KERN COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS UNIT
Investigative Report

Interna] Affairs Investigation **Received: December 6, 2021**

IA Case Number: DIIA2021-0036 **IA Investigator: Commander J. Carpenter**

SUBJECT OFFICER:

LIEUTENANT DAVID HUBBARD
Badge/ID: 1039/201784
Bureau: Detentions
Division: Downtown Services
Section: Central Receiving Facility

ALLEGATIONS:

CSR 1705.03	Conduct unbecoming an employee in the public service.
CSR 1705.04	Disorderly or immoral conduct.
CSR 1705.09	Neglect of duty.
CSR 1705.11	Violation of any lawful or reasonable regulation or order.
DPPM B-200	Duties of Personnel - Deputy Sheriffs.
DPPM B-300	Duties of Command Officers and Supervisors.
DPPM B-310	Sheriffs Office Watch Commander.
DPPM C-100	Rules of Conduct - Law Enforcement Personnel.

Reviewed by: Date: 4/8/2022

SUBJECT OFFICER:

(FORMER) SHERIFF'S AIDE V1 V1
Badge/ID: 201784
Office of the Undersheriff
Division: Compliance and Standards
Section: Professional Standards (TDY)

ALLEGATIONS:

CSR 1705.03	Conduct unbecoming an employee in the public service.
CSR 1705.04	Disorderly or immoral conduct.
CSR 1705.09	Neglect of duty.
CSR 1705.il	Violation of any lawful or reasonable regulation or order.
DPPM B-100	Duties of Personnel - All Members.
DPPM C-200	Rules of Conduct - Non-Sworn Personnel.

OFFICER WITNESS:

CHIEF DEPUTY ERIK LEVIG [971/201542]
Bureau: Detentions

SERGEANT JAMES NEWELL [878/201105]
Division: Investigations
Section: Detectives

SERGEANT DANIEL PEREZ [976/201545]
Division: Personnel
Section: Human Resources

SERGEANT RYAN PITCHER [1254/202394]
Division: Substations
Section: Northeast Area Substations

SERGEANT BRANDON RUTLEDGE [979/201268]
Division: Investigations
Section: Detectives

SERGEANT JUSTIN WEIDENKOPF [984/201688]
Division: Compliance and Standards
Section: Professional Standards

SENIOR DEPUTY JAMES MONEY [1201/201913]
Division: Special Investigations
Section: Special Enforcement

SENIOR DEPUTY BESS RUTTER [1210/202319]
Division: Compliance and Standards
Section: Professional Standards

SENIOR DEPUTY RAYMOND SEIBERT [1084/201917]
Division: Standards and Compliance
Section: Professional Standards

DEPUTY R9 R9 **[1311/202503]**
Division: Patrol
Section: Metro Patrol

DETENTIONS SERGEANT SCOTT HARBOUR [578/201497]
Division: Lerdo Facilities
Section: Pre-Trial

DETENTIONS SENIOR DEPUTY JAMES DUNLAP [920/202868]
Division: Compliance and Standards
Section: Professional Standards

DETENTIONS SENIOR DEPUTY JOSE HINOJOSA [467/201211]
Division: Compliance and Standards
Section: Professional Standards

SHAFTER POLICE OFFICER RACHEL CARRASCO (Former Detentions Senior Deputy)

SHERIFF'S SUPPORT TECHNICIAN [redacted] **[203548]**
Division: Compliance and Standards
Section: Professional Standards

SHERIFF'S SUPPORT TECHNICIAN [redacted] **[201837]**
Division: Investigations
Section: Detectives

ADMINISTRATIVE COORDINATORE [redacted] **[300083]**
Division: Personnel
Section: Human Resources

SHERIFF'S SENIOR SUPPORT SPECIALIST [redacted] **[203264]**
Division: Downtown Services
Section: Central Receiving Facility

ATTACHMENTS:

1. Kern County Sheriffs Office Complaint From.
2. Memorandum authored by Chief Deputy Erik Levig dated December 6, 2021.
3. Memorandums authored by Sergeant Ryan Pitcher dated December 3, 5, and 7, 2021.
4. Memorandum authored by Deputy [redacted] dated December 5, 2021.
5. Memorandum authored by Sergeant Daniel Perez dated December 10, 2021.
6. Memorandum authored by Sergeant Justin Weidenkopf dated December 10, 2021.
7. Memorandum authored by Senior Deputy Bess Rutter dated December 9, 2021.
8. Memorandum authored by SST [redacted] dated December 7, 2021.
9. Memorandum authored by SST [redacted] dated December 7, 2021.

10. Pictures of [redacted] cubicle.

11. Fleet Manager [redacted] Zonar email.

12. Commander Tim Posey and Communication Center Manager [redacted] email.

13. Technical Support Engineer II [redacted] email.

14. Sonitrol records for November 20 and 21 2021.

15. Picture of SA [redacted] at the front gate.

16. Lieutenant Hubbard and [redacted] time cards.

17. Cell Phone intent to search notification and cell phone extraction information.

18. Interview notifications and Interview Guides.

INVESTIGATIVE SUMMARY:

On December 6, 2021, Chief Deputy Adam Plugge authorized this Internal Affairs investigation (Attachment #1) after it was alleged Lieutenant David Hubbard and Sheriff s Aide [redacted] had an inappropriate sexual relationship. Hubbard is [redacted] immediate supervisor. It is further alleged the relationship took place in the Professional Standards Unit (PSU) office while Hubbard was the on-duty Watch Lieutenant.

Further investigation into this matter revealed, that Hubbard may have interjected himself into a current criminal/personnel investigation for personal reasons. This investigation involved accusations of misconduct [redacted] made against a Kern County Sheriff s Office (KCSO) employee. This investigation was conducted by PSU before being assigned to Internal Affairs.

On the evening of December 3, 2021, Deputy [redacted] called his supervisor, Sergeant Ryan Pitcher and informed him (Pitcher) he had been talking with [redacted] about their relationship. [redacted] and [redacted] were engaged to be married and have one child together. During the conversation, [redacted] disclosed to [redacted] that she had been "sleeping with" Hubbard.

On December 4, 2021, Chief Deputy Erik Levig received a text message from Hubbard, requesting a phone call. During the phone conversation, Hubbard informed Levig, that he (Hubbard) had an affair with [redacted] Hubbard explained he had informed his wife and [redacted] had informed [redacted] Hubbard requested a transfer and was subsequently moved to the Central Receiving Facility (CRF).

STATEMENTS

Officer Witness: Sergeant James Newell:

On January 12, 2022, I interviewed Sergeant James Newell at Sheriffs Office Headquarters. I told Newell he was being interviewed as a witness only and the interview was going to be recorded. Newell said he understood. I recorded the interview with a digital recorder. I transferred the digital recording to a computer file with this case number.

The following is a summary of my interview with Newell:

Prior to going on the record, I told Newell I wanted to interview him because he was assigned to detectives with both Hubbard and V1 When the interview started I asked Newell if he witnessed any inappropriate interaction between Hubbard and V1 Newell said, "No." I asked Newell, if he ever suspected they were involved in an inappropriate sexual relationship. Newell said, "No." Newell described Hubbard's relationship with V1 as "caring" due to V1 pre-existing medical conditions.

Newell had no further information to offer, I ended the interview.

Officer Witness: Sergeant Brandon Rutledge:

On January 18, 2022, 1 interviewed Sergeant Brandon Rutledge at Sheriffs Office Headquarters. I told Rutledge he was being interviewed as a witness only and the interview was going to be recorded. Rutledge said he understood. I recorded the interview with a digital recorder. I transferred the digital recording to a computer file with this case number.

