**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

# NOTICE OF DETERMINATION

**CASE NO.:** POST2306214

**SUBJECT OFFICER:** Austin Malone **POST ID:** C78-O28

**EMPLOYING AGENCY:** Contra Costa County Sheriff's Office

**POST INVESTIGATOR:** Law Enforcement Consultant Brad Hofflander

**NOD DATE OF ISSUANCE:** September 1, 2026

**ALLEGED MISCONDUCT:** PC 13510.8 (b)(1)/11 CCR 1205 (a)(1) – Dishonesty, PC 13510.8 (b)(6)/11CCR 1205 (a)(6) – Acts that Violate the Law

## EXECUTIVE SUMMARY:

On November 18, 2018, Mr. Austin Malone("Respondent") completed an application package seeking employment with the Contra Costa County Sheriff's Office (CCSO). As part of the application process, Respondent was required to complete a Commission on Peace Officer Standards and Training (POST) Form 2-251, Personal History Statement (PHS), in which he stated he was attending St. Mary's College and planned to graduate in December 2018 with a Bachelor of Science degree in psychology. Respondent also participated in an interview as part of the hiring process with CCSO Background Investigator Joe Kosmicky, at which time he stated he had completed college and, once Saint Mary's College confirmed all of his credits, including transfer credits from Diablo Valley Junior College, he would be receiving his diploma. Based on the information Respondent provided in his PHS, as well as his interview, Investigator Kosmicky wrote in his final background investigation report that: "Malone attended Saint Mary's College from February 2016 to December 2018. He received an additional (36) units of instruction while majoring in Psychology. Malone recently graduated from college and earned enough credits to earn a degree in Psychology. After Saint Mary's College verifies his records, Malone will receive his Bachelor of Science degree in Psychology."

Respondent was offered employment with CCSO on February 14, 2019, and began the Basic Academy on May 20, 2019. Respondent completed the Basic Academy on November 15, 2019. For the graduation program, cadets were tasked with writing a few sentences for the following headings: "Preparatory Experience," "Why I chose a career in law enforcement," and, "My most positive academy experience." The program was handed out at the graduation ceremony and Respondent's entry contained the following under Preparatory Experience: "I received a Bachelor's Degree in Psychology from Saint Mary's College. Prior to the Academy, I worked in security. I grew up in Concord, CA." After graduating from the Academy, Respondent became a sworn peace officer with CCSO and was assigned as a Deputy at the Martinez Detention Facility.

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In June of 2022, Respondent sought lateral employment as a police officer with the San Ramon Police Department (SRPD). As part of the pre-employment background investigation, he completed a POST PHS form, which falsely indicated he possessed a Bachelor of Science degree from Saint Mary's College. He also submitted to the SRPD background investigator, Special Investigator Eric Navarro, a fictitious diploma as evidence he had graduated from Saint Mary's College.

Respondent subsequently explained to Special Investigator Navarro that a Saint Mary's College staff member had informed him that he had amassed enough credits to graduate. Respondent told Special Investigator Navarro that he had received the "diploma" in the mail at his residence. Later, Respondent, after it was discovered he did not graduate, told Special Investigator Navarro that the "diploma" he presented to him was actually a certificate that he had been given in a psychology class during his final semester. Respondent insisted to Special Investigator Navarro that he believed he had graduated and the incorrect information on his PHS was not intentional.

Special Investigator Navarro contacted staff at Saint Mary's College Registrar's Office, where he learned Respondent had not graduated from Saint Mary's College and a diploma had never been issued to him. It was further explained to Special Investigator Navarro that a Saint Mary's College staff member sent Respondent an electronic mail (e-mail) on July 27, 2018, informing him that he was not eligible to graduate, but there was no proof Respondent had read the e-mail. Special Investigator Navarro sent a copy of the "diploma" he'd obtained from Respondent to Saint Mary's College staff within the Registrar's Office who confirmed it was in fact fraudulent. Based upon the findings within Special Investigator Navarro's background investigation, Respondent was not offered employment with SRPD and SRPD management contacted CCSO to advise them of Respondent's actions, who in turn initiated an internal investigation.

## ANALYSIS/FINDINGS:

1. **The alleged misconduct violated Penal Code section 13510.8(b)(1) and Title 11, California Code of Regulations section 1205(a)(1) – Dishonesty**

*Penal Code section 13510.8(b)(1) and Commission Regulation section 1205(a)(1) define as 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.*

During CCSO's internal investigation, the Respondent was dishonest with investigators during his administrative interview on the following occasions:

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1. When asked, the Respondent denied the "diploma" he had given Special Investigator Navarro was meant to prove he had graduated from Saint Mary's College but instead was just a certificate he was given in a psychology class during his last semester. However, the Respondent could not recall in which class it was given to him or who the professor was that gave it to him. When asked why they were handing out the certificates, the Respondent was evasive in his answer which was, "I'm trying to think and my thought process would be it was, the plan was to graduate. It was like that last semester so I think they were giving out to people who were being done with school, I think, um, but, like I said, I can't 100% recall in certainty why or what was the reason?" The Respondent's inability to recall the class or professor that he obtained the certificate from is not believable, as earlier in his interview he was able to recall, in great detail, what he and CCSO Background Investigator Kosmicky were wearing the day of his interview when applying for CCSO four years prior.

