

34:01
So.

34:02
So do you think, I mean, I, I think I know the answer, but do you think it was appropriate to drop him off, drop her off on Neal Road?

34:14
Not at all.

34:15
Because.

34:17
And obviously you, you saw her at the Dollar General.

34:19
But the assumption or what I've heard is that she's either under the influence of methamphetamine or something similar, or some CNS stimulant or, and/or having mental health issues.

34:35
She wasn't wearing shoes, she didn't have a cell phone.

34:38
And now she's dropped.

34:41
And I'm, I'm not familiar with Neal Rd.

34:42
I've only looked at it, but it looks relatively desolate.

34:45
And yeah, there's just that.

34:48
And where she was, he said he dropped her off near the warm farm.

34:52
She put it more near the dump and the construction site.

34:55
Regardless, it it was about 1/2 mile to a mile down Neal Rd.

35:00
In the evening with those other factors in like the shoes, the no cell phone, no, no means of communicating.

35:06
And then you know he goes, you know, he leaves the scene.

35:09
So in your experience was that was that appropriate for him to do that?

35:15
No, not at all.

50:35
OK.

50:36
Which, Yeah, OK.

50:38
All right.

50:39
Trying to think.

50:41
I don't think I have any other questions.

50:51
Just looking back over my questions here to make sure I didn't miss any.

50:53
But I guess I'll, I'll just close it out with do you think there was any maliciousness, I guess on Officer Sasek's part, knowing what you know, now I to drop her out there.

51:13
I know Sasek, you know, I don't think there was no malicious intent at all.

51:19
You know, I know he's a he's a wrestler, he's an army dude.

51:23
He's a father of four boys.

51:26
I don't think he had any ill will or malicious intent at all.

51:31
I I, I can say that truthfully.

51:34
Did he did he make the brightest decision?

51:37
Is he the smartest, you know, rock in the field?

51:40
I don't.

51:40
Maybe not, but you know, it's just a bad situation for everybody And but I can definitely say there is no ill will or malicious intent.

51:53
I could definitely say that.

51:56
But in your opinion, it could have been handled a much better way.

52:01
Absolutely, absolutely, absolutely.

52:03
He could either because the jail, I think, I guess to kind of touch on one of your questions, the jail gives you a piece of paper of what they want done for the medical clearance.

52:13
And all you have to do is go to the ER, get it done, get them sign off and take them back.

52:18
And the jail has no other issue besides.

52:20
OK, I took what you wanted me to take care of.

52:24
Here you go.

52:26
So, yeah.

52:28
And besides this, besides this date, September 1st, is is complainant like somebody that's known to you guys?

52:37
Is she a problem person?

52:38
Do you guys OK?

52:39
I just wanted to make sure she's not somebody you guys routinely deal with.

Interview of Isaac Herrera
1/21/2025

0:08
OK, the date is January 21st, 2025.

0:14
The time is 1727 hours or five actually 5:28 PM.

0:20
Now my name is Scott Baland.

0:22
I'm a law enforcement consultant with the Commission on Peace Officer Standards and Training Post.

0:28
The purpose of our meeting today is to talk to you about the facts and circumstances involving an investigation into alleged serious misconduct in violation of Penal Code section 13510.8, subsection A, subsection one and six, which are dishonesty and acts that violate the law against former Oroville police officer Robert Sasek, POST case number 2318309, and I'm interviewing Isaac Herrera.

0:59
The interview is being recorded and statements you make here may be used by to post in connection with its duties.

1:06
The recording helps us to ensure that all of your statements are completely and accurately transcribed and is authorized by Commission Regulation Title 11, Section 1206 of the California Code of Regulations.

1:20
You will have access to a copy of the recording if further proceedings are contemplated or if any further interview occurs.

1:27
You also have the right to record this interview.

1:31
If you need to take a break or use the restroom, please let me know and you may do so upon request.

1:37
However, before making such a request, we just ask that you answer any pending questions.

1:43

POST is acting independently from any agency as an and is representing only the interests of the people, the State of California.

1:52
However, since you still hold a POST certification, this this part applies to you POST Penal Code section 13510.8, Subsection A, subsection 8 includes the definition of serious misconduct, failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to this chapter.

2:13
For purposes of this paragraph, the lawful exercise of rights granted under the United States Constitution, the California Constitution, or any other law shall not be considered failure to cooperate.

2:26
Let's see, with that in mind, is there any reason why you would not be able to give an accurate and truthful answers to our question, my questions today?

2:34
None at all.

2:39
Please keep in mind that dishonesty in connection with an investigation of police misconduct is itself serious misconduct, a set forth in Penal Code section 13510.8, subsection A, subsection one.

2:51
With that in mind, do you agree to answer our questions truthfully today?

2:57
I do.

3:00
OK. To maintain the integrity of the investigation, we ask that you not discuss the questions asked and the facts discussed in this interview with anyone other than your legal counsel or as otherwise required by law.

3:11
Do you agree to comply with this request?

3:15
I do.

3:17
OK. And do you have any questions before we begin to proceed with the interview or do not?

3:25
OK, I don't have a lot of questions.

3:29
It's just as I mentioned to you before, after reviewing our previous interview which took place on January 8th, I had a couple of holes that I wanted to fill or questions asked you to in an attempt to fill some holes.

3:43
So with that, I will go ahead and get started.

3:49
So in the previous interview that I had with you on January 8th, you mentioned that you made a joke slash comment that Officer Sasek should drop complainant off on Neal Rd.

4:00
Instead of taking her all the way to Chico.

4:03
You stated that due to his and Sergeant Khan's positioning next to your patrol vehicle, there was absolutely no way they didn't hear the joke or comment you made about Neal Rd.

4:13
Is that correct?

4:16
That is correct.

4:19
You further stated that when you made this joke or comment that both Officer Sasek and Sergeant Khan made some sort of non verbal response similar to shrugging of their shoulders.

4:29
Is that correct?

4:34
I believe Sergeant Khan made a non verbal response and shrugged his shoulders after.

4:41
OK, no, go ahead if there's more.

4:45
Sig was, I guess just you can say he appeared to display just frustration, but due to their proximity to my patrol vehicle, they both heard what I said.

4:59
OK, so just so I'm clear.

5:04
Sergeant Khan might have shrugged his shoulders, but Sasek did not.

5:11
Correct.

5:12
OK, let's see.

5:16
And then to again, I, I am I, I mentioned this to you in the last one, but I just want to confirm it.

5:23
Officer Sasek, in his interview with the other investigators, he stated that he did not hear you make the joke or comment about Neal Rd.

5:32
On September 1st, 2022, the date of the incident.

5:36
And I want to confirm with you that it's your contention that this statement made by Officer Sasek is false.

5:45
Yes.

5:53
Let's see. And your statement that he is lying is based on was is it his non verbal response, his proximity to you at the time the statement was made or anything else?

6:05
It was the comment that I made and I can tell you like verbatim what I said.

6:10
I, I, I actually said, I said "Drop that Bitch off at Neal Rd."

6:16
And that kind of comment generated a response from both of them, whether it was a smirk or, you know, a little laugh.

6:29
But that was the extent of the comment and joke.

6:35
And I said they were both elbow on my driver window with my window rolled down in the proximity.

6:46
And that comment definitely warranted, warranted a response from both of them non verbally.

6:55
And I guess the previous interview that Officer Sasek was already kind of frustrated over the steps that kind of led up to that he had made.

7:04
That was my reasoning for saying that prior to me making that joke.

7:12
It was like he's like, did not want, he didn't want to go away to Chico.

7:17
And I then I said in my previous interview that right after the Neal Road in 99 like a within a mile and a half is the welcome to Chico sign.

7:26
So that was the reason for my joke.

7:29
But to answer your question, they both heard me and from that incident of me saying that and then to afterwards of us having meet ups and talking about the lawsuit and I and then when you had sent me the e-mail, I had to remember that we had went on a run me and Officer Sasek the day after I believe he was placed on administrative leave.

7:59
I don't know if I have the date.

8:02
I believe it was August or excuse me, October 8th, 2022.

8:11
So I, I think you might have more information when he first got on placed on administrative leave.

8:16
OK, just to go back when you said they were leaning in and when you said "Drop that Bitch off on Neal Road" and you said it warranted like a response of like a smirk, specifically for Officer Sasek.

8:32
Was that his response or was it a smirk or a chuckle?

8:36
Was it a, it was a smirk, basically acknowledging that he heard you and thought it was funny?

8:47
Yeah.

8:48
To my, to my comprehend, to my understanding.

8:52
Yeah.

8:52
OK, let's see, you know, and, and I know you made some other comments here and I, I think they'll get brought back up in some, some questions that I have here.

9:03
So, so I'm, I'm just going to read through them just because I have them formulated.

9:10
So I apologize if I'm, if I repeat or make you repeat an answer.

9:17
Did you at any point either on the date of this incident, which is September 1st, 2022, or anytime afterwards, have conversations and or meetings with Officer Sasek where he stated that he in fact did hear the Neal Road joke or comment that you made?

9:34
And then if so, when did these occur?

9:37
And then what specifically did he say, if you could recall?

9:43
To answer your question, yes.

9:48
And I can repeat if you need it.

9:57
I think we're frozen.

9:58
Are you there?

10:13
Can you hear me, Isaac?

10:19
I'm going to pause recording.

10:26
OK we're back on recording.

We had some technical difficulties so I'm sorry do you need me to do you want me to repeat that question just to make sure I just I just want to make sure make sure where I left off with you.

10:39
What was your last comment that I, that you heard You know, to be honest, I, I'm trying to even recall what that was.

10:48
So the question I'll just reread it.

10:49
Did at any point either on the date of the incident, September 1st, 2022 or anytime afterwards have conversations and or meetings with Officer Sasek where he stated that he in fact did hear the Neal Rd.

11:01
Joke or comment?

11:02
I'll just kind of break them up individually.

11:06
So answer your question.

11:08
Yes.

11:11
And there's a few incidents that I can recall that he acknowledged me here, acknowledge me saying that comment on September 1st.

11:21
And the date that I can definitely say it was October 8th of 2022 when me and Officer Sasek went for a run on Oroville Dam.

11:32
And I believe that's the day he got after he got placed on administrative leave.

11:37
And that's when he actually explained to me that he knew that I said that comment because it just looks, it looks it sounds bad.

11:47
It looks bad.

11:49
And he said that he believed that she possibly overheard me when they're at my patrol car driver window.

11:57
And he said when he was driving northbound on 99 to Chico, he believed that she associated Neal Road and then seeing the street sign Neal Rd.

12:07
because it is a stop light on 99.

12:10
And that's when he said that she started, quote unquote, wigging out and demanding that she'll be let out of his vehicle.

12:20
And then and then is when the news articles came out in March of 23, and at first I was an unnamed police officer that made the comment or the the unnamed police officer that huddled up with Sergeant Khan and Officer Sasek and the plan of act what to do with complainant.

12:43
At least that's what the news article said.

12:46
So then we all kind of met up there outside my mom's house right here on Myers St.

12:50
in Oroville.

12:52
And you know, the unnamed officer was me.

12:56
So we kind of trust.

13:00
So that's another incident where it's like, it was me, Sasek and Khan, and it was only us 3 at the driver side or driver window.

13:09
And we're like, you know, "how did that get out?"

13:13
You know, we're all wondering like, how did that get out?

13:16
Especially me.

13:17
Like, hold on.

13:17
Like I know what I said, but I said it amongst us in our little circle.

13:23
Yeah.

13:23
And it wasn't a direct order or nothing, but it was a joke.

13:26
And we're like, how did this get out?

13:29
So that's another incident.

13:32
And then I'm pretty sure there are other times.

13:36
I think when he had his second IA and he basically was like, yeah, you're more like you're going to be the fall guy.

13:43
And that's when he told me after his second IA interview.

13:48
Like I told him what you told me.

13:52
[redacted] PC 832.7 .

13:56
So those are, I think, the three incidents that I can recall for sure, where there was acknowledgement of him knowing what I said on September 1st, if that all made sense.

14:08
Yeah.

14:08
So, well, I guess I have one.

14:11
Rather, do you guys know how somebody found out about you making that comment?

14:17
Do you know how that came out or how they discovered it?

14:21
I mean, I know guard was interviewed by complainant ' attorney.

14:28
I don't know if complainant overheard it, but that to my, you know, like I said in my first time, I believe she was in the back of Officer Sasek's patrol vehicle already when I pulled up.

14:44
But I think I found out she was possible next to guard

14:49
Guard outside of Officer Sasek's patrol vehicle.

14:54
I don't know for sure, but yeah, to this day, I don't know how that information got out.

14:59
Yeah, somebody, somebody looked at or told somebody, somebody who had knowledge of it, but I don't know.

15:05
I don't know either.

15:10
So.

15:12
So I'm.

15:12
I'm just going to confirm that you expressly heard Officer Sasek tell you that he did in fact hear you make the joke or comment about Neal Rd.

15:23
on September 1st, 2022.

15:29
Yes, and I can.

15:31
October 8th, we went for that run.

15:32
We had a discussion about that night.

15:35
We revisited that night and that's how I understood of what he said transpired while he was driving and why he pulled off on Neal Rd.

15:46
OK.

15:46
But he made some sort of statement that he did hear you say that the date of the incident, not that specific date, September 1st, afterwards that he acknowledged that he heard.

16:00
He heard that on September 1st.

16:02
Yeah.

16:04
Yeah.

16:04
Like on the 8th or whenever you guys met.

16:07
Yeah.

16:07
When he told you that he had heard you say it that day when the incident happened.

16:11
Right, right.

16:13
OK in these, and you kind of already answered it, but I'll ask it just to make sure.

16:20
In these subsequent meetings that you had with Officer Sasek, did he state that he purposely took Guard [redacted] to Neal Rd. based on the joke or comment?

16:29
No.

16:32
OK.

16:33
Yeah, you you previously just said that you think he thinks that she might have heard the discussion about Neal Road and that triggered it in her mind when she saw it, correct.

16:43
That's what he explained to me of like why that happened, OK, or possibly happened.

16:51
Now, you said in these meetings there was somewhere it was just you and Officer Sasek and then there was at least one other one where Sergeant Khan was there is Was there more with Sergeant Khan or was it just one?

17:04
There was a couple.

17:06
PC 832.7 [redacted]

17:12
So they would come check and then we would get, you know, new information like, oh, I got added to the lawsuit.

17:18
And, you know, there was a lot going on.

17:21
There was a lot of, you know, you know, bashing on the social media with, you know, people were, you know, saying negative things about Officer Sasek, Officer Sergeant Khan and myself on, you know, Facebook and these other social media platforms.

17:39
And so like, you know, like at first, like I said, I was the incident, you know, got played uninitially.

17:46
We found she got hit and then she ended up in ICU.

17:51
So there was a conversation about that.

17:53
Then the news articles came out and there was a conversation about that and then there's a lawsuit conversation.

17:59
And then I got added to the lawsuit.

18:02
So there was like multiple.

18:03
That's why I sent you that link because that kind of gave a timeline and like key time, key points in that timeline.

18:13
There was a conversation held at those certain points because only naturally, hey, that Lady that you were supposed to take got hit.

18:20
Now she's in ICU, something's going to happen.

18:22
Like, oh, shit yeah.

18:25
Oh, the news article.

18:26
Oh, shit.

18:28
Oh, I'm the unnamed officer.

18:29
That's me.

18:29
Oh, shit.

18:30
Oh, now there's a lawsuit.

18:31
Oh shit.

18:32
So, you know, naturally these conversations kind of happened as that progressed to a $3,000,000 payout.

18:41
So when I know when you were first interviewed by the EIS folks, you made, you made them aware of the Neal Rd. comment and then they did a second interview with Officer Sasek and I, and I know I had explained to you that he said he didn't hear it 100%, just coincidence, blah, blah, blah.

19:02
But I'm curious if in these meetings, like when he was put on the, the day you met after he was put on admin leave, like on and around October 8th of 22 or after your, your initial EIS interview.

19:17
I know you had, you had told him that you made that, you know, that you informed them of the comment that you made and the joke.

19:25
Did Officer Sasek at any point say anything to you about what his plan was in response to that?

19:33
Was he going to deny it or, you know, try to cover it up?

19:36
Did he say anything like that?

19:47
Isaac, can you hear me?

19:48
I think I might have lost you again.

19:54
OK, I'm going to pause recording again.

19:56
It's 550.

20:01
OK, we're back recording at 5:51.

20:04
So where I left off was I know you gave your statement to EIS about the Neal Rd.

20:14
comment or joke, and then they had a second interview with Officer Sasek.

20:19
My question is, at any point either prior to his second interview or during your subsequent meetings like on October 8th, 2022 or whenever, did he ever make any kind of statement of what his response or plan was going to be?

20:36
If asked about it, did he ever say, well, I'm just going to deny it or anything like that?

20:42
No, no, definitely none of that.

20:44
No plan of the action or anything like that.

20:48
OK.

20:51
And I know you said the one meeting you know you had you guys had went for a run, do you have any kind of proof or documentation of these meetings regarding the date they occurred?

21:03
Yeah, I do have a picture of it because we ran on the dam and we don't, you know, necessarily always run to get, we don't run together at all.

21:12
And I have a picture and we're both sitting down and he's laying on his back and I believe he had just called his wife and he was, "he made me run."

21:21
"He made me run."

21:22
And and so I do have a picture of that.

21:27
And now, you know, I, I take pictures and you know, I'm a football guy, been on a lot of teams.

21:33
So I do have a picture of that.

21:34
And like I said, it was time stamp and when you had sent me that e-mail last week requesting the second interview, that kind of had popped in my head and I kind of fished through my phone and I still have that.

21:47
OK.

21:49
I might, if you can have you e-mail it to me.

21:52
Yeah, I can.

21:52
Just do you want me to e-mail it to you right now or?

21:55
Yeah, or after we're done?

21:57
It's fine.

21:57
I don't need to see it right now.

21:58
Just after we're done here.

22:00
I don't.

22:00
I don't want it to mess up our connection.

22:02
If so, we'll, we just after we get off, we'll send it to me and then any I know you guys had meetings, but was there any text conversations between you or and Officer Sasek that dealt with this, this subject that we're discussing today?

22:21
[redacted] PC 832.7

22:43
OK.

22:46
Any anything else that would confirm the the date of these meetings that you had other than you kind of already outlined it like in that it was all the key points of the case itself, the news article, the civil suit.

22:58
Is it just those that would prompt the meetings?

That's correct.

23:04
But other than that, I don't have any other documentation that would back that other than just naturally, you know, I guess we're looking at a lawsuit type behavior and our names are blasted in the news and we're getting bashed online.

23:22
Just natural conversations that you would have with your Co workers, your buddies, people that you know you go 10/8 with.

23:33
OK.

23:34
And you said the at least one of the meetings took place outside your mom's house.

23:39
Was there any other locations you guys met other than like the dam on the run?

23:45
[redacted] PC 832.7

23:50
So I wasn't at my main residence that I had lived previous lived on and I was at my mom's.

23:55
And like I said, it's a small department, it's a small town.

23:58
[redacted] PC 832.7

24:12
And the chief, you know, had a different point of view.

24:15
[redacted] PC 832.7

24:22
And then how many of the meetings would you say Sergeant Khan was present at?

24:30
I would say a few, 3 to 5.

24:35
And then is that about how many, how many meetings would you say in total you had?

24:41
I guess maybe I'll separate it in like how many meetings was Officer Sasek did just you and him have?

24:47
And then how many meetings with the three of you, if you can recall,

I would also say 3 to 5 as well.

24:57
Three to five, with just Officer Sasek, you and him by yourselves?

25:04
I think with me and Sasek, maybe me and him two, but me, Khan, and Sasek maybe for sure three to five.

25:12
OK.

25:13
And then during these meetings, obviously the you've mentioned before the Neal Rd.

25:20
comment slash joke was brought up.

25:23
So obviously, sorry, at that point Sergeant Khan knows about it, but did he ever say that he had heard it in the day it happened?

25:37
I can't recall on that, but I, I want to say yes, but I can't think of this particular incident besides the nonverbal shrug of the shoulders on that when I actually said it outside of the EDR.

25:52
OK.

25:53
And then I guess there was no, I'll confirm that.

26:01
But like during these conversations, did Sergeant Khan ever say that he gave the approval to take her to Neal Rd.

26:08
as opposed to all the way to Chico?

26:11
No.

26:13
OK.

26:14
All right.

26:15
Well, that's all I have.

26:17
I don't.

26:17
Is there anything else that you can think of that might be related that I'm not asking?

26:22
I, I don't want to have to put you through another interview if I don't have to.

26:25
I, I don't think I will have to.

26:26
But anything you, you know, where my line of questioning is going.

26:31
So yeah, I mean, it's, it's just, it's just a big mess.

26:36

And you know, I think you've got all the main questions, you know, that you need in regards to this case and.

26:51
I just wish I can, I guess, have more definitive proof, but the only thing I have like, you know, these things happen and naturally we talked about it, you know, because it's, yeah, it's pretty heavy.

27:04
And, you know, we're, we're all in the news.

27:08
So we definitely had conversations and but as far as that, I guess you kind of hit all the key points that I guess you do need.

27:17
So.

27:19
OK, well, I, I appreciate it.

27:22
I, I hate to take up your evening.

27:24
I I apologize for having to do a second interview, but this one was a lot shorter, which is good.

27:31
Yeah.

27:32
And I'll definitely try to e-mail you the picture and then I'll try to pull up the actual time stamp too, I guess.

27:38
OK, yeah, I think, yeah, you should be able to.

27:41
I think if you like drag down on, if it's like an iPhone, I think if you drag down on it, it'll give you the properties of it, I think.

27:49
But I'm pretty sure, like I said, I think that was the day after he got put on administrative leave.

27:53
I could be wrong, but to my knowledge, I think that was the actual day.

27:56
You can definitely, I guess find that out on your end.

28:00
Yeah.

28:00
And it doesn't, I don't even, it doesn't have to be even the day after.

28:03
I I just wanted to kind of get an idea what, you know, that there were meetings, there were, you know, some kind of discussions and, or admissions by him that he did in fact hear it, you know, and he told you as such.

28:16
Yeah.

28:17
And we're not going to meet up and talk about the weather.

28:19
We're going to talk about them or names in the damn news and lawsuit.

28:22
So, yeah.

28:25
OK, Well, I'm going to stop recording.

28:27
It's 5:59 PM on my clock so.

Interview with [redacted]

1/8/2025

0:00
Ahead and get started.

0:02
OK, today is January 8th, 2025.

0:06
It's approximately 9:58 AM.

0:09
My name is Scott Baland.

0:11
I'm a law enforcement consultant with the Commission on Peace Officers Standards and Training Post.

0:16
The purpose of of our meeting today is to talk to you about the facts and circumstances involving an investigation into serious alleged serious misconduct in violation of Penal Code section 13510.8, subsection one, which is dishonesty and subsection 6 which is acts that violate the law.

0:37
You are not the subject of the allegations and this is against Oroville Police Department Officer Robert Sasek.

0:45
And regarding POST case number 231-8309, you were given notice and we set up this investigate investigatory interview on January 3rd.

0:57
Your interview is being recorded and the statements you make here may be used by POST in connection with its duties.

1:03
And the recording helps us to ensure that all of your statements are completely and accurately transcribed as authorized by Commission Regulation Title 11, Section 12, O Six of the California Code of Regulations.

1:17
You will have access to a copy of the recording if future proceedings are contemplated or if further interview of you occurs.

5:13
I was a detective slash OIC, OK, officer in charge.

5:19
Yep.

5:20
OK.

5:22
In your, you were previously interviewed by Employer Investigative Services, EIS regarding this matter and I wanted to ask some questions after reading the summary of that.

5:35
I had some questions on it.

5:36
In your previous interview, it mentioned that you were a narcotics expert, Yes.

5:43
Were you or how were you certified as an expert?

5:46
Was that ever done by a court or were you, I know with CHP, I was certified as an expert in traffic collision investigation by the court.

5:54
So did you have something similar?

5:56
Yeah, I was, it was a a homicide case where I was deemed an expert and being under the influence and the production, manufacturing and sales of methamphetamine.

6:10
OK.

6:10
And were you a DRE, A drug recognition expert?

6:14
Never went to DRE school, just everything through narcotics investigations.

6:19
But and how long, how long would you say you worked under like the narcotics umbrella?

7:40
OK.

7:41
And yeah, I was going to mention Officer Herrera being there as well.

7:46
So on, on that date that I asked you about, on September 1st, 2022, Officer Sasek responded to Orville Medical Center with an in custody, a female in custody and then essentially proceeded to site and release her to the hospital.

8:07
Or do you recall that incident?

8:08
Yep.

8:09
OK.

