AGENDA ITEM REPORT

Title: POST2300809 - DILLON FUSTON (POST ID: C71-S10)
LAST EMPLOYING AGENCY: SAN DIEGO POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 06/12/2024	**BUREAU SUBMITTING THE REPORT** Professional Conduct Southern Bureau	
RESEARCHED BY Mark Nagel	**REVIEWED BY** Christine Ford	
REPORT DATE 04/30/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/28/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the Division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

The Respondent began his employment with the San Diego Police Department on September 4, 2018. He was promoted to a fulltime peace officer after graduating from the San Diego Regional Training Academy on February 21, 2019. At the time of this incident before POSAAB, the Respondent was employed as a Peace Officer with the San Diego Police Department. On September 22, 2022, he resigned from the San Diego Police Department and was hired as a Deputy with the San Diego Sheriff’s Department on September 23, 2022.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

Video Evidence Links:

POST2300809 Fuston, Dillon BWC Redacted

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent violated California Penal Code § 13510.8(b)(1), in that the Respondent was dishonest relating to the reporting of a crime. Specifically, the Respondent was dishonest in documenting that a suspect had immediate access to a weapon during an initial contact, was dishonest in reporting that he used half-second paused distraction blows to secure a suspect's arm, and was dishonest in reporting that he guided a suspect to the ground after a leg sweep. Finally, Respondent incorrectly reported the amount of time a suspect was unconscious following the Respondent's use of an unapproved leg sweep.

RECOMMENDATION:

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence.

In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR1 - POST2300809 - Fuston_ Dillon - ISF.pdf
POST2300809_Fuston_Dillon_March_2024_POSAAB_Agenda_Record.pdf
POST2300809_Fuston_Dillon_Transcript_Board_03.21.24.pdf
POST2300809_Fuston_Dillon_Board_Recommendation_Signed.pdf
POST2300809_PPT_03.21.24
PC REceived_Fuston character letter (SIMON)_Redacted.pdf
PC Received_Fuston Character reference (BRAVO)_Redacted.pdf
PC Received_Fuston Letter_.pdf
PC Received_Fuston nomination.pdf
PC Received_Character Statement of Deputy Dillon Fuston (003)_Redacted.pdf
PC Received_Character Statement for Deputy Dillon Fuston_Redacted.pdf
PC Received_Character Statement for Deputy Dillon Fuston.pdf