**Commission on Peace Officer Standards and Training**
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
www.post.ca.gov

# STATEMENT OF FINDINGS

POST makes the following information available to the public pursuant to Penal Code §13510.85(c) which establishes that POST shall publish the names of any peace officer whose certification has been suspended or revoked and the basis for the suspension or revocation.

**CASE NO.:** POST2305337

**SUBJECT OFFICER:** Giovanni Acosta **POST ID:** C74-G17

**EMPLOYING AGENCY:** Garden Grove Police Department

**ALLEGED MISCONDUCT:** 13510.8 (b)(4)/11CCR 1205. (a)(4) – Sexual assault & 13510.8. (b)(2)/11 CCR 1205. (a)(2) – Abuse of Power

**CASE SUMMARY:**

On March 29, 2023, the Garden Grove Police Department submitted a serious misconduct complaint to POST against Officer Giovanni Acosta, hereinafter, "Respondent", alleging that he destroyed evidence and abused his position as a peace officer. An internal affairs investigation was conducted by the Garden Grove Police Department sustaining the allegations. Following POST's investigation and review, POST found, by clear and convincing evidence, that reasonable grounds existed for consideration of revocation pursuant to Penal Code 13510.8. A summary of the investigative findings of the Division are as follows:

On October 25, 2020, , Respondent and his partner conducted a vehicle check where they contacted two subjects. The vehicle was searched, and narcotics were found. At the conclusion of the traffic stop, the narcotics were never booked or accounted for, and a report was never completed. The Respondent then subsequently engaged one of the female suspects in text messaging, while on duty, seeking nude photographs and requesting to meet for sexual purposes. During the internal investigation it was determined that the Respondent had engaged in similar conduct in January 2021, where he and a partner conducted a parole check at a hotel, finding a parolee in possession of a stun gun and narcotics. The parolee was not arrested, and the narcotics were not collected. Soon after, Respondent began texting the parolee, seeking nude photographs and sexual favors.

**ANALYSIS/FINDINGS:**

1. **The alleged misconduct violated Penal Code Section 13510.8 (b)(4) and Title 11, California Code of Regulations Section 1205 (a)(4) – Sexual Assault**

*Penal Code Section 13510.8 (b)(4) and Commission Regulation 1205 (a)(4) defines as serious misconduct "Sexual assault as described in subdivision (b) of Penal Code Section 832.7 and shall extend to acts committed amongst members of any law enforcement agency."*

*Sexual assault, as described in subdivision (b) of Section 832.7. California Penal Code Section 832.7(b)(1)(B)(ii) provides:*
*As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.*

Respondent propositioned and attempted to obtain sexual favors, and received explicit photographs of a sexual nature, from two females on probation and/or parole by means of leniency due to his decision not to lawfully arrest the women for drug and weapon possession.

2. **The alleged misconduct violated Penal Code Section 13510.8 (b)(2) and Title 11, California Code of Regulations Section 1205 (a)(2) – Abuse of Power**

*Penal Code Section 13510.8 (b)(2) and Commission Regulation 1205 (a)(2) defines as serious misconduct "Abuse of Power, including but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest."*

Respondent abused his power as a peace officer when he used his status and position to obtain sexual favors from two women. The Respondent attempted to befriend or show favor to the women by not arresting, not reporting, and not collecting evidence of crimes against them, and instead initiated innocuous text conversations, ultimately leading to a request by the Respondent for pictures and sexual acts. The requests were admittedly made by the Respondent while on duty.

**OUTCOME/IMPOSITION OF DISCIPLINARY ACTION AGAINST PEACE OFFICER CERTIFICATION:**

The Peace Officer Standards Accountability Division determined that reasonable grounds existed to seek revocation of the Respondent's certifications in this case. A Temporary Suspension of Respondent's Certificate was issued on June 15, 2023. A notice of intent to revoke was issued on April 04, 2024. Respondent did not file a request for review within the 30-day response period, pursuant to Penal Code section 13510.85 (a)(2), thus resulting in default revocation of Respondent's certification with no further proceedings. On April 03, 2024, the default order was issued and served on Respondent. Respondent Giovanni Acosta's (POST2305337) (POST ID: C74-G17) peace officer certification was revoked on April 03, 2024.