CITY OF
TORRANCE

OFFICE OF THE CITY MANAGER

Aram Chaparyan
City Manager

Danny E. Santana
Assistant City Manager
310/618-5880
DSantana@TorranceCA.Gov

January 5, 2023

Sent via USPS First Class Mail

Christopher Allen-Young
[redacted]

Dear Officer Allen-Young:

RE: LETTER OF FINDINGS

Upon the authority of the City Manager, I am the designated Administrative Conference Chair in this matter. The purpose of this letter is to inform you that I concur with the recommendation of the Police Chief that you should be terminated from your employment as a Police Officer with the City of Torrance Police Department.

I. AUTHORITIES UPON WHICH THE DISCIPLINE IS BASED

Your termination is based on your violation of the following rules, regulations, orders and/or policies, any of which, standing alone, or in combination with any other, warrants your termination:

A. RULES THAT APPLY REGARDLESS OF DATE CONDUCT OCCURRED

1. **Torrance Municipal Code, Chapter 4, Article 47, Section 14.47.1**
   A department head, with approval of the City Manager, for misconduct, incompetency, inefficiency, failure to perform duties or to observe the rules and regulations of his [or her] department or of the City: c) May discharge any such employee.

2. **Law Enforcement Code of Ethics, Policy 104**
   I WILL keep my private life unsullied as an example to all…
   I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service.

3. **City of Torrance Anti-Harassment Policy**
   a. 34.10a- Protected Classifications
   …Harassment can consist of virtually any form or combination of verbal, physical, visual, or hostile work environment conduct. It need not be explicit, nor even specifically directed at the victim…
   b. 34.10d- Visual or Written Harassment
   The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, and sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
   c. 134.05- Anti-Harassment Procedure
   All persons shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them or which they have directly observed, whether or not reported by the employee who is the object of the harassment to their supervisor, manager, or to the Human Resources Division…
   d. 134.15- Employees' Responsibilities
   Report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure.

B. RULES THAT APPLY TO CERTAIN CONDUCT OCCURRING ON OR BEFORE APRIL 7, 2019

1. **General Order 1.10 – Policing Philosophy**
   a. 1.10.3(B)- Service to the Community
   The rules and regulations of the Department regarding police service in general, and public contact specifically, shall be as follows:
   2. A police department employee shall maintain a professional attitude and demeanor that will not in any manner communicate any personal prejudices;
   4. Members of the Department shall avoid behavior which would tend to bring about criticism of the Department. Conduct, whether on or off duty, shall be such as to merit the respect and confidence of the public.

2. **General Order 2.01.1(A) – Employee Rules and Regulations**
   It is the duty of all employees to familiarize themselves with and abide by Department rules and regulations. Employees who fail to comply are subject to disciplinary action up to and including termination. Department employees shall:
   4. Conduct themselves in a manner that does not create a conflict of interest with or is detrimental to the Department.

3. **General Order 2.33 – Social Media**
   a. 2.33.1(D)- Prohibited Speech, Expression, and Conduct
   To meet the Department's safety, performance, and public-trust needs, the following is prohibited unless the speech is otherwise protected…:
      2. Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Torrance Police Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Torrance Police Department or its employees;
      3. Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior;
      5. Speech or expression that is contrary to the Mission Statement or Core Values of the Torrance Police Department.

C. RULES THAT APPLY TO CONDUCT OCCURRING ON OR AFTER APRIL 9, 2019

1. **Standards of Conduct (General Standards) Lexipol Policy 319.4**
   Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority. Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

2. **Standards of Conduct (Causes for Discipline) Policy 319.5.1(a) – Laws, Rules, and Orders**
   (a) Violation of or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement, or failure to follow instructions contained in department or City manuals.

3. **Standards of Conduct (Performance) Lexipol Policy 319.5.7(i) – Actions that Discredit Torrance Police Department**

   Any act on or off duty that brings discredit to this department.

4. **Standards of Conduct (Conduct) Lexipol Policy 319.5.8**
   (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this Department or the City.
   (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
   (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.

5. **Employee Speech, Expression, and Social Networking Lexipol Policy 1021.4 – (Prohibited Speech, Expression and Conduct)**
   (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Torrance Police Department or its employees.
   (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Torrance Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Torrance Police Department or its employees.
   (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
   (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Torrance Police Department.