The following is a summary of my interview with Rutledge:

I asked Rutledge how long he had worked with Hubbard and V1 Rutledge said he worked closely with both of them from the time he was assigned to the Detectives Section until their transfers. According to Rutledge, this would be roughly early 2019 to the date of their transfers. I asked Rutledge if he witnessed Hubbard treat V1 differently than other personnel assigned to the section. Rutledge explained, only in regards to V1 pre-existing medical condition. Rutledge told me outside of the accommodations Hubbard made for V1 medical condition, she was not treated differently. I asked Rutledge if he saw Hubbard and V1 leave the office and be gone for extended periods of time. Rutledge said, "No." I asked Rutledge if it would surprise him to learn they were involved in a sexual relationship. Rutledge said, "I was completely surprised."

Rutledge had no further information and I ended the interview.

Officer Witness: Deputy R9 R9

On December 5, 2021, R9 authored a memorandum regarding this incident (Attachment #4).

R9 documented a conversation he had with V1 where she discloses her sexual relationship with Hubbard. The majority of the memorandum documents R9 discussion with V1 about where her relationship with Hubbard took place. V1 denied the relationship took place at work.

End of summarized memorandum.

On January 13, 2022, I interviewed R9 at Sheriffs Office Headquarters. I told R9 he was being interviewed as a witness only and the interview was going to be recorded. R9 said he understood. I recorded the interview with a digital recorder. I transferred the digital recording to a computer file with this case number.

The following is a summary of my interview with R9

Prior to going on the record, I allowed R9 to review the memorandum he authored. Once on the record, I asked him if there was anything he needed to change or add. R9 told me the memorandum was accurate and the only thing he needed to add was an additional sexual encounter he was aware of between Hubbard and V1

I asked R9 how he knew Hubbard. R9 told me he met Hubbard through V1 and developed a friendship where their families would spend time together. I asked R9 if he believed the relationship between V1 and Hubbard played a role in Hubbard's wife's decision not to watch their child anymore. R9 told me he did not believe so.

I asked R9 what V1 told him about her pending sexual assault investigation. R9 said V1 was in the office alone with Senior Deputy S1 S1 when he touched her vagina over her clothing. R9 added the act was unwanted. I asked R9 if V1 transfer that Hubbard facilitated seemed odd to him. R9 told me at the time it did not and he felt they were just trying to remove her from the situation. I asked R9 if the move appears suspicious to him now. R9 told me it did.

I asked R9 if he felt the sexual encounter between V1 and Hubbard was a planned event on November 20, 2021. R9 told me he did not know and V1 told him it just happened; however, the November 21, 2021 encounter was planned. I asked R9 if he had any indication the relationship was occurring prior to November 20, 2021. R9 told me no and V1 explained to him they would talk a lot but the relationship had not become physical.

I asked R9 about November 21, 2021. R9 told me he worked that day. At some point V1 received a text message from Hubbard telling her, he missed her and wanted to see her. V1 left her children with a babysitter and then went to meet Hubbard at "work."

I asked R9 if there was any indication Hubbard was giving V1 information regarding personnel investigations she should not be privy to. R9 said, "Yes." R9 could not remember the exact date, but it was after his original memorandum. V1 informed R9 she had received information regarding S1 interview with Internal Affairs. V1 told R9 she (V1 knew things she was not supposed to know. I asked R9 what

information she was given. V1 said S1 accused her of being violent, crazy, and unstable. I asked R9 if V1 told him where she got this information. R9 told me she did not. I asked R9 if he was assuming this information came from Hubbard. R9 said, "Yes." I asked R9 if Hubbard ever talked to him about the S1 investigation. R9 said, "No." I asked R9 if the majority of the information he got about the S1 investigation was from V1 R9 said, "Yes."

R9 had nothing further to add and we concluded the interview.

Officer Witness: Chief Deputy Erik Levig:

On December 6, 2021, Levig authored a memorandum documenting a text message and phone conversation he had with Hubbard (Attachment #2).

The following is a summary of Levig's memorandum:

On December 4, 2021, Levig received a text message from Hubbard requesting a phone call. When Levig called Hubbard, he could tell Hubbard was upset. Hubbard told Levig, he (Hubbard) had "fucked up pretty bad." Hubbard told Levig he had been involved in an extramarital affair with V1 Hubbard said he was trying to salvage his marriage and requested a transfer. Hubbard was subsequently transferred to CRF. Levig's memorandum also described the circumstances that led to V1 transfer to PSU. Levig did not ask Hubbard any questions.

End of summarized memorandum.

On February 24, 2022, I spoke to Levig regarding his memorandum dated December 6, 2021. After reviewing his memorandum Levig had nothing further to add.

Officer Witness: Sergeant Justin Weidenkopf:

On December 10, 2021, Sergeant Justin Weidenkopf authored a memorandum regarding the staff misconduct between Hubbard and V1 (Attachment #6).

The following is a summary of Weidenkopf s memorandum:

Weidenkopf documents his knowledge of V1 and Hubbard's close personal relationship. In April of 2021, V1 made sexual assault allegations against S1 that led to a criminal investigation conducted by PSU, supervised by Weidenkopf. Shortly after the onset of the criminal investigation, Hubbard had two meetings with V1 outside the presence of PSU investigators. During this time Hubbard was assigned to the Internal Affairs Section. While assigned to Internal Affairs, Hubbard requested investigative updates from Weidenkopf. The quality of the investigation was then brought into question by Sheriffs Administration, prompting a meeting between PSU staff and Administration. At the conclusion of the meeting, PSU staff was ordered to provide no further updates to Hubbard. Shortly after this date, Weidenkopf saw Hubbard on KCSO grounds. Hubbard requested an investigative update that was denied by Weidenkopf.

On May 21, 2021, Hubbard was transferred to PSU, and in June facilitated V1 transfer to PSU. Upon V1 arrival at PSU, she fell under Weidenkopf s supervision. In August or September, Hubbard informed Weidenkopf he (Hubbard) would be taking over supervision of V1 due to her working on projects related to the section.

During the week of November 29, 2021, Weidenkopf observed a deterioration in V1 behavior. Weidenkopf learned V1 was having marital problems and later that day saw her enter Hubbard's office and close the door. Due to Weidenkopf s office sharing a door with Hubbard's he could overhear V1 crying.

On December 6, 2021, while preparing for a meeting with the Department of Justice, Weidenkopf learned Hubbard would not be attending. Weidenkopf contacted Hubbard via text message and learned of his affair with V1

End of summarized memorandum.

On March 1, 2022, 1 interviewed Weidenkopf at Sheriffs Office Headquarters. I told Weidenkopf he was being interviewed as a witness only and the interview was going to be recorded. Weidenkopf said he understood. I recorded the interview with a digital recorder. I transferred the digital recording to a computer file with this case number.

The following is a summary of my interview with Weidenkopf:

Weidenkopf told me his memorandum was complete and he had nothing to add. I drew Weidenkopf s attention to the portion of his memorandum where he discussed Hubbard taking over the supervisory duties of V1 I asked Weidenkopf if he felt there was anything that led to Hubbard taking over supervision of V1 Weidenkopf told me the due date of her EPR may have been getting close, but he was not sure. Weidenkopf explained that V1 was dealing with some issues and reporting to work late. Weidenkopf told me he had been addressing punctuality issues with V1 verbally. Weidenkopf felt there was a possibility Hubbard took over supervision of V1 to avoid her being punished. I asked Weidenkopf if this appeared odd to him. Weidenkopf told me it did; however, V1 was working on special projects assigned to PSU.

I asked Weidenkopf if he ever saw Hubbard and V1 hold hands in the office. Weidenkopf said, "No." I asked Weidenkopf if he ever saw Hubbard and V1 kiss in the office. Weidenkopf said, "No." I asked Weidenkopf if he ever saw Hubbard and V1 spend extended periods of time behind closed doors. Weidenkopf said, "Yes." Weidenkopf added one incident was discussed in his memorandum. Weidenkopf estimated V1 spent about one hour a day in Hubbard's office, sometimes with the door closed sometimes with it open.

