DONNY YOUNGBLOOD
Sheriff-Coroner
Public Administrator

SHERIFF'S OFFICE
COUNTY OF KERN

Telephone (661) 391-7500

1350 Norris Road
Bakersfield, California 93308-2231

August 15, 2022

HAND DELIVERED

David Hubbard
[redacted]
Address

RE: Notice of Disciplinary Action – Termination
Internal Affairs Case DIIA2021-0036

Dear Lieutenant Hubbard:

Thank you for meeting with me on August 8, 2022, to discuss the Notice of Proposed Disciplinary Action letter, dated June 2, 2022. I have carefully considered the facts and documentation in this matter, along with the statements you and your attorney, Brett Rutkowski, made during our meeting. After full consideration, I have decided to uphold the proposed disciplinary action of termination. You will be terminated from your position as a Sheriff's Lieutenant effective the date this letter is signed.

RULES

Your actions in this matter are in direct violation of the following Rules of the Kern County Civil Service Commission:

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 made and given by a superior officer.

Specifically, you have violated the following Sheriff's Office Policies and Procedures Sections:

DPPM B-200 Duties of Personnel - Deputy Sheriffs.

DPPM B-300 Duties of Command Officers and Supervisors.

DPPM B-310 Sheriff's Office Watch Commander.

DPPM C-100 Rules of Conduct - Law Enforcement Personnel.

ALLEGATIONS

This disciplinary action is based on the following acts or omissions:

On November 20, 2021, and November 21, 2021, you were the assigned Watch Lieutenant for the Kern County Sheriff's Office and the ranking member responsible for operations of the entire department. On these dates, you had two separate inappropriate sexual encounters with a Sheriff's Aide (hereinafter referred to as Miss Jane Doe), the first occurring on November 20, 2021, and the second on November 21, 2021. The sexual encounters took place in the Professional Standards Unit (PSU) office, your home assignment at the time. Further, at the time of these incidents Miss Doe was temporarily assigned to PSU and supervised directly by you.

This sexual relationship was discovered by Miss Doe's fiancé, who is also employed by the Kern County Sheriff's Office as a Deputy Sheriff. On December 3, 2021, Miss Doe's fiancé reported the inappropriate sexual relationship to his supervisor.

On December 4, 2021, you contacted Chief Deputy Erik Levig over the phone. During this phone conversation, you informed Chief Deputy Levig that you had an affair with Miss Doe. You explained you had informed your wife and Miss Doe had informed her fiancé. You requested a transfer and were subsequently moved to the Central Receiving Facility (CRF). The Internal Affairs Unit was tasked with investigating the allegations made against you.

On May 21, 2021, you were transferred to PSU and in June, you facilitated Miss Doe's transfer to PSU. Upon Miss Doe's arrival at PSU, she fell under Sergeant Justin Weidenkopf's direct supervision. In August or September of 2021, you informed Sergeant Weidenkopf you were now Miss Doe's direct supervisor due to her working on projects related to the section and Stipulated Judgment.

During this investigation, it was discovered you interposed yourself into a criminal/personnel investigation for personal reasons. Said investigation originated from the allegation Miss Doe made against a Sheriff's Office employee, in which it was alleged that he unlawfully touched her vagina over her clothing. The criminal investigation was conducted by PSU before being assigned to the Internal Affairs Unit for the administrative investigation.

Sergeant Weidenkopf told Internal Affairs investigators after the onset of the criminal investigation into the Sheriff's Office employee, you had two (2) meetings with Miss Doe outside the presence of the PSU investigators. From March 13, 2021 to May 7, 2021, you were assigned to the Internal Affairs Section. While you were assigned to the Internal Affairs Section, you requested and received investigative updates about the criminal case from Sergeant Weidenkopf. The Internal Affairs Section normally receives investigative updates about criminal cases

involving KCSO employees when the criminal case is completed and transitioning to administrative.

During the personnel investigation into the Sheriff's Office employee, you obtained information about statements made by the employee during his Internal Affairs interview. On June 8, 2021, the personnel investigation into the Sheriff's Office employee was authorized. From May 8, 2021 to December 4, 2021, you were assigned to PSU during the Sheriff's Office employee's interview (which occurred on November 22, 2021) and therefore not privy to the information obtained during the Internal Affairs interview. Prior to November 22, 2021, you contacted Sergeant Daniel Perez, who was the lead investigator in the Internal Affairs investigation, and learned when the Sheriff's Office employee's interview was scheduled (November 22, 2021). On November 23, 2021, you approached Sergeant Perez and inquired about the Sheriff's Office employee's interview with Internal Affairs. Sergeant Perez informed you that he might need to interview you due to the allegations the Sheriff's Office employee made about you and Miss Doe having an affair. During this same conversation, Sergeant Perez told you that Sheriff's Office employee shifted all of the blame on Miss Doe and accused her of being "crazy."