II. FACTS SUPPORTING THE CHARGES

I base my decision on the facts and circumstances that were established by the administrative investigation, which are summarized here:

Between February and March 2020, detectives from the Torrance Police Department (TPD) conducted an investigation into a vandalism report filed by an individual whose vehicle was vandalized in the process of being impounded. Detectives determined that two TPD officers – Cody Weldin and Christopher Tomsic – were suspects for the vandalism. On March 3, 2020, the investigation was reassigned to Crimes Against Persons Sergeant J. Masalcas who was assisted by Special Investigations Unit Sergeant J. Taylor. During Sergeant Masalcas' investigation, he obtained a search warrant for the contents of the personal cellphones of Weldin and Tomsic. Upon the successful extraction of information from the phones, Sergeants Masalcas and Taylor found evidence implicating both officers in the vandalism incident. Detectives submitted the completed criminal investigation to the Los Angeles District Attorney's Office and requested the filing of criminal charges on both officers.

On or about August 16, 2021, the Los Angeles County District Attorney's Office ("LADA") notified TPD that concerning electronic messages were discovered on officers' cellphones. Allegedly, multiple TPD officers exchanged these concerning electronic messages. The LADA's analysis revealed approximately 390 messages containing or referencing discriminatory topics, including but not limited to anti-Semitic, racist, homophobic, and transphobic remarks. The LADA identified you as one of the officers involved in the exchange of these messages. TPD subsequently opened an administrative investigation into the LADA's concerns.

The data revealed that during the period from approximately May 2018 through December 2019, while both on and off duty, you sent or interacted with (for example, by commenting upon, or otherwise reacting to) approximately eight text messages that contained homophobic, racially/ethnically insensitive, and otherwise inappropriate text messages to other members of TPD.

The texts were as follows: [1]

5/31/2018	Officer Dempsey texted several PD officers and asked if any officers wanted to work Team 5. After several messages were exchanged, you replied, "Don't worry, Fagat [sic] Blake ain't workin."
5/31/2018	You sent a WhatsApp message to Officer Alonso stating, "Last time that bullshit went down, you homos tag teamed it."
11/02/2018 **(on-duty)**	You texted a photo of Amy Schumer with a caption saying "Posting a pic of Amy Schumer to help my niggas stay strong for No Nut November (day 2/30)"
11/08/2018	You exchanged WhatsApp messages with Officers Dempsey, Satterfield, and Williams. During the exchange, Officer Satterfield used the phrase "pipe hitters" and Officer Williams used the words "Fhagget/faggola". You responded to Officer Williams' text messages during this exchange.
2/04/2019	Officer Weldin texted you about hitting civilian name omitted's mother with a baton during a meeting. You responded to the message and Weldin responded back, "Yeah dude, You're too savage for the savages apparently." You replied, "Hahahahyeess!!!! Wish I was there to see that."
2/14/2019	You sent a WhatsApp message with a photo of Dave Chapelle with the caption on the top of the photo stating "When your GF is fucking a black guy, so you break a taillight on his car so the police will stop him and shoot him." The bottom of the photo was captioned, "Modern problems require modern solutions."
3/31/2019 **(on-duty)**	You texted Officer Weldin "Moon cricket hunting!!!!" Officer Weldin responded, "They're chirping for sure."
12/19/2019	Officer Weldin texted you "What's up monkey thumper." You responded, "Hahaha, what's up bud."

Investigators interviewed you on April 26, 2022. You stated that you did not recall sending or receiving discriminatory content based upon race, ethnicity, religion, or sexual orientation with other TPD officers or employees. However, when presented with the discriminatory content in question, you confirmed that it was your phone number listed as either the sender or the receiver of the content. You admitted that your current personal cell phone number is [redacted] the same number that is associated with the discriminatory text messages listed above. You also admitted you have had the same phone number for the past ten years, which would include the dates listed above. You further

[1] This does not represent an exhaustive list of the text messages that you exchanged or that are inappropriate on multiple levels. This is however a list of messages that were most clearly inappropriate and in which you actively participated.

admitted that you do not allow others to send text messages on your phone, and that you used your personal cellphone to send and receive text messages to and from the Department and other TPD co-workers because you do not have a work phone. You further admitted that you used the phone application 'WhatsApp' to send and receive personal messages with other officers, including during the period from March 2018 – March 2020. Moreover, you admitted that when you received a message on your cell phone, your phone would vibrate and a banner notification appeared on your phone saying "text message". You admitted that even if you do not open a text immediately, you eventually would open the message.