I asked Weidenkopf if he was aware of any incident where Hubbard, acting in a criminal investigator capacity, had knowledge of a personnel matter involving S1 Weidenkopf told me he did. Weidenkopf explained after Internal Affairs interviewed S1 Hubbard began to act angry. Weidenkopf confronted Hubbard about his behavior and learned Hubbard was upset due to allegations S1 made against him, making him a subject officer in an Internal Affairs

investigation. Hubbard then mentioned having to call the union to obtain representation. I asked Weidenkopf if acting angry was out of character for Hubbard. Weidenkopf said, "Yeah, absolutely."

Weidenkopf had nothing further to add and we concluded the interview.

Officer Witness: Sergeant Ryan Pitcher:

On December 3, 2021, Pitcher authored the first of three memorandums regarding conversations he had with R9 (Attachment #3).

The following is a summary of Pitcher's memorandums:

On the evening of December 3, 2021, Pitcher received a phone call from R9 who informed him of the affair V1 was having with Hubbard. R9 did not know how long the relationship had been going on. Pitcher recognized the issue this presented with Hubbard supervising V1 in PSU.

On December 5, 2021, Pitcher authored an additional memorandum regarding conversations he had with R9 explained he had been talking to V1 about where the sexual interaction took place. V1 told R9 it was on her own time, but did not specify a location. R9 added that V1 would stay late at work and Hubbard was attempting to create a special position for her within PSU.

On December 7, 2021, Pitcher authored his final memorandum regarding this incident. R9 was hesitant to tell Pitcher the information because he believed the information could get the involved parties fired, and he did not want V1 to be financially unstable since they shared a child.

R9 told Pitcher he spoke with V1 again in person and recorded their conversation. Pitcher asked R9 if he recorded the conversation because the information he received was potentially criminal. R9 believed the information was criminal in nature.

R9 asked V1 for further details regarding her sexual encounter(s) with Hubbard. V1 told R9 the first sexual encounter occurred on Saturday, November 20, 2021. V1 went into work on overtime to work on the BlueTeam system. V1 told R9 she was unaware Hubbard was at work as well. V1 said she had sexual intercourse with Hubbard while at work; however, it was not her initial intention and it "just happened."

The second sexual encounter occurred the next day, Sunday, November 21, 2021. V1 told R9 she went to work (Headquarters) intending to have sexual intercourse with Hubbard. V1 said she had sexual intercourse with Hubbard again. V1 told R9 she did not charge overtime hours on this day because she knew it would be wrong.

End of summarized memorandum.

On March 2, 2022, 1 conducted a recorded interview with Pitcher. Pitcher was allowed to review his memorandum prior to going on the record.

Pitcher had no additional information to add and I concluded my interview.

Officer Witness: Senior Deputy Bess Rutter:

On December 9, 2021, Senior Deputy Bess Rutter authored a memorandum regarding her observations of Hubbard and V1 while assigned to PSU (Attachment #7).

The following is a summary of Rutter's memorandum:

Rutter's assigned workstation in the PSU office is directly across from V1 On numerous occasions, Rutter observed Hubbard enter V1 cubicle and begin "speaking closely and whispering to each other." Later V1 constructed a set of makeshift doors to her cubicle. Hubbard would enter the cubicle and close the doors while remaining inside for 15 to 30 minutes at least once a week. Rutter concluded her memorandum by adding she would also see V1 inside Hubbard's office with both doors and blinds shut.

End of summarized memorandum.

On March 2, 2022, 1 conducted a recorded interview with Rutter. Rutter was allowed to review her memorandum prior to going on the record.

Rutter had no additional information to add and I concluded my interview with her.

Officer Witness: Detentions Senior Deputy Jose Hinojosa:

On March 8, 2022, I interviewed Detentions Senior Deputy Jose Hinojosa via phone. I told Hinojosa he was being interviewed as a witness only and the interview was going to be recorded. Hinojosa said he understood. I recorded the interview with a digital recorder. I transferred the digital recording to a computer file with this case number.

The following is a summary of my interview with Hinojosa:

I asked Hinojosa if he ever witnessed anything inappropriate occur between Hubbard and V1 while he was assigned to PSU. Hinojosa told me he saw them sitting close to one another working on the computer while in Hubbard's office. Hinojosa added he also witnessed them whispering while in V1 cubicle. Hinojosa felt it was a little bit inappropriate for the workplace but did not think it was his place to say anything. I asked Hinojosa if he could see inside Hubbard's office when they were in there together. Hinojosa said normally he could, but two or three days prior to the affair being known the blinds and door were shut.

Hinojosa had no further information and I concluded my interview with him.

Officer Witness: Sergeant Daniel Perez:

On December 10, 2021, Sergeant Daniel Perez authored a memorandum regarding Hubbard's involvement in an ongoing personnel investigation he was conducting. (Attachment #5).

The following is a summary of Perez' memorandum:

Prior to October 15, 2021, Perez notified V1 of his intent to interview her. A short time later Perez received a phone call from Hubbard who explained V1 was nervous about the interview and requested to attend the interview as her "support group." Perez approved the request.

Prior to the interview, Perez met with Hubbard and V1 to explain the format of the interview in an attempt to alleviate her anxieties. On October 15, 2021, Perez conducted his interview with V1 and Hubbard attended.

Prior to November 22, 2021, Hubbard contacted Perez and requested to know the date of the subject officer interview (S1 for the purpose of informing V1 so they did not cross paths. Perez told Hubbard the date the interview was scheduled (November 22, 2021).

On November 23, 2021, Hubbard approached Perez and asked how the interview went. Perez informed Hubbard he may need to interview him due to allegations that he and V1 were having an affair.

End of summarized memorandum.

On March 10, 2022, I interviewed Perez at Sheriffs Office Headquarters. I told Perez he was being interviewed as a witness only and the interview was going to be recorded. Perez said he understood. I recorded the interview with a digital recorder. I transferred the digital recording to a computer file with this case number.

Prior to going on the record, I allowed Perez to review his memorandum. Perez told me the memorandum was accurate. I told Perez I had a few questions for him.

I asked Perez if Hubbard was an observer during his interview with V1 Perez told me he was and remembered Hubbard touching V1 on the elbow when he asked serious questions. Perez said Hubbard may have said something near the end of the interview but for "99%" of the time he observed. I asked Perez if V1 was emotional during the interview. Perez told me V1 paused a lot during the interview, but did not become emotional. Perez added after the interview V1 began to cry.

I asked Perez if he thought it was odd when Hubbard contacted him and requested the date for the subject employee interview. Perez said he did and he would expect the request to come from V1 I asked Perez when did he receive the call from Hubbard. Perez told me a couple of days to a week before the interview.

I asked Perez how Hubbard reacted when he was told that he may need to be interviewed. Perez told me Hubbard looked "annoyed," and made a comment about needing to bring a representative. I confirmed with Perez that he told Hubbard about the accusations of an affair between him (Hubbard) and V1 Perez said, "Yes." I confirmed with Perez that this conversation took place on November 23, 2021. Perez told me that was correct.

I asked Perez if Hubbard ever asked him about the S1 investigation on any other occasions. Perez told me Hubbard came to see him prior to the S1 interview. Perez had developed his questions for S1 interview. Perez showed the questions to Hubbard and asked for a critique. Perez said Hubbard gave him a suggestion on one question, but he did not make any changes to his line of questioning.

I asked Perez what information he gave to Hubbard on November 23, 2021. Perez said he informed Hubbard, that S1 blamed everything on V1 and accused her of having affairs with several people, one being Hubbard. S1 also accused V1 of being "crazy." I confirmed with Perez, that the only person he released this information to outside of the Internal Affairs Unit was Hubbard. Perez said, "Yes."