When asked why he provided you with the information about Sheriff's Office employee's interview, Sergeant Perez replied that you were the Lieutenant of the Internal Affairs Unit at the onset of the investigation, and you had been a mentor to him. Sergeant Perez stated that he trusted you and felt you took advantage of your relationship with him.

During Miss Doe's interview with Internal Affairs, she informed investigators you provided her specific information regarding the Sheriff's Office employee's Internal Affairs interview based upon information you obtained from Sergeant Perez. Miss Doe confirmed you informed her that the Sheriff's Office employee accused her of "coming on" to him, and the Sheriff's Office employee called her "violent and crazy." Miss Doe admitted to knowing it was wrong for her to be provided with this information.

Investigators asked Miss Doe if her relationship with you was flirtatious and romantic at work, and, she replied, "Yes, it was." Miss Doe provided information about you and her holding hands and kissing on the mouth while at work on several different occasions before and after November 20th and 21st.

Miss Doe also confirmed that you and she had sexual intercourse inside your PSU office on November 20 (Saturday) and 21 (Sunday), 2021. Miss Doe said she went to work on November 20th, with the intent of working on the BlueTeam project and spending time with you. Miss Doe said you were on-duty, dressed in a KCSO uniform, and had your radio turned on when you both engaged in consensual sex in your office at PSU.

Miss Doe told investigators she spoke to you on November 21, 2021 and you both decided to meet again at KCSO Headquarters. Miss Doe told investigators she assumed the reason for the visit was to have sex. Miss Doe said you were on-duty, dressed in a KCSO uniform, and believed you had your radio turned on when you both engaged in consensual sex in your office at PSU.

When Miss Doe was asked if you gave her preferential treatment or treated her differently, Miss Doe replied you did. She stated that she felt like she was being "coddled" and given work assignments that would benefit her professionally and look good on a resume. Miss Doe also felt like she was being given more mentorship by you.

On March 25, 2022, you were interviewed by Commander John Carpenter and Lieutenant Augustin Moreno. During the interview, you admitted to having sexual intercourse with Miss Doe on November 20 and 21, 2021, while you were on duty as the Watch Lieutenant. You admitted both incidents occurred inside your office at KCSO Headquarters. When asked if you felt you were still able to effectively manage the KCSO operations as the ranking member (while being the Watch Lieutenant), you said you felt you were able to respond to a situation that required your attention; however, you were not actively monitoring KCSO operations at that time.

You admitted there was kissing and hand holding between you and Miss Doe while driving or in the PSU office and outside the presence of others. These displays of affection occurred prior to November 20 and 21, 2021.

You explained you did not attempt to influence the criminal and/or the administrative investigations into Miss Doe's allegations against the Sheriff's Office employee. However, you asked for, and received, updates during the criminal investigation and even expressed your concerns about the criminal investigation to Command Staff. After you were provided confidential information about statements a Sheriff's Office employee made during an Internal Affairs interview, you provided said confidential information to the complaining witness, Miss Doe.

During your interview with Commander Carpenter and Lieutenant Moreno, you explained you released information that you felt would not influence the outcome of the investigation as a means to support Miss Doe. You admitted had you not been in a close relationship with Miss Doe, you would not have released confidential information to her.

You also explained you felt Miss Doe would have been given this information in a subsequent interview with Internal Affairs, thereby becoming aware of what was said. You later conceded that this information was confidential and released outside of the normal procedure, and was not yours to release. You admitted to Commander Carpenter that you became emotionally involved in the investigation, you "f'ed up", and made a poor decision.

During the Internal Affairs investigation, Commander Carpenter discovered your assigned department vehicle was not equipped with Zonar (which is a GPS tracking system). You admitted you failed to have Zonar installed but stated you did not interpret the notice to have Zonar installed as an order.

During the interview, you stated you were accepting responsibility for your actions. You explained personal problems had a significant impact on your decision-making but these matters have been addressed and will not happen again. You asserted this incident was not an accurate reflection of your character.