2. The Respondent stated he was unaware that he hadn't graduated from Saint Mary's College until after he had graduated from the CCSO Academy in October of 2019, some eleven months later. However, a few questions later in his interview, the Respondent stated he checked the Saint Mary's College portal to view the grades of his final semester two weeks after the semester had ended in January 2019, which showed that he received a final grade of "F" (Fail) for a psychology core class and was not eligible to graduate.

3. The Respondent was dishonest when asked in his internal affairs interview if he made any false statements during his CCSO or SRPD background investigations when he stated, "No sir not once." CCSO Background Investigator Kosmicky wrote in his final background investigation report that when asked what he had done to prepare for the position, the Respondent stated, "I have been on many ride-a-longs with different departments. I have picked my father's brain about law enforcement. I have been to the range off marsh creek to practice shooting on numerous occasions. I have made correct decisions that would not negatively affect my family or me. I work out constantly. I have a degree in Psychology, and I have kept my nose clean my entire life." The Respondent's claim that he possessed a degree in psychology was false. The Respondent also made a false statement to SRPD Special Investigator Navarro when he told him that he received the "diploma" in the mail but later told him he had received it in a class during his final semester.

4. The Respondent remained steadfast in his answers during his internal affairs interview that he received the "certificate" in a psychology class during his last semester. However, all evidence indicates the Respondent either procured the fictitious diploma, or altered a valid certificate issued to him to make it look like a diploma and attempted to pass it off as proof he had obtained his degree. Respondent took no responsibility for his actions and was dishonest when asked if he had any part in altering a certificate to make it look like a diploma when he stated, "A hundred percent, sir. I did not."

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2. **The alleged misconduct violated Penal Code section PC 13510.8 (b)(6)/11CCR 1205 (a)(6) – Acts that Violate the Law**

*Penal Code section 13510.8(b)(6) and Commission Regulation section 1205(a)(6) define as serious misconduct: 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.*

As part of the hiring process for SRPD, the Respondent was asked to provide documentation validating his claim that he had obtained a bachelor's degree in psychology from Saint Mary's College. The Respondent presented SRPD Special Investigator Navarro with a document titled "Saint Mary's College of California," which contained additional verbiage indicating the College had conferred upon Respondent a degree of "Bachelor of Science Psychology." The document appeared to be a valid diploma issued to the Respondent for obtaining said degree, containing signatures from the President and Chairman, an official Saint Mary's College seal, and an issue date of May 26, 2019.

On July 25, 2022, Special Inspector Navarro contacted Saint Mary's College Registrar's Office and spoke with the Assistant to the Registrar, Mr. Hark Singh. Mr. Singh advised Special Investigator Navarro that the Respondent had never been issued a diploma from Saint Mary's College. On July 28, 2022, Special Investigator Navarro received an email from Tracey Donaldson, Assistant Vice Provost and Registrar for Saint Mary's College. Ms. Donaldson confirmed the diploma the Respondent had submitted was fraudulent. Ms. Donaldson later met with CCSO investigators and provided them with a sample of what a valid Saint Mary's College diploma looked like. Ms. Donaldson also noted eight discrepancies between the diploma the Respondent submitted, and an actual diploma issued by Saint Mary's College, which were as follows:

1. The heading, "The Board of Trustees of," is not used on a valid diploma.

2. Verbiage in the first paragraph differs from an actual diploma.

3. The college major (Psychology) was not listed on valid diplomas in 2019. It was added to diplomas beginning summer of 2020.

4. Verbiage in the second paragraph differs from an actual diploma.

5. The graduation date of May 26, 2019, a Sunday, was not valid as graduation ceremonies are not performed on weekends. The date for students graduating during this time period would have been May 23, 2019, a Thursday.

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6. The signature line title of "President' should read "President of the College."

7. The seal is not the official Saint Mary's College seal.

8. The signature line title for "Chairman" should read "Chairman of the Board of Trustees."

The Respondent initially told SRPD Special Investigator Navarro that he had received the diploma in the mail but later changed his story by stating he was given the "certificate" in a psychology class during his final semester. When questioned, the Respondent was unable to provide specific details as to which psychology class or what professor had issued it to him. Despite overwhelming evidence that the diploma the Respondent presented to Special Investigator Navarro was fictious and was an attempt to embellish his educational credentials when applying for SRPD, the Respondent failed to admit he had prepared, purchased, or manipulated an existing document in an attempt to portray it as a valid diploma.

The Respondent's act of providing the fraudulent diploma to SRPD Special Investigator Navarro was a violation of California Education Code section 32382(c), a misdemeanor, which states, "No person shall use in connection with any business, trade, profession, or occupation, or attempt to use in connection with any business, trade, profession or occupation, or conspire to use in connection with any business, trade, profession or occupation, any degree or diploma, which has been purchased, obtained by barter, fraudulently or illegally issued, illegally obtained, counterfeited, materially altered, or found."

## FINDINGS

The investigative file clearly substantiated that the acts of serious misconduct did occur by way of witness statements, physical evidence, and conflicting statements made by the Respondent. Additionally, the Respondent resigned from his position prior to being terminated and did not seek to appeal the findings of the administrative investigation. Clear and convincing evidence substantiated that the Respondent was dishonest with CCSO internal affairs investigators and violated state law by submitting a fraudulent college diploma to SRPD background investigators during his hiring process. The Peace Officer Standards Accountability Division determined that reasonable grounds exist to seek suspension or revocation of the Respondent's certifications in this case. The evidence in this investigation is without a doubt clear and convincing that the serious misconduct described above did in fact occur.