I asked Perez why he talked to Hubbard about this investigation. Perez told me Hubbard was the Lieutenant of Internal Affairs at the onset of the investigation and had been a mentor to him (Perez). Perez explained he was seeking advice and believed Hubbard was someone he could confide in. I asked Perez if he trusted Hubbard. Perez said, "Yes." I asked Perez how long had he worked with Hubbard in various assignments. Perez told me about four years.

I asked Perez if he felt Hubbard took advantage of their relationship. Perez told me he did and Hubbard had an emotional relationship with V1 that clouded his judgement. I asked Perez if it appeared V1 had been coached during her interview. Perez told me he found her answers to be genuine, but he could not be sure.

Perez had no further information and I concluded my interview with him.

Witness: Sheriffs Support technician W1

On December 7, 2021, Sheriffs Support Technician W1 authored a memorandum regarding her observations of Hubbard and V1 while assigned to PSU (Attachment #8).

The following is a summary of W1 memorandum:

W1 observed a flirtatious relationship develop between Hubbard and V1 W1 never observed a physical relationship between the two individuals, but did observe them spending long periods of time together behind closed doors in Hubbard's office. W1 also witnessed them both leaving headquarters together to get coffee and taking a long time to return to the office.

End of summarized memorandum.

On March 3, 2022, I conducted a recorded interview with W1 W1 was allowed to review her memorandum prior to going on the record.

W1 had no additional information to add and I concluded my interview with her.

Witness: Sheriffs Support Technician R2 R2

On December 7, 2021, Sheriff's Support Technician R2 R2 authored a memorandum regarding her observations of Hubbard and V1 while assigned to PSU (Attachment #9).

The following is a summary of R2 memorandum:

During the previous few months, R2 observed odd work behavior and acts of unprofessionalism between V1 and Hubbard. There were several incidents R2 thought were unprofessional due to V1 working under the supervision of Hubbard. Some of the interactions and conversations between them were flirtatious towards each other. V1 spent a great deal of time in Hubbard's office, at times with the door closed. On several occasions, R2 witnessed Hubbard pick up and carry V1 to his office due to her having "dizzy spells."

End of summarized memorandum.

On March 7, 2022, I conducted a recorded interview with R2 was allowed to review her memorandum prior to going on the record. Prior to going on the record, R2 talked about multiple occasions where V1 would report to work late. Once going on the record I asked about her observations regarding V1 punctuality. I asked R2 if it seemed to be accepted that she was reporting to work late. R2 told me to her knowledge it did. I asked R2 if it appeared V1 was ever disciplined for reporting to work late. R2 said, "No." I asked R2 if it appeared V1 was held to the same standard she (R2 was held to. R2 said, "Absolutely not."

R2 had no further information and I concluded my interview with her.

Witness: Administrative Coordinator R7 R7

On March 10, 2022, I interviewed Administrative Coordinator R7 R7 at Sheriffs Office Headquarters. I told R7 she was being interviewed as a witness only and the interview was going to be recorded. R7 said she understood. I recorded the interview with a digital recorder. I transferred the digital recording to a computer file with this case number.

I told R7 I had a few questions for her regarding her IA Pro Conference in Florida that she attended along with V1 R7 and V1 left on November 1, 2021, and returned on November 5, 2021. I asked R7 if she saw V1 communicate with Hubbard while they were in Florida. R7 told me it was via text several times during the day. I asked R7 if it appeared to be daily. R7 said, "Yes." I asked R7 if it was multiple times a day. R7 said, "Yes." I asked R7 if that seemed odd to her. R7 said, "Yes." R7

told me V1 would receive phone calls during the day, but she was not sure who V1 was speaking to. When V1 would receive text messages she was able to see the name of the sender on V1 phone.

I asked R7 if the amount of communication Hubbard had with V1 seemed odd to her. R7 told me it seemed "abnormal." I asked R7 if the communication seemed personal or work related. R7 told me she did not know the content of the messages. I asked R7 for perspective, how many times Perez called her (R7 direct supervisor) during the IA Pro Conference. R7 said, "Zero." I asked R7 how many times I called or texted her. R7 said once regarding the use of force statistics Levig requested.

R7 had no further information and I concluded my interview with her.

I conducted recorded interviews with the following personnel who were assigned to the Professional Standards Unit at the same time as Hubbard and V1 The following personnel had no evidence nor did they witness misconduct.

Senior Deputy Janies Money
Senior Deputy Raymond Seibert
Detentions Sergeant Scott Harbour
Detentions Senior Deputy James Dunlap
Shafter Police Department Officer Rachel Carrasco (Former Detentions Senior Deputy)
SSSS R8 R8

Subject Officer: (Former) Sheriff's Aide V1 V1

On January 26, 2022, Sergeant Danisha Ashley and I interviewed V1 at Kern County Sheriffs Office Headquarters. V1 chose not to have a representative during the interview. I recorded the interview with a digital recorder and transferred the recording to a file under this case number.

This interview was conducted in compliance with Government Code, Division 4, Title 1, Section 3300, commonly known as the "Peace Officers' Bill of Rights" and Sheriffs Office Policy and Procedures Manual Section D-200 or Section D-300.

Prior to asking V1 any questions, I confirmed with her she understood she had the right to representation. V1 told me she did and she was choosing to proceed without.

I asked V1 to describe her relationship with Hubbard prior to this incident. V1 described their relationship as professional and friendly. I asked V1 if there was a personnel relationship with Hubbard. V1 told me Hubbard's wife babysat her children and they also hung out at family events together.

I asked V1 to describe her relationship with Hubbard now. V1 told me they do not have a relationship and they have not spoken in a few months. I asked V1 if the relationship was ever flirtatious or romantic at work. V1 said, "Yes, it was." I asked

V1 if the relationship was flirtatious prior to the weekend of November 20, 2021. V1 told me it was. V1 told me the relationship became flirtatious over time. V1 explained she and Hubbard would kiss on the lips and hold hands. I asked V1 if this would occur at work. V1 told me it would. I asked V1 where this would take place so that co-workers would not see it. V1 said in her work area or Hubbard's office.

I showed V1 a picture of her cubicle with makeshift cardboard doors. I asked V1 what the doors were for. V1 told me it was a joke because she wanted an office. V1 told me she put the doors on months before anything romantic took place between her and Hubbard. I asked V1 if Hubbard would ever go into the cubicle and close the doors. V1 told me she did not remember. I asked V1 if any of the kissing or holding hands would ever occur in the cubicle. V1 said, "Yeah." I asked V1 looking back, was that appropriate. V1 said, "No." I asked V1 how they would kiss or hold hands without being seen. V1 told me there would not be anyone in the office. Ashley asked when the flirtation started. V1 estimated in September or October of 2021, after she was assigned to PSU.

I told V1 I had Sonitrol records showing her entering KCSO grounds and accessing the PSU office on November 20, 2021. I asked V1 what her purpose was for being there that day. V1 said she went to work with the intent of working on a BlueTeam project, but also to spend time with Hubbard. V1 added she knew Hubbard was going to be there. I asked V1 how she knew he was going to be there that day. V1 said Hubbard, told her he was going to be on duty.

I asked V1 if a sexual encounter occurred on November 20, 2021. V1 told me it did, in Hubbard's office, but she was unsure of the exact time. I asked V1 if Hubbard was in uniform. V1 told me Hubbard was in uniform. I asked V1 if Hubbard's radio was on. V1 said, "Yeah." I asked V1 who initiated the encounter. V1 said it was mutual. I asked V1 if she went to the PSU office that day with the intent of having sex with Hubbard. V1 told me it was not planned.