When asked about which officers you exchange text messages with, you admitted that multiple members of TPD are on various text threads and groups. You admitted that you were on a text string with Officers Chavez, Satterfield, Tomsic, and Weldin. You also admitted that between March 2018 and March 2020 you were sure you had exchanged communications with Officers [redacted]

Regarding the content of the messages, you admitted that as a member of TPD it is your responsibility to know and abide by the department's rules and regulations. You admitted that you encountered the "N" word while on the job at TPD when others spoke to each other. You further admitted that if you were working on the job and used the "N" word toward someone that it would be a problem.

You admitted that within the past couple of years, you attended cultural diversity training while at TPD, and that training discussed discriminatory practices. You stated that you did not recall any specifics of the cultural diversity training, including whether or not the training included discussion of homophobic comments, photos, or jokes. When asked if you were biased against Black individuals, you said you were not.

III. ANALYSIS

In *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, the California Supreme Court stated that the "overriding consideration" when addressing whether a public employer has imposed an appropriate level of discipline is "the extent to which the employee's conduct resulted in, or if repeated, is likely to result in, 'harm to the public service.'" (*Id.* at 218.) "Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence." (*Id.*) In your particular case, the principles set forth in *Skelly* amply support your termination. In fact, the period between March 2018 through February 2019 establishes an ongoing pattern of misconduct and policy violations.

A. YOU ENGAGED IN INEXCUSABLE MISCONDUCT

Your involvement in discriminatory text messaging with other TPD officers demonstrates a lack of sound decision-making and unbecoming conduct that calls into question your fitness for duty as a police officer. You sent, received, and otherwise interacted with/responded to nearly a dozen discriminatory text messages from other members of TPD over the course of nineteen months. You used racial and homophobic slurs in conversations with your colleagues and made jokes about racially motivated police violence. The casual use of these terms between you and the other officers suggests that this type of discussion was not unusual between you, yet you claim not to have any recollection of these exchanges. Such racist and homophobic language has no place in this Department. Regardless of whether or not you recall sending or receiving the messages, you confirmed that your phone number, which you have had for over 10 years, was associated with each one. You also stated that you do not allow others to send text messages from your phone number. Whether or not these messages were intended as "jokes" does not exempt them from the City's harassment policies. In fact, the policy clearly defines visual/written harassment as "The display or circulation of offensive or derogatory visual or written material related to race, religious creed, color, national origin, ancestry..." among other protected classifications. The content of the text messages in question here clearly falls within these parameters. By participating in the messaging, you engaged in inappropriate speech and unprofessional conduct in violation of multiple Department policies, including Policy Nos. 319.5.1(a), 319.5.7(i), 319.5.8(f),(g),(m), and 1021.4(b), and then-applicable General Orders 1.10.3(B), 2.01.1(A), and 2.33.1(D). This conduct also violated the City's Anti-Harassment Policy. Moreover, you should have reported any discriminatory messages you received from a fellow officer as soon as you received it.

The Department relies on its officers to uphold the highest standards of conduct to maintain positive relationships and preserve the trust we have with the community we serve. You demonstrated bias here that erodes that trust and smears the reputation of the Department. The Department already experienced the damage to its reputation when the news media published what were then unverified accounts of these text messages starting in August 2021. Now that the investigation has substantiated at least some of the allegations, the breach in community trust is cemented.

B. YOUR MISCONDUCT WARRANTS TERMINATION OF YOUR EMPLOYMENT

Peace officers are held to the highest standards of conduct. (See, e.g., *Ackerman v. State Personnel Board* (1983) 145 Cal.App.3d 395, 440.) Your conduct in this case causes irreparable harm to the public service and reveals that you are unfit to serve as a peace officer.