8:10
Were you present at the time he cited and released her or did you have any discussion prior to?

8:16
Nope.

8:16
I was, I saw him pull up in the parking lot because I usually worked all the security for the emergency room.

8:25
OK, And he parked out, he parked up outside the ramp for the emergency room.

8:30
So I just walked out there to talk with him, see what was going on.

8:33
And he was like, I got an in custody and he was writing her out of citation.

8:40
Did he say why or why he was at the hospital?

8:43
Do you know why he was at the hospital instead of the jail?

8:46
If memory serves me correct, he took her to jail and she couldn't clear medical.

8:53
OK.

8:53
And so then he was sent to Oroville Medical Center to get a book clearance for books.

8:57
Did he ever make a statement as to why he wasn't why he was suddenly releasing her and not getting her cleared for booking to you?

9:07
He may have.

9:08
It's been so long.

9:09
I don't, I don't really remember if he directly addressed that issue or not.

9:15
OK, I, I know, I know we had as I know when he when when she signed the promise to appear, he released her and told her to go into the emergency room and seek help.

9:31
OK.

9:32
She walked over to the emergency room.

9:36
Then she didn't go inside the door and she started kind of wandering around the parking lot.

9:42
And I was like, listen, dude, you can't, you can't just drop you're in custody's off here.

9:47
She's she either needs to go inside and be seen or she needs to get out of here.

9:52
And he's like, well, I'll go talk to her.

9:54

So he got in his car and he drove down because she'd gone down to the lower parking lot and he basically, he basically told her to beat feet OK and then he then he left the scene.

10:05
Did he or did you have a conversation with him after he told her to leave?

10:09
No, he left scene.

10:10
OK, And then what happened?

10:15
I, I kind of got an idea what happened after he left and she was still there.

10:19
But in your words, kind of what did she do?

10:21
And and we're referring to compl which was his in custody, but I don't know if you knew her name or even had contact with her other than that, right.

10:30
Actually, that's the question I do have, is she was in the car the whole time or was she outside the car at that point signing the sudden release when he was filling out the site?

10:41
She was sitting in the back seat.

10:43
He had to pull her out, unhandcuffed her, had her son that promised to appear and then released her on to on her own.

10:54
And what was you said you did 20 years with in law enforcement for at Alturas, so 16 at Oroville Police Department?

11:04
Yeah.

11:05
Would it be safe to say you're fairly familiar with their policies and procedures up to the point that you retired, at least assuming that nothing changed after that?

11:14
Yep.

13:49
Right.

13:49
But he didn't.

13:51
I don't remember if he did or not.

13:53
OK, I, I know, I, I know that I so she arrived back at the hospital later and I kind of had a physical altercation with her.

14:06
And I called him on the phone and I said, hey, you need to come get her and take her to jail now.

14:14
And they showed back up.

14:17
He took her in custody, put her in the back of the car.

14:20
And when they left, I thought she was going to jail.

14:24
And that's these are actually a lot of my follow up questions.

14:28
So when when you called him back on the phone and when he re arrived to to address compl because and reading the summary before and correct me if I'm wrong, but she became a disturbance at the hospital.

14:43
She was trying to access some employee only areas.

14:47
Is that correct?

14:53
And except for the emergency room is open and there's a section of the hospital where you go and get X-rays and ultrasounds and stuff, and then the area of the hospital where the lab is at where they test and process all the blood samples, urine.

15:33
Through a double door employee entrance that goes right into that section.

15:39
So she was wandering and I, I, I saw her wandering back there and she was trying to open office doors that were locked because the, you know, everybody was at home for the day except for like the X-ray.

15:53
And then she I told her she had to leave.

15:59
She started taking off.

16:00
I followed her and she went into an employee bathroom and locked the door.

16:05
And is that the point that you called Officer Sasek back?

16:08
Yep.

16:09
OK.

16:10
When, when he arrived back on scene, was it, I know at some point Sergeant Khan arrived with him, but did they arrive together or was Officer Sasek there before Sergeant Khan?

16:21
If you're right, Well, it it would, it took a little bit.

16:27
I had threatened to, I had a key for that rest.

16:30
I had a keys for like most of the doors to the hospital.

16:33
And I told her she didn't come out.

16:35
I was coming in and grabbing and she opened the door and I, I physically grabbed her and had to pull her out of the hospital.

16:44
And when I got her out of the hospital, she was just making all kinds of crazy statements and she ran and got underneath, right outside that door where there's a couple of MRI like fifth wheel trailers that they do MRIs in.

17:00
OK.

17:02
She crawled underneath one of those and I'm like, well, I'm not going under there after her.

17:07
The cops are on the way.

17:09
I'll let, I'll let them do what they're paid to do.

17:12
I sat there, I think Sasek showed up and we got her out from underneath the trailer.

17:18
And then Khan and Isaac showed up shortly after, and I don't remember at which order they showed up.

When you guys got her out from underneath the trailer, you mentioned that she was handcuffed.

17:34
Can you...do you remember what was?

17:36
Did Sasek seem frustrated with her at all during this?

17:44
I mean, yeah, he was irritated because, yeah, he was dealing with her again.

17:49
I, I don't know if, I don't know if frustrated would really been the word that I, that I used, that I know that they were just doing whatever, not to take her to jail.

18:03
They were, yeah.

18:03
They were asking, hey, do you want to go to Chico?

18:06
You want, you know, and I'm like, what?

18:10
I was like, dude, you like whatever you guys do what you're going to do.

18:13
And yeah.

18:15
And then so she's handcuffed, walked back to his patrol car.

18:20
Is she put it in the back seat, I'm assuming?

Yep

Do you remember in the back seat?

18:25
Our, our I know CHP has some non-caged cars, but are Oroville cars all caged cars?

Yes

18:32
And so she was put in the back seat?

Yep

18:35
And to your knowledge, she was still handcuffed, I believe.

18:38
Yeah, I believe once you got out of the trailer, she was put in handcuffs.

18:44
But I couldn't be 100% on that anymore.

18:48
But I do believe she was.

18:50
OK.

18:52
But in your opinion, as a former police officer, would you say she was in custody at this point?

18:59
Oh, yeah.

19:00
OK.

19:01
I mean, she was not.

19:03
She wasn't free to leave.

19:05
Yeah.

19:05
By any stretch of the imagination.

19:09
And so she's in the back of the car now.

19:13
Sergeant Khan's on scene, Officer Herrera's on scene.

19:16
Do you remember if Officer Herrera was out of his car physically or was he in his patrol car because I there's my next question.

19:26
There's a meeting that occurs.

19:29
And my understanding is that Officer Herrera never got out of his patrol car.

19:32
But I'm just wondering if you ever had any independent knowledge of him being out of his patrol car?

19:43
I want to say he did get out of this patrol car, but I can't be 100%.

19:51
I know he was there and I know he was and I know he was.

19:58
Part of the conversation is what we were going to do with it, but I don't, or what they were going to do, but I don't remember.

20:05

If we were just like around the door of his patrol car or if he, I, I just, I'm sorry, but I just don't remember.

20:12
Would it, would it be, or maybe you can explain whether or not he, if he's in his patrol car or not.

20:18
How closely were you guys together like you, Officer Sasek, Khan and Herrera?

20:24
Like what would be the distance between the four of you?

20:28
I don't know, maybe maybe 20 feet.

20:30
I mean, if he stayed in his car, I could have spoke at a normal volume and you would have heard me.

20:36
You know, it wasn't that far at all.

20:38
And the area where they were parked, it's the area where like the ambulances pull in and stuff.

20:47
So it's not like it's a it's not a parking lot, but it's not a real cramped, cramped space either.

20:53
OK.

20:54
And you were present and you remembered hearing the conversation about what they're going to do with their take her to Chico, That that kind of thing.

21:03
Yeah, at some point in Officer Herrera's interview and his testimony, he states that he made a comment that Officer Sasek should just drop compl off on at Neal Rd.

21:17
at the dump.

21:18
And I know in your previous interview you weren't 100% that you heard that.

21:23

And I'm just going to confirm whether or not you remember anything being said about Officer Sasek dropping her off somewhere other than Chico potentially.

21:33
To my recollection, all I remember is that they were, they, they were talking about take her to taking her to Chico.

21:42
They asked her if she wanted to go to Chico because that apparently is where her residency is at.

21:51
And when they left, my assumption was that she's going to jail or she's going to Chico and I, and if that comment was made out of my earshot or right when I wasn't standing there, I don't know.

22:10
But if that comment was made, I couldn't, I couldn't imagine it being a, a serious comment, if you get what I'm saying.

22:25
But I don't, I don't ever remember that comment being made.

22:28
OK.

22:29
And then let's see, trying to do you think it's you said it was a joke and obviously Officer Herrera said he said it.

22:46
Do you think because of the way the conversation was occurring, do you think it's there's some probability that Officer Sasek and or Sergeant Khan could have heard that comment about Neal Road or just based on their proximity to where the conversation was happening, if the statement was made, do you think they heard it?

23:09
I mean, yeah, I guess.

23:11
I mean, I didn't hear it, you know, or if, or if I heard it, it, this isn't an excuse, but you know what our sense of humor is like, you know, And so it, I think if I did hear it, it didn't really get ingrained in my mind because I probably wouldn't have thought that that was a serious comment.

23:40
I've, I've supervised and worked with Isaac where I I would never imagine that Isaac would just drop somebody off on a deserted, completely dark.

hearing it, he, he thought Neal Rd. was around that area, which I'm interviewing him later and I'll, I'll bring that up and kind of tie him down to his knowledge of the area for sure.

40:21
Yeah.

40:21
It, the Estates is still in the city limits of Chico.

40:25
And normally when we would take anybody to Chico that was homeless or, you know, we would take him to a place called the Jesus Center, OK.

40:36
And that is a bonafide homeless shelter where you know, you can, if you're homeless, you can stay there something, if they have enough room available, you can get clothing, food, you know, they help, they help point you in the direction for different type of services to help you kind of get back on your, your feet, if that's kind of what, what you're wanting to do.

41:04
And and so I, I just in in all my time being that the PD I, I've never I've never taken somebody in any situation to the estates.

41:18
It's just, it's, it's to me, it's just not that wouldn't be appropriate.

41:23
I, I don't, I'm having a hard I that that conversation was not, there was no, there was no in my recollection, there was no conversation as to exactly where Officer Sasek was going to take her into Chico other than he was simply transporting her to Chico.

41:46
And and I think you said earlier you didn't even feel like that was inappropriate, taking her to anywhere other than she needed to be, she needed to be in jail.

41:57
But I mean, I was, I was kind of in a weird, I was in a weird situation, you know, I just did not, I did not want to be that that old cop that retired and, and I'm going to sit there and tell these guys how to do their job.

42:14
You know, you know, I, I might throw a flag, a penalty flag down and say, Hey, that's probably not a good idea, But I'm not, I'm not going to, you know, try to run their shift being a retired cop.

42:28
And you know, and I, and I don't know if I asked it.

Interview of Robert Sasek

2/4/2025

0:00
Going OK.

0:04
The date is February 4th, 2025 and the time is 11:00 AM.

0:09
My name is Scott Bayland.

0:10
I'm a law enforcement consultant with the Commission on Peace Officer Standards and Training, POST.

0:15
I am interviewing Robert Sasek.

0:18
The purpose of our meeting today is to talk to you about the facts and circumstances involving an investigation into serious misconduct in violation of Penal Code section 13510.8, subsection B, subsection 1 of dishonesty, and 13510.8, subsection B, subsection 6, Acts that violate the law, involving you and an incident on September 1st, 2022.

0:47
You were given notice of this interview on January 29th, 2025.

0:52
The interview is being recorded and statements you make here may be used by post in connection with its duties.

0:59
The recording helps us ensure that all of your statements are completely and accurately transcribed and is authorized by Commission Regulation Title 11, Section 12, O Six of the California Code of Regulations.

1:12
You will have access to a copy of the recording of if future proceedings are contemplated or if any further interview of you occurs.

1:20
You also have the right to record this interview.

1:24
Let's see.

1:25
You have the right to representation.

1:27
During the interview, the representative shall not be a witness to the case or the subject of your of the investigation.

1:35
The representative may ask clarifying questions but is not permitted to answer question posed to you or interfere with the interview.

1:42
If you need to take a break to use the restroom or attend to personal necessities, you may do so upon request.

1:48
However, before making any such requests, you must answer any pending questions.

1:54
This interview is not subject to Government Code section 33 O three of the Peace Officers Bill of Rights Act POST is acting independently from your agency and is representing only the interests of the people of the State of California.

2:09
Penal Code section 13510.8, Subsection A, subsection 8 includes the definition of serious misconduct, failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to this chapter.

2:26
For purposes of this paragraph, the lawful exercise of rights granted under the United States Constitution, the California Constitution, or any other law shall not be considered.

2:36
Failure to cooperate.

2:39
Since you have been asked to participate in this investigation and since a failure to cooperate with an investigation may subject you to an action against your certification in order to protect your 5th Amendment right against self-incrimination in a criminal proceeding, any information you provide as part of this interview cannot be used against you in any subsequent criminal proceeding.

3:01

With that all that in mind, is there any reason why you would not be able to give accurate and truthful answers to our questions today?

3:08
No, Sir.

3:09
OK.

3:10
Please keep in mind that dishonesty in connection with an investigation of police misconduct is itself serious misconduct as set forth in Penal Code section 13510.8, subsection A, subsection one.

3:23
With that in mind, do you agree to answer our questions truthfully today?

3:26
I do.

3:27
OK.

3:29
And then to maintain the integrity of the investigation, we must ask that you not discuss the questions asked and the facts discussed in this interview with anyone other than your legal counsel or as otherwise required by law.

3:40
Do you agree to comply with this request?

3:43
I do.

3:44
OK.

3:45
And do you have any questions before we proceed?

3:48
No, I'm just going to let you know that I am going to screen record it for my own records because

3:50
Absolutely.

3:52
Get out there and I I like that idea.

3:55
No problem.

3:55
That's a good, good call.

3:58
OK, so I'm going to oops, hang on, minimize this so I can.

4:07
OK, All right, so I'm just going to go ahead and get going.

4:17
Let's see.

4:28
So this this is regarding post case number 231-8309.

4:37
So were you working for the Oroville Police Department on September 1st, 2022?

4:45
Yes.

4:47
And do you recall what your work hours were on this day?

4:50
I believe I was working nights.

4:54
I'm not sure if it was weekday nights or weekend nights.

4:57
OK.

4:59
And then who else, if you recall, was working with you on this date?

5:03
Sergeant Ali Khan, I don't know if he was a Sergeant at the time he was the supervisor and Isaac Herrera.

5:17
OK and officer, former Officer Herrera now advised that on September 1st, 2022, that it was a Thursday and would have been your last day working before going on regular days off.

5:26
Does that sound about accurate?

5:29
I'd have to look at a calendar, but yeah.

5:33
OK.

5:35
On September 1st, 2022, do you recall a call for service at the Dollar General?

5:42
I do.

5:42
And what was the nature of the call for service?

5:45
It was a trespassing call.

5:48
And did you make an arrest as a result of this call?

5:51
I did.

5:55
and then during that incident at the Dollar General, was your body worn camera activated?

6:00
It was and then it was deactivated when I took my vest off.

6:04
And then I believe it was reactivated when my vest went on.

6:06
I had to climb over some debris to try to get complainant out of the area where she was hiding.

6:13
So I took my vest off.

6:15
OK.

6:17
And then in your or I should say, what is your understanding of Oroville Police Department's policy regarding body worn camera at that point in time?

6:31
I believe it was not a shall but a a may.

6:34
Like you can use it when when you desire at at any given time.

6:40
It wasn't a shall.

6:42
You have to have to use it at that time.

6:45
I know because my Lieutenant had yelled at me about a previous incident.

6:49
OK.

6:49
And then I'm assuming it's obviously body worn camera.

6:54
So it's on your body.

6:55
Is it just a simple like push button feature to activate it and deactivate it?

7:00
Those ones were a it had the I think there were the number twos, the Axon on number twos and it had the the slide on top and you would slide it and it would wait 5 seconds and then you would tap it until it either vibrated or beeped depending on the settings that you had it set on.

7:15
OK, I only ask because when I was with CHP, we didn't, we didn't have body worn cameras.

7:21
So I, I don't have experience using them, using them myself.

7:24
So that's why I asked.

7:25
Yeah, they, we, we've upgraded or they the police, the Oroville Police Department has upgraded to a better version since then.

7:32
But the other ones had a it had like a little red record sign, like a red for recording.

7:37
And you flip it over and it would take a few seconds and then you would tap it.

7:40
And sometimes you'd have to just tap it a lot to get it to work.

7:44
OK, so back-to-back to the incident from the Dollar General.

7:50
Did you book complainant into Butte County Jail?

7:53
No, she was denied for high blood pressure.

7:56
I did take her to the Butte County Jail.

8:00
I was going to book her.

8:02
The only reason I arrested her and took her from the scene was because she was trespassing.

8:06
Otherwise I would have just issued her a citation then and there.

8:09
But she already was refusing to leave.

8:11
So it was kind of the only way to solve the problem.

8:16
OK, and then if you recall, what was she wearing and specifically like was she disheveled, homeless looking?

8:24
Was she wearing shoes?

8:25
She didn't have property, she wasn't wearing shoes.

8:28
She didn't have a purse.

8:30
She didn't have anything.

8:31
I think she was in a tank top because at one point in time when she, I think when she came out from underneath all of the, the, the freight carts that were in the back, her breasts were exposed.

8:46
And I was like, Hey, ma'am, like let's you know, and at that point in time, I'd put her in handcuffs.

8:50
So I was like, let's, you know, adjust your shirt.

8:52
I believe that's all on all on body camera there.

8:55
That was in front of two other officers.

8:57
I was like, let's not have you exposed.

8:58
You know, I, I would like to, you know, help keep you decent and not, you know, not be humiliated or anything like that.

9:06
OK And then you said no purse, but no cell phone or any other property purse, just her just the clothes on her back.

9:16
Just the clothes on her back.

9:17
And I think she was in like some sort of maybe sweats or pants.

9:22
I I don't really remember, but she had she had on a top and bottom.

9:26
OK.

9:28
And then according to the arrest report that you authored for this arrest, which was dated on September 2nd, 2022, you stated [redacted] was I think, quote un-quote, "most likely under the influence of a CNS stimulant."

9:42
And what did you base that statement on?

9:45
So based on that, like when I first contacted her, she was kind of acting erratic, you know, fast twitch movement, stuff like that.

9:54
And then when I got her to the hospital, she had changed over the course of our interaction up until that point.

10:02
And then when it this jumps down to after I recontacted her, she was going up, up and down.

10:09
So at first I thought she was under the influence, but then the more time I spent with her, I was thinking more meth induced psychosis because she was really fast and rapid.

10:18
And then she would calm down and like, "hi, Sir, how are you?" and answer my questions and, you know, in full statements and, and less all over the place.

10:27
OK.

10:28
And then just for clarification purposes, have you gone through any kind of drug recognition expert training or anything like that?

10:38
Or is this just based on your experience on the streets?

10:42
Just based on work experience on the street.

10:44
I was trying to go to POST certified courses while I was employed, but we were understaffed and we worked a lot.

10:52
It was one of the things that I had been trying to do.

10:56
Gotcha.

10:57
And you mentioned, so when you took her to the jail, they refused her for high blood pressure and then they did they advise you that she required medical clearance before she could be booked?

11:08
Yeah.

11:08
They asked me if I wanted a medical clearance sheet and I said no, I was just going to take her to the hospital and cite her out and advise her to seek medical treatment.

11:17
Because again, the only reason I had placed her under arrest and transported her was because it was a trespassing.

11:23
And if she was going to go to the hospital, she wasn't at the Dollar General where she was causing issues anyway.

11:27
So I could just give her her citation and, you know, advise her to stay away from the Dollar General and seek medical treatment.

11:35
OK, so then, but after the jail, you went to the Medical Center with, with complainant in your car in custody still, but you went inside and she didn't go in with you.

11:45
So why didn't, why didn't you take her in?

11:49
I don't, I don't remember if I did go inside without her.

11:52
I, I must be if you're, if you're saying I did, I think I went in to let him know that I had somebody and

ask if like most of the time when we go drop somebody off at the jail, we'll pop in and be like, hey, are you guys super busy?

12:02
Like is this going to be something where she's going to be out and about sitting in the lobby?

12:06
And they were like, no, they weren't super busy.

12:08
So I think that's what I was doing was going into check to see how busy they were.

12:12
So that way I can be like, hey, you know, they're they're ready for you to come in.

12:15
Just go on in and let him know that, you know, I dropped you off and they can they can start seeing you.

12:21
OK.

12:22
And then according to your call log, you after you cited and released her, you told her to go seek medical attention, right?

12:30
Because that's why.

12:31
OK.

12:32
And then so I guess maybe explain why you didn't proceed with getting the clearance and then returning to book her.

12:43
What was your reasoning for not doing it?

12:45
Was it just because it was a trespass?

12:48
It was just a trespass.

12:49
It was a simple trespassing.

12:51
She didn't seem like she was causing too much issues in Oroville.

12:54
We get a lot of, a lot of people that they just feel like being nuisances.

13:00
So that's, that's more like what it felt like it was being.

13:02
I didn't think she was, you know, trying to cause any harm, but she was refusing to leave and she was being a nuisance.

13:09
OK.

13:10
And then is what's, what's Oroville's police department's policy for cite and release?

13:17
Are you required to get a supervisory approval first?

13:19
And if so, did you?

13:22
I, I can't remember if we have to get supervisor approval, but I, I, I know my supervisor approved, as weird as it is to say that because it's kind of a common practice.

13:34
If, you know, we have a busy, a busy day and our shift wasn't, it wasn't heavy, but we were kind of in like the busy section of it.

13:43
So I, you know, I, I got there and I, I was like, hey, you know, I started her out and then when I told my supervisor, I decided her out, he was, he was OK with it.

13:51
OK.

13:53
And then so after you cited and released her to the hospital, did you receive a phone call from somebody?

14:01
And if so, who was that from?

14:02
Yes, so I went to go back my partner on another call, I believe it was on the other side of town.

14:08
I want to say it was near the AM/PM, which is like almost on the entire other side of town.

14:12
I got there around the time the call was ending and then we were headed back.

14:17
I think we're headed back to the office.

14:18
And I got a call from one of our retired peace officers.

14:21
His name's guard .

14:22
He was a security officer at the hospital.

14:25
And he was letting me know that the lady that I had dropped off was not seeking medical attention, was like trying to get into offices or cars or something like that.

14:33
But she wasn't.

14:34
She wasn't trying to seek medical attention.

14:36
And he wanted to trespass.

14:38
OK.

14:39
And then according to looking at your call logs, you were dispatched and it was about 10 minutes after you had dropped her off initially after the cite and release.

14:50
Does that sound accurate to you?

14:52
Yeah.

14:52
So I I advised her a dispatch.

14:53
I can't remember if I called them on my phone or if I if I let him know over the radio that, you know, guard was had told me that she was acting, acting out again and not trying to seek medical attention so that I was on my way back over there.

15:06
OK, so this was essentially a second trespassing, this time at Oroville Medical Center?

15:11
Yes, Sir.

15:12
OK, let's see.

15:20
And so then when you arrived back on scene, what did you observe?

15:25
When I arrived on scene, we pulled up to the back where the ambulance is normally parked.

15:30
And we have two trailers over there, like diesel, like tractor trailers, but they have MRI machines in them, or at least one of them does.

15:39
And they were walking from the top of the hill down towards where the entrance to the hospital would be.

15:46
And it was guard and complainant

15:49
So I started talking to her.

15:50
You know, I looked at guard

15:51
I was like, what's going on?

15:52
He was like, you know, same old, same old.

15:55
So I, you know, I was like, hey, complainant like, how do we, you know, solve this issue?

15:58
Because we can't, we can't keep doing this.

16:01
I did not reactivate my body camera for some stupid reason.

16:06
I would say that I was a young copper in the time and I learned from it.

16:08
I used my body camera a whole lot more because of this incident.

16:13
But you know, I, I was like, you know, how do we solve this incident?

16:15
Can I get you into the Hope Center or the Mission, which are some, some safe places for people that don't have homes or transients to stay like a shelter for the night?

16:27
And that's when she told me she wanted to go home.

16:29
And I asked her like, OK, where's home?

16:32
And she said Chico, my supervisor was standing right, right behind me and heard her say she wanted to go to Chico.

16:39
And I didn't even have to ask him.

16:40
He said "courtesy transport approved."

16:45
guard was right there.

16:47
I opened up the back of my patrol car and she hopped in of her own free accord.

16:53
OK.