I asked V1 if she received a text from Hubbard later in the day on November 20 or 21, 2021. V1 told me she was not sure and was unable to locate archived text messages on her phone. I asked V1 if another sexual encounter occurred on November 21, 2021. V1 said, "Yes." V1 told me she did not have her access card so Hubbard had to scan her through the front gate. I asked V1 why she came to the office on November 21st. V1 told me she cannot remember if she called him (Hubbard) or he called her, but they talked on the phone. They talked about missing each other and the decision was made for V1 to go see Hubbard at work. I asked V1 if she responded to work on November 21st, with the intent to have sex. V1 told me that was the intent, the topic of sex was not discussed but it was assumed that the visit was going to be for sex.

V1 told me the sexual encounter on November 21st took place in Hubbard's office. V1 explained Hubbard was on-duty in uniform and she believed his radio was on. I asked V1 if she and Hubbard were attempting to conceal their actions when Hubbard opened

the gate for her. V1 told me they were not and she did not have her access card. I asked V1 if anyone showed up at the PSU office on Saturday or Sunday. V1 said, "No."

I asked V1 if she felt like Hubbard gave her preferential treatment or treated her differently than others. V1 told me she did and she felt like she was being "coddled." V1 added that she was given work assignments that would benefit her professionally and look good on a resume. Ashley asked V1 if she felt like she was being given more mentorship. V1 said, "Yeah." Ashley asked if this mentorship or coddling started before the physical relationship. V1 said it started before.

I referenced V1 health issues and asked if she felt the preferential treatment she received was beyond what was needed to accommodate her condition. V1 told me it was and she was given assignments and received special instruction on how to complete them. I asked V1 if these were opportunities Hubbard was not giving others. V1 told me it was, but she did not know what everyone else was doing. Ashley asked V1 if she felt Hubbard went out of his way to help her progress in her duties more than others. V1 said, "Yeah, maybe a little bit."

I told V1 I wanted to talk about her involvement in the S1 investigation. I explained to V1 that as I have gathered information regarding her and Hubbard it has become obvious that she was probably being given information she was not supposed to have. I asked V1 if Hubbard talked to her at all about the criminal investigation into S1 V1 said, "No." V1 explained the only time she spoke to Hubbard about the criminal investigation was in May of 2021. V1 felt uncomfortable in the Detective Section and called Hubbard crying and requested for him to arrange a transfer.

I asked V1 if Hubbard ever gave her information about S1 Internal Affairs investigation. V1 said, "Yeah." V1 told me after S1 interview with Internal Affairs, Hubbard told her about S1 defense in response to the allegations made against him. Hubbard told V1 that S1 accused her of "coming on," to him. I asked V1 if Hubbard indicated where he received this information. V1 told me she believed it was from me and Perez. I asked V1 if Hubbard mentioned me specifically. V1 told me she could not remember. I asked V1 if Hubbard mentioned that S1 called her "violent and crazy." V1 told me he did.

I asked V1 why Hubbard attended her Internal Affairs interview. V1 told me she asked him to attend as support. I asked V1 if their relationship had become flirtatious at this point. V1 told me when her interview took place she did not believe so. V1 added she was not sure about the timeframe of S1 Internal Affairs interview. I told V1 S1 interview was on November 22nd, the day after her and Hubbard's encounters. I asked V1 if they still communicated after November 22nd. V1 told me they did. V1 added things started to go bad the first week of December 2021.

I asked V1 if there were any other sexual encounters after the weekend of November 20th and 21st. V1 told they did not have sex, but they did kiss. I asked V1 what lead

to the affair getting out. V1 told me she was confronted by her fiance at the time. V1 told him about the affair and that it was with Hubbard.

Ashley asked V1 to clarify the timeline of their flirtatious behavior. V1 described it as "unspoken" flirtatiousness. V1 added when she went to the IA Pro Conference (November 1-5, 202 1) in Florida she and Hubbard spoke on the phone and the flirtation progressed. Ashley asked if anyone was aware of the relationship. V1 said she did not think so. I asked V1 if the conversations she and Hubbard had while she was in Florida were sexual in nature. V1 told me they expressed to one another that they had feelings for each other.

Ashley asked V1 if she kept in contact with Hubbard throughout the day. V1 explained that they would have phone calls after work and added that they did not text often. I asked V1 what phone Hubbard would communicate with her from. V1 told me from his work phone. Ashley asked V1 if they ever exchanged inappropriate pictures. V1 said they did not. I asked V1 why she called his work phone. V1 told me that was the phone he contacted her from, so that's the number she would call.

I asked V1 how many supervisors she has worked for at the Sheriff s Office. V1 estimated more than five. I asked V1 if any of those supervisors called her after hours to "BS." V1 said, "No." I asked V1 if she would categorize Hubbard's calls after hours as "BSing or chatting." V1 said, "Yeah."

I asked V1 if Hubbard provided her with any other information regarding the S1 investigation. V1 told me no. I asked V1 at the time Hubbard was providing her the information, did she know it was wrong. V1 said, "Yeah."

V1 had no further information and we concluded the interview.

Subject officer: Lieutenant David Hubbard:

On March 25, 2022, Lieutenant Augustine Moreno and I interviewed Hubbard at Kern County Sheriffs Office Headquarters. Hubbard was accompanied by his attorney Brett Rutkowski. I recorded the interview with a digital recorder and transferred the recording to a file under this case number.

This interview was conducted in compliance with Government Code, Division 4, Title 1, Section 3300, commonly known as the "Peace Officers' Bill of Rights" and Sheriffs Office Policy and Procedures Manual Section D-200 or Section D-300.

I asked Hubbard to describe his and V1 relationship prior to November of 2021. Hubbard said it was a professional relationship that progressed into a friendship outside work and their families would spend time together. I asked what their relationship was like now. Hubbard said it is nonexistent. I asked Hubbard when he felt the relationship was more than just professional. Hubbard said at the beginning of November 2021. 1 asked Hubbard when did he and V1 express feelings for each other. Hubbard told me it was early November 2021, but could not recall the exact date. I asked Hubbard if a conversation occurred while V1 was

at the IA Pro Conference where they disclosed their feelings. Hubbard said, "Yes, it was over the phone."

I asked Hubbard if he had frequent communication with V1 Hubbard told me he did it through his work phone. I asked Hubbard why he used his work phone. Hubbard said initially it was because V1 worked for him. Once the relationship progressed into something more, it was to conceal it from his wife.

I asked Hubbard to tell me about the weekend of November 20 and 21, 2021. Hubbard told me he was the Watch Lieutenant and V1 came in to work on a BlueTeam project. While there they engaged in sexual intercourse. I confirmed with Hubbard the initial encounter took place on November 20th. Hubbard told me that was correct. I asked Hubbard if there was an additional encounter on November 21st. Hubbard told me there was and confirmed he was the Watch Lieutenant again on this day. I asked where these encounters took place. Hubbard told me the PSU office. I asked Hubbard where specifically. Hubbard told me in his office.

I asked Hubbard why V1 came to the office on November 21, 2021. Hubbard told me V1 requested to come to speak with him. I asked Hubbard if a conversation took place late on November 20th or early on the 21st where he and V1 told each other they missed one another and wanted to see each other. Hubbard told me he did not recall and he was with his wife on the evening of November 20th. Hubbard added he was sure they had a conversation, but his recollection was V1 wanted to talk to him, but could not recall the exact content of the conversation. I asked Hubbard how V1 told him she wanted to talk. Hubbard told me it would have been either by text or over the phone on the morning of November 21st. I asked Hubbard if it was his perception she was coming to see him to have sex. Hubbard said he did not know that was why she was coming to the office and the topic of sex was not discussed. I asked Hubbard if he knew he was going to have sex. Hubbard said he knew it was a possibility, but it was not his intent.