Torrance Police Department Policy 401.2 notes that it is the policy of this Department to serve the community equally, fairly, and objectively in both the enforcement of the law and provision of law enforcement services. Policy 401.3 strictly prohibits bias-based policing. These provisions are consistent with the growing number of laws being enacted by the California Legislature that also aim to curtail bias in peace officers. Notably, SB 2[2] modifies the definition of "serious misconduct" to include at a minimum, "Demonstrating bias on the basis of any legally protected status, in violation of law or department policy, or in a manner inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner".

[2] Penal Code Section 13510.8(a)(5).

Though you stated in your administrative interview that you are not biased against Black individuals, based on the record of text messages you sent, received, and responded to, your assertion is unreliable at best, and dishonest at worst. As a result, your fitness to serve in a bias-free manner can no longer be relied upon. Rather, I share Chief Hart's fear that there are discriminatory motivations behind all your actions, which could open the Department to liability, and moreover, subject innocent members of the public to unfair treatment due to your own personal prejudices. You and certain other officers openly used racial epithets, discussed hunting Black people, and made jokes regarding racially-motivated police shootings. Using racial epithets and making light of violence against Black people constitute conduct that is directly contrary to principles of fair and unbiased policing.

Messaging like that which you participated in (including the use of homophobic slurs such as "Fagat" and "Fhagget/faggola", and racist slurs such as the N-word and "Moon cricket") is inconsistent with peace officer employment. You also admitted that you already received cultural awareness training. Notwithstanding the training, you proceeded to engage in discriminatory messaging on numerous occasions throughout a nineteen-month period, including making "jokes" at the expense of Black and gay people. Therefore, it is unlikely that further training will adequately resolve this behavior. Lesser disciplinary measures are inadequate under the circumstances.

Furthermore, the content of these messages damages your credibility as a witness and therefore your usefulness as an officer. An officer who lacks the ability to be a credible witness is unable to perform one of the essential functions of the job, i.e., to testify truthfully and competently in a court of law. Because the records of an officer's bias are potentially discoverable pursuant to a *Pitchess* motion under Evidence Code sections 1043-1045, and even potentially pursuant to a Public Records Act request under Penal Code section 832.7(b)(1)(D), it is reasonable to conclude that your conduct renders you ineffective as a prosecution witness.

In sum, you have breached the public's trust and I can no longer count on you to engage in professional conduct or to act in an unbiased-manner when carrying out your duties. You have demonstrated a willingness to engage in inappropriate, unprofessional, and offensive conduct despite admittedly knowing it was a violation of your training. For these reasons, Chief Hart indicated that he lost all confidence in you and believes that termination is the appropriate discipline for your misconduct. I agree that termination is the appropriate level of discipline in light of the facts and circumstances presented here.

IV. WORK HISTORY

You were hired by the City on April 24, 2017, as a Police Officer. Your last performance review indicates that your performance has been generally rated as "meets standards" to "above standards."

V. DISCIPLINARY RECORD

No discipline on file.

VI. EMPLOYEE'S RESPONSE AND ADMINISTRATIVE CONFERENCE CHAIR ASSESSMENT

An in-person administrative conference was held on this matter on October 10, 2022. You, your attorney, Corey W. Glave, Police Chief Jeremiah Hart, and Lt. Charles Fisher were all in attendance. At the administrative conference, I offered both you and your attorney an opportunity to provide me with additional information to consider before making my decision.

While your attorney commenced with an assertion of appeal rights, provided notable examples of your work performance, and made various arguments, he focused primarily on the warrant that was associated with the origin of the text messages. Although the City of Torrance cannot speak to the actions of the LADA, it is my understanding that in *Anthony Chavez, et al. v. Torrance Police Department (Case No. BH014005* Memorandum of Decision) most, if not all, of the arguments raised by Mr. Glave were set forth in a Motion to Suppress which was recently denied in its entirety by the Court. A true and correct copy of the Memorandum of Decision is attached hereto as Attachment A and incorporated by reference herein. In summary, the Court found that Penal Code section 1546.4 does not require suppression of the evidence in this matter, that the search warrant at issue did not violate section 1546.1(d)(1), that the Department's pending administrative investigation does not violate section 1546.1(d)(2), and that the City did not violate Judge Amy N. Carter's order by reviewing Petitioners' messages or providing the messages to the DA's office. The Court also ruled that Mr. Glave was not entitled to the return of his attorney-client communications which were captured in the search warrant data.[3]

Mr. Glave raised a concern that your personnel file was not provided. I note that included in Chief Hart's Notice of Intent, under Section VI. Notice of Pre-Disciplinary Rights, the following statement was provided "…Although your file is not attached to this Notice of Intent, you may contact Ryan Galassi in the Personnel Division at 310-618- 5687 to schedule an appointment for you and/or your representative to examine the file from 0800 hours to 1700 hours, Monday through Friday."