16:53
And then was when you got there, because I think it was guard said that she was actually underneath one of those trailers.

17:04
Do you recall her being underneath one of those trailers when you got there?

17:06
I did not see her underneath the trailer.

17:08
They were walking down between the trailers when I, when I pulled up because you can pull up really close to him.

17:13
So if she was underneath one of the trailers, like he must have just got her to get out and start walking with her because I did not see her under a trailer.

17:21
OK.

17:22
And then after she was there and you got there, I'll call him guard .

17:29
But former guard said that complainant was handcuffed.

17:33
And that was, you know, also supported from a statement from Sergeant Kahn.

17:40
So do you recall handcuffing complainant

17:43
complainant was handcuffed when I initially dropped her off and then cited her out.

17:46
But I did not put complainant back in handcuffs after citing her out and initially releasing her.

17:53
OK.

17:53
So when at this point, when you got her and got called back to the Medical Center and then we're good.

18:00
Was again basically going to take her back to Chico.

18:02
You did not put her in handcuffs.

18:04
I did not, I did not put her back in handcuffs at all.

18:07
OK.

18:09
And so she goes back to her car.

18:11
I don't I don't remember putting her in handcuffs.

18:13
I'll say that I don't think that I put her in handcuffs at all.

18:17
So I don't it's been 2 years.

18:19
So I'm, I'm, you know, and, and honestly, I don't have, I don't have anything other than a couple statements saying that she was handcuffed.

18:26
But I don't, I mean, if you don't recall, you don't recall.

18:29
I don't, I don't think I ever put her back in handcuffs.

18:31
And that was part of the whole, you know, she wasn't, she wasn't detained at that point in time.

18:35
At this point in time, it was a 100% courtesy transport.

18:39
And then so you take her back to your car and I'm assuming you put her in the back seat.

18:45
Yes.

18:46
And then our, I think all of Oroville Police Department patrol vehicles are caged cars, correct.

18:54
They are.

18:56
I, I think they're all caged cars.

18:58
Yes.

18:59
Yes, all patrol cars.

19:02
My patrol car was definitely a caged car.

19:04
OK.

19:05
And then I'm assuming she was still dressed in the same manner as when you sighted and released her.

19:10
I believe so, yes.

19:13
And then at some point while you're still at the hospital, do you recall that Officer Herrera arrived on scenes?

19:20
I do, yeah.

19:21
So I'm trying to think of how to say this.

19:28
So when I pulled up, I pulled up as close as I could.

19:31
And then I believe Sergeant Khan pulled up like, right next to behind me.

19:36
And then Khan or Ali, not Khan and Ali are the same person.

19:39
Isaac would have pulled up kind of behind him off to the side because it's not a very big area.

19:44
And it's kind of like a, you can't drive through it.

19:47
You'd have to drive in park and then turn around and then like come back out.

19:51
And he pulled up kind of on the back.

19:53
So it's kind of like 3 cars in a row.

19:55
But I think Isaac's might have been kind of parked next to the backside of his.

20:00
So like almost kind of like a felony stop.

20:03
So like I'm trying to stand up.

20:05
So like his would have been like if this was Ali's car, mine would have been in front right here.

20:09
And I think Isaac's was kind of like back here.

20:13
So it was two, 2 1/2, almost three car lengths away from where Isaac would have pulled up.

20:19
And then he when he arrived on scene, he, he'd stated previously that he never got out of his vehicle, that he was seated in the driver's seat.

20:26
Do you, does that sound correct to you?

20:30
I'm not quite sure.

20:31
I kind of remember him getting out, but he stayed back by his car because I know Ali walked back towards him because when Ali gave me the go ahead for the courtesy transport, he was at the backside of his patrol vehicle.

20:46
OK, well, at, at some point, I believe Officer Herrera was back in his car and then you and Sergeant Khan approached his patrol vehicle and spoke to him through the, his, the driver's side window.

20:59
Do you recall that?

21:00
I don't, I don't remember that.

21:05
It's entirely possible, but I, I don't remember.

21:09
He, he had stated that both you and Sergeant Khan were basically for like, almost like leaning on like his open driver side window kind of by the mirror kind of just right there.

21:21
He's, he estimated less than a foot away from him while you guys were having a conversation.

21:27
So I, I don't, does that help you at all or?

21:29
I, I, I don't, I don't remember.

21:32
Honestly, it could have happened.

21:35
I, I, I don't remember.

21:36
Like I said, it is a long time ago now.

21:38
So because at this point is when he said that there was the conversation about transporting [redacted] compl to Chico, and then that's when Sergeant Kahn gave the approval.

21:50
So are you, is it your recollection?

21:53
I guess I would say that that conversation didn't happen at Herrera's car, that it happened somewhere else.

21:59
No, there was there was no other conversations had after I left because after I left the hospital, it was right there.

22:06
But I, I again, I don't, I don't remember going back over to his car.

22:10
It it could have happened, but I'm, I don't remember.

22:14
So I'm not going to tell you I didn't.

22:16
OK.

22:18
And then in in his interview, Officer Herrera stated that essentially you seemed kind of upset about having to make this transport all the way to Chico.

22:27
So I guess were you frustrated at any point with having to do that?

22:32
Yeah, I was frustrated.

22:33
It's like, you know, it's, it's frustrating that people 'cause like just the issues, Oroville's a place full of issues.

22:48
I knew it was going to take me away from the city for at least half hour to 45 minutes.

22:53
You know, we, we, we're, we're busy all the time.

22:56
I don't like leaving my partners because again, Oroville is a, it's a dangerous city.

23:01
If I was going to leave him, it was, that was a team that I was not happy with, but OK with leaving him because Ali is a, you know, he's a proactive guy also.

23:09
So it wasn't like I was going to leave him and nobody was going to cover him.

23:12
But it's Oroville and it's dangerous.

23:14
And I like having the most officers there because we're already understaffed.

23:20
That that would have been my frustration is just that it was like, you know, it's going to take me away from being able to transport or not transport, but be there, be there for my partner, you know what I mean?

23:30
Yeah.

23:30
So essentially you're leaving those two to handle all the calls.

23:33
Yeah.

23:33
And it was like I said, it wasn't a it wasn't our most busy night, but it was a busier time in our night And when things go South and Oroville like it's busy non-stop back-to-back to back.

23:45
You know, I mean, so that's why I didn't like the idea of leaving him.

23:48
But again, my supervisor was one of those supervisors that was OK with it.

23:51
And I trusted there are other supervisors there that I would not have been comfortable leaving him with because they don't go to calls and support their officers and you know, that type of issues.

24:02
What's like just on a approximation, what how frequently would you say you have to provide courtesy transports to like Chico?

24:14
Not a lot, but not it's, it's not like it's a everyday thing or a every week thing, but it, it happens quite a bit.

24:26
That's the plus side of being on like a day shift or it happening earlier in the shift is because we have CS OS that would provide transports for people to Chico quite a bit.

24:37
OK.

24:37
And then back to the frustration. Was any of the frustration that you had because you didn't want to deal with complainant anymore because you know, you'd already arrested her at Dollar General and now you're he's not at least you're what's happening.

24:54
None of my frustration was directed towards complainant

24:59
It was like, that was the first time I'd ever seen her.

25:02
I do have people that I would get frustrated with because we've got guys that like, I've arrested four and five times in a day.

25:09
And that gets frustrating because it's just like, dude, like, fix yourself.

25:12
Like you're doing the same thing over again.

25:14
I've never met complainant before.

25:15
I had no history with her.

25:17
So there was no reason for me to have any, you know, ill will or upsetness towards her because like I said, it's the first time we've met.

25:24
Like I arrested complainant's bf like five times in one day, 'cause he's a drunk.

25:33
And that, that would, you know, I mean, I would be more irritated towards that, but I had no, no irritation towards, you know, and she was actually like I said, she was on, on highs and lows where like at first I thought she was high.

25:45
And then I was like, OK, this is, you know, there's some, some, maybe some mental health issues here, maybe some meth induced psychosis.

25:52
Because like the second time I talked to her, she's like, no, like I want to go home.

25:55
Like, it was a pleasant conversation, you know what I mean?

25:58
It was like, OK, click, cool.

25:59
Like that's a sound decision.

26:01
That's a good idea.

26:03
Yeah.

26:05
What is your understanding of Oroville Police Department's policy regarding transports?

26:11
Like, what are what are you required to provide when you're going to do that?

26:15
We give start time, stop time and mileage.

26:17
And destination?

26:18
Yes.

26:25
And then at the end like the final disposition of the transport?

26:27
Yes.

26:32
OK.

26:33
And then when Officer Herrera was interviewed, and I know you were asked about this before, but he advised in his statement that as a result of you not wanting to go all the way to Chico that he had made a, an off color joke or comment about you dropping complainant off on Neal Rd. instead of going to Chico.

26:55
And specifically he stated when I asked him about it that his statement was quote, un quote "Drop that bitch off on Neal Rd."

27:04
However, after being told by Herrera that he informed, after being told about that, when questioned, you advised that you didn't hear it, is that correct?

27:17
I did not hear that statement. No, I did not.

27:19
OK.

27:20
And so it's just to be clear, your statement is that you did not hear Herrera make a joke or comment about dropping?

27:28
I did not, not at all.

27:30
I did not hear him otherwise.

27:33
I understand entirely how that looks, that I would have done what my chief said I should have done and ignored her and got her to Chico, which I also don't agree with, but given the circumstances of how the whole event played out, I understand how that looks.

27:52
I did not hear him say that or hear Herrera say that.

27:55
And if I had, when she said let me out, I would have drove her all the way to Chico and I would have ignored her, which was part of one of my main concerns.

28:07
And then let's see if when you are, I should say when advised that your previous statement to EIS investigators was that you didn't hear the Neal Rd. joke from Herrera. And the fact that you ended up dropping her off on Neal Rd. was, I think he said 100% coincidence and just bad luck.

28:35
When Herrera was asked and told about that in his interview, he said that essentially you were lying and that you definitely heard the joke or statement.

28:46
So OK, so I just, I'm just going to keep reiterating that, that it's your statement that you didn't ever hear the joke or statement about Neal Rd.

28:54
I did not hear the joke or statement.

28:56
[redacted] PC 832.7

29:03
[redacted] PC 832.7

29:06
[redacted] PC 832.7

29:16
[redacted] PC 832.7

29:29
[redacted] PC 832.7

29:32
We've had a few conversations about it because I've, you know, it's a small town.

29:37
I've heard him, you know, running, I heard about him running his mouth at bars from friends and stuff like that.

29:41
So I, I, I think there's some bad blood and salt because he thinks that, you know, I got him fired and I had nothing to do with his incident.

29:51
So I don't know if he's just mad at the department and mad at anybody that was there or involved, but yeah.

30:00
OK.

30:01
And then he also said that when he made the statement or the joke that you had given a non verbal response of like basically smirking when he did it.

30:13
So do you recall?

30:14
You don't recall that either, I'm assuming?

30:16
No, Sir.

30:17
OK.

30:20
Have you ever had a conversation with either Isaac Herrera or Ali Khan where you admitted to hearing the joke or statement about Neal Road either on the date of the incident or afterwards?

30:32
No, because when he had told me about it initially about him being brought up for the interview and he was like, I have to tell him now that I said this and I was like, said what?

30:43
And he's like, I made a joke and I was like, I had no clue that you had ever said that.

30:47
And that was in front of his mom's house 'cause I was checking on him because he was in a not good place for quite a while.

30:55
And I was like, I didn't, I didn't know you said that.

30:58
And he's like, oh, yeah, well, I said that.

30:59
And I was like, OK, well, you know, don't, don't lie to him when it comes time.

31:02
If you said it, you said it all right.

31:08
After the civil suit came out.

31:12
So that we're now we're when probably like in October-ish of 2022, did you ever meet with Herrera and or Khan to discuss the allegations that were being brought forward?

31:27
Wait, after the after the civil suit initially when it when it?

31:29
Yeah.

31:31
So yeah. So this would be like, like I said, maybe October of 2022.

31:38
So obviously not the date of the incident, but at some point afterwards.

31:42
When this got brought forward to the department through the civil student, did you guys meet?

31:49
No, we never, I don't know.

31:51
I don't think we ever met. We never met and discussed anything about it.

31:54
I know that before I got called in and notified of it, Ali called me and was like, hey, you know that Lady that you left at Neal Rd.? She was alleging that she got hit by a car.

32:05
And you know what you're it's, it's being brought up.

32:09

And I was like, OK, OK, so Officer Herrera had advised that you and him and then also with Sergeant Kahn met probably three to five times after the incident around the time of the civil suit.

32:28
And he and he and he said like a different like highlight points.

32:32
So the civil suit like when it was hitting the news, that sort of thing, you guys would have or had meetings.

32:39
So you don't recall any of those?

32:40
Not at all.

32:42
OK.

32:43
On one occasion and he actually provided me a picture of this.

32:46
I guess this was around October again, October 2022.

32:52
You and you and Officer Herrera went for a run on Oroville Dam after you were put on admin leave.

32:57
Do you recall that?

33:00
I think I did, I think I did go for a run with him on the dam.

33:03
I did go for a run with him on the dam.

33:07
I think I may have gone for a run with him on the dam.

33:09
OK.

33:09
He, he sent me a picture.

33:11
I guess he took a selfie of you too.

33:12
So he was like, yeah, here it is with the, with the date, you know, so it was, it did.

33:19
There was a picture.

33:20
It's hard to see because it's his face and he's holding up the camera.

33:24
So you're kind of in the background.

33:25
But he says that to you.

33:27
So I'm assuming it is.

33:29
They apparently have it on an e-mail.

33:30
So otherwise I would show it to you to confirm.

33:33
But no, it's probably me.

33:34
I do, I do vaguely remember going for a run with him, but that was mental health run.

33:41
Not we're going to talk about that type thing.

33:45
You know what I mean?

33:45
Because like I said, he was, he was in a bad place at that point in time.

33:48
I don't think I was in the greatest place because I was, you know, concerned about my future.

35:22
[redacted] PC 832.7

35:27
[redacted] PC 832.7

35:38
[redacted] PC 832.7 .

35:41
[redacted] PC 832.7

36:05
OK.

36:08
And again, this is, this is just off of his statements to me.

36:11
So again, I'm not saying they're, they're true or what his mindset was, but...

36:13
No, I get that.

36:16
I just, I, I, he, he stated that during these meetings, you specifically and expressly told him that you had heard him make the Neal Rd. joke on the date of 9/1/22.

36:27
You told him that this is after the fact during these later meetings, but that you had, that you had in fact heard it on the 1st, September 1st.

36:35
And you told him that you heard it and believed that maybe [redacted] complainant had also heard it and that it was your opinion, meaning yours, Robert, that when you reached Neal Rd. that's what kind of triggered her and caused her to change her demeanor.

36:48
So, does that ring any bells for you?

36:51
I think so.

36:52
Remember when I told you that he told me he was going to tell the Dusty about, about the statement?

37:00
I think I think I did say something to him about maybe, you know, maybe she heard it because I was trying to justify, like not justify, but trying to find a logic in the whole thing.

37:08
Like I don't know why she wanted out or she wanted out or any of that.

37:12
You know what I mean?

37:12
Like I've, I've tried to run this scenario through my head 1000 times.

37:16
I've tried to think like I know there's a bunch of transient camps over there.

37:19
Like I've tried to find a reason, any reason for why she would have wanted out of the vehicle.

37:26
And that was one of those things when he said that I was like, well, maybe, you know, maybe she heard that and that maybe that's why she wanted out.

37:33
If, if, if she possibly heard it, it doesn't, I don't, I don't know how she would have heard it, honestly.

37:39
Like the vehicles were far enough away, like I, I don't know how she would have heard it.

37:43
And that's why I like everybody knows that I have, I've had hearing damage.

37:46
I've, I've deployed to Afghanistan twice.

37:48
I have a hearing aid.

37:49
Like everybody knows that if you say something to me, you have to like, you have to have my attention.

37:54
I have to be focused on you paying attention.

37:56
So like I said, like I, I, I never heard him say it.

38:00
He could have said it right in front of me and I just, I didn't get it.

38:03
But I, I am saying I never heard him say it.

38:06
OK, then you don't know if complainant heard it?

38:09
That was just an assumption on your part that like I said, I was trying to find any, any reason to make sense of the whole incident.

38:18
But if, if she was in the back seat of the patrol car, I don't, wouldn't you recall if the window back window was rolled down or was it...?

38:23
I, I don't remember if the back window was rolled down.

38:28
But even like I said, even if, even if the back window was rolled down, I don't see how she would have heard it because there, I think there's a generator on the MRI machine.

38:39
It, it's, it's loud and noisy out there.

38:40
It's the outside of a hospital right near I think there's a maintenance bay near it or something like that.

38:44
Like it's, it's a noisy place.

38:50
So when during some of these meetings that you had, was there ever, there was never, or I should say, was there ever a plan of action on your part to deny hearing the joke because it was only the three of you guys?

39:07
No.

39:07
OK, so going back to the actual date of the incident, September 1st, 2022, do you recall having any type of radio RIMS or other technology technological difficulties?

39:22
Yes.

39:23
So we have RIMS on an iPhone.

39:25
I think it's an iPhone 10 or it's an iPhone, a newer one, but not the newest one.

39:32
And it was constantly crashing.

39:34
It would constantly crash maybe one or two times a shift.

39:38
So I had hopped in my car and started to leave.

39:41
I'd advise mileage and I was leaving.

39:46
I was en route to an unknown unknown location in Chico.

39:49
I gave my mileage and I started my trip.

39:52
And to check your RIMS, you have to swipe down to refresh it and it'll freeze.

40:00
And when it freezes, the common practice was to do a hard reset on your phone.

40:04
You could shut the application down all you wanted, but then there was some sort of Rico update or something that it wouldn't it wouldn't load in again or if it did load it would take like 45 minutes to an hour to even log back in.

40:18
So the easiest way to log back in was to hard reset your phone, turn it back on and then log in.

40:25
[redacted] PC 832.7

40:32
I was told by my supervisor, Sergeant Khan, that that was the fastest way to fix it.

40:36
[redacted] PC 832.7 .

40:42
So just in because again, I don't have familiarity with the RIMS, just kind of going through the case and whatnot.

40:49
In my understanding, and correct me if I'm wrong, is that it's essentially like a phone-based app, is that..?

40:52
Yes, Yeah, sorry about that.

40:56
It's it's a phone-based app system.

40:59
You can review your calls, you can look up known subjects in our database and, you know, access quite a bit of material.

41:08
OK.

41:09
And then so when you were having issues, what's and does this do the issues happen frequently?

41:16
I think you said yes.

41:17
Yeah, like once or twice the shift is not a unheard of thing to reset your phone.

41:23
Are you what are you required at that point to just make any kind of notification, whether it be your supervisor or dispatch just to let them know "Hey, I'm shutting down RIMS."

41:32
Not at that time.

41:33
We weren't required to notify anybody on anything.

41:35
I don't know if they have changed the policy since then, but we weren't there was no hey, my RIMS is down.

41:41
You know, sometimes we would advise dispatch, my RIMS is down and I'm trying to look up somebody Can you look them up?

41:48
But Oroville is mostly like a radio based operation anyway.

41:52
Like we run 27's, 29's, like we run all of that through our radio.

41:57
Unless you're tech savvy and can use RIMS really well.

42:00
And I never figured it out well enough to run people a lot.

42:03
I figured it out a little bit here and there, but I would have to spend way too much time trying to figure it out.

42:09
So, so RIMS works independent of the radio.

42:12
So if RIMS goes down, the radio system should in theory still work?

42:17
Yes.

42:18
OK.

42:18
And then if for some reason RIMS and the radio would go down, what would be your secondary method to communicate?

42:24
My personal cell phone.

42:28
OK.

42:29
And then do you get a..does or we'll give you a...I think you said the RIMS is on a iPhone.

42:35
Is that a work cell phone that they provide to you?

42:37
It's a work cell phone.

42:38
OK,so then essentially you might have two phones with you when you're on shift, correct? Your personal and your work?

42:41
Yes.

42:44
OK.

42:45
And then in your experience, have you ever had to contact dispatch your supervisor or Coworkers via one of those cell phones instead of RIMS or the radio?

42:57
Yes, if I'm like away from so I've I've used my either my work phone or my, my personal phone when my radio, my handheld radio was wasn't working and I was away from the car.

43:06
If we would have issues with RIMS.

43:09
But most of the time I would just use my patrol radio, which I think I kind of know where we're leading to on that one.

43:17
Well, I mean, yeah, I might get there.

43:19
So just I got more questions.

43:21
I'm just I'll go down line.

43:22
So I stay, stay on pace.

43:26
Let's see.

43:29
And I know you said earlier that it's not uncommon to provide transportation to Chico.

43:36
So, and I know in your previous interview you said that you occasionally at least have radio issues when you travel to Chico.

43:46
Is that correct?

43:47
Yes.

43:48
[redacted] PC 832.7

44:02
But we were in the process of transitioning over to a whole new digital based radio system because it was a known issue.

44:11
I believe, I believe, I believe Khan even states in his interview that he knows like our radios were garbage like they weren't working very well in town.

44:23
They worked decent unless like there was a big cloud like our radios were really not that good.

44:30
Since then they've transitioned to a new radio system and it works way better.

44:37
And to your, I'm just going off of your your knowledge base.

44:42
I'm not asking any technical expertise, but what do you attribute the issues being?

44:48
Is it the distance from like a repeater antenna or is it like weather based?

44:53
I have no clue.

44:54
I think it was just like they were new radios off of an old system.

44:59
I believe it what it was and that's why they were in the transition to get to a new system.

45:03
But I'm not I'm not entirely sure.

45:07
I just know that depending on where you were in town, sometimes you had no working radio and normally like you got a past the big hill on the way out of town.

45:18
If you were lucky, you would make it to the split between Butte College and Chico.

45:24
OK.

45:26
And so, yeah, and this is I'm just going off again, my CHP experience.

45:33
So, so pardon me for that, but for CHP, when we go from one area to another or we're travelling, we have the option of switching frequencies to basically have better radio coverage.

45:49
Is that something that Oroville PD has say for instance, you could switch to like Chico PD and let them know?

45:57
I mean, in theory we could.

45:59
We don't normally operate that way.

46:01
If we were doing like mutual aid, we have those other channels.

46:06
I, you know, I guess I could have done that, but it's not a practice that's taught or practiced unless, like I said, we're, you know, if I was doing something and I was working in Chico or we worked at Butte

County Fair, they're like, hey, you know, we picked Tac 1, so you go to Tac 1 and you know, your, your radios work, but our dispatch also doesn't monitor those.

46:27
So I would have had to also advise our dispatch, which is, you know, thinking of it now, it's not a bad idea, but at the time it was above my level.

46:38
No, I get that.

46:39
I just, I'm, I'm just curious.

46:40
Like, so let's hypothetically like, let's say you were transporting to Chico, but then for some reason you get into like a, let's say a pursuit or a combat shooting or something.

46:51
And obviously now with spotty radio coverage, is that, would that be a, I guess an option for you like to switch to Chico and just put it out?

46:59
"Hey, Oroville, whatever your call sign is on Chico, I'm having this issue."

47:03
I'm not saying, you know, I'm not questioning why you didn't use it.

47:06
I'm just saying it would, is that something like a situation where you could see using that?

47:11
Yeah.

47:12
OK.

47:12
Yeah, I could see that.

47:14
Most of the time I would just I would, I would have called though.

47:17
Yeah.

47:17
I would have been like, there's this going on.

47:21
Yeah, no, I get it.

47:22
What is, if you had to switch to Chico PD and I'm not saying, you know what, what's the process?

47:27
Is it just a basically a button push or is it..?

47:30
It's a dial on there and you look down at your radio and you cycle through the dial.

47:33
OK.

47:34
I think we had we had something similar to that on our scanners.

47:37
We could do that.

47:40
OK.

47:41
So in in your, in your previous interview, you stated that as you were driving back, you began to hear some chatter over the radio.

47:49
But did you ever lose radio service?

47:52
Oh, yeah.

47:52
I lost, I lost radio service probably about, I'd say two or three miles out of town.

48:00
When you leave Oroville, you hit Oro Garden ran or Oro Oro Garden, is it Oro garden or no, It's Garden, Garden view.

48:07
It's where the after Bay is.

48:08
And you crest this hill and then you come down and it's immediately starts to get spotty.

48:13
Sometimes you can hear like broken transmission.

48:16
And then a little bit after that we normally lose, you know, lose it all.

48:22
OK, so then, so that was when you're on your way out and then at what point did you get the surface back?

48:28
I'd say about the same time I was coming in, I think it actually popped through as I was starting to come up the hill, I started to hear some broken transmission and I was like, OK, that's a lot of transmission.