I asked Hubbard how V1 accessed KCSO grounds on November 21st. Hubbard said she called him and he let her in. I asked Hubbard if he was attempting to conceal her presence by granting her access. Hubbard said he was not and she did not have her access card. I asked Hubbard if the sexual encounter on November 20th was planned. Hubbard said, "No." I asked Hubbard if the sexual encounter on November 21st was planned. Hubbard said not to his recollection. I asked Hubbard why these took place in the workplace. Hubbard told me that was not the intent, but it was probably due to a lack of opportunity outside of the workplace since they both are involved in relationships. I asked Hubbard who initiated these sexual encounters. Hubbard told me it was mutual.

I asked Hubbard if being involved in a sexual encounter while at work would take him away from his duties. Hubbard said, " The obvious answer is yes," but he had his radio and phones on and was available as needed. I asked Hubbard if he felt he was still able to effectively manage KCSO operations as the ranking member. Hubbard said he felt he was able to respond to a situation that required his attention; however, he was not actively monitoring KCSO operations at that time. I asked Hubbard if he felt this was what was expected of a KCSO manager. Hubbard said, "Absolutely not." I asked Hubbard if he felt this was an appropriate relationship to have in the

workplace. Hubbard said it is not. I asked Hubbard, once he and V1 realized and expressed feelings for each other, was it still appropriate for him to supervise her. Hubbard said, "Probably not."

I asked Hubbard if there were any other displays of affection. Hubbard told me there was kissing and holding hands. This would take place while driving or in the office when no one else was present. I asked Hubbard if any of this took place in his office behind closed doors. Hubbard said, "Yes." I asked Hubbard if this would take place in V1 cubicle. Hubbard told me they held hands in V1 cubicle. I asked Hubbard if the makeshift doors V1 installed on her cubicle were there with the intent to conceal their actions. Hubbard said they were not and they were installed long before anything romantic was occurring. Hubbard added they spent a significant amount of time together due to the workload.

I asked Hubbard why he reported the affair to Levig. Hubbard said once the affair was known he could not be around V1 and it was not appropriate for him to be in PSU any longer.

I asked Hubbard what phone he primarily used to communicate with V1 Hubbard said his work cell phone. I asked Hubbard why he used his work phone. Hubbard said to conceal the affair from his wife. I asked Hubbard if any of the texts or calls were not work related. Hubbard said, "Sure yeah."I asked Hubbard if anything inappropriate was ever shared via text. Hubbard said, "No." I asked Hubbard if any texts were deleted from his phone. Hubbard said yes and explained his wife had access to his phone and was suspicious of his and V1 relationship well before it developed into anything. Hubbard added if his wife saw the volume of communication between him and V1 it would be less than ideal for their relationship.

I told Hubbard I had time to review his cell phone records and noticed gaps in communication between him and V1 from:

November 8, 2021, to November 17, 2021, and November 22, 2021, to November 30, 2021 (texts)
November 5, 2021, to November 17, 2021, and November 17, 2021, to November 30, 2021 (calls)

I told Hubbard given the frequency he and V1 communicated this seemed odd to me. I asked Hubbard if there was anything deleted. Hubbard said, "I'm sure there was." Hubbard said there was significant conversation between him and V1 that was deleted to conceal the information from his wife. Moreno asked if the information was deleted to conceal it from this investigation. Hubbard said, "Absolutely not." Hubbard added once their relationship was known he did not delete anything. Hubbard explained he did not try to impede any information from this investigation. Moreno asked Hubbard if he was trying to be open and honest. Hubbard said, "100%." Hubbard added as ashamed he may be, he is not going to do anything to make this any worse. I asked Hubbard if he deleted anything after he knew I was going to take his phone. Hubbard said, "No." I told Hubbard I also noticed there were no texts or calls on the weekend of November 20 and 21, 2021. I asked Hubbard if anything was deleted. Hubbard said, "Yes."

I asked Hubbard if he felt he showed V1 preferential treatment. Hubbard said, "I do not." I asked Hubbard if he allowed V1 to report to work late with no repercussions. Hubbard said he allowed V1 to flex her time as he has done for any other employee that has worked

for him. Hubbard explained "life happens" and as long as you are making up the time on the backend it works for him. I asked Hubbard if he allows others to do the same. Hubbard said, "100%, I still do." I asked Hubbard if he gave V1 assignments that he knew would benefit her in the future. Hubbard said, "Absolutely, just like he would anybody else." I asked Hubbard if he provided V1 more opportunities for advancement than what was being provided to other staff. Hubbard said, "No." Hubbard explained, that when V1 came to PSU she was designated as an analyst, the projects he gave her were for analysts. Hubbard told me he was trying to create a position for an analyst, so he needed to justify the need. Hubbard added that V1 was given the assignments she was given because of the position she was in, not because of who she was.

I asked Hubbard if those assignments V1 was given were within the scope of the position he hoped to create. Hubbard said, "Absolutely." I asked Hubbard if he assumed supervision of V1 Hubbard said, "I did." I asked Hubbard why he took V1 out of Weidenkopf s chain of command. Hubbard told me the tasks she was being given were not Weidenkopf s responsibility. Hubbard added he and Weidenkopf had different views as to what the position was going to be responsible for. Hubbard wanted the position to be responsible for Stipulated Judgment type tasks. Weidenkopf wanted the position to do analytical work for PSU. Hubbard went on to explain, that everything V1 was doing was assignments given to her by him, not Weidenkopf. This caused V1 to get conflicting directions. I asked Hubbard if V1 was having disciplinary issues. Hubbard told me the only issue she was having was she would come in late and stay late. I asked Hubbard if he assumed supervision of V1 to ensure she was not disciplined. Hubbard told me he did not. I asked Hubbard if he assumed supervision of V1 to give him more time with her. Hubbard said, "No."

I asked Hubbard if he spent excessive time with V1 Hubbard told me he did not. Hubbard explained he was responsible for a significant portion of the Stipulated Judgment. Much of V1 task focused on portions of the Stipulated Judgement causing them to spend time together. I asked Hubbard if he and V1 would leave the office for extended periods of time to get coffee. Hubbard told me they would not. Hubbard explained they would go to meetings and may stop to get coffee. Hubbard provided an example of a meeting he and V1 attended at the Communication Center, where they stopped for coffee on the way back to the office. I asked Hubbard if he and V1 spent excessive time alone together behind closed doors. Hubbard said, he provided V1 counseling for some personal issues she was going through that could have been misinterpreted. Hubbard added that he and V1 did spend a great deal of time together, but it was based on the volume of work that needed to be completed.

I confirmed with Hubbard that at the onset of the S1 investigation he was the Internal Affairs Lieutenant. Hubbard told me that was correct. I asked Hubbard how he became aware of the S1 investigation. Hubbard told me a portion of the investigation was administrative and Internal Affairs placed S1 on Administrative Leave. Hubbard was also aware that PSU was haying some issues with their investigation and V1 did not want to wear a wire. This led Hubbard to have a conversation with V1 about the wire, where she ultimately agreed to wear the wire. I asked Hubbard if this conversation took place between him and V1 Hubbard told me it did.

I asked Hubbard if he requested updates from PSU investigators. Hubbard told me he was sure he did. I asked Hubbard for what purpose. Hubbard said so Internal Affairs would know when the criminal investigation was complete. Hubbard explained there have been times in the past when this notification was not made and impacted the administrative timeline. I asked Hubbard if he provided any information regarding the criminal investigation to V1 Hubbard told me he did not. I asked Hubbard if he coached V1 Hubbard told me he did not and by the time he found out about it, V1 had already been interviewed. I asked Hubbard if he attempted to influence the criminal investigation. Hubbard told me he did not and added he attempted to help them conduct a thorough investigation. Hubbard cited his investigative experience and added that he did not attempt to influence the investigation or attempt to get it to go one way or the other. Hubbard told me the investigation had shortcomings and he only assisted by getting V1 to wear a wire for the purpose of obtaining evidence. I asked Hubbard if he provided input to an investigation he saw had issues. Hubbard told me that was correct and he provided input to the investigation and guidance to the victim (V1 in an effort to gain V1 cooperation.