CONCLUSION

On April 26, 2022, the Discipline Review Board convened and reviewed the above-described case. The Discipline Review Board considered all documents related to this case and your statements made during this investigation. After full consideration, the Discipline Review Board determined that termination from your position as a Sheriff's Lieutenant with the Kern County Sheriff's Office is an appropriate level of discipline to propose. It is clear you had an inappropriate sexual relationship with your subordinate while on-duty. You also negatively affected a serious Internal Affairs investigation by releasing confidential information to the complainant, Miss Doe, in which she alleged a Sheriff's Office employee sexually assaulted her.

The seriousness of your misconduct undermines the trust and leadership placed in a Lieutenant that the community, administration, and our staff expect. Further, you abused the authority entrusted in you as a manager of the Sheriff's Office. Your behavior creates a lack of trust within the Sheriff's Office. As the ranking on-duty member of the Sheriff's Office, your on-duty behavior prevented you from fulfilling your duties as the Watch Lieutenant. Your conduct fell short of the public's trust and expectation that while on duty you are available to respond to, and manage, emergencies and critical incidents. The public expects law enforcement officers to carry themselves with the utmost moral character. Actions, such as these, negatively influence the public's perception and trust in law enforcement.

In November 2021, after you were assigned to PSU, you took advantage of your position to get confidential information about the Internal Affairs investigation, which you then provided to your subordinate, Miss Doe, with whom you were involved in a sexual relationship. You violated the right of a Sheriff's Office employee to confidentiality during his Internal Affairs investigation into personnel matters. It is obvious you made the conscious decision to get involved in the investigation and violate the integrity of that investigation – one day after having had sex with Miss Doe, in your office, while on duty.

You accepted responsibility for your actions; however, minimized the gravity of obtaining and releasing confidential information, as well as the consequences your actions could have on the Sheriff's Office. Due to your misconduct, you have exposed the Sheriff's Office to unnecessary liability from multiple active and former members of the Sheriff's Office. You violated the right of a fellow employee to confidentiality in his Internal Affairs investigation. Additionally, you isolated a potential sexual assault victim by moving her under your control and assuming supervision of her, permitting yourself unrestricted access to pursue an intimate relationship with her while she was at work. You then engaged in an inappropriate sexual relationship with this victim, further exposing the Sheriff's Office to liability. Whether this relationship was mutual or not, it was inappropriate and one that woud be perceived as an abuse of power because you were in a position of authority over Miss Doe. Having sex with your subordinate while on duty as ***THE*** top ranking position for that day is inexcusable and is a prime example of what someone with no regard for the people he is entrusted to protect – civilians and staff – would do. To allow you to continue with your employment would condone the behavior you exhibited. Where there is power asymmetry, ie one person has actual or apparent power or authority over others, there is an absolute dependency on the integrity of the dominant party, and it is obvious you lack the required integrity

to continue in any capcity with the Sheriff's Office. As a peace officer, at any rank, you have significant power over the community you are meant to serve and protect.

Policy and procedures are developed, adopted, and practiced for many different reasons. You are considered a professional employee who represents the Kern County Sheriff's Office, and as such, you are expected to adhere to all lawful regulations, State and Federal Laws, and Sheriff's Office Policies and Procedures. Your actions in this matter do not represent sound judgment, and clearly do not reflect the professional image which is expected of a member of the Sheriff's Office. It is evident you have violated the policies and procedures of the Kern County Sheriff's Office, as well as the Rules of the Civil Service Commission of the County of Kern. Your violations of these established policies and procedures support this discipline.

ADMINISTRATIVE PROCEDURE

According to Section 1730.00 of the Rules of the Civil Service Commission, you may appeal this action to the Civil Service Commission. Specifically, you must advise Maria Murbach, the Secretary of the Civil Service Commission, within 10 business days of your receipt of this letter. Ms. Murbach may be reached at 1115 Truxtun Avenue, Bakersfield, CA 93301, in the Kern County Human Resources Division.

Should you not wish to appeal this action to the Civil Service Commission, you may still file a written response on your behalf. Pursuant to Section 3306 of the Government Code, such response must be submitted within 30 days of your receipt of this letter. A copy of any response shall then be attached to and shall accompany this Disciplinary Notice.

Sincerely,

By: Donny Youngblood, Sheriff-Coroner
County of Kern

cc: Bryan Alba, Chief Deputy County Counsel
Personnel File, Human Resources Division, Attn: Devin Brown
IA file
Department Personnel File
Payroll
Chief Deputy Erik Levig
Commander Mark Warren
/jmc

By my signature below, I acknowledge receipt of this Notice of Disciplinary Action – Termination, dated August 15, 2022, and I understand that a copy may be placed into my personnel file.

REFUSED TO SIGN

8/15/22 @ 1511 HRS

Received By

Date/Time

Served By

Date/Time

2693011.DOCX