48:41
And there was no cars on the road.

48:42
And that's when I looked down at my phone because I thought my phone had come back on because I, I was trying to reset it.

48:48
But then I was also driving and there was traffic and that's why I didn't entirely, you know, get through the free login process.

48:55
So I looked down at my phone and got everything logged back on and was cycling through and I saw where the other two officers were.

49:04
I think they were right behind the Police Department at what they thought was a burglary.

49:09
And by the time I came up, I started hearing transmission of a fire.

49:14
And that's when I ended up giving up like my final mileage because I had everything, I had a good communication and I got sent to the fire code 3.

49:24
So just 'cause I'm not familiar with the area, what would you estimate the distance is from the point you lost radio to, to like I'm assuming Neal Rd. where you dropped [redacted] off?

49:35
What's that?

49:36
What would you say that distance is like how far did you travel without radio coverage?

49:41
I guess I'm trying to think of where I, I think maybe 10 miles.

49:51
OK, maybe 'cause I think it's, I think it's like 20 something miles to Chico and Neal Rd.

49:56
Is almost in Chico.

49:58
Like I've I've gone back and played out the scenario and was like, man, I was so close.

50:07
So I think it's maybe between and I, I don't know.

50:11
I'm not, I'm just ballpark is perfect.

50:13
I just, I'm just curious because I don't, again, I don't know the area.

50:17
Yeah, no, it's wondering how far you had to go with without radio.

50:20
It's about, I would say probably 10 miles down and you know, maybe 10 miles back or around 14 to 20 miles between both, you know, to and from.

50:32
So and you mentioned earlier, you know, you, you knew when you kind of gave me your understanding of Oroville PD policies regarding transports.

50:42
So if you're having radio issues, yeah, I mean, I, I guess you, you already stated that you, you what did you do to provide the required information to dispatch?

50:51
And you, you essentially stated that it was when you got back into town and had radio.

50:56
When I got back into town, when I got back into town, I'd given, I gave my mileage.

51:02
And then I know there's like the question of, you know, why didn't you use your cell phone or, you know, and I was honestly dumbfounded by the entire situation, trying to wrap my mind around it because it happened that like that randomly, you know what I mean?

51:16
Like I was trying to get her home and then all of a sudden she freaked out and I was like, OK, I pull off the side because I didn't want to let her off on Hwy 99.

51:26
So I go, you know, I, I, I grew up in this place.

51:29
I grew up here.

51:29
And I was like, OK, where's the safest place that I can let her out because I'm going to listen to her wishes, but I also don't want to put her in danger.

51:38
So I pulled up to that big old dirt tractor trailer turn out spot and let her out.

51:43
And then she started kicking rocks at me and motherfucking me.

51:46
And I was like, "bye."

51:49
Like that's this is like, I don't, I don't know what else to do.

51:51
And you know, I thought about like, you know what, you could go rearrest her, but then we're just going to do this over and over again.

52:02
So, you know, I, I hopped my car and I left.

52:04
And the, the second I had the calm moment, I did let my supervisor know, hey, like this lady freaked out and I let her off on the road and he said, OK.

52:17

Did you ever, I know you said you, you have radio issues out there, but did you, did you attempt to put it out over the radio at all at the time you dropped her off?

52:28
No, because I knew my radios didn't work in in Chico or anywhere near outside of town.

52:37
Hindsight's 2020.

52:38
No, no, I get that.

52:40
I'm not trying to Monday morning quarterback you all to death.

52:43
I'm just, I'm just asking again, these are the questions I'm going to I'm going to get asked.

52:48
So unfortunately I got to ask you them because you know the answers better than I do.

52:56
And then and you said, I think you said already, but and you didn't you didn't think to use your cell phone because you were just kind of dumbfounded at kind of what happened.

53:05
Yes.

53:06
OK.

53:08
And let's see.

53:11
And so when you provided the information over the radio at the time you got back into Oroville area, I believe I read in the the previous interview that you hadn't you didn't or you didn't remember to write down what the ending mileage was so you provided the basically the mileage when you got back into Oroville, is that correct?

53:33
Correct.

53:34
OK.

53:37

And then you already mentioned you you'd shut down your RIMS earlier right after given the starting mileage because it was giving you some, some issues.

53:52
Yes, Sir.

53:52
Like it when it freezes, it entirely freezes.

53:54
You can't access anything.

53:57
It just, it becomes a paperweight.

53:59
But at that point you didn't, you didn't turn off your radio and while you were still in Oroville, your radio was on and you never turned it off?

54:06
I didn't turn my radio off at all because I know that there's some, some questions of whether I was trying to hide my location or anything like that.

54:15
And I, you know, I reset the RIMS.

54:18
That's the only reason that the work phone got hard reset.

54:21
I left my personal phone on and I left my everything in my radio on or everything in my patrol car on.

54:27
So my radio was on, my handheld radio was on, everything else that was supposed to be on was on.

54:35
And then and I, and I know this came up in the past one, but there's I think a GPS on your guys' patrol car.

54:43
And then what if you know what, what controls that?

54:46
Is that based with the radio or?

54:48
I didn't know if there was or wasn't a GPS.

54:50
I or maybe there's not.

54:51
Maybe I, I thought I was gonna say, I always thought there was GPS in our patrol cars and tell this incident when they were like, there's no GPS in your patrol car.

55:02
It's all through your phone.

55:03
And maybe I didn't, maybe I misread it.

55:06
Yeah.

55:06
And I didn't know that.

55:07
I was like, you know, I, I thought there was a GPS in our car 'cause I'd even advised, advised them, like, you know, I left my personal phone on, you know, I mean, like I'm, I, I wasn't trying to hide any of this, anything about where I was, where I was going, because I know that that got brought into question.

55:24
I don't know if it got brought into question during this or with the civil suit, but you know, I mean, like I, I was never trying to hide any of this or where I was going or what, what happened.

55:35
No, And I, and I get, you know, and I read that too, you know, I, I get where somebody could see that and I'm sure you do too.

55:41
Oh, no, I just based on the everything that happened, I guess in hindsight, like you said, it's, you know, it doesn't look good, you know, but and I know that previous investigators kind of said, you know, hey, man, you had these these layers of protection and you know, it just each one, you know, you kind of didn't utilize and that would have saved just maybe, you know, some some of these issues.

56:02
But so you'd stated previously that while you were in en route to Chico, that [redacted] complainant mood or attitude, if you will, changed.

56:13
And she kind of became adversarial.

56:16
Yeah.

56:17
So it was like we we literally passed the Butte College exit and we were cruising up towards the Neal Rd. exit and I crested the hill and I remember the light going from red to green.

56:29
And when the light turned green, she freaked out.

56:32
At least that's, that was, that's my, my remember of it.

56:34
I was like, I remember the light turning green because I slowed down for the light because I was coming up the hill.

56:40
And then I just remember everything glowing green.

56:42
And then she freaked out, like "I want out of the car, let me out, fuck you."

56:47
"I want out of the car, I want out"

56:47
And I was just like, OK, like that's where did this come from?

56:54
And then so when, when I got a a copy of the OPD Oroville Police Department body worn camera policy and, and I know you stated it basically should be activated for a lot of things.

57:10
But one of the one of the instances it says that any other contact, this is quoting from the policy.

57:14
Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

57:21
Essentially that was an instance where, you know, the body worn camera probably should have been on correct?

57:25
Correct.

57:29
And Monday morning quarterback-ing, I should have had it running the whole time.

57:32
And I don't, not that you have access to the, the stuff afterwards, but every time somebody's in my patrol car has been in my patrol car since that incident, my body camera's been on the whole time.

57:44
There was a, there was a lot learned from this incident.

57:47
No, I, I, I don't doubt that.

57:48
And I, and, and like I said, CHP didn't have body worn cameras.

57:52
We had MVARS, you know, dash cameras and there's there's still, as far as I know, only testing body one cameras in like two of our areas, Stockton and Oakland.

58:04
But I learned because I well, I was I retired as a Lieutenant, but when I was a supervisor, a Sergeant, I learned how beneficial the MVARS cameras were, you know, so oh, yeah, yeah.

58:16
And hindsight, you know, it's, it's basically an amazing, it's definitely a CYA, you know, thing to have.

58:26
So, and this is just me asking some questions while this was going on.

58:32
And again, Monday morning quarterback-ing it.

58:34
But why didn't you just pull over and maybe get out of the car and call Sergeant Khan to get guidance on what to do?

58:42
I, I didn't even think of it.

58:45
I had like this moment pop up from our Academy and it was like, if somebody's not detained and they want to walk away, let them walk away.

58:53

So I was like, let me find the fastest immediate place to stop and give this person the option to walk away or to do what they wish because they were not, they were not detained.

59:07
You know what I mean?

59:10
But and and I'm just I'm assuming because it's a patrol car, but she can't open the door from the inside, correct?

59:17
Not at all.

59:19
I get and that's that's why I like fastest possible place.

59:22
I can pull over safely and open the door and she can be free was what popped into my head.

59:27
OK.

59:29
And I'm just what I, when I was a supervisor, you know, I guess one of the and fortunate and, or unfortunate things about being a supervisor is, you know, when an officer contacts you that, you know, basically takes the monkey off of your back and puts it on the Sergeant.

59:44
That's why I that's why I asked the question, you know, put, you know, put Sergeant Khan in the position to make the decision.

59:51
And then that way it kind of takes it off of you.

59:53
Like, hey, what you wanna do?

59:55
Was it ever a thought?

59:57
I know you said you thought first, but maybe in hindsight couldn't you have just turned around and either got back into radio contact, you know, with dispatch or indoor Sergeant Khan, you know, turn back around and get to where you have radio coverage.

1:00:13

Yes, I, I have entirely thought about that and that's, you know, kind of where my mind was going on the way back to town.

1:00:20
But then, like I said, I got sent to a fire code three.

1:00:24
It was a big brush fire where known transient camp.

1:00:27
There were known transient camp is and then when I like I ended the fire and went to Sergeant Khan immediately.

1:00:34
What I mean like while you still had complainant in your car.

1:00:37
Oh no, I I did not think to turn around and get to radio contact.

1:00:40
I, like I said, I pulled over and let her free immediately was the only thought process that I, that was going through.

1:00:50
And yeah, and the reason, and so the reason why you didn't just put your, your ear plugs in, so to speak, and keep going towards Chico was because you, you felt it was a courtesy transport and you didn't want to keep her any longer than she wanted to be kept?

1:00:57
100%.

1:01:06
Like, you know, like I said, there's that, that the defining moment that is ingrained in my, my, my mind from the Academy is whether, you know, a consensual contact is a consensual contact.

1:01:17
If they want to be free, they're free.

1:01:18
I have no legal obligate or not, not obligation, but no legal authority to detain somebody any longer than they can.

1:01:25
And if you, if you do like, you know, it's a serious amendment violation.

1:01:30
And then the second part that popped into my head was she is in a cage in your patrol vehicle.

1:01:37
And if she feels like she's being moved somewhere that's not good for her, that also pops into a kidnapping scenario, all under the color of authority.

1:01:47
And I, you know, I mean, like, I was like, no, we're not.

1:01:50
We're going to stop and we're going to let her out because she wants out.

1:01:52
And it can be a an extremely dumb decision to be let out here, but she's a human being and it's her right to have that decision.

1:02:02
And then so you stated when when you got back, back and clear.

1:02:07
Was it when you cleared the fire call that you made contact with Sergeant Khan?

1:02:10
Yeah, I cleared the fire and I, I can't remember if he showed up at the fire or if I went to him right after I cleared the fire.

1:02:18
And I was like, hey, just so you know, she freaked out and this is where I let her out.

1:02:24
OK.

1:02:26
Because Sergeant Kahn advised that you would never...

1:02:30
He, this is when I interviewed him.

1:02:32
He you he advised that you never told him about having issues with it with [redacted] complainant when you got to come back into Oroville.

1:02:38
So are you saying that you did and he maybe he just didn't remember it or?

1:02:41
100%?

1:02:44
I said, hey, she freaked out. So I let her out here and he said, OK.

1:02:48
I know in his interview because I have my I have the whole IA.

1:02:52
He says that he doesn't remember.

1:02:55
And then, you know, he says that if he told me, he told me because I'm not a liar.

1:03:01
I have some, some issues.

1:03:03
No, no.

1:03:03
Yeah, I got, I remember reading that too.

1:03:06
I remember reading that too.

1:03:07
And I, my, my understanding I'd have to go back and read it, but I, I think it was related to basically just your ending mileage or, or like that you dropped her on Neal Rd. but not necessarily about having any kind of issues with her.

1:03:25
I could be wrong.

1:03:26
I'd have to go back and read what his initial statement was to the investigators.

1:03:30
I'm just going off of what he told me, 'cause then he stated again that the first time he heard about dropping her off on Neal Road and having issues with the transport was after the civil suit was filed, which was like a month later.

1:03:47
And I would, I would say I disagree with that because when he called me before I even got notified of my IA, he said, you remember the lady you dropped off at Neal Road?

1:03:55
And I said, yeah, he said she filed a complaint because she was saying she was hit by a car.

1:04:01
But you know, like I said, I didn't, I didn't make, I just, I didn't tell him.

1:04:05
I didn't tell him all of the details.

1:04:07
I was like, hey, she freaked out and wanted out of the car.

1:04:10
So I let her off here.

1:04:11
That was, that was the extent of it.

1:04:13
We didn't go on any details.

1:04:15
I just let him know, hey, she was in my car, she wanted out of my car and was freaking out, so I let her out on Neal Rd.

1:04:21
But then he doesn't say that he thought Neal Rd. was closer to Estates Drive, which is he's our pursuit guy, like he knows exactly where Neal Road is.

1:04:33
He grew up here just like I did.

1:04:34
No, I, I got that too.

1:04:36
Yeah, I, I, I know he, I know he said he thought it was Estates Drive.

1:04:41
And I kind of asked him about it.

1:04:42
And even when I asked him about it, he was very, just kind of very vague.

1:04:48
I guess he put he played everything and and you know, and I, you know, I can't just like with you, I can't, you know, I'm just asking you a question.

1:04:56
And if he says I don't recall, then, you know, I, I can't prove that he's, you know, lying.

1:05:00
I just have to take him at his word that he's telling me the truth.

1:05:06
And so did, other than mentioning it to Sergeant Khan, did you tell anybody else about the incident or, you know, the issues like I'm, and I'm talking about like now, like like the day and like day or slash morning of, you know, or like when the, when you were preparing the report anytime just in that...?

1:05:13
Not at all it it, it honestly, it didn't pop into my head at all.

1:05:33
My supervisor didn't think it was a big deal.

1:05:34
So I didn't think it was a big deal at all.

1:05:36
Like it was like, like, again, I guess you know, one of those things like she's a, you know, a, a free person who has rights.

1:05:42
She wasn't detained.

1:05:43
She wanted out.

1:05:44
So I let her out and then I made sure that I let my supervisor know there's a, there's a 20 minute window of huge mistake where I should have, I should have called him.

1:05:53
I should have, you know, pulled away from her and pulled down the road and called, you know, but hindsight is 2020.

1:06:00
Like, like we've been saying, there's a lot of things that I, I did wrong.

1:06:05
I 100% did them wrong.

1:06:07
But you know, I learned from it.

1:06:09
None of it was malicious.

1:06:12
That was a baby cop then.

1:06:14
I'm still kind of a baby cop in the, in the, you know, in this game of things.

1:06:17
Cause I've only been a patrol officer for 3 1/2 years on the street.

1:06:21
And then I had this last admin leave that was so long.

1:06:24
So, you know, I mean, like, I'm still, I'm still learning.

1:06:26
I, I think I'm a significantly better cop than the incident cause of how much caution I've taken from it.

1:06:33
And, you know, so there's all that.

1:06:37
Yeah.

1:06:38
I mean, you got to learn from the good and the bad, right?

1:06:40
Yeah.

1:06:40
Unfortunately and I and I know your statement was that she wasn't handcuffed or you do not recall handcuffing her.

1:06:50
So I'm not saying that she was handcuffed.

1:06:53
I'm just asking if I mean we can even generalize it.

1:06:58

If somebody is handcuffed and in back of the cage car, would you consider that being in custody or not free to leave?

1:07:07
You know, that's a confusing question because I know some places have policies where like if somebody's in the back of their car, they have to be in handcuffs.

1:07:10
Which yeah, that's and that's how CHPS, that's how CHPS is.

1:07:13
And you know, I understand that, but I think with the difference between that would be it was like, OK, so are they in a formal state of detention?

1:07:28
Potentially, yes, because if they say they want out and you have no reason to hold them, that's that's your ass.

1:07:35
You know what I mean?

1:07:36
Like you're going to be the one that's getting in trouble if you don't let them go.

1:07:38
Whereas if they say they went out and you're like, OK, I'll let you out and then you get out and you take the handcuffs off immediately.

1:07:44
I don't, you know, you get where I'm going with that.

1:07:47
Like it's no, no, I understand.

1:07:49
I'm just, I'm just trying to I guess get your thought like if somebody was well and let's I'll take it a step further because she had been at least arrested on the trespassing.

1:08:05
If let's say, let's say you never cited and released her and you had her in the patrol car.

1:08:11
But you just let's say you got okayed to take her to Chico from that point, but she was still handcuffed, arrested for a misdemeanor in the back of your patrol car.

1:08:20
She wouldn't have been free to go.

1:08:21
She would have been in custody right until you cited and released her out to maybe a family member or something else.

1:08:27
Yes.

1:08:28
OK.

1:08:32
And then I guess I'll just reiterate you don't recall putting handcuffs on her at Oroville Medical Center the second time you were called out?

1:08:40
Not at all.

1:08:40
And I'm almost willing to go to the point where like she wasn't in handcuffs when I let her out of the car.

1:08:45
So I didn't put her in handcuffs at the hospital.

1:08:47
Well, that was, that was going to be my follow up question was, and you know that you don't recall having to take handcuffs off her when she got out?

1:08:53
Not at all.

1:08:54
I like I said, yeah, no, I, I never put her in handcuffs at the hospital because when I opened up the door, I was like, what?

1:08:59
I, I asked her.

1:09:00
I was like, what's going on?

1:09:01
Are you OK?

1:09:02
And she just started walking like power walking.

1:09:05
And then she got really ****** *** and then started throwing rocks at me.

1:09:10
And I was like, I'm not going to stick around for this.

1:09:16
And I know you kind of given your, your opinion, I guess, if you will, of like courtesy transport somebody who you're just giving a ride to essentially.

1:09:28
But the I guess the difference, at least the way I kind of see it, is as I kind of mentioned earlier, she was arrested for a misdemeanor and required medical attention for the jail staff.

1:09:40
And then your arrest report was that she was either most likely under the influence of a stimulant and/or having some kind of mental health issue.

1:09:48
Guard , who was a retired officer, stated that she was definitely under the influence of drugs.

1:09:56
And then Herrera and Khan stated that, kind of like you, she was either under the influence of something and or experiencing some kind of mental health issue.

1:10:05
So I guess the, the question would be, do you think she was in a position to make a good decision for herself, for her well-being at the time she wanted out of the car.

1:10:15
I would go with at, at the time, I was thinking, yes, because she had made all of the right decisions, you know, to put herself in a better situation.

1:10:30
She wanted to go home.

1:10:31
She lived in Chico, you know what I mean?

1:10:32
She was making a, a smart choice.

1:10:34
It wasn't like, oh, no, I want to go play in traffic or oh, no, you know, I want to.

1:10:39

So if if you're wondering, like had I thought 5150 maybe for like a split second, but then she was making this the right decision.

1:10:48
She wanted to go home, you know what I mean?

1:10:51
But until she, you know, flipped and until she flipped, maybe my mind should have slowed down and started assessing some other scenarios.

1:11:05
But that's my mind.

1:11:07
My mind didn't go there.

1:11:08
I was thinking detention, unlawful detention.

1:11:13
And that's, yeah, that's where I arrived to my conclusion.

1:11:17
But generally speaking, and again, not necessarily in this instance, but if, if somebody was under the influence of narcotics or having a mental health issue, do you feel like they can care for themselves?

1:11:31
Not if they're trying to hurt themselves, but they're, I mean, this is a, it's a loaded question without being...

1:11:38
No, no, no and I get that.

1:11:39
I'm, I'm not trying to, I'm not trying to tie you down for this one in specifically.

1:11:43
I'm just generally speaking, are they normally able to care for themselves?

1:11:48
You know, and again, I'm not putting it on her because I know you said she was answering questions and making good decisions up until that point.

1:11:55
So, but it just generally speaking, not so generally speaking, like making good decisions is like it's, it's a slippery slope.

1:12:05
I normally base mine off of like, are you going to cause harm to yourself?

1:12:08
You're going to cause harm to your others.

1:12:10
And that is, you know, I didn't feel like she was trying to cause harm to herself or others.

1:12:17
She hadn't been violent.

1:12:18
She hadn't been doing anything like that.

1:12:19
So, you know, do I?

1:12:21
Did I think it was a good idea?

1:12:23
No.

1:12:23
But did I think she was making a horrible decision or an unsafe decision?

1:12:29
No.

1:12:31
That's, you know, again.

1:12:32
But like, that's why I stopped.

1:12:33
If I thought she was going to try to put herself in harm's way or anything like that, then I would have intervened.

1:12:40
But I don't know if I'm answering like I...

1:12:42
No, no, yeah, no. I just, and I know it is kind of a loaded question, but and I guess I'll go back to the take it back to the incident.

1:12:50
Like so at the point she's mother-f'ing you and throwing rocks and kicking rocks or whatnot.

1:12:57
I mean, essentially she could have potentially tried to harm you, right.

1:13:01
If she was if you were to try to go hands on with her again.

1:13:04
Yeah.

1:13:04
And that was the reason I decided not to go hands on is I'm in a remote location all by myself with a radio that doesn't work and you don't really make phone calls in a in a fight if you're going to get into one.

1:13:16
And I didn't feel that it was necessary to necessary or worth it to try to re engage.

1:13:23
All right, so in your previous or...

1:13:26
Let me not say worth it, let's say not worth the potential escalated factors that could have come from it.

1:13:39
You know what I mean?

1:13:41
Obviously people are worth it, but like is it worth it to go hands on with somebody in the middle of nowhere when you can not?

1:13:51
No, I get that.

1:13:53
So, and I guess because you've said you've taken other transports to not even generally, not even to Chico just, but if it's just a courtesy transport at the point that you drop somebody off, are they usually code 4, you know, well within their, you know, minds and whatnot?

1:14:12
I would say yeah.

1:14:13
Like that's why this is the first time anything like that had happened.

1:14:17
You know what I mean?

1:14:19
Which is probably why I was flawed in how I reacted.

1:14:25
And then in your in your previous interview, you had stated that at the point that you cited and released her at the hospital that you didn't feel like she was 647 F Is that correct?

1:14:39
No, she was extremely calm.

1:14:40
Like she sat there calm and patient waiting for me to fill out her site at the front of my car.

1:14:48
OK.

1:14:51
And then, but in your report you stated that she was most likely under the influence of something.

1:14:59
So you see how there's a little contradiction there.

1:15:02
No, I, I get that.

1:15:03
And I just, I didn't want to, I'm trying to think how to say like, I didn't want to leave it out just in case it was there.

1:15:11
Because when I, when we, like I said, when we initially contacted her, I had thought that she was on something.

1:15:17
So I don't know if I was when I was writing my report.

1:15:19
I don't know if I wasn't even thinking about the ending point where she was calm or if I was just thinking about the interaction at the location.

1:15:27
All right, because most of the time when I do that, I do, I do review my body cameras.

1:15:31
So it was like, you know, you're reviewing it as you're watching it.

1:15:34
And then I went from there.

1:15:38
And then, but you prepared the report the next day or on the 2nd.

1:15:41
So the whole incident with her and the ride had had occurred already, but you didn't include that in your report.

1:15:49
No, I did not.

1:15:50
How can where would you put that in there?

1:15:53
I, I honestly, I didn't think of it and I was thinking of it as a separate incident and that was, I was stupid and didn't put it in there.

1:16:03
And then just a, this is just a, a question again, I'm kind of a Monday morning quarterback-ing, but why not just at the point that you, you know, we got to the Medical Center, Why not just get the clearance and follow through with booking her into the jail?

1:16:22
Because that takes a very long time, normally like two to three hours tied up at the hospital.

1:16:33
And we run two patrol officers and a Sergeant for a city that needs probably 4-5 on patrol.

1:16:42
All right.

1:16:43
So, yeah.

1:16:43
So the mindset was more just getting back to answering calls, getting back to, yeah, being able to

answer calls and take care of my teammates when I needed to so he could take care of me when he needed to.

1:16:55
And then.