[3] It should be noted that the Administrative Conference Chair did not rely upon any attorney-client privileged communications in making the decision to uphold your termination.

Lastly, Mr. Glave also noted a concern that you were not provided all investigation materials, citing communications between Torrance Police Department personnel and what was known by them and when. This comment was brought to the attention of the City Attorney's Office. Subsequently, on October 19, 2022, the Torrance Police Department delivered a letter to you with a "cc" to Mr. Glave and myself. The letter was accompanied with a flash drive that included recordings and transcripts of interviews and an Administrative Investigation Report entitled "What information did TPD criminal investigators and supervisors discover regarding discriminatory messages sent by TPD officers and what action did they take".

On December 7, 2022, a second administrative conference was held to provide you with an opportunity to respond to the information that was enclosed with the October 19, 2022 letter. You, your attorney, Mr. Glave, Chief Hart, and Lt. Fisher were all in attendance. At this second administrative conference, I offered both you and your attorney an opportunity to provide me with additional information to consider before making my decision. Mr. Glave reiterated that this involved private communications, that a court order was violated, and that these private communications should have been sealed. As with the first administrative conference, Mr. Glave reiterated that your body of work should be considered and concluded with an assertion that all appeal rights were reserved.

VII. ADMINISTRATIVE CONFERENCE CHAIR FINDING

Officer Allen-Young, I am wholeheartedly disappointed as the Administrative Conference Chair in rendering this decision in a case involving a Torrance Police Department Officer, for sending, receiving, and responding to discriminatory messaging. You made some regrettable decisions to send, receive, and respond to such messaging, and you also failed to report the misconduct of others. In your role as a Police Officer, the City and the public entrusted you to follow the regulations and policies of the Torrance Police Department, and the City of Torrance. The City and the Department expect you to regard all members of the public with the same level of respect, no matter their race, religion, creed, or sexual orientation (among other protected classifications). The public relies on police officers for assistance in emergencies and life-threatening situations. Your engagement in the above-described behavior calls into question your ability to deliver such services in an unbiased manner. You betrayed the trust placed in you as a Police Officer and displayed a blatant disregard of your duty to uphold values so paramount to law enforcement and basic human dignity. As a Police Officer, you swore to protect and serve not just select members of the Torrance community, but the entire community, all differences aside. Your conduct is unacceptable and unbecoming of a Police Officer. Therefore, I concur with the recommendation of the Police Chief that you be terminated **effective January 5, 2023.**

VIII. ATTACHMENTS

Attachment A: *Anthony Chavez, et al. v. Torrance Police Department, Case No. BH014005* Memorandum of Decision

IX. APPEAL RIGHTS

You have the right to appeal this decision to the Civil Service Commission pursuant to Section 14.47.8 of the Torrance Municipal Code. A request to have this matter reviewed must be submitted to Ms. Brianne Cohen, Civil Services Manager, in writing within ten (10) days of the date of this letter.

You may submit your written response by email; U.S. first class mail, overnight mail, delivery courier or other personal delivery; or via fax: CivilServiceCommission@TorranceCA.Gov; City of Torrance, Civil Service Commission, ATTN: Brianne Cohen, Civil Service Manager, 3231 Torrance Blvd., Torrance, CA 90503; FAX (310) 618-2726.

Sincerely,

Danny E. Santana
Assistant City Manager
Administrative Conference Chair

Attachment A

cc: Jeremiah Hart, Chief of Police
Hedieh Khajavi, Human Resources Manager
Brianne Cohen, Civil Services Manager
Corey W. Glave, Attorney for Employee
Human Resources Division – Personnel File