AGENDA ITEM REPORT

Title: POST2302971 - GABRIEL GAXIOLA (POST ID: B49-S96)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Los Angeles Bureau	
RESEARCHED BY Robert Bringolf	**REVIEWED BY** Mike Radford	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/18/2025
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 the Los Angeles Police Department (LAPD) on October 26, 1998, as a full-time Police Officer. The Respondent was promoted to the rank of Sergeant on July 7, 2019. At the time of the incident before the POSAAB, he was assigned as a Sergeant. The Respondent is currently employed with the LAPD as a peace officer in the State of California.

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

The circumstances surrounding the incident occurred when Respondent was arrested off-duty for driving under the influence of alcohol on May 13, 2022. As an aggravating consideration, Respondent had been previously arrested for

driving under the influence of alcohol on July 10, 2016, a case for which he received a misdemeanor conviction for 23152(b)VC and three years' informal probation.

Respondent received a misdemeanor conviction for a violation of section 23152(b)VC for the DUI on July 10, 2016.

On January 26, 2024, Respondent signed a Rehabilitation Agreement with the LAPD regarding the discipline for this second DUI, in which he agreed that he committed misconduct and would complete certain specified terms in rehabilitation. LAPD agreed to hold any discipline in abeyance pending Respondent's successful completion of these terms.

On February 9, 2024, Respondent pled no contest to (and was convicted of) one misdemeanor count of driving under the influence of alcohol with a blood-alcohol content of over 0.08% - a violation of California Vehicle Code Section 23152(b). During that same proceeding, Respondent admitted to a prior conviction for driving under the influence in Los Angeles County Superior Court Case 16HM08811. The Court placed the Respondent on 60 months of probation and ordered him to install an Ignition Interlock Device on his vehicle as a condition of probation, serve 4 days in the "City Jail," complete an 18-month Driving Under the Influence program and attend 52 AA/NA meetings, and pay the assessed fines and fees.

ANALYSIS:

The Division found that clear and convincing evidence substantiated that Respondent's conduct amounted to acts that violate the law that are sufficiently egregious or repeated as described in Commission Regulation 1205(a)(6) in that Respondent was arrested for violating the law on two occasions during his employment as a peace officer, more specifically, both arrests have occurred while Respondent held the rank of Sergeant.

On January 16, 2025, following the presentation by the Division and public comments delivered by the subject officer's counsel, the Peace Officer Standards Accountability Advisory Board (Board) found that a factual basis for revocation of the subject officer's certification had been established by clear and convincing evidence. However, the Board recommended that the revocation of the subject officer's certification be stayed for a period of ten (10) years, subject to a stipulated settlement between the subject officer and the Division and as approved by the Commission. The Board incorporated the Division's Investigatory Summary and Findings and adopted the Division's Summary and Findings as the Board's stated

reasons for its recommendation as required under Penal Code section 13510.85(a)(4).

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):

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