1:16:56
So when when you got sworn in to Oroville, you know, 3 1/2 or whatever years ago it was, I'm assuming you were given some kind of oath to protect and serve the, you know, citizens of Oroville and the state of California.

1:17:11
Yes

1:17:12
And up and to uphold their constitutional rights?

1:17:16
Yes.

1:17:18
OK and then it's this is included in your Oroville Police Department policy.

1:17:24
But I'm just going to ask if you're familiar with the law enforcement code of ethics.

1:17:30
Yes, All right.

1:17:32
I mean, I, I have it written down, I could read it to you if you want me to, but essentially kind of says the same thing.

1:17:37
You know, it's your duty to serve the community, safeguard lives and property, protect innocent, you know, respect constitutional rights.

1:17:46
Does that sound familiar to you?

1:17:49
Yes, it does.

1:17:50
OK.

1:17:50

1:19:00
OK, so having kind of that knowledge in in mind, do you feel like you put [redacted] in a position of greater danger when you left her on Neal Rd. without her shoes, no cell phone, in darkness, or any kind of money or anything like that.

1:19:19
Obviously, you know, Monday morning quarterback-ing it how how everything went.

1:19:22
I don't feel that I put her in a position of danger, but I don't feel like I put her in a position better than she was.

1:19:30
You know what I mean?

1:19:32
Like I, I, I own the fact that there were mistakes made.

1:19:35
I was trying to listen to her wishes and unfortunately, I, I may have put her in a position that was not for her, not better for her than where she was, which is kind of that double edged sword because here she is potentially getting herself into trouble, violating laws and whatnot versus, you know what, what happened?

1:19:59
Yeah.

1:19:59
And, and I get it and I know she alleges she was hit by a car.

1:20:03
I don't know if that was ever proven or disproven per se.

1:20:07
You know, she ended up, as, you know, the next morning and being found with some bruises, scratches and whatnot.

1:20:14
But generally speaking, putting a female in the dark, with no shoes, no no means of contacting people.

1:20:25
Do you see that as being...?

1:20:27

Yes, that's definitely not a better position than when I mean being in town but or or even or even just in the back of your patrol car until you figure it out right correct.

1:20:42
So as part of the code of ethics and her constitutional rights, that was to safeguard the, the, the life and, you know, protection of citizens.

1:20:52
So obviously, do you feel like it kind of goes hand in hand with that, you know, greater danger, But do you feel like you might have, you didn't safeguard her?

1:21:03
When I feel like I tried, I feel like I tried to protect her rights, but while doing so may have put her in a worse position.

1:21:12
And then I know you've mentioned this already, but you were upset about having to go all the way to Chico for complainant because you were leaving Herrera and Khan to handle the calls, Was that correct?

1:21:28
Correct.

1:21:29
All right.

1:21:31
And then did you purposely or fail to activate your RIMS body worn camera to cover up your actions and plan to drop complainant off on the old road?

1:21:42
Not at all.

1:21:43
And to go back to that last question, and I've, I've, I've asked this question my, to myself a lot of times because I know that I've been, that people have said that I did this on purpose, like, oh, you took her there.

1:21:57
It, it has no benefit to take her there for, for a reason to get rid of her.

1:22:03
None whatsoever.

1:22:05
Because I'm already 99, almost 90%, like I'm like 99% of the way to Chico, You know what I mean?

1:22:11

The reason she was let off there was because she asked to be let out of the car because it was another 50, 50, 60 seconds to be into Chico, You know what I mean?

1:22:22
Like we were that close.

1:22:24
I literally come across the bend and I'm into Chico.

1:22:28
She was left there because that's she wanted out of my vehicle.

1:22:32
And that's, and again, that's the, the Monday morning quarterback in me says, man, just drive the extra 60 seconds and get her.

1:22:40
And, and I and you know, I, I struggle with thinking that because my, my and my chief even said something, which I you know, it's, it's a, a stupid state from for him to make, but it's, it's also the same thing as like, you know, he's like, why didn't you just turn up your radio and pretend like you didn't hear?

1:22:56
And you know, I, I'm not, I'm not that guy.

1:23:00
Like I'm, I'm gonna follow people's wishes.

1:23:04
Unfortunately, this was a stupid one where, like you said, I should have kept her in the back of the car and made a phone call and dumped all that responsibility onto my supervisor versus letting her out and then going to dump the responsibility on him.

1:23:17
But like I said, like, you know, I, I was a young cop at the time, still learning a bunch of stuff, learned a bunch of stuff from it.

1:23:25
So it's, you know, just a very fucked up situation because it's affected not only her, you know, it's, it's, it affected her life a ton, but it's also affected mine and my children's.

1:23:37
And you know, no, I get that.

1:23:39
No, I get that.

1:23:40
And then you'd, you'd made the statement just a second ago about, you know, why, you know, leaving her, leaving her on Neal Road.

1:23:48
You know that there was, it wouldn't do you any good because you were almost a Chico.

1:23:52
But I guess the, the flip side of that could be, and I know I, and I'll be 100% honest, this is what I thought when I first kind of had read this before talking to you and before even really looking into it, was that, oh, he, he dropped her off on Neal Rd. because, you know, now she's whatever, 15 miles away from Oroville, she's on foot, she's going to have to walk a mile back just to get to Hwy. 99.

1:24:17
At that point, if she ever did make it back to Oroville, it wouldn't be during your shift and you wouldn't have to deal with her anymore.

1:24:22
I mean, that's the way I kind of read it at first and I was like, you know, I hope I'm wrong, but you know that that is a conclusion somebody could see by taking her out there.

1:24:34
You see how somebody could have that thought.

1:24:35
I see how somebody could have that thought.

1:24:37
But it was the where I dropped her off is 1/4 mile is not a full mile.

1:24:41
It's a quarter mile off of Hwy. 99 and then it's a two mile walk.

1:24:45
Now, I do look at things a little different for people walking because I'm a United States Army infantryman and and I can, you know, I can, I can walk that in, in 20 minutes, You know what I mean?

1:24:58
Which is probably not the best way to look at the rest of the world because they're not, you know, they're not, they're not built like us.

1:25:04
So they're not doing those things is, you know, like I, I put her in a position to where I felt that she was safe.

1:25:09
And if she was going to make any of those decisions, they were her conscious decisions to make.

1:25:15
I didn't put her there because it would get rid of her from my shift because in my mind she was right.

1:25:22
You know, she was right around the corner.

1:25:23
It was just where she happened to say she wanted out.

1:25:28
I mean, right around the corner to to 99.

1:25:31
But back to get to Oroville.

1:25:32
It would be a while.

1:25:33
It would, that would be a she was right.

1:25:36
She wasn't wanting to go to Oroville.

1:25:37
She was wanting to go to Chico and Chico was, I think a mile and a half up the road.

1:25:43
So I mean, I, I know, I know where you're going with that, but then I, this might be digging a hole for myself, but I don't know if you've dug enough to know that Oroville has a bad history.

1:25:56
And if it was one of those situations where I wanted to get rid of her for my sake, to get rid of her from my shift.

1:26:04
Oroville has the history of taking people to the rock piles in the clay pits, which I believe is why they settled.

1:26:10
And that's in Oroville.

Like I genuinely do this because I like taking care of people and I like the, the camaraderie and I can handle the violence and I can handle the chaos and I can be there for somebody when they need me because I'm built the way to handle that.

1:27:11
I know you understand that.

1:27:12
Cause like this is what you did for your life.

1:27:14
You know what I mean?

1:27:15
There's not a lot of people who can do what we do and hold it together, you know what I mean?

1:27:21
So I mean, I, I get the whole, well, you, you took her there to get rid of her for your shift.

1:27:25
Like if that was my plan, I could have done that and stayed in town and not left my partner for 25 or 30 minutes or however long I was gone.

1:27:34
I dropped her where she wanted to be dropped because she said she wanted out of my vehicle and it's just a whole fucked situation.

1:27:43
OK no I get that and I guess I might have asked this in one way shape or form but I have it written down so I'll ask it.

1:27:51
Do you feel like you provided complainant with the appropriate level of care during this incident?

1:27:56
Meaning, did you drop her off at a safe location given her condition, both physically and mentally?

1:28:06
Again, I, I would, I would answer no, I don't think that I dropped her off in a good location, but I dropped her off in the location that she wanted, which is it's, it's that fucked situation with the 14th Amendment that you were talking about, like the safe care, like it's not always our choice to put somebody in the best position.

1:28:26
And I don't know if I just misunderstood my authority in that situation where I could have denied her that or if I would have gotten myself in more trouble, but I was just trying to follow her wishes.

1:30:29
OK and then let's see I already asked you there are asked you this question about the report.

1:30:36
I'm almost done.

1:30:37
I literally have two questions left.

1:30:39
So looking back, what would you have done differently in this incident?

1:30:45
So I, I kind of changed how I operate entirely.

1:30:50
I don't, I don't provide people courtesy transports anymore.

1:30:53
I think, you know, like if the Pope needed a ride, I might, I might give him a ride.

1:30:57
But other than that, I don't, I don't do courtesy transports, especially to other cities.

1:31:04
I run my body camera 24/7 and everything is excessively documented.

1:31:09
Excessively documented, almost to the point where my supervisor's like, dude, stop putting in stuff and shut up.

1:31:15
I, I make sure that every little detail is noted and it's on body camera and I make sure that I won't ever put myself in this position again.

1:31:24
And then just, and it just kind of popped in my head, but I just want to.

1:31:31
So during the transport, I'm kind of just going to summarize it all and you just tell me, you shut off your RIMS after giving your starting mileage and to an unknown location in Chico, you shut off your RIMS and had to do a hard reset on your cell phone, correct?

1:31:47
So the phone, your work cell phone is turned off?

1:31:49
Yes.

1:31:50
OK.

1:31:51
And then the radio is still turned on.

1:31:54
But because of radio issues leaving Oroville, you didn't attempt to utilize the radio when she started giving you problems, correct?

1:32:03
Correct.

1:32:04
And then your personal phone, you just didn't try to call either dispatch or anybody else, correct.

1:32:13
But it that was available and on you just didn't use it.

1:32:16
I didn't I didn't think of using it because like I said, there's the same reason I didn't call Sergeant Khan.

1:32:21
I was kind of dumbfounded to that about what had just happened.

1:32:25
And I was just driving back and I was like, let me just let me get back so I can go talk to Sergeant Khan.

1:32:30
And then this is my my last question other than to let you say anything else you want.

1:32:36
But, and I think I already know the answer, but looking back at the statements that I gave you from Isaac Herrera about you, you know, him saying that you smirked when he made the comment that you definitely quote un quote heard him and that you made statements to him afterwards and some of the meetings that you had heard it.

1:32:56
Is it still your statement that you did not hear his original statement at the Medical Center about dropping complainant off on Neal Road?

1:33:03
I did not hear his original statement about that.

1:33:06
The only time I heard about it was, again, like I told you when we were talking in front of his house when he told me that he was going to have to tell Dusty that he had made the comment.

1:33:15
And that was before his initial interview?

1:33:17
I believe so, yes.

1:33:18
Yeah.

1:33:19
OK.

1:33:20
That's all the questions I have.

1:33:22
Robert, do you have any questions of me or anything you want to put out there since it's recorded, you know, and that you have an option to, you know, talk about that I didn't ask?

1:33:29
Not really.

1:33:34
What are the, what are the next steps?

1:33:35
Like how long and kind of how long does it take before I hear 'cause I, I want to get back to work?

1:33:41
Honestly, no, no, I and I appreciate that as, as I, when I spoke to you on the phone a couple months back, it's where we're at now is, hey, I wanted to interview you so that I can write up, I guess the way my, my findings, if you will.

1:33:59
And then I have to present those to our, the POST executive people.

1:34:04
And they'll, they'll be the ones that will decide whether or not we submit this to the Accountability Board for review.

1:34:11
And that in that case you'll get notified.

1:36:42
And if they say, yeah, we don't feel it's strong enough or we believe that Robert, you know, had no ill intent and we don't think a board's going to move forward with it.

1:36:51
They might shut me down right there.

1:36:52
And then at that case, I would just write up a closure.

1:36:55
You would get notified, hey, this was closed and your certifications would stay intact.

1:36:59
OK, So yeah, go ahead.

1:37:03
Any other?

1:37:03
No, no.

1:37:04
So other than that, I just, you know, since there's a whole thing where you're going to present it to some people, I do take responsibility for this, right?

1:37:11
I'm not, I'm not trying to dust any of that off.

1:37:14
There was a lot of things that I learned from this.

1:37:18
I did mess up and just let him know that like this will never happen for anybody like me or anybody that I train, because the whole thing is I was trying to become a field training officer and a lot of officers would learn from my mistake because I've, I'm, I'm on campus right now quite a bit.

1:37:34
So I talked to some of the officers and I was like, Hey, make sure you're covering yourselves.

1:37:37
Make sure you guys are not doing this and, you know, make sure you guys are talking to your supervisor.

1:37:42
So, you know, like I, I accept my, my responsibility in this.

1:37:45
I did mess up, but it was not malicious.

1:37:48
I'm not a malicious person.

1:37:49
You could go around this town and, you know, find a ton of people who, who would agree with that, even people that I've arrested or people, people that I've fought, you know what I mean?

1:37:59
I'm not a I'm not a bad person.

1:38:01
And, you know, I've learned from this and I accept responsibility.

1:38:04
So I would like to move past it and continue to, you know, go, go to work.

1:38:09
So, yeah, no, I don't blame you.

1:38:12
And I appreciate that.

1:38:13
And if it does go to, like I said, if it does go to the board, you'll have an opportunity.

1:38:17
And I would almost encourage you to, to take part in it because, you know, other than that, they're only going to hear my side, you know, so if I'm writing up like, hey, he dropped her there.

1:38:27
He did this and this I want you to be able to say, you know, hey, This is why I did it.

1:38:32
This is, you know, and to hear it from you and like the board likes to hear from the officers involved, you know, in my experience of watching them because, you know, they want to ask, because they'll be able to ask you questions, point blank, you know, and say, you know, hey, Robert, why didn't you do this or this?

1:38:46
And you can answer them and maybe, you know, you know, get in their head like, OK, this guy had no ill intent.

Serious Misconduct Investigation POST2318309 – Victim Interview

0:02
Record now.

0:02
So hopefully it is OK.

0:04
We're recording head starting.

0:05
I got the prompt.

0:06
OK, So good afternoon.

0:08
Today's date is April 15th, 2025.

0:12
My name is Scott Baland.

0:13
I'm a law enforcement consultant with the Commission on Peace Officer Standards and Training, more commonly known as POST.

0:20
Also on this meeting is Brian Hoffman, an attorney for POST.

0:23
The purpose of our meeting today is to talk to you about the facts and circumstances involving your involvement in an incident that occurred on September 1st, 2022 and leading into September 2nd, 2022.

0:37
This incident prompted an investigation into alleged serious misconduct in violation of Penal Code section 13510.8, subsection B, subsection 2, Abuse of Power by Officer Robert Sasek of the Oroville Police Department.

0:55
This interview is being recorded and statements you make here may be used by post in connection with its duties.

1:01
The recording helps us to ensure that all of your statements are completely and accurately transcribed and is authorized by Commission Regulation Title 11, Section 1206 of the California Code of Regulations.

1:15
You will have access to a copy of the recording if further proceedings are contemplated or if any further interview occurs.

1:22
You also have the right to record this interview.

1:26
So I just wanted to confirm that you guys received our administrative subpoena requesting this interview.

1:34
Yes, we did.

1:36
And and that's the reason why you're agreeing to testify or give this interview today is as a result of this administrative subpoena?

1:45
Yes, pursuant to the subpoena we are here.

1:48
OK, OK.

1:51
And then formally, can...I know I introduced myself and I kind of introduced Brian, but since we're on the recording, Robert and [redacted], can you guys introduce yourselves for the tape as well?

2:02
Yes.

2:06
Yeah.

2:06
I didn't want to jump in.

2:07
[redacted], go ahead.

2:08
OK, my name is complainant.

2:10
Is that is that all you want me to say is my name?

2:14
And what's your date of birth?

2:15
complainant

2:19
OK, And then go ahead, Robert.

2:21
Thank you.

2:21
My name is Robert Chalfant.

2:22
I am counsel for compl.

2:25
Thank you.

2:27
OK, so I'm going to jump into it here at any point if you guys need to take a break or if you want to interject or add something, just feel free to at any time, just let me know and then we can stop the tape, go back on recording, whatever.

2:40
But this shouldn't take very long.

2:43
So I'm hoping to get this done relatively quick.

2:46
OK.

2:47
So and compl, I can call you comp?

2:50
That's fine.

2:51
OK.

2:52
compl, on September 1st, 2022, were you arrested in Butte County by the Butte County Sheriff's Office for trespassing at a private residence?

3:04
Yes.

3:06
And as a result of that arrest, were you booked into the Butte County Jail?

3:11
Yes.

3:13
And prior to this arrest, had you used any narcotics I have on that date in question or earlier that day?

3:24
On that date?

3:25
Earlier that day, I believe it is, yes.

3:28
OK.

3:28
And then if you recall, what type of narcotics did did you ingest or take?

3:34
And then how much, if you remember?

3:37
Methamphetamine, it wasn't very much.

3:41
As a result of the methamphetamines, did you feel the effects of them at the time of that arrest?

3:46
I did feel the effects.

3:47
It was a little warm out that day, yeah.

3:52
Had you taken methamphetamine prior to this date?

3:56
I have been clean and sober before, but I was, yeah, I did.

4:01
I have prior, yes.

4:03
Compared to your prior effects as you felt from it, did you feel any different on this date when you took it?

4:11
Was it stronger or more potent?

4:15
Well, I had it was, it was a little hot.

4:18
I think it was 114° out that day.

4:20
So I was, I, I was pretty, I was taking a, a walk.

4:24
So I did get a little bit hot.

4:25
So that's why I was in the pool when I got arrested.

4:32
So, OK, and then if you recall, when you were arrested and taken to the jail, did you have your shoes with you, your purse, cell phone or any other belongings at that time of that arrest?

4:45
I did not.

4:47
I did have a purse that was in the property that I didn't get the first time that I got arrested, but I didn't they I did have shoes there, but they didn't give me my shoes when they arrested me.

5:00
So when you were at the jail, you were swimming in the pool.

5:02
So when they arrested me, they didn't give me my shoes.

5:06
So at the time you were at the jail, you had no shoes, no cell phone, no purse.

5:13
And then you were released from Butte County Jail and subsequently arrested again at the Dollar General, is that correct?

5:21
Yes.

5:22
And what was that arrest for, do you recall?

5:24
I believe they said I was trespassing there.

5:27
I don't understand.

5:28
I didn't quite understand that arrest because I was waiting for a ride to come get me and but I was still kind of out of it a little bit.

5:37
So I don't know.

5:39
I think they just thought I was loitering or something, but I was technically waiting for a ride, you know, I don't know.

5:47
All right, that that was kind of Part 2 of my question is, at that time did were you still feeling the effects of the methamphetamine?

5:53
Yes, correct.

5:55
OK.

5:57
And then do you recall for the Dollar General arrest what the officer looked like?

6:03
I don't really recall.

6:04
I just know he was dark colored skin.

6:07
I don't know.

6:09
I really remember a lot about that incident until later.

6:15
All right, so you were, you were taken to the Butte County Jail again, but the medical staff denied your booking and required a medical clearance.

6:27
Do you recall the reason why?

6:29
Yeah, I was a little bit, my vitals were a little bit off for my blood pressure, my heart rate, everything was showing signs of distress.

6:38
And so they didn't clear me for that to be booked in that time.

6:43
So I was probably really dehydrated at the time.

6:47
I hadn't had any water, nothing.

6:49
So I was probably, I knew I was feeling the effects from it.

6:53
I mean, I don't know if it was because it turned into a medical condition, you know, from the heat and everything and being dehydrated.

7:01
So they didn't clear me to go through the jail because my, my, my vitals weren't correct.

7:06
They weren't, they weren't enough for me to be cleared to go into the jail.

7:12
So, and then the arresting officer, Officer Robert Sasek, transported you to the Oroville Medical Center.

7:22
But my understanding is he left you in the patrol vehicle, returned, and then subsequently gave you a citation and released you.

7:29
Do you recall what he told you when he released you?

7:33
He never released me.

7:34
I never got a citation.

7:35
He never said anything about being released.

7:40
This is the first I heard of it was from him saying that.

7:43
I don't remember him ever saying I was being released.

7:47
I didn't sign any cite.

7:49
I never signed anything on a citation that he was released to me or nothing.

7:52
And so I I never, this is a that was the first I heard of it by him saying that.

7:57
OK, so you don't recall ever getting a citation from him getting released right there at the hospital?

8:02
No.

8:03
OK, his statement, and you may have heard this already, is that he, he basically left you in the car, gave you the citation and said, hey, go in there.

8:12
There's a hospital.

8:13
You need to get medical clearance because your blood pressure is high or something like that.

8:17
No, he did not.

8:18
He didn't walk me in the hospital.

8:20
He didn't tell me.

8:21
He he did, I believe let me out to go to the but he was, I was weird because I'm not really from Oroville.

8:27
I'm from Chico.

8:28
I was, I'm from Chico at the time, so I wasn't familiar with the hospital and I just know that we wasn't when there was no emergency pull up into the emergency where you normally would in a hospital.

8:39
We were not in an emergency part.

8:42
We're on the side of the hospital, I believe.

8:45
So I don't know, not really familiar with that area.

8:49
So but I didn't see any sign that said emergency on there.

8:53
So I don't know, is it is it safe to say that though at this time that that you were at the hospital that you were still feeling the effects of the methamphetamine?

9:02
Most definitely.

9:04
I was very nauseated, dehydrated.

9:09
So I, I was definitely not feeling well.

9:11
I...he knew that I wasn't feeling well.

9:14
But yeah, so I wasn't quite I don't know what, where the mishap came with that.

9:19
I don't know if I didn't get get it medically cleared or is seen in the hospital and then and then the

9:26
Officer Sasek at this point, at least according to his statement, after he sat and released you, he left and after telling you, hey, go in there and get medical help.

9:36
That's his statement.

9:37
But it looks as if you remained in or around the hospital and maybe attempted to go into some restricted areas because the security guard ended up calling Officer Sasek back.

9:50
But at that time, I think the statement was you were in or around or maybe even underneath an MRI trailer.

9:57
Does that...do you recall any of this?

9:58
No, what I recall is I was very dehydrated.

10:01
I went to the bathroom to try to get a drink of water out of the faucet because I was very dehydrated and, and feeling nauseous.

10:08
And the security guard came over to me.

10:10
And apparently I don't know if they had knew it he was pulling up at the hospital or what, but he

contacted the the policeman and told him he needed to put me back in his cust...you know, or whatever.

10:23
What I he needed to basically take care of my situation 'cause I'm, and I had no idea where the emergency part was even at, you know, 'cause I believe we are in the side door of the hospital, which I don't.

10:34
So no, any my way around.

10:36
No emergency here.

10:37
This is emergency department right here.

10:39
I just seen the closest bathroom, went there to get a drink and try to, you know, throw up, clean my, you know, wash my face off.

10:46
I wasn't feeling very well.

10:48
And then that the next thing I know that the security was there escorting me out and back into the cop car.

10:56
OK.

10:57
And then I know the security called Officer Sasek back and he returned.

11:02
The statement is from them that they removed you from the hospital trailer.

11:07
Do you recall if at any point they put handcuffs back on you?

11:12
I believe they did put handcuffs back on me, but I'm not sure.

11:16
I can't really.

11:17
I can't really recall because it seems like he let...he let took me out of the hand.

11:20
He had to open the door when he let me out back out when he dropped me off.

11:24
So I didn't have them.

11:25
It could have been he that I couldn't get out of the car when they let me out.

11:29
So it was.

11:29
Yeah.

11:29
I don't remember.

11:30
I can't recall.

11:31
I think so, but I'm not sure.

11:33
OK, not 100%.

11:37
OK, then Officer Sasek brought you back to his patrol vehicle and placed you in the rear seat.

11:43
Was there any conversation between you and Officer Sasek on where he was going to transport you?

11:48
Do you recall any conversation?

11:50
No.

11:52
OK, so he just puts you in the back of the patrol car and shuts the door?

11:56
Yeah.

11:57
OK.

11:58
And did you make any requests to him about taking you anywhere?

12:03
I was, I no, I didn't.

12:05
At that time, I wasn't sure what we were doing.

12:07
I thought we were going back to the jail.

12:08
I was, I really don't know.

12:09
But he, I, I don't know if I, no, I didn't ask him at that time, but I was very sick.

12:13
I laid down in the back of the cop car and I was like just not feeling well.

12:18
So he didn't say nothing to me.

12:21
OK.