I asked Hubbard if he complained to the Command Staff about the issues with the investigation. Hubbard told me he had a conversation with Command Staff where this viewpoint was mutually shared. Hubbard added he respected everyone in PSU, but not everyone had a deep level of investigative experience. Hubbard explained when he was asked to go to PSU it was due to his investigative experience, which was lacking within the unit. I asked Hubbard who he informed in the chain of command. Hubbard told me he spoke to retired Chief Deputy Damian Nord, and had other conversations with members of the Command Staff, but could not recall who. I asked Hubbard if he still received investigative updates after this conversation with Nord. Hubbard told me he was sure he did. I asked Hubbard what the nature of his and V1 relationship was. Hubbard told me it was professional but there was a friendship as well because she had worked for him or around him for a while.

I asked Hubbard if he recalled what the status of the S1 investigation was when he transferred to PSU. Hubbard told me he believed the case had been filed with the District Attorney's Office. I told Hubbard the case was filed on May 4, 2021, and rejected on June 3, 2021. I asked Hubbard what his involvement was at that point. Hubbard told me nothing other than to keep track of it. At one point the reviewing Deputy District Attorney requested to meet with V1 Hubbard took V1 to the meeting, and later received information that the case would not be moving forward. I asked Hubbard if he felt taking V1 to this meeting was within the scope of his job at PSU. Hubbard said, "Absolutely."

I asked Hubbard if he asked about the time and date of S1 administrative interview. Hubbard told me he did. Hubbard explained that V1 expressed concern and requested to know when he was going to be on KCSO grounds so she could take time off. I asked Hubbard if he felt V1 would have had a significant emotional reaction had she run into S1 Hubbard told me he did.

I asked Hubbard if V1 approached him, once she was noticed by Internal Affairs that they intended to interview her. Hubbard said, "Yes." Hubbard told me he attended V1 interview as her representative after being granted permission by Perez. I asked Hubbard why he

attended the interview. Hubbard told me he was there to support her emotionally. Moreno asked if he and V1 were in a romantic relationship at that time. Hubbard said their relationship was professional and a friendship.

I asked Hubbard if he reviewed Perez' interview questions. Hubbard told me he did because Perez had requested input on how to "game plan" and approach the interview. I asked Hubbard if Perez asked him to review the questions. Hubbard told me Perez did ask him. I asked Hubbard if he felt this was for his professional input. Hubbard said, "Yes." I asked Hubbard if he approached Perez after the S1 administrative interview to see how it went. Hubbard said, "Yes." I asked Hubbard if he asked specifics about the interview. Hubbard told me he did not recall, but he was sure he did because it was a conversation between him and Perez. I asked Hubbard what information Perez gave him. Hubbard said he learned that S1 blamed V1 and the encounter was mutual. Hubbard added that allegations were made that she was involved in other relationships. I asked Hubbard if one of those relationships was with him. Hubbard said that was the allegation; however, it was not factual at the time. I asked Hubbard if he learned S1 made statements about V1 being "crazy" and emotional. Hubbard told me he did.

I asked Hubbard if he became frustrated or upset after this conversation. Hubbard said he did just like he would in any other investigation. I asked Hubbard if he was upset that S1 accused him of having a sexual relationship with V1 Hubbard told me he was. I asked Hubbard if the displeasure was visible. Hubbard told me he was sure it was. I asked Hubbard if Weidenkopf approached him about being upset. Hubbard said he may have and remembered they had a conversation, but did not recall how it began. Hubbard explained that he and V1 were not engaged in any type of sexual relationship at the time, but knew the allegation was going to cause problems between him and his wife. Hubbard added that he called his wife to inform her and the conversation did not go well. I asked Hubbard if he remembered what he told Weidenkopf. Hubbard told me he did not.

1 asked Hubbard what information he released to V1 about the S1 investigation. Hubbard told me he did not recall and remembers he did not tell her anything right away. Hubbard did have a conversation with her later when she was having emotional issues. Hubbard told V1 that there may be additional follow-up questions for her based on S1 interview. I asked Hubbard if he told V1 that S1 accused them of being involved in a sexual relationship. Hubbard said, "Yes." I asked Hubbard if he told V1 that S1 accused her of being "crazy" and emotionally unstable. Hubbard said he did not recall that specifically, but may have. I asked Hubbard if this would have been information he got directly from Perez. Hubbard said, "It would have been." I asked Hubbard what was the purpose for giving her this information. Hubbard told me to try and help her emotionally cope and prepare her for what may be coming.

I told Hubbard for context, that he and V1 had their sexual encounter on November 20 and 21, 2021. S1 interview took place on November 22, 2021, and according to Perez, he (Hubbard) approached him on November 23, 2021. Hubbard told me that sounded about right. I explained to Hubbard due to the timing the accusation was now true. Hubbard agreed and added that S1 accusations were also focused on the time he (Hubbard) and V1 were assigned to detectives. Hubbard admitted to being confused about the timing. Hubbard told me

nothing occurred between them until the November date. I asked Hubbard if he believed he and V1 were the only ones that knew about their sexual encounter. Hubbard said, "100%."

I asked Hubbard if he was emotionally involved in the investigation. Hubbard said not until November 23, 2021. I asked Hubbard, looking back at Weidenkopf s statement and having an accurate timeline of the events, did that play a role in him being upset. Hubbard told me it did and he knew he had "F'ed up," and made a poor decision.

I asked Hubbard if he should have recused himself from all aspects of this investigation once he realized his feelings for V1 Hubbard said, "In retrospect, yes." I asked Hubbard if he was emotionally involved in the outcome of the S1 investigation. Hubbard told me that is too vague. Hubbard explained when the S1 incident actually took place he was the Lieutenant in charge of detectives, and he takes it personally that it occurred in his section. Hubbard added as the investigation progressed into November it became more of an emotional involvement personally.

I asked Hubbard as the PSU Lieutenant was there any reason that he should have been involved in or had any knowledge of the administrative case. Hubbard told me not specifically, but he was privy to it at the onset and was inquisitive as to the progress. I asked Hubbard if he believed his involvement compromised the S1 administrative case. Hubbard said, "I certainly hope not." Hubbard added that he believed his involvement helped obtain evidence of the criminal act that occurred and helped to have a more detailed interview with V1 during the administrative investigation. Hubbard added, other than that he did not think it had any bearing on it.

I asked Hubbard if he felt he released confidential information. Hubbard explained he felt like he released information that would not influence or impact the outcome of the investigation as a means of supporting the victim emotionally. I asked Hubbard if this was his information to release. Hubbard said, "No." I asked Hubbard if this was a potential violation of PC 832.7. Hubbard said, "I don't know." I asked Hubbard if he violated S1 rights. Rutkowski asked me to be more specific as to what information I was referring to. I clarified with Hubbard that I was referring to the specific information regarding allegations S1 made. Moreno asked Hubbard what information did he release to V1 Hubbard said he told V1 that there were allegations she was emotionally unstable, crazy, and he and V1 were involved in a relationship. Moreno asked Hubbard if he felt that S1 rights were violated. Hubbard told me he did not believe he released any information that she would not be provided in a subsequent interview. I confirmed with Hubbard that this was not information that was his to release. Hubbard agreed and added that he believed it would be information she would be privy to. I asked Hubbard if S1 would have an expectation of privacy or confidentiality regarding statements he made during an administrative interview. Hubbard said he believed that S1 would be familiar with the fact that the allegations made are going to be investigated, and in doing so his allegations are going to be disclosed when those he is accusing are confronted.