12:22
And then do you recall seeing Officer Sasek meet with any of the other Oroville Police Department personnel around this time?

12:30
When I, like I said, I was laying in the back seat.

12:33
I felt a stop.

12:35
I look up to see where we're at.

12:37
I was, I just remember being like at a gas station and I can only remember certain things like there was a car wash there and there was some construction going on and he was talking to three.

12:48
Another police car pulled up.

12:51
I believe it was two more police.

12:52
And then they all got out and I just seen them talking, all three officers, but I am not sure.

12:57
I couldn't hear what they were saying.

12:59
OK.

13:01
And then so you didn't hear what they were saying, he began to transport you back towards Chico.

13:07
But again, I just want to confirm you didn't make this request?

13:11
And he, he never suggested or told you where you were going?

13:13
You just, you were in the car and he started taking you on the way?

13:17
On the way back, when we got on the freeway, I asked him where were we going and he told me just just "shut the fuck up" basically.

13:27
And so I assumed that he was taking me back to Chico, maybe to the hospital over there where I'm from.

13:32
I wasn't sure, but he didn't just told me to "shut the fuck up!"

13:35
So I don't, I don't know what was going on.

13:37
I, I couldn't tell you where I was going.

13:40
OK.

13:42
And I, and I have that as part of my my questioning.

13:46
So at some point you're on the freeway heading back towards Chico and then he takes the exit for Neal Rd.

13:55
You recall this?

13:56
I do.

13:57
Is it, is this about the time that you asked him where you're going?

14:01
Probably about the same time, Yeah, 'cause I was like this.

14:03
I knew, even though I'm not from Oroville, I knew between Chico and Oroville.

14:07
But we turned off like, we're going to like Paradise, you know?

14:10
I thought, I don't know, it's like out in the middle of nowhere.

14:13
So I was kind of like, concerned a little bit what we were doing.

14:18
OK.

14:18
And that's at the point where you asked him "where you're going" or "where you're taking me" and he said "just shut the fuck up?"

14:24
Yeah.

14:25
OK.

14:27
And then I just want to confirm at any point around this time, did you demand to be let out of the vehicle?

14:36
No.

14:38
You didn't request end the ride?

14:40
Never.

14:44
So when he gets down Neal Rd., it's debatable how far he went, but he went down and took the exit and drove down Neal Rd. a ways and pulls over.

14:53
What were the circumstances that led to you exiting the patrol vehicle?

14:58
Nothing.

14:58
He just got out, opened the back of the door, grabbed my arm.

15:04
So I was asking him where we were, what was going on, and he said "you're not my fucking problem anymore!" "Deal with it."

15:09
You're on your own basically?

15:11
And you know, he like drove off, I was like, you're just gonna let me out right here in the middle of nowhere?

15:18
I don't, you know, I mean, like, I don't even know where I'm at.

15:20
I can't even see any housing or nothing.

15:22
So no stores, nowhere to try to help myself.

15:27
I just knew I was in the middle of like a mountain where I don't even know nothing.

15:31
I couldn't see anything around me.

15:33
So I was a little, I started getting a little bit of stress because I was like, seriously, like this kind of blew my mind that he was just gonna let me out here and I'm very sick.

15:44
I'm throwing, you know, nauseous.

15:45
I, I feel like I just, I just felt really bad.

15:49
And then he just drove off.

15:50
Yeah.

15:51
And, and just to establish, this was about what time at night?

15:57
I know it's dark, but what would time would you say it was?

15:59
I believe it was closer to midnight or something, maybe 11:30.

16:03
I don't know, somewhere between, I'm going to say between 9:00 and 12:00.

16:07
I couldn't really tell you, it was dark.

16:08

I know that it was late, so obviously nighttime, there's no businesses or street lights that you could see, nothing like that, nothing.

16:17
And so then as he lets you out, he drives away and then he just, he takes off.

16:23
What do you do?

16:24
What, what was your reaction or what did you do after that?

16:28
Well, I was a little bit starting to get a little bit anxiety because I don't have no shoes, no water, no cell phone, doesn't even look like there's anywhere I could walk to, to call somebody for help.

16:37
And I just realized that OK, so I'm on the road.

16:41
I try to walk on the side of the road because I see a car coming.

16:46
I tried to walk back the way I was coming.

16:49
It seemed like a way, I don't know where I was walking to try to get back and on the road because I didn't have shoes on until I walked maybe five, maybe 5 minutes.

17:01
And then I seen a car coming on behind me and I tried to get over off the road with no shoes on in the rocks, you know, so I don't get hit.

17:12
And then I turned around because I thought I'd seen a car that was, the lights were closer to me, you know, than what I would, I was, you know, analogy like trying to think like, oh, this car's lights are directly coming on me.

17:26
Like I'm.

17:27
So I turned around and that's when I got hit to try to see and I got hit and I don't remember.

17:33
I went flying.

17:34
I don't know.

17:35
I was pretty bad shape after that.

17:36
So OK, but they didn't stop.

17:39
So I don't know.

17:41
I don't know, you know, I couldn't tell you what who it what kind of car it was, who it was that hit me.

17:48
OK, and going back to when he first left you, and I know you said you were stressed out, but would it be safe to say that you were pretty scared at that point?

17:56
Well, yeah, I mean, my exactly.

17:58
I will definitely went up because I knew I was in...a medical attention need, you know, wasn't feeling good.

18:04
I don't have any way of help to call somebody.

18:07
I have no water.

18:09
No, I'm already dehydrated from the day, you know, feeling really bad.

18:16
So I kind of got my anxiety went up.

18:17
Yeah.

18:18
As you know, I was just kind of like, this blows my mind that he's even dropping me off here.

18:23
Like, why?

18:24
You know what I mean?

18:25
Like, yeah, why didn't he take me home or take me to Chico, to the hospital?

18:29
There's something, you know, I'm like.

18:31
But here I just couldn't wrap my head around why he was just gonna leave me out there in even a worse, you know, situation than I already was in.

18:39
And I don't even know, or see anywhere I can go, go get help, you know?

18:44
And just to keep reiterating, you were still under the influence in your opinion of the methamphetamine at this time?

18:51
Yeah.

18:51
I hadn't been using all day.

18:52
So I was not as under the influence, should I say, because the effects were wearing off.

18:59
But I was sick from the, you know, whatever I had done to myself because of that day, you know.

19:06
But I was aware more, a little bit more aware of what was going on then I wasn't, you know.

19:12
Yeah.

19:13
And and so now going back to after getting struck by the vehicle, you were found the next morning near the construction site, he had multiple scratches, bruises, etcetera.

19:26
Is it your contention that this was caused by the vehicle hitting you and not just falling down into the embankment?

19:35
I, I really couldn't tell you because I hit my head on some rocks and stuff going down.

19:39
So I, the most of the injuries probably from the car like my stomach wise, because I had internal bleeding from the, the small intestine being ruptured.

19:50
And so that was probably from the hit, I'm assuming from the car, but I'm not a medical expert.

19:59
OK.

20:00
And then you're, I think you already said this, but you don't recall what the vehicle looked like?

20:04
No, I couldn't.

20:05
I couldn't tell you.

20:06
It was dark and I couldn't see.

20:08
And the only when I did turn around to look, I was just seeing the lights, you know, so it's hard to really detail what the car was.

20:15
OK.

20:17
And then the next morning, according to the Butte County Sheriff's body cam footage, you told them you were struck by the vehicle. Do you recall, were you ever interviewed by the California Highway Patrol for the hit, hit and run collision or anything?

20:34
No, I, I notified the hospital there that I, I told them, well, the Sheriff's Department came back out the next day.

20:43
I believe it was Butte County Sheriff's Department.

20:45
When the construction worker found me, I told them that I was hit by a car and, and they didn't, you know, they didn't investigate it.

20:57
I don't believe.

20:58
It was kind of odd because nobody really did anything about it.

21:02
I don't know if they, I don't know if they reported it or not.

21:05
I just know that that's what I've told the hospital staff.

21:08
That's what I told the, you know, the police that day.

21:14
Yeah.

21:14
And I did a little follow up only because I worked for the California Highway Patrol for 27 years.

21:19
And that's kind of the standard protocol is the sheriff or PD whatever, if they call us out to a hit and run CHP supposed to come out and investigate it.

21:28
So I contacted the local CHP office and they never, they confirmed that they never got called out by Butte County sheriff's to, to investigate it.

21:37
So they didn't have a record of, of a traffic collision investigation being conducted.

21:42
So just just for that too.

21:44
That's very strange to me because I, I mean, I'm on, I'm pretty sure I'm on their cameras saying I got hit by the car because their body cams were on that day.

21:53
No, you did.

21:54
Yeah, you did.

21:54
I remember hearing it.

21:55
I don't know why, you know, at that point, I'm getting rushed into emergency surgery and I was in a coma.

22:00
So I really couldn't pursue that issue of what was reported and not reported to, you know, the, the what the Sheriff's Department reported, you know, reported or not, I don't know.

22:13
Yeah.

22:15
The next morning, when you're in the back of the ambulance, getting talked to by the Butte County Sheriffs, you were giving them an alias.

22:25
Do you remember that?

22:25
And do you know why you gave them a different name?

22:28
I did.

22:28
I'm...I did because I didn't know.

22:30
I thought, you know, at that moment in my time, I'm thinking the police are out to get me.

22:35
You know, I mean, I don't know what's going on.

22:37
I don't know if the cop hit me, if the, if he, you know, if he left, I don't know.

22:41
But my mind was thinking like, what's going on?

22:44
So nothing is making sense to me.

22:46
And so I just didn't want them to know who I, I don't know why I just, my head was like, I don't want them to know because then they're gonna finish it off, you know?

22:55
I mean, I, I was just scared, you know, I was scared that I don't know what was going on, what was happening.

23:02
I just wanted to get to the hospital because I was indefinitely at that point.

23:06
I had been, the internal bleeding was kicking in.

23:09
I lost control over my bowels, everything.

23:12
So I was in some serious problems, you know?

23:16
Was...is there a chance were you still feeling the effects of the methamphetamine that next morning as well?

23:22
No, The effects I was feeling was the injuries.

23:25
OK.

23:26
Like, I knew that I was in some trouble, you know, like if I didn't get medical attention, I was gonna die.

23:32
And that's the only thing I was worried about was getting the medical attention I needed to, you know, I didn't really want to deal with the police at that time because I dealt with him for the whole night.

23:41
So I was like, I just want to talk to the medical people.

23:44
So they're trying to get snotty with me, the Sheriff's Department, and I'm just like, look, I just need to go to the hospital.

23:50
I don't, you know, this is what happened.

23:52
I'm telling you, I was hit by a car.

23:53
They're like, did your boyfriend beat you up?

23:55
No, I think because prior we had a little incident with my boyfriend a long time ago and I don't even know, I don't even know what they were.

24:03
They were basically accusing me of something else.

24:06
They didn't really believe that I was hit by a car.

24:08
I don't think so I didn't want to deal with them at first when I got that impression with them.

24:13
I'm just like, I just need the medical help right now.

24:15
I just want to talk to the ambulance people, get me in, get me to the hospital.

24:18
I'm, you know, I don't want to deal with this right now with them.

24:22
So even though I let them know what happened to me, it wasn't like they were taking me seriously.

24:27
I felt so that, you know, but and, and so I, I just needed to get to, I knew I needed medical attention right then because I was, I was gonna die.

24:36
I felt like I was dying, you know.

24:39
And so ultimately you were transported to the hospital by ambulance?

24:43
Yes.

24:45
And then do you recall what the injuries were that you sustained?

24:50
Well, I had I had to get, I had to get, let's see, I got the only thing with the police officer.

24:56
I had bruises, fingerprints on my myself from the cops and I don't know that was probably from the arrest.

25:02
But the as for the injuries for my head and my shoulder and my internal bleeding was I have ruptured a small intestine.

25:11
They had to take out a foot of my intestine and half of my colon and then reattach it and give me a colostomy bag.

25:21
And when I was in the hospital, I got end up getting sepsis from the infection, from the injuries and then my toes.

25:27
Because of all that, they they called my kids and told them that I had 20 minutes to live.

25:32
They need to come and tell me goodbye because they had tried all, everything in the surgery that they can do.

25:37
And there's only one more thing they could give me to save my life.

25:42
And they didn't know if it was going to work.

25:44
So it ended up giving me that medication that that brought me back and they had, and then I was in a coma for I think 4 days or five days.

25:52
But so the sepsis with all that, I had to get my toes amputated.

25:58
They wanted to cut both of my feet off.

26:00
They were completely black.

26:01
My fingertips were black.

26:04
So I had to do a, you know, and then I got a colostomy bag for put in.

26:11
They had...I ended up getting two of my toes amputated, my big toe and my other toe next to it on my right foot.

26:18
And then all the surgery is done with that.

26:23
It was pretty close call.

26:25
Yeah.

26:26
Sounds like it.

26:26
Scary, very scary.

26:30
And, and then if you, I don't know if you remember, but when you were in the hospital, a Butte County Sheriff's Sergeant, you told her that the officer that left you on Neal Rd. was the same one who had arrested you.

26:43
Is that correct?

26:44
I don't, I don't recall that.

26:46
I don't remember what I said.

26:48
I just know I, I didn't, I talked to her for a second.

26:51
I don't remember really what I said because I was, that was right before I went into major surgery.

26:57
But I do know that I don't know.

27:00
I don't know what I said to her now.

27:02
I just know I didn't want the police in my room.

27:03
I had to sign a form.

27:04
I didn't want them to come in my room because I was scared.

27:09
And then, according to her and her report, you would describe the officer as wearing basically the Butte County Sheriff's uniform as a stocky white bald guy.

27:20
However, Officer Sasek wears a Navy blue Oroville Police Department uniform and is more of a light skinned African American.

27:29
Do you, or can you explain that discrepancy in your...?

27:31
I don't know, probably because there was three cops that night, but the one that was transporting was darker skin.

27:36
I really, I don't know which why I would have said which what, but I was kind of delirious at that time when they were they were questioning me about it.

27:46
I could I, I don't really remember, recall what I said.

27:50
OK.

27:51
And then how would you say this incident has changed your perception of law enforcement in general?

27:58
I, I don't have any hard feelings towards law enforcement.

28:02
You know, I mean, I believe I, I just, I look at it like there is probably some really good officers in the force, you know, that, that they are been sworn to protect and serve and they do that with the community.

28:15
And there's some bad ones in there that, you know, I, I feel like this way was one thing that upset me was that I'm, regardless of what kind of situation I was in, if I was on drugs or not, I'm still a human being and I should be treated like a human being.

28:31
And for me to be left out there in the middle of nowhere with medical issues and this to happen to me was shouldn't have happened, you know, because regardless, I'm a human being and my life is valuable.

28:46
Agreed.

28:46
And and that's all I, I really, but I don't dislike the law enforcement because of it, because I know a lot of good cops, you know, but I believe that he put me in a worse situation than I was already in.

28:58
And I don't understand it.

28:59
And I never got an answer why?

29:01
Because he's trying to cover up all of his tracks and say he wasn't, he didn't even take me out there.

29:06
You know, if he would have said, hey, yeah, I took her out there.

29:10
I made a mistake, you know, I shouldn't have done that.

29:13
It would have been, I would feel different towards him.

29:15
But at this point, you know, he tried to cover up everything that he did.

29:18
So why would I?

29:20
You know what, what do I, what do I have to say to that?

29:23
You know?

29:25
Yeah, everybody makes mistakes, you know what I mean?

29:29
Even if he felt like he was making a mistake and he shouldn't have done that, in the end, you know, where I got to be accountable for my mistakes.

29:37
Very true.

29:40
So I believe that's all the questioning that I have.

29:43
Brian, did you pick up on anything you wanted to clarify?

29:48
No further questions for me.

29:51
And then how about you, Robert, anything you want to bring up or that she maybe missed?

29:58
No, no.

29:59
What I would say is this, you know, and I, we've got a protective order in federal court and I don't want anyone to allege later that I may have breached that.

30:08
But I can tell you that if you've been to the area where this happened, it's outrageous.

30:14
I mean, drive out Neal Rd.

30:16
Go out to the spot, do it at midnight and look around and see what's out there.

30:21
I did that.

30:23
I did multiple trips out there to try to figure out where she'd been dropped and what had happened and to leave another person out there, a woman in her condition.

30:33
You know, I understand you guys are going to make findings and you have rules that affect, that come into play.

30:40
But the thought of dropping somebody off at that location, like I had said in my complaint, if you'd done it to an animal, you'd have a criminal charge.

30:50
I mean, it's a wild case.

30:53
I'm proud to have represented compl on it.

30:55
I appreciate you guys looking into it.

30:57
And, you know, we're here if you need us.

31:00
If there's other questions, you know, compl can tell her story.

31:06
I appreciate that.

31:07
And then compl, I wanted to give you an opportunity as well to if you wanted to say anything else that I didn't ask about anything you feel is relevant, you know, feel free at this time.

34:35
Thank you.

34:35
And have a have a good rest of your day.

34:38
OK.

34:38
Thank you.

34:39
You have a good day too.

34:41
OK, thank you.

34:42
Have a good one.

34:43
Bye.

34:43
Bye.

34:43
Bye.

34:45
I'm going to stop recording now.

34:46
It's 1:32.

AGENDA ITEM REPORT

Title: POST2318309 - ROBERT SASEK (POST ID:C81-Z88)
LAST EMPLOYING AGENCY: OROVILLE POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 07/17/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Northern Bureau	
RESEARCHED BY Scott Baland		**REVIEWED BY** Rob Guyton
REPORT DATE	**APPROVED BY**	**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:

Respondent began his employment with Oroville Police Department (OPD) on April 28, 2021, as a full-time Officer. At the time of the events at issue, Respondent was employed as an Officer with OPD. Respondent was terminated from OPD on August 9, 2024, as a result of an administrative investigation by OPD for a separate incident.

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

The case before the Board alleges the Respondent committed serious misconduct on September 1, 2022, when he took the Complainant into his care and custody on two separate occasions. After the second time, Respondent decided to transport the Complainant to Chico. While transporting the Complainant to Chico, Respondent purposely and deliberately exited the freeway on Neal Road, traveled for an unknown distance, pulled over, and removed the Complainant from his patrol vehicle. Respondent abruptly left the scene, leaving the Complainant in a desolate location, with no available services, during the hours of darkness. The Complainant was not wearing shoes, had no money or cell phone, and was experiencing the effects of being under the influence of

methamphetamine. During the encounter, Respondent never activated his body-worn camera and never utilized his patrol vehicle's radio or his cell phones to document the circumstances of the incident or the location he left the Complainant. While walking back towards the freeway, the Complainant was allegedly struck by a passing vehicle, sustaining major internal injuries. Respondent later admitted in his interviews to being frustrated with having to provide transportation to the Complainant.

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that the Respondent's conduct during this incident amounted to abuse of power, as described in Commission Regulation 1205(a)(2), in that Respondent had initially arrested the Complainant for trespassing at a Dollar General. The Butte County Jail nursing staff refused to clear the Complainant for booking due to her elevated blood pressure and advised the Complainant required medical treatment prior to booking. Respondent transported the Complainant to Oroville Medical Center, but never took her in for treatment. Instead, Respondent entered the hospital, leaving the Complainant in the patrol vehicle. Respondent returned to the patrol vehicle and cited and released the Complainant, advising her to seek medical treatment, and Respondent left the scene. Respondent was called back to Oroville Medical Center by a security officer, approximately 10 minutes later, because the Complainant was causing a disturbance and was trying to access restricted areas of the hospital.

Respondent returned to Oroville Medical Center and located the Complainant underneath an MRI trailer. Respondent never activated his body-worn camera (BWC) during the incident as he took custody of the Complainant and put her in the rear of his caged patrol vehicle. Respondent's supervisor and another officer were on scene. Instead of seeking the previous medical clearance, it was determined Respondent would transport the Complainant to the Chico area, where she was from. Respondent admitted he was frustrated with having to provide transportation to the Complainant all the way to Chico. At this time, another officer made a comment/joke that Respondent should just drop the Complainant off on Neal Road instead of going to Chico. Respondent stated he did not hear this comment/joke. Prior to the transport, Respondent rebooted his work cell phone, which deactivated his RIMS. Respondent also never activated his BWC. While transporting the Complainant, Respondent exited the freeway on Neal Road, the same location as suggested by the other officer. Respondent drove down Neal Road, pulled over, and had the Complainant exit the patrol vehicle. Respondent left the scene,

leaving the Complainant alone, during the hours of darkness, with no shoes, no cell phone, and no available services. Additionally, the Complainant was experiencing medical issues related to her elevated blood pressure and was still experiencing the effects of being under the influence of methamphetamine. At the time Respondent left the Complainant on Neal Road, he never broadcasted any information over the radio or via cell phone regarding the circumstances, the location where he left the Complainant, or his ending mileage. Additionally, Respondent never documented the incident at Oroville Medical Center, the transport, or leaving the Complainant on Neal Road in his arrest report from the Dollar General. Respondent had a duty to care for the Complainant and to leave her in a place of safety. Following Respondent's actions, the Complainant suffered severe injuries requiring extensive medical treatment and surgeries.

There is clear and convincing evidence to support Respondent committed serious misconduct as defined in Commission Regulation 1205(a)(2) - Abuse of Power when he utilized his peace office status to take care and custody of the Complainant and then abused that power when he neglected his duty and purposely transported and left the Complainant in a desolate, unsafe location, because of his frustration from having to deal with the Complainant on multiple occasions. These acts by the Respondent were significantly egregious due to the deliberate steps taken to ensure his actions were not recorded or documented, his premeditation to take the Complainant to Neal Road, and the subsequent injuries sustained by the Complainant.

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

ATTACHMENT(S):

BRO1_POST2318309_Sasek Robert_ISF.pdf
BRO2_POST2318309_SasekRobert_ExecReviewDivisionRec.pdf
BRO3_POST2318309_SasekRobert_POSTProfile_Redacted.pdf
BRO4_POST2318309_SasekRobert_AgencyIA_Redacted.pdf
BRO5_POST2318309_SasekRobert_Attachment A Civilian Complaint Letter.pdf
BRO6_POST2318309_SasekRobert_Attachment B Butte County Sheriff's Office Report #22-06096.pdf

BRO7_POST2318309_SasekRobert_Attachment C OPD Report #22-2954.pdf
BRO8_POST2318309_SasekRobert_Attachment D Transcript of Sasek Interview.pdf
BRO9_POST2318309_SasekRobert_Attachment E Transcript of Second Sasek Interview.pdf
BRO10_POST2318309_SasekRobert_Attachment F Transcript of Khan Interview.pdf
BRO11_POST2318309_SasekRobert_Attachment G Transcript of Herrera Interview.pdf
BRO12_POST2318309_SasekRobert_Attachment_H_Transcripts_of_Security_Guard_1_Inter (002)_Redacted.pdf
BRO13_POST2318309_SasekRobert_Attachment I Sasek Call Logs.pdf
BRO14_POST2318309_SasekRobert_Attachment J OPD CAD Log.pdf
BRO15_POST2318309_SasekRobert_Attachment K Transcript of POST Interview of Sergeant Khan.pdf
BRO16_POST2318309_SasekRobert_Attachment L Transcript of First POST Interview of Isaac Herrera.pdf
BRO17_POST2318309_SasekRobert_Attachment M Transcript of POST Interview #2 of Isaac Herrera V2.pdf
BRO18_POST2318309_SasekRobert_Attachment N Transcript of POST Interview of Security Guard 1.pdf
BRO19_POST2318309_SasekRobert_Attachment O Transcript of POST Interview of Robert Sasek.pdf
BRO20_POST2318309_SasekRobert_Attachment P Transcript of POST Interview of Complainant.pdf

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION**
Robert Sasek,	Penal Code section 13510.85(a)(4)
Respondent.	

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke, notifying Respondent that the Division had found reasonable grounds for revocation of Respondent's POST certification, on May 8, 2025. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on June 5, 2025, and the Board scheduled the case for a hearing which was held on July 17, 2025. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☐ Intermediate
- ☐ Advanced
- ☐ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

✱ A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

✱ Revocation of Certification

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

✱ In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 7/17/25

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, JULY 17, 2025

9:02 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Connie J. Parchman,
California Certified Shorthand Reporter #6137

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE DUDLEY
Governor Appointee
Attorney
(Chairperson)

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

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A P P E A R A N C E S C O N T I N U E D

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BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

---o0o---

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT

JARED BRITTAIN, POST ID C63-Z34

ROBERT SASEK, POST ID C81-Z88

APPEARING REMOTELY:

KYLIE COLEMAN, ESQ.
Representing Jared Brittain

SUKHBIR GILL
Public comment

--o0o--

I N D E X

PROCEEDINGS	PAGE
I. CALL TO ORDER	6
II. ROLL CALL OF POSAAB MEMBERS	6
III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA	7
IV. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION	
1. POST2316745 - Jared Brittain (POST ID: C63-Z34) Last employing Agency: Orange County Sheriff's Department	11
2. POST2318309 - Robert Sasek (POST ID: C81-Z88) Last employing Agency: Oroville Police Department	88
V. CLOSED SESSION	
(Transcripts prepared and bound under separate cover)	
1. POST2316745 - Jared Brittain (POST ID: C63-Z34) Last employing Agency: Orange County Sheriff's Department	87
2. POST2318309 - Robert Sasek (POST ID: C81-Z88) Last employing Agency: Oroville Police Department	135
VI. FUTURE BOARD MEETING DATES	137
VII. ADJOURNMENT	138
CERTIFICATE OF REPORTER	139
ERRATA SHEET	140

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THURSDAY, JULY 17, 2025 9:02 A.M.

West Sacramento, California

---oOo---

CHAIRPERSON DUDLEY: Good morning, everyone. Today's Thursday, July 17th, 2025, and the time is 9:02.

Thank you all for attending the Police Officers Standards Accountability Advisory Board hearing.

Please note that this hearing is being live streamed, recorded, transcribed.

Further, please note that the microphones are auto on/off. When you begin speaking, they will go live. With this, you will need to watch your crosstalk.

We will now call the roll for Board Members.

Chandler.

MR. KNAPP: Thank you, Madam Chair.

Good morning, Members of the Board.

Member Clavo.

MEMBER CLAVO: Here.

MR. KNAPP: Member Crawford7.

MEMBER CRAWFORD: Here.

MR. KNAPP: Member Doyle.

(No response.)

MR. KNAPP: Chair Dudley.

CHAIRPERSON DUDLEY: Here.

MR. KNAPP: Mr. Glaser.

MEMBER GLASER: Here.
MR. KNAPP: Johnson.
(No response.)
MR. KNAPP: Lara.
MEMBER LARA: Present.
MR. KNAPP: And Pena.
MEMBER PENA: Here.
MR. KNAPP: Madam Chair, six members present.
CHAIRPERSON DUDLEY: Okay. A quorum has been established.
I would like to introduce Board Counsel, to my left, Christopher Beatty and Board Assistant Executive Director Annemarie Del Mugnaio.
And this is now the time set aside for members of the public who wish to comment on items not on the agenda, but those within the Board's jurisdiction.
Public comment on matters on the agenda will be heard after each item is presented.
Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter.
Please be advised that the Board cannot take action on items not on the agenda and may discuss those matters only to the extent necessary to determine whether any matter should be made an agenda item at a future

meeting, to respond briefly to statements or questions posed, to request clarification or to refer items to staff.

Please remember that this meeting is being transcribed, so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comment can be correctly captured in the transcript.

As the Board Chair, I may ask members of the public to limit their remarks to no more than three minutes pursuant to existing Board policy.

I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements and the 15-minute public comment period has expired.

You'll be given three minutes to speak and the time limits will be strictly enforced.

So please ensure that you complete your comments within the allotted time.

Before I open public comment on matters not on the agenda, please note if you wish to comment on disciplinary matters scheduled to be heard today by the Board, you must wait until that matter is called to offer public comment.

If you have a specific complaint about an officer that is not on today's agenda, you should file a

complaint with POST or with the officer's employing agency.

Staff will assist you in this regard.

I would like to remind individuals making comments to not discuss pending complaints or pending disciplinary actions that may later come before this Board for recommendation if the Board takes action on your complaint. You will have an opportunity to address the Board at that time.

Following these rules is necessary to comply with the law and to avoid compromising the Board's mission.

So now, is there anyone present in the audience or appearing remotely who would like to address the Board during public comment?

Let's start with anyone present in the audience first? Is there anyone present who would like to address the board?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, let me check if there's anyone remotely.

And there is not.

Okay. So we now move on to the next items on the agenda.

We have two cases to hear today. We will only be reviewing the facts and evidence as presented by this

MEMBER CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Dudley?
CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Dudley, aye.
Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
That's seven yeses. Motion carries.
CHAIRPERSON DUDLEY: Motion passes.
Okay. Now we're going to call the second case.
At this time I will now call upon Law Enforcement Consultant Scott Baland, Professional Conduct Northern Bureau and Brian Hoffman, Attorney IV, Legal Affairs Bureau, to provide a report on case POST2318309 Robert Sasek, who at the time of the events at issue in

this case was employed with the Oroville Police Department.

MR. BALAND: Good morning, Chair and Members of the Board. My name is Scott Baland and I'm one of the law enforcement consultants assigned to the Professional Conduct Northern Bureau in the Peace Officer Standards Accountability Division.

With me today is Brian Hoffman an attorney with our Legal Affairs Bureau.

I'm here today to present case number POST2318309, involving the Respondent, Robert Sasek formerly an officer with the Oroville Police Department.

It is the Division's determination that clear and convincing evidence exists to demonstrate that the Respondent committed an act of serious misconduct as set forth in Penal Code Section 13510.8 on September 1st, 2022.

Specifically, the Division has determined that Robert Sasek committed the following act of serious misconduct.

Penal Code Section 13510.8(b)(2), abuse of power.

In this presentation I will present a brief outline of the Division's findings of investigation in this matter.

The Respondent began his career as an officer with

the Oroville Police Department on April 28th, 2021.

The Respondent received a 30-day suspension and a 90-day performance improvement plan penalty as result of the Oroville Police Department investigation into this incident.

Later, the Respondent was terminated from Oroville Police Department on August 9th, 2024, resulting from an investigation into a separate incident, not a POST related matter. And the Respondent currently possesses a basic POST certificate.

There is no other relevant discipline or complaints against the Respondent.

We'll start with the timeline.

On September 1st, 2022, at approximately 1330 hours, or 1:30 P.M., the Complainant was arrested by Butte County Sheriff's Office for trespassing on private property when she was found swimming in the backyard pool of a private residence.

The Complainant was transported without her shoes or purse to Butte County Jail and was later booked.

The Complainant stated in her interview that she had taken methamphetamines earlier in the day, was feeling the effects of the narcotics and was hot and dehydrated, explaining why she was in the pool.

The complainant was released from the jail at

approximately 1617 hours or 4:17 P.M.

At approximately 2052 hours or 8:52 P.M. the Complainant entered a Dollar General store in the City of Oroville and began hiding under some merchandise carts in the back store room.

Employees called and requested Oroville Police Department for assistance.

The Respondent was dispatched to the Dollar General at approximately 2053 hours, 8:53 P.M.

The Respondent arrived on scene at approximately 2055 hours, two minutes later.

The Complainant was ultimately arrested by the Respondent for trespassing at approximately 2121 hours, 9:21 P.M. after removing her from underneath the carts.

Respondent transported the Complainant to Butte County Jail. The Butte County Jail nursing staff refused the Complainant for booking because she was experiencing high blood pressure and required her to get medical clearance prior to booking.

The Respondent began transporting the Complainant to Oroville Medical Center at 2143 hours or 9:43 P.M.

The Respondent arrived at Oroville Medical Center five minutes later at 2148 hours and entered the emergency room. However, the Respondent did not bring the Complainant in for medical treatment. Instead, he

left her in the patrol vehicle.

The Respondent returned a short time later, removed the Complainant from his patrol vehicle and cited and released her and told her she needed to seek medical treatment because that's why she wasn't booked.

A security guard at Oroville Medical Center, who was a former Oroville Police Department officer, advised POST in his interview that he told the Respondent that the Complainant was going to continue to be a problem.

Next slide please.

The Respondent left Oroville Medical Center on his own at approximately 2201 hours, 10:01 P.M.

Immediately after the Respondent left, the Complainant began attempting to access restricted areas of the Medical Center and locked herself in an employee-only restroom in a restricted area.

The security guard advised the Complainant -- advised that the Complainant exited the bathroom after multiple command and announcements.

The security guard advised the Complainant then ran and got underneath an MRI trailer and refused to come out.

The security guard called the Respondent back to have him respond to the Medical Center to deal with the Complainant.

The Respondent was dispatched back to the Medical Center. This call came at approximately 2211 hours, 10:11 P.M. or ten minutes after the Respondent initially left the Medical Center.

When asked, the security guard stated based on his experience as a peace officer he believed that the Complainant was under the influence of methamphetamine at this time.

The Respondent returned to the Medical Center and arrived at approximately 2213 hours, 10:13 P.M.

Sergeant Khan, his supervisor, also arrived on scene around this time.

The Respondent was able to get the Complainant out from underneath the MRI trailer. This was the second time Respondent had to remove the Complainant from underneath a structure or item.

During this encounter, neither the Respondent nor Sergeant Khan had their body-worn cameras activated.

The Respondent walked the Complainant back to his patrol vehicle and placed her in the back seat of his caged patrol vehicle.

There are conflicting statements about whether or not Complainant was handcuffed or not at this time.

Around this time, a separate officer, Officer Isaac Herrera, arrived on seen and parked

near the Respondent's patrol vehicle and remained seated in the driver's seat of his patrol vehicle.

The Respondent and Sergeant Khan stood at the driver's side door of Officer Herrera's patrol vehicle.

At this time, it was decided that the Respondent would transport the Complainant to Chico where she resides.

The Respondent admitted that he was frustrated that he was going to have to drive the Complainant all the way to Chico.

Officer Herrera stated he also observed that the Respondent seemed frustrated and he said he made a joke, or a comment, that the Respondent should quote/unquote drop that bitch off on Neal Road.

Officer Herrera stated the Respondent definitely heard the comment because he smirked afterwards. Officers Herrera stated that Sergeant Khan also heard the comment and just shrugged his shoulders in response.

When asked in follow-up interviews, both the Respondent and Sergeant Khan stated they never heard the joke or comment, even though according to Officer Herrera they were standing in close proximity and were less than a foot away from him at the time the joke or comment was made.

At 2218 hours, 10:18 P.M., the Respondent provided

Oroville Police Department dispatch with his beginning mileage to an unknown location in the Chico area.

It was at this time the Respondent attempted to restart the RIMS application on his work cellphone in an effort to reboot that system because he stated he had been having issues with it throughout the shift.

RIMS is known as Records Information Management System, is an application to receive computer dispatch logs and also has the function to send messages to dispatch and other officers. It runs as an application on a cellphone and doesn't interfere with the cellular phone's capabilities to make or receive calls or text messages.

The Respondent never reported having RIMS issues to anyone that day, including Sergeant Khan.

At the time of transport, Respondent still had not activated his body-worn camera.

The Respondent then began transporting the Complainant towards Chico.

After approximately 15 and a half miles, and as they approached Neal Road -- and just as a reminder, this is the same location mentioned by Officer Herrera's comment -- the Respondent stated that the Complainant's mood, slash, demeanor changed and she demanded to be let out of the patrol vehicle.

The Respondent exited onto Neal Road and traveled in an easterly direction. Respondent stated he pulled over near the entrance to the Old Worm Farm, which is approximately .6 miles from Highway 99.

And if you can go to the next slide, please.

It's hard to see on here, but there's a distance measurement. That area to the left is the entrance to the Worm Farm to the right is Highway 99 and it's, according to my calculations, straight line, it's .63 miles.

CHAIRPERSON DUDLEY: Just a question. Is it literally a worm farm? Or it's just referred to --

MR. BALAND: It was formerly a worm farm. And that's such a thing, I guess. I never heard of it myself.

After the Paradise fires, it was burned down, to my knowledge and never reopened, so it's just a vacant --

CHAIRPERSON DUDLEY: Thank you.

MR. BALAND: If you could do the next slide, please.

This is the entrance to the Worm Farm and Neal Road shown there east and westbound. As you can see, just kind of a dirt shoulder, no overhead lighting from the business or anything like that.

The Respondent stated he opened the rear door of

the caged patrol vehicle and the Complainant exited and began shouting expletives and "mother effing" him, as he said, towards him and kicking rocks.

When asked, the Respondent stated he didn't think to activate his body-worn camera to capture the Complainant's alleged actions.

The Respondent stated he thought to himself "bye," and got into the patrol vehicle and left the scene.

When asked, the Respondent stated he did not try to contact Sergeant Khan or the Oroville Police Department dispatch either by radio or cellphone.

Respondent stated that there's always radio problems when traveling towards Chico, but he admitted he did not attempt to utilize his radio to see if he could successfully broadcast information.

The Respondent also stated that he didn't attempt to change radio frequencies to possibly contact an allied agency, even though he stated, and others have stated, that that is a capability of the radio system.

The Respondent also stated he did not attempt to use either his personal or work cellphone to contact dispatch or Sergeant Khan, because he didn't think about it, even though he stated he has contacted them previously by that method.

The Respondent began traveling back towards the

City of Oroville and reactivated his RIMS as he reentered the Oroville area, at that time, at approximately 2247 hours or 10:47 P.M.

And he put out that any mileage from his transport of the Complainant. The Respondent stated in his interview that he didn't document what the actual ending time or mileage was when he dropped the Complainant off on Neal Road. Instead he just provided what the mileage was as he reentered Oroville.

The Respondent advised Sergeant Khan in person that he had dropped the Complainant off on Neal Road, but didn't explain the circumstances that lead up to him dropping her off.

Sergeant Khan stated in his interviews that at the time he thought Neal Road was the location of a well-known homeless area called "The Estates." And he had known -- and had he known it was a dark, desolate location with no services, he would have made the Respondent return to Neal Road and provide service to the Complainant.

When asked, Sergeant Khan stated the Respondent never advised him of any issues with RIMS that day and there were no other reported issues with RIMS by other officers.

When the Respondent was asked why he didn't reach

out to Sergeant Khan or dispatch, the Respondent said he just didn't think of it. In hindsight, he should have.

Respondent stated the reason he left the Complainant out on Neal Road was he felt it was a courtesy transport and he didn't feel he had the authority to keep her in his car.

When questioned about his responsibility for getting the Complainant to a safe location because she had been experiencing medical issues that required treatment, and was under the influence of a narcotic, he stated that she had been making good decisions and felt she could care for herself. However, when asked in his interview by POST, the Respondent admitted he left the Complainant in a worse position that when he took her into his care or custody and he stated he didn't offer to contact anyone for her or to let her use his cellphone prior to leaving.

When the Complainant was interviewed by POST, she had a conflicting account of the circumstances as they reached Neal Road.

The Complainant advised when she was being transported she thought she was being taken to a hospital or somewhere else to receive services.

The Complainant advised she was still experiencing dehydration and was still feeling the effects of

methamphetamine, so she was laying down in the rear seat of the caged patrol vehicle.

The Complainant stated that she felt the patrol vehicle exiting the freeway on Neal Road, she realized that they were heading towards Paradise, not Chico, so she asked the Respondent where they were going or where he was taking her and he replied, "Just shut the fuck up."

The Complainant stated that the Respondent pulled over, exited the patrol vehicle, opened the door, grabbed her arm and had her exit the patrol vehicle.

According to her federal lawsuit, the Complainant alleged that she was dropped off on Neal Road at the Neal Road Waste Facility, which is approximately 1.1 miles from SR-99 and about a half mile further east from the Worm Farm.

If you can go to the next picture, please.

It's -- again, it's kind of hard to show the distance. The point to the right is the Worm Farm and the point to the lower left is the Waste Facility.

The Complainant stated she asked him, "You're just going to leave me out here?

And the Respondent replied, quote, "You're not my fucking problem anymore, deal with it" and left the scene.

The Complainant was left on Neal Road during hours of darkness with no shoes, no purse, no cellphone, and no available services.

Neal Road, as you have seen, is a two-lane road that is situated in the east-west direction. There are no overhead lights and the only businesses in the general area are Franklin Construction and the Neal Road Waste Facility, neither of which were open at this time of night.

If you could go to the next slide, please.

Again, this just shows those two. On the bottom right is the waste facility. Kind in the upper middle the Franklin Construction. And again the Worm Farm is over on the left-hand side of the screen.

The Complainant stated she was scared, still feeling the effects of methamphetamine, experiencing anxiety, and was feeling nauseous because she had just got left out in the middle of nowhere in the dark. So she started walking back towards the way they came, towards Highway 99.

The Complainant stated she walked for about five minutes and then heard an oncoming vehicle.

The Complainant stated she turned around, saw the vehicle headlights and then felt an impact of being hit by the unknown vehicle. The vehicle did not stop to

render aid.

The Complainant stated she flew into the embankment, hit her head on some rocks, and was in and out of consciousness until the next morning September 2nd, 2022, when she climbed out of embankment and entered the grounds of Franklin Construction, where an employee called 911 at approximately 0934 hours, 9:34 A.M.

If you could show the next picture, please.

The arrow in the middle kind of shows where she was found on the side of Franklin Construction.

Next one, please, again.

This is closer look at it. Again the Worm Farm's on the upper left. The construction and the waste facility would be kind of off the screen down on the bottom. And then she was found near some water tanks on Franklin Construction.

The employee that reported the Complainant was on the property and appeared to be on something, quote/unquote.

The Complainant was ultimately transported to Enloe Medical Center where she was admitted for her injuries.

The California Highway Patrol was never contacted to complete a traffic collision report for the hit and run.

The Respondent completed his Dollar General arrest report the next day, which is September 2nd, 2022, and did not mention anything about his interaction with the Complainant at the Oroville Medical Center or the subsequent transport to Neal Road because the Respondent felt that they were two separate incidents.

However, no other type of incident report or documentation was prepared by the Respondent for the incident at the hospital, nor the transportation of the Complainant to Neal Road.

In his Dollar General arrest report that was completed the following morning, the Respondent stated he felt the Complainant was under the influence of a central nervous system stimulant. And this report was approved by Sergeant Khan.

As a result of being left on Neal Road and getting struck by the unknown vehicle, the Complainant suffered major injuries consisting of multiple contusions and lacerations, a ruptured small intestine, which caused internal bleeding. The Complainant had to have over one foot of her intestines removed. She had 30 to 40 percent of her colon removed, she had to use a colostomy bag and she spent seven days in intensive care and in total, almost a month at Enloe Hospital.

The Complainant developed sepsis from her injuries

and ended up having to have two of her toes amputated.

The facts that I've just recited support the Division's finding that Respondent was involved in serious misconduct, specifically abuse of power.

For purposes of the Division's analysis, 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.

The Division recommends that the Respondent's POST certification be revoked.

The Division's recommendation is based on the following:

The Respondent's actions during this incident were inexcusable and were performed out of frustration from having to deal with the Complainant on multiple occasions.

The willful and deliberate act of leaving the Complainant in a dark, desolate area without shoes, with no means of communication or availability of services, all while she's experienced mental and/or medical issues from narcotics, was significantly egregious, displayed a wanton disregard for public safety and was a complete dereliction and neglect of his duties and oath he took as a peace officer.

The Respondent purposely took the Complainant to this location approximately 15 and a half miles away as a means of removing her from the City of Oroville and to ensure he and the Oroville Police Department wouldn't have to deal with her again that night.

In an effort to conceal his actions, the Respondent deliberately failed to implement any of the safeguards he had available to him: Body-worn camera, radio system and two cell phones during this incident. And did not provide written documentation of the incident at Oroville Medical Center and the resulting transport to Neal Road.

These safeguards were supposed to be utilized to ensure the safety of the public and the officer by accurately documenting and capturing the actions of all involved parties.

As a result of the Respondent's actions on this date, the Complainant suffered life-altering injuries, which required lengthy hospitalizations and multiple surgeries, including the amputation of two of her toes.

The Complainant filed a Federal Civil Rights lawsuit against the City of Oroville, the Oroville Police Department, the Respondent and some others.

The City of Oroville settled the lawsuit for $3 million.

In closing, the Complainant stated in her interview to POST that even after this incident, she doesn't have any hard feelings towards law enforcement and believes that there are good cops that do what they're sworn to do.

She further stated, and this is a quote, "Regardless of what kind of situation I was in, if I was on drugs or not, I'm still a human being, and I should be treated like a human being. And for me to be left out there in the middle of nowhere with medical issues, and for this to happen to me, it shouldn't have happened because I'm a human being and my life is valuable. I believe that he put me in a worse situation than I was already in. I don't understand it. I never got an answer why, because he tried to cover up everything that he did."

I want to thank you for your time this morning and your consideration of this case.

And with that, I'm happy to answer any questions the Board may have.

CHAIRPERSON DUDLEY: Thank you.

Couple of questions I have while I was reading all this. And appreciate your presentation, I especially appreciate the interview at the very end of your presentation. It gave us all more insight into the

Complainant.

Was there ever an investigation as to whether she was hit by a car?

MR. BALAND: No. Butte County Sheriffs, when they were out there the next morning, they walked the scene to look for vehicle debris and didn't find any. But that's assuming that glass broke or a mirror broke. If it's a glancing blow off a fender, it wouldn't necessarily leave any debris.

And as I mentioned, the California Highway Patrol normally would get called out in a situation like that to investigate the traffic collision, and that did not occur.

CHAIRPERSON DUDLEY: So no one called CHP?

MR. BALAND: Correct.

CHAIRPERSON DUDLEY: Okay. And did the physicians involved form an opinion as to mechanism of injuries?

MR. BALAND: We did not obtain the medical records for that, so I don't know if they made a determination. This is all based on the Complainant's statement.

CHAIRPERSON DUDLEY: So we don't have any other insight into -- that was quite a collection of injuries and somewhat confusing collection of injuries.

And no one opined as to how she got them?

MR. BALAND: We did not, no.

CHAIRPERSON DUDLEY: Okay. Thank you.

Any other questions by other Board Members?

Yes.

MEMBER PENA: One point of clarification.

When you said that she believed she was being transported to a hospital, she thought she was being transported to a hospital in Chico, wasn't that correct?

MR. BALAND: When she first got put in the patrol vehicle, she assumed she was going either to the hospital or to Chico. She didn't -- somewhere to get services, because he had already told her before that she needed medical services.

MEMBER PENA: Did she -- do you know if she ever -- because she was suffering from high blood pressure, which obviously can be very serious.

Was she ever checked that day, any place, for her high blood pressure and treated?

MR. BALAND: So when she was at the jail from the initial arrest, they determined she had high blood pressure. That's why they told her that she had needed to go to the hospital to get medical clearance. She was never brought into the hospital. The Respondent left her in the patrol car instead of taking her into the hospital.

MEMBER PENA: Okay. She also complained of

dehydration, which also can be very serious. And it was -- wasn't it over 100 degrees that day?

MR. BALAND: She said it was over 100 degrees. And I did a cursory check of -- on the internet. It was a summer day in September. It was over 100 degrees that day.

CHAIRPERSON DUDLEY: I don't think she complained about the dehydration until the later interview.

I don't think that there was any indication she complained about it that day.

MR. BALAND: No. In our interview with her is when she said she was dehydrated that day.

CHAIRPERSON DUDLEY: Right.

MEMBER PENA: Did anybody ever offer her water?

MR. BALAND: Not to my knowledge.

MEMBER PENA: I mean, it's a hot day. She's in the back of a patrol car.

MR. BALAND: Yeah.

MEMBER PENA: One would think she might --

CHAIRPERSON DUDLEY: I don't think we know if they did or didn't.

MR. BALAND: Nothing in the report said she was offered up water, but that's just --

MEMBER PENA: Yeah.

MR. BALAND: -- my assumption she was not.

MEMBER PENA: I mean, apparently it's why she was in the bathroom at the hospital, to get water. And why she was in the pool initially was because she was hot.

MR. BALAND: She did state that's why she was in the pool.

MEMBER PENA: That's according to her. And according to her that's why she was in the bathroom was to drink water out of the faucet.

CHAIRPERSON DUDLEY: But again I think we just got that end interview, the most recent one, conducted by this officer.

MEMBER PENA: Uh-huh. Yes.

I think she also said in her interview that when she -- about, regarding her toes being removed, that at one point the doctor -- they wanted to remove a foot, but she argued against that and they ended up just removing her big toe.

MR. BALAND: Yeah, I know she had developed sepsis --

MEMBER PENA: Yes.

MR. BALAND: -- and at one point she said that her daughters got called because she was actually looking at maybe life-ending injuries or medical --

MEMBER PENA: Right.

MR. BALAND: -- illnesses, but she said that the

doctor tried a couple different things and I think that's why he was able to save her foot and just only lose a couple toes.

MEMBER PENA: And her daughters were looking for her that evening or subsequent to that; correct?

MR. BALAND: After this incident, yeah.

MEMBER PENA: Okay. They were calling around trying to find her; right?

MR. BALAND: Correct.

MEMBER PENA: And they were in Chico?

MR. BALAND: I don't know that for certain. I'm assuming that general area, Chico-Oroville. But I don't know where they lived.