I told Hubbard there's a proper format for this information to be released via a *Skelly* Hearing and potentially a Civil Service Hearing. Hubbard told me he believed these accusations would have come out during a subsequent interview with V1 during the investigation. I asked Hubbard

if he was saying once these allegations were made by S1 Internal Affairs would have conducted a follow-up interview with V1 where these allegations would have been disclosed to her. Hubbard told me that was correct. I told Hubbard that would still be on a very defined investigative path. Hubbard told me that was correct. Hubbard added that as her "representative" and to support her response to the allegations, was the reason he disclosed it to her. I confirmed with Hubbard he was saying that he would have been privy to it anyway in a follow-up interview because he would be attending. Hubbard told me that was correct. I told Hubbard that was not the case and there was no follow-up interview with V1 I told Hubbard this information was released outside of the proper practice. I asked Hubbard if he agreed. Hubbard told me he did. Hubbard clarified his intent was not to release confidential information to someone that would not be privy to it. I asked Hubbard if he felt the information was confidential. Hubbard said, "Yeah."

I asked Hubbard if he felt he took advantage of Perez when he approached him and obtained this information given the fact he (Hubbard) is a Lieutenant and Perez is a Sergeant. Hubbard told me he did not believe he did and that was not his intent. I asked Hubbard if he felt he took advantage of Perez' professional relationship. I explained to Hubbard, that Perez viewed him as a mentor and someone who taught him a lot. Hubbard told me it was not his intent and he and Perez had previously discussed tactics for the interview with S1

I asked Hubbard if there was ever any intent to be deceptive once he realized the timeline and S1 accusations. Hubbard told me, no and he and V1 had a conversation about being honest and not attempting to conceal anything if the relationship were to become known. I asked Hubbard if it affected him emotionally once S1 "threw him under the bus." Hubbard said, "Yes." I asked Hubbard if it was an emotional response when he gave the information to V1 Hubbard said, "Very much so, yes." I asked Hubbard, had he not been involved in such a close relationship with V1 would he have released this information. Hubbard said, "No I would not of." I asked Hubbard again, if he felt the S1 Internal Affairs investigation had been compromised by the information he released. Hubbard said, "I do not." I asked Flubbard if he was hoping to ensure S1 suffered significant punishment. Hubbard told me that was not a fair question. S1 was a sexual assault detective that sexually assaulted someone and deserved significant punishment. Hubbard added he did not wish any "ill will" on him because of his relationship with V1

I asked Hubbard if he received the notification to have Zonar installed on his vehicle. Hubbard said, "Yes." I asked Hubbard if he had Zonar installed as directed. Hubbard said, "No." tasked Hubbard if he interpreted the notice to have Zonar installed as an order. Hubbard said, "From a civilian fleet manager? No." I asked why did he not have Zonar installed. Hubbard said he was at training when he was on the schedule to have it installed. Once he got back he failed to do it. I asked Hubbard, looking back would he have followed up with the Zonar installation. Hubbard told me he would have.

At the conclusion of the interview, I asked Hubbard if he had anything to add. Hubbard said he did. Hubbard told me we have been discussing his "short comings" and "poor decision making" and he is aware there will be discipline. Hubbard added he had been upfront and honest during the interview and wanted it to be clear he is accepting responsibility for his actions. Hubbard went

on to say he had a good record at the Sheriffs Office and has worked hard to do the things that he has done and will continue to. Hubbard explained his decision making as it relates to this investigation is outside of character for him and not reflective of who he is. Hubbard further added that he was experiencing personal problems when this relationship developed which he has sought professional help for. Hubbard told me these personal problems had a significant impact on his decision making and these matters have been addressed and will not happen again. I asked Hubbard if he felt this incident was an accurate reflection of his character. Hubbard said, "Absolutely not."

Hubbard had nothing further to add and we concluded the interview.

INVESTIGATIVE ACTIVITY:

On December 6, 2021, I was briefed on this investigation and began to receive memorandums. I had yet to receive Sonitrol records, but in an effort to determine when and where this incident took place I attempted to run a Zonar audit of Hubbard's vehicle (W3623). The audit returned no results. I contacted Fleet Services Manager R4 R4 to determine if I was running the audit correctly. R4 advised me Hubbard's vehicle was not equipped with Zonar. R4 also advised me that notification for installation was sent to the Detectives Section in February of 2021, Hubbard's section and assignment at the time (Attachment #11).

On December 8, 2021, I requested the Watch Lieutenant schedule from Commander Tim Posey. Posey advised Hubbard was the assigned Watch Lieutenant for November 20 and 21, 2021. This information was confirmed by Communications Center Manager R5 R5 who informed me Hubbard logged on at 0732 hours on November 20, 2021, and 0725 hours on November 21, 2021 (Attachment #12).

On January 3, 2021, I contact Technical Support Engineer II R6 R6 R6 to see if Hubbard's GPS coordinates would be available through the use of his MDC. R6 told me Hubbard had very little data for all of 2021. However, it did appear he was logged on via his MDC on November 21, 2021, where he changed his status. There was very little GPS data for Hubbard for all of 2021, and no GPS data for November 20 and 21, 2021 (Attachment #13).

A review of Sonitrol records showed Hubbard came through the main gate on November 20, 2021, at 0742 hours and 1101 hours. On the same date, V1 came through the main gate at 1059 hours. V1 accessed the upstairs east door (PSU office) at 1101 hours followed by Hubbard at 1105 hours on November 20, 2021.

On November 21, 2021, Hubbard accessed the main gate at 0740, 1242, 1322, and 1526 hours. Hubbard accessed the PSU Office multiple times throughout November 21, 2021. There are no records for V1 on November 21, 2021.

For Sonitrol records refer to Attachment #14.

A review of Building A surveillance (pointing toward the main gate) showed Hubbard granted access to V1 at 1320 hours on November 21, 2021 (Attachment #15). Just prior to

Hubbard granting V1 access he exited the main gate in his assigned white Chevrolet Tahoe. He pulled his vehicle to the east parking lot near the KCSO memorial and waited. V1 entered the parking lot in her white SUV Crossover. Hubbard pulled out of his parking spot and opened the main gate and entered KCSO grounds followed by V1

I reviewed November 20 and 21, 2021, timecard entries for Hubbard and V1 which fell in the pay period 21/24. Hubbard's timecard was submitted and approved on December 6, 2021, by Levig. There were no hours entered for November 20 or 21, 2021, nor was the timecard rejected for any type of correction. V1 timecard was submitted and approved on December 6, 2021, by Hubbard. There were no hours entered for November 20 or 21, 2021, nor was the timecard rejected for any type of corrections. According to Auditornet Hubbard began to consistently approve V1 timecards at the conclusion of pay period 21/19, September 27, 2021. Weidenkopf was V1 previous approver.

To review all timecards refer to Attachment #16.

I reviewed cell phone records for Hubbard's department issued phone, 661-578-2997 (Attachment 17). I primarily focused on the months of November and December 2021. I did not see any inappropriate text message exchanges. The majority of the conversations appeared to be work related with some casual conversation mixed in. The majority of the text message exchanges took place during normal business hours. I did not see any text message exchanges for the weekend of November 20 and 21, 2021. Hubbard responded to a text from V1 on November 19, 2021, and the next message is from V1 to Hubbard on November 22, 2021. The final text message is from Hubbard to V1 on December 3, 2021. The message reads "Good morning, I don't want to bug you but I wanted to check in and see how you're holding up. Feel free to call if you want."

A review of Hubbard's call history revealed no calls were made or received from V1 for the weekend of November 20 and 21, 2021. There is one incoming call from V1 on November 17, 2021, and one outgoing call on November 30, 2021. There were multiple calls on December 3, 2021, that appear to be after the above referenced text message was sent. According to the records, there were only five calls made or received during the first week of November 2021 (IA Pro Conference).

End of report.

John Carpenter, Commander
Personnel Division