MEMBER PENA: Because that's where she lived, apparently; right?

MR. BALAND: Correct. I don't know if she resides with either of her daughters or not.

MEMBER PENA: Okay. All right. Thank you.

CHAIRPERSON DUDLEY: Thank you. Any other questions from other Board Members?

Dr. Glaser.

MEMBER GLASER: One question, this person's referred to as a Complainant, but is that in reference to the civil suit that she's engaged in? Not in reference to her standing with POST?

MR. BALAND: Correct. Yeah, complainant, we were toying with "victim" or you know, just without naming her.

MEMBER GLASER: But she -- this case came to POST through the agency?

MR. BALAND: Correct.

MEMBER GLASER: Through Oroville.

MR. BALAND: Yes.

MEMBER GLASER: Another question I have is, does anybody know if Neal Road is -- has a reputation as a particularly desolate area?

I mean, it's interesting that Officer Herrera suggested it and then that's where the Complainant ended up.

Is there any background on Neal Road that we should know about it? Because it keeps coming up.

MR. BALAND: I mean, not to my knowledge. I mean, it is desolate, as you've seen in the pictures and if you could just picture that at 10:30-ish at night with no streetlights it's, I would just assume, very dark. I've never driven out there at that time.

Again, the only businesses out there are an old, abandoned Worm Farm, Franklin Construction and then Neal Road Waste Facility or for lack of a better term, a dump, so --

MEMBER GLASER: Oh, no common lore about Neal Road?

MR. BALAND: Not that I know of, no.

MEMBER GLASER: And then I was unclear on the purpose of the transport to Chico. It sounded in one -- one part that I read, like it was just -- the mandate was just to take her to Chico because that's where she's from. And there was a question about whether that was to a medical facility or not. Is that -- is there any clarity --

MR. BALAND: From what I read, it doesn't seem like they really knew where they were going to end up.

And speaking from my experience in law enforcement, a lot of times if you're going to an unknown area, you'll get there and then you'll find a place that has services available at that time of night.

So I know in some of the other statements that were made by Sergeant Khan and some others, like oftentimes there's like a Home Depot there that they tend to drop people off at. But, again, at this time of night that wouldn't have been open either. So --

CHAIRPERSON DUDLEY: There was also this thought that she would not know the address, the physical address, but she might be able to point out as she got closer.

MR. BALAND: Correct.

MEMBER GLASER: Thank you.

CHAIRPERSON DUDLEY: Anything else?

MEMBER JOHNSON: Yeah, Johnson.

I thought maybe for clarity, Neal Road, one of the officers said was a homeless camp?

MR. BALAND: So Sergeant Khan said he believed that where Neal Road was at, where he -- where he was told she was dropped was a homeless encampment. He didn't know. That's what he suspected it was. That's when he said he dropped her at off Neal Road, he assumed it was this homeless encampment.

MEMBER JOHNSON: Okay. First question, what's the distance to the nearest services from where she was dropped off at?

MR. BALAND: I couldn't even tell you because I'm not familiar with that area.

But I know the City of Chico was only about another mile and a half, two miles away. So I would imagine there would have been services there.

Coming from Oroville, I'm not sure if there were services prior to that. But, again, if the intention was to go to Chico, another mile and a half, two miles, would have put them in the city proper of Chico.

MEMBER JOHNSON: Is that a dirt road by chance?

MR. BALAND: Is what --

MEMBER JOHNSON: Neal Road.

MR. BALAND: It's an asphalt road, there's -- yeah, it's a two-lane asphalt road, there's dirt shoulders.

MEMBER JOHNSON: Okay. So R-I-M-S, what is that?

MR. BALAND: So it's a Records Information Management System. So as I said, it's an application on your cellphone that you use. And they use it in law enforcement. It's a means of communicating with dispatch. You get your calls sent to that phone, it's a CAD system, computer-aided dispatch. So it will give all the details of the calls that you are responding to. You can also message back and forth with that application.

MEMBER JOHNSON: That wasn't utilized.

MR. BALAND: It was turned off.

MEMBER JOHNSON: It was turned off.

BMC, body-worn camera.

MR. BALAND: BWC, yes.

MEMBER JOHNSON: That was also not activated?

MR. BALAND: Never activated.

MEMBER JOHNSON: Any communication devices were all not utilized to convey what was happening.

MR. BALAND: Correct.

MEMBER JOHNSON: How many times the Respondent came into contact with the Complainant prior to that night?

MR. BALAND: Prior to that incident, they had never encountered each other. But two times that night. The first time at the Dollar General and then the second time at the hospital when he had to re -- get recalled back out there to deal with her. So two times that night.

MEMBER JOHNSON: That answers my questions, thanks.

CHAIRPERSON DUDLEY: Anything else from the Board?

Okay. At this time, does the subject officer and/or their counsel wish to make public comment?

If so, you will each be given five minutes to speak and the time limits will be strictly enforced. So please ensure you complete your comments within the allotted time. While commenting, keep in mind that the Board will only consider the facts as presented by the Division today and will not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate a high probability that serious misconduct, as defined in Penal Code Section 13510.8 and Commission Regulation 1205 occurred.

So is there anyone from -- so let me -- before we get to the public, let me find out if either the

attorney or the officer would like to speak.

MR. SASEK: I would like to speak.

CHAIRPERSON DUDLEY: Please, come on up.

Would you identify yourself for the record.

MR. SASEK: My name is Robert Sasek. I'm the officer in question.

CHAIRPERSON DUDLEY: Okay.

MR. SASEK: Good afternoon.

CHAIRPERSON DUDLEY: Good afternoon.

MR. SASEK: Good morning, since it's almost afternoon.

So I would like to take full responsibility for what happened. It was a mistake. I did it with no malice intent. And I've learned from it.

I spent my entire life, my entire adult life, in service from the Army to being an officer. That's what I love to do. And I don't think that one mistake should make me not be able to do that anymore.

CHAIRPERSON DUDLEY: Tell us what the mistake you made was.

MR. SASEK: The mistake that I made was lack of communication. I believe that I interpreted what I determined to be a potential Fourth Amendment violation over the 14th Amendment.

I did not intend to leave her in harm.

But, I also didn't know where to draw the line of what, you know, if she wants out and it's not a detention, I can't -- I can't unlawfully detain her.

CHAIRPERSON DUDLEY: And why was that a mistake?

COURT OFFICER: Because it led to her being placed in a worse position than she was in and she suffered injuries.

CHAIRPERSON DUDLEY: Does Oroville Police Department have a motto?

MR. SASEK: Not that I know of.

CHAIRPERSON DUDLEY: Okay. When I think -- or when you think about the motto of law enforcement or military, what do you think of it being?

MR. SASEK: Protecting people that can't protect themselves.

MEMBER JOHNSON: Okay. Was she someone who could protect herself?

MEMBER JOHNSON: Knowing what I know now, no, I don't believe she was.

CHAIRPERSON DUDLEY: You say knowing what you know now, do you know more about her now than you knew that night?

MR. SASEK: I do know more but about her now.

CHAIRPERSON DUDLEY: What did you learn subsequent to this event that lets you believe that you know more

about her now?

MR. SASEK: I learned about her past history. I'm a wrestling coach and a lot of my parents are parents who had substance abuse issues. And I've had some parents tell me that she has a lifelong history of substance abuse. She's been arrested multiples times for that. And I understand it is a sickness and, you know, I wasn't aware at the time that she had such a prolonged use of it.

CHAIRPERSON DUDLEY: Okay. About how old was she?

MR. SASEK: I would say she was -- I'm guessing -- in her '50s.

CHAIRPERSON DUDLEY: Okay. So this is what I know about her.

I gathered she was around in her 50s. She's barefoot. She's using meth or has some mental health issues. She has high blood pressure.

She's either, you know, erratic in her behavior. Either screaming to get out of the car and screaming, you know, MF and throwing rocks. Or not.

She's all over the board. And when you dropped her off in -- at this desolate place in that condition, did you view that as protecting and serving?

MR. SASEK: No. But I also wasn't sure where she wanted to be.

I know from between Neal Road and Estates Drive which is where I believe Sergeant Khan had mentioned, was nothing but transient camps.

So when I made the decision to let her out of the vehicle when she requested, I did not want to leave her on Highway 99 because I didn't think that that would be a smart decision.

But if I let her make her own decisions from a safe place, that's her decision.

CHAIRPERSON DUDLEY: Okay. Questions?

MEMBER CLAVO: Yes.

CHAIRPERSON DUDLEY: Please. Dr. Clavo.

MEMBER CLAVO: You said that there's a lot of transient camps.

Was there transient camps in that area in which you dropped her off?

MR. SASEK: Not particularly. But, again, I did not want to leave her on Highway 99. I would say from about a quarter mile, maybe a little bit more, from Neal Road north, there starts to be transient camps. There's foliage and grass and like a golf course on the side of the road.

That entire strip, all the way into Chico, had transient camps in it. And I believe there's a wildlife preserve where people go fishing off the eastern side of

the road where I know there were several camps also.

MEMBER CLAVO: So knowing that it was that close in proximity, why didn't you drive her to the transient camps and drop her off, versus dropping her off in a desolate, unlit area?

MR. SASEK: Because the transient camps aren't necessarily accessible. They're behind roads.

So it would be a quarter of mile or half mile extra walk for her to get to a place where I would have been able to drop her off.

But I didn't feel it would be safe or smart leaving her on Highway 99.

MEMBER CLAVO: How many times in the past have you left individuals that were not detained in isolated areas?

MR. SASEK: None.

MEMBER CLAVO: Is that a common practice?

MR. SASEK: None, ma'am. This was a very rare occurrence.

MEMBER CLAVO: Is there a -- do Oroville have any policies or anything in place that give you direction on what to do with such a person?

MR. SASEK: No. I referred to my supervisor. I let Sergeant Khan know that she freaked out and he said, okay.

That would -- that was my interpretation of what I should do.

MEMBER CLAVO: Is there a policy about turning your camera on and off?

MR. SASEK: No. It was common practice of using it in an incident.

And then if it wasn't necessary, you could turn it off.

MEMBER CLAVO: That's your policy?

MR. SASEK: That was our policy, yes. Or at least our common practice.

MEMBER CLAVO: Okay. So there's a difference.

So is it policy or common practice?

MR. SASEK: I'm not sure. I'll give you that answer. I'm not entirely sure.

I know that -- I believe it's -- I believe that it's not required. Because I know that I had an incident when I was just off training where our lieutenant yelled at me about it should be a -- it should be a "shall" section.

MEMBER CLAVO: Okay. Next question.

MR. SASEK: Yes, ma'am.

MEMBER CLAVO: Do you have a daughter?

MR. SASEK: No, ma'am.

MEMBER CLAVO: Do you have a mother?

MR. SASEK: Yes, ma'am.

MEMBER CLAVO: Would you want your mother dropped off in a random, isolated place, not lit, with no shoes on, under the influence of drugs or mental impairment?

MR. SASEK: No, ma'am, I would not.

MEMBER CLAVO: So why would you do someone else's mother that way?

MR. SASEK: Because she said that she wanted out and I didn't feel I had the right to detain her.

MEMBER CLAVO: That's all.

CHAIRPERSON DUDLEY: Yes, Dr. Glaser.

MEMBER GLASER: Do you think she knew where she was when she asked to get out of the vehicle?

MR. SASEK: I'm not sure she knew exactly where it was. It was her idea to go to Chico, so I believe she knew she was between Oroville and Chico.

MEMBER GLASER: Do you think at the time that you should have had questions about whether she was making a good judgment about getting out of that location?

MR. SASEK: Knowing what I know now, yes, I should have asked more questions.

But when she got out of the car, erratic, and trying to start a confrontation I didn't feel the need to ask any more questions.

MEMBER GLASER: At any point later in the night,

did it occur to you that you should alert somebody to her location, given that she was barefoot and in a desolate area?

MR. SASEK: I let Sergeant Khan know right when I got back into town, sir.

MEMBER CLAVO: I have another question.

MR. SASEK: Yes, ma'am.

MEMBER CLAVO: Knowing what you know now. I'm struggling with that statement, because I don't know what you know now that made a difference in how you acted then.

So I'm really -- can you walk me through that?

I'm a little confused.

MR. SASEK: Again, with the 14th Amendment, making sure that we leave people in a safer position, I wasn't as aware of how -- I'm trying to think how to say this.

How -- that it would give me more authority.

MEMBER CLAVO: Did you not know the amendments then?

MR. SASEK: No, ma'am. I knew the amendments, but I wasn't as sure on the 14th Amendment on its -- requirements to make sure you leave somebody in better care after contact.

MEMBER CLAVO: How long have you been an officer?

MR. SASEK: I was an officer at -- 14 months at the

time, ma'am.

MEMBER CLAVO: Fourteen months. And you were in the military prior to that?

MR. SASEK: Yes, ma'am.

MEMBER CLAVO: Thank you.

CHAIRPERSON DUDLEY: Just to follow up on Dr. Glaser. I'm not sure he's done.

You said that she -- remind me of your question again, Dr. Glaser because it was a take off on that.

MEMBER GLASER: Well, I first asked if it was likely that she knew where she was when she asked to get out of the vehicle.

And then I asked if Officer Sasek had contacted anyone -- or I asked if he thought to contact anyone.

CHAIRPERSON DUDLEY: Right. And what you said, I believe you told Sergeant Khan that she freaked out.

MR. SASEK: Yes, ma'am.

CHAIRPERSON DUDLEY: Did you say anything else besides "she freaked out"?

MR. SASEK: I told him she freaked out and demanded to get out of my vehicle and he didn't ask any more questions.

CHAIRPERSON DUDLEY: Okay. And you're aware that he didn't remember you saying she freaked out.

MR. SASEK: I'm aware of that.

CHAIRPERSON DUDLEY: Okay. And did you say, hey, man, you know, she was barefoot. Anything else besides the words she "freaked out" and "demanded."

MR. SASEK: No, ma'am, I did not.

CHAIRPERSON DUDLEY: Okay. And he didn't ask you anything -- any more follow-up questions on that.

And that was about the same time there was a fire and few other things going on.

MR. SASEK: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Do you think he heard you when you said she freaked out.

MR. SASEK: Yes, because he acknowledged me. He said "okay."

CHAIRPERSON DUDLEY: Okay. All right. Thank you.

Yes, ma'am.

Yeah, I just -- did you have some questions?

MEMBER JOHNSON: Okay.

CHAIRPERSON DUDLEY: And one second, were you done?

Okay.

Yes, Mr. Johnson.

MEMBER JOHNSON: I think it was asked earlier, the motto of being the police. And what was your response?

MR. SASEK: To protect those that can't take care of themselves, sir.

MEMBER JOHNSON: Okay. I think the people expect

the motto to be, "Serve and protect." Right?

She was in need of service when you first contacted her; right?

And she was eventually of course taken to the hospital, created a commotion, and of course you responded. And the service you provided was to drop her off on a dark, dirt, two-mile, mile and a half, from services, by herself. And then she was struck by a vehicle.

Do you believe you provided her some service?

MR. SASEK: First service that she needed, sir, was she was trespassing so she was arrested for it.

And then afterwards, I believe I was trying to provide her a service because she said she wanted to go home.

And then, again, I go to the point where she wanted out and I didn't feel I had the right to detain her. So I left her off in where I deemed a safe area as quick as possible without violating her rights.

MEMBER JOHNSON: I'm struggling with that.

She thought she was going home. But she said she wanted to get out.

MR. SASEK: Yes.

MEMBER JOHNSON: And you felt it was okay just to put her out on the dark, dirt, lonely road, about a mile

and a half from services.

MR. SASEK: So this is the way I look at it, sir.

I was always explained from the beginning of the academy to -- any time in law enforcement, when it's a consensual encounter, a person has the right to walk away.

It doesn't matter if we're in mid conversation, if they start the conversation, if I start the conversation.

She said she wanted out. It's my legal obligation to allow her her freedom. That's how I interpret it.

MEMBER JOHNSON: I'm done. Yes.

MEMBER LARA: I have a couple of questions.

So you said earlier that one action should not define the sum of your career; is that correct?

MR. SASEK: Yes, sir.

MEMBER LARA: All right. This woman suffered sepsis, loss of toes, she now has to utilize a colostomy bag, and has lost a length of her small intestine.

Where do you draw the line? Does she have to die for you to have that one action define your career?

MR. SASEK: No.

MEMBER LARA: Second question.

Could this situation have been avoided by taking her to the hospital and getting her the medical

attention?

MR. SASEK: Yes, potentially.

But only in the meaning of if I would have gone in and got a medical clearance and then had continued the arrest, versus me arresting her, giving her her citation and saying: Here's the front door, you should go seek medical attention, which was what I did.

The only thing I didn't do was walk her into the hospital.

MEMBER LARA: And again, the best evidence for what transpired on the -- on Neal Road would have been preserved by a body-worn camera; is that true?

MR. SASEK: Yes.

MEMBER LARA: Okay. And do you know currently what the policy is for utilization of a body-worn camera?

MR. SASEK: I don't know if they've altered it or not.

MEMBER LARA: What was it at the time?

MR. SASEK: It was a "may use."

MEMBER LARA: Thank you.

MEMBER JOHNSON: All right. Johnson once again.

For clarity, the Internal Affairs interview, I believe you were asked a question about why the body-worn camera wasn't turned on.

MR. SASEK: Yes, sir.

MEMBER JOHNSON: What was that reason?

MR. SASEK: So the body-worn camera that we had at the time -- so let me ask the question to clarify.

Do you mean when I let her out of the vehicle or do you mean throughout the entirety?

MEMBER JOHNSON: Throughout the entire incident.

MR. SASEK: It wasn't common practice.

When I initially contacted her she was causing issues so my body camera was on.

And then when she calmed down and the arrest continued, we deactivated.

MEMBER JOHNSON: So the policy sits around that?

MR. SASEK: Yes, sir.

MEMBER JOHNSON: That if there's no confrontation, no need to turn it on?

MR. SASEK: That's correct. That's our common practice.

MEMBER JOHNSON: Okay. Is it policy or common practice?

MR. SASEK: I don't believe it's a policy violation.

MEMBER JOHNSON: Okay.

CHAIRPERSON DUDLEY: Thank you.

Ms. Pena.

MEMBER PENA: Thank you.

So she says in her interview that she didn't ask to get out there. That she didn't request to be let out of the car on Neal Road.

And she tried to ask you about it and you answered her very sternly about, don't ask me, basically.

MR. SASEK: So how she said I talked to her, that's not how I talk to people ma'am.

She requested to get out and I let her out. And when I let her out, I tried to say "what's going on?"

And she stormed off.

MEMBER PENA: Okay. So when you initially took her to the jail, they said she has high blood pressure, we can't admit her. Take her to the hospital? Right?

MR. SASEK: Yes, ma'am.

MEMBER PENA: Are you aware that high blood pressure can lead to stroke or heart attack?

MR. SASEK: Yes, ma'am.

MEMBER PENA: She also says in her interview that she was dehydrated.

Did she ever ask you for water?

Or did you offer her water at all?

MR. SASEK: No, ma'am. She did not ask me for water and I didn't have water in my vehicle at the time to offer her.

MEMBER PENA: What was the temperature that day?

MR. SASEK: It was hot. It would have been easily been in the 100s throughout the day.

It was the nighttime, so it was probably dropping down to 90s.

MEMBER PENA: Are you aware that dehydration can lead to delirium and disorientation?

MR. SASEK: Yes, ma'am. She wasn't exhibiting any signs of dehydration when I contacted her.

MEMBER PENA: But sometimes disorientation can look like somebody's on drugs, for example.

Did you know that that's a symptom of dehydration?

MR. SASEK: Yes, ma'am.

MEMBER JOHNSON: Johnson. Oh, I'm sorry.

CHAIRPERSON DUDLEY: Ms. Pena.

MEMBER PENA: Nothing further.

CHAIRPERSON DUDLEY: Okay.

MEMBER JOHNSON: Johnson.

CHAIRPERSON DUDLEY: Mr. Johnson.

MEMBER JOHNSON: Yes.

The other officer had mentioned Neal Road.

And you were on your way to taking her to Oroville, if I remember correctly. Was it Oroville or -- Chico. Chico.

MR. SASEK: Yes, from Oroville to Chico.

MEMBER JOHNSON: And he suggested: Just drop her

off over there.

And it's my assumption that she didn't know where she was at and she questioned why you was taking her there and then she -- maybe out of fear -- wanted to get out the car.

Based on this whole experience for you, if you had a situation like this again, what would you do if -- what would you do differently?

MR. SASEK: If I could do the whole thing over again?

MEMBER JOHNSON: Yeah.

MR. SASEK: I would have got a jail clearance and I would have taken her back to jail. Had I not gotten a jail clearance, and I had to contact her at the hospital, my body-worn camera would have been on the entire time.

When I restarted RIMS, because it was acting up, which I was advised to do that in the past by Sergeant Khan, is when we have issues with RIMS just go do a hard reset on your phone. I would have stopped and waited and let the whole system reboot up.

I don't like to drive and be on my phone, even though we have an exemption, I still think it's unsafe.

So I wouldn't have, you know, stopped at a stoplight and tried to re -- turn it on. And then the

light turns green. And I'm not going to play on my phone. So my body camera would have been on. My RIMS would have been on. And I would have been able to avoid this situation.

MEMBER JOHNSON: And in the direction going to Chico, you probably wouldn't have dropped her off on some dirt road.

MR. SASEK: Had she requested to get out again, I probably would have stopped on the side of the road, contacted my supervisor and figured out what to do next.

MEMBER JOHNSON: Okay.

MR. SASEK: Again, I was a young officer at the beginning of this and I know that I made mistakes and it -- I don't know how to say it nicely. It sucks. Because this woman has experienced, you know, horrible things. And I'm sorry for that.

CHAIRPERSON DUDLEY: Anything else?

Thank you, Officer.

Is your attorney --

MR. SASEK: I don't have any counsel. It's just me, ma'am.

CHAIRPERSON DUDLEY: Okay. Fine. Thank you.

Would the Board like to meet or would you like to -- would anyone like to raise a motion? What would -- oh, is there -- thank you.

Is there public comment?

Yes. Okay. Is there someone on remotely with public comment? Yes? No? No. Doesn't appear that there is someone interested in making public comment remotely.

Okay. So back to the Board.

Would anyone like to make a motion? Or would you like to meet privately? I'm sorry?

MEMBER GLASER: We would like to go into closed session.

CHAIRPERSON DUDLEY: Okay.

(Time noted: 12:09 P.M.)

---o0o---

(Closed session was held:
12:17 A.M. to 12:34 P.M.)

---o0o---

(Time noted: 12:36 P.M.)

CHAIRPERSON DUDLEY: We'll now reconvene to regular session to take a vote on the Board's recommendation in the matter of 2318309, Robert Sasek, who at the time of the events at issue in this case was employed with the Oroville Police Department.

Are there any comments that the Board has on this matter?

Okay. Before we get to a motion -- I'm sorry, did

you have a comment?

MEMBER PENA: No.

CHAIRPERSON DUDLEY: Before we get to a motion, I want to point out that Board Member Regina Crawford left about an hour ago because she had an earlier flight. We still have a quorum here so we're still going to go ahead with a motion, if there is such a motion.

Is there a motion to make a recommendation to the Commission in this matter?

MEMBER PENA: Yes. Move to decertify.

CHAIRPERSON DUDLEY: Is there a second?

MEMBER CLAVO: I second.

CHAIRPERSON DUDLEY: And we will now take a roll call vote on the Board's recommendation.

Mr. Knapp, please take a roll call vote.

MR. KNAPP: Thank you, Madam Chair.

Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.

Dudley.

CHAIRPERSON DUDLEY: Aye.

MR. KNAPP: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Glaser, aye.

Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: Johnson, aye.

Lara.

MEMBER LARA: Aye.

MR. KNAPP: Lara, aye.

And Pena.

MEMBER PENA: Aye.

MR. KNAPP: Pena, aye.

That's six yeses. Motion carries.

CHAIRPERSON DUDLEY: Thank you. Motion passes.

Future board meeting dates. Upcoming board meetings will be October 8, 9.

And all the board meetings will occur here in West Sacramento.

Next February, 4, 5, 2026.

April 15, 16, 2026.

July 15, 16, 2026.

As this was last item on the agenda, do any of the Members of the Board have any additional comments before we adjourn?

Seeing none, I'll make a motion to adjourn for the record.

Please clearly state -- seeing none, I'll make a motion to adjourn.

CERTIFICATE OF REPORTER

I, CONNIE J. PARCHMAN, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Connie J. Parchman, Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of August 2025.



Connie J. Parchman, CSR
Certified Shorthand Reporter
License No. 6137