

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Blake Williams

C57-X01

EMPLOYING AGENCY: Torrance Police Department

POST CASE NUMBER: 2305781

WRITTEN BY: LEC Loralynne Kong

DATE: 5/7/2024

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I. Executive Summary

This case was submitted by the Torrance Police Department (TPD) which alleged the subject officer, Officer Blake Williams, hereinafter, "Respondent," was involved in serious misconduct when he sent text messages that contained racist, homophobic and antisemitic sentiments which demonstrated his bias and inability to perform his duties fairly and impartially as a peace officer.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Police Officer with the TPD. The Respondent was terminated from the TPD on March 15, 2023.

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline[1]

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and California Regulation section 1213(a)(5) authorize the Commission to consider Respondent's prior conduct, discipline and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

Respondent's TPD disciplinary record shows a 1-day suspension issued in January 2019, and a written reprimand issued in May 2020, for policy violations associated with a vehicle pursuit and discourteous comments, each of which are summarized below.

[1] In addition to the serious misconduct allegation summarized here, Respondent is the subject officer in one other serious misconduct allegation, which the Torrance Police Department reported to POST. The other case concerns an incident that occurred in 2020, and is not the type of allegation that might be actionable under the retroactivity provisions of Penal Code section 13510.8(g). The Division stands ready to provide additional details about the other allegation; however, the allegation is unrelated to the facts in the present case, and was not relied upon in making the Division's recommendation here.

On January 17, 2019, Respondent was issued a 1-day suspension for an event that occurred on August 5, 2018, wherein Respondent committed policy violations associated with a vehicle pursuit. The policy violations indicated the Respondent drove with no regard or caution for the safety of all persons using the highway by driving at speeds that were unsafe and which exceeded the driving ability of the officer.

On May 20, 2020, Respondent was issued a Written Reprimand for an event that occurred on May 11, 2020, wherein Respondent committed policy violations associated with discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of the TPD or the City of Torrance.

While employed as a peace officer, Respondent received the following training relevant to this allegation:

- Basic Police Academy
- Communication: Keeping your Edge
- Racial Profiling Update – 4 Hours – 03/12/2019

c. Prior Employment History

Respondent began his law enforcement career with the TPD as a police officer on November 9, 2015.

d. Peace Officer Certification

Respondent is assigned POST ID C57-X01. Respondent received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic #189476 (Issued: 06/12/2017)

e. The Present Allegations of Serious Misconduct

1. Penal Code Section 13510.8(b)(5) and Commission Regulation 1205(a)(5) – Demonstrating Bias:

> Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.
>
> (A) An officer is "demonstrating" bias for purposes of this regulation when the officer either shows or displays, by words, actions or other conduct, prejudice, intolerance, contempt, or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(b)(5), when such words, actions or other conduct would lead a reasonable person to conclude that the officer has not fairly and impartially performed, or will not fairly and impartially perform, their law enforcement duties.
>
> (B) An officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included the review of TPD's administrative investigation which contained interviews of witness officers. The TPD also provided the Peace Officer Standards Accountability Division (Division) with the Raw data seized from the cellular telephones of other TPD Officers during a criminal investigation.

Information obtained was analyzed by the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that the Division believes establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

On April 4, 2023, the TPD reported allegations of serious misconduct against Respondent to POST pursuant to California Penal Code Section 13510.9(a)(3). The allegations stemmed from the discovery of racist, homophobic, and antisemitic texts that had been sent between members of the TPD between July 2018 and September 2019.

On January 27, 2020, two other Torrance Police Officers, Christopher Tomsic and Cody Weldin, were the subject of a criminal investigation wherein it was alleged they had

vandalized an arrestee's vehicle by, among other means, spray painting a swastika and a smiley face on the interior of the arrestee's vehicle during an inventory/search.[2]

As a result of the criminal investigation, Torrance Police Detectives obtained a search warrant for Tomsic's and Weldin's DNA and their personally owned cellular telephones.

The data from the cellular telephones was provided to an analyst at the Los Angeles County District Attorney's Office for review and with the intent to determine whether the two suspect officers had any ties to white supremacy.

During the review of the data, the district attorney's analyst discovered approximately 390 messages that were believed to contain or reference antisemitic, homophobic, racist, or transphobic remarks. Those messages were sent between Tomsic, Weldin and several other officers, including Respondent.

The review of the messages revealed Respondent was part of a WhatsApp group text titled "The Boys", which included approximately 15 members of the TPD. The Division obtained the administrative investigation from TPD which was completed by Norman A. Traub & Associates (NATA), Investigator Craig Junginger. Due to the approximately 15 TPD officers involved, the TPD utilized NATA to conduct several other related administrative investigations. Of the approximately 390 electronic messages, the internal investigation focused on thirteen (13) messages that were received, sent, or responded to by Respondent, while on and off duty that were alleged to demonstrate bias. Six (6) of these messages are described in further detail below and are the subject of this Investigative Summary and Findings(Attachment A). [3]

[2] Tomsic and Weldin were charged with felony vandalism and felony conspiracy. As of the date of this Investigative Summary and Recommendation, those criminal charges are still pending in Los Angeles County Superior Court.

[3] As noted above, the Division received information concerning approximately 390 WhatsApp messages exchanged between several peace officers. Respondent both received and responded to a certain subset of these 390 messages. The Division also reviewed instances where Respondent's words, acts or other conduct did not demonstrate bias by clear and convincing evidence. The Division's Investigative Summary and Findings in this case does not attempt to summarize every single instance in which Respondent participated in a WhatsApp message,

1. **On July 4, 2018,** Officer David Chandler posted in a WhatsApp message to "The Boys" group, "I'll eat sweaty ass at this point with dingleberries." A few minutes later Respondent responded with an image of a male adult in Blackface. Respondent captioned his post, "I googled dingleberry and this popped up. Way funnier." TPD Lt. Kranke advised the Internal Affairs Investigator the Respondent was on duty when the messaging took place.

2. **On July 5, 2018,** Respondent sent a WhatsApp group message to "The Boys". The message contained an image of two muscular black males, fighting or wrestling. Respondent's captioned message was as follows: "Hey [Officer Chris] Young, every day you don't work out, just know some gorilla looking fuck is getting it in over in the shadow lands." TPD Lt. Kranke advised the Internal Affairs Investigator the Respondent was on duty when the messaging took place.

3. **On August 23, 2018,** one of the messages to "The Boys" mentioned "Omar" who is possibly TPD Officer Omar Alonso who was one of the members of the text group. The message string began with Officer Joshua Satterfield, "Omar was though." Respondent replied, "Bro…not a good idea. The big brown war machine would not be pleased. Generations of field work has left his knees numb and calloused." "Omar's people excel at fence hopping to (sic)." TPD Lt. Kranke advised the Internal Affairs Investigator the Respondent was off duty when the messaging took place.

4. **On November 4, 2018,** Respondent sent a SMS text message to "The Boys" WhatsApp group. The message contained the image of a scene of a lynching, including one or more black males who had been hung, and one apparently deceased black male down on the ground. There was a group of older white males looking on. Respondent commented, "They missed this on mine." Shortly after, that message, Respondent sent

however. Instead, the Division's Investigative Summary and Findings addresses specific instances within the group chat where Respondent's words, acts or other conduct demonstrated bias within the meaning of Penal Code section 13510.8(b)(5).

another message, “hanging with the homies.” TPD Lt. Kranke advised the Internal Affairs Investigator the Respondent was off duty when the messaging took place.

5. **On November 8, 2018,** Respondent engaged in messaging within a WhatsApp “The Boys” message string when the group had been discussing the department’s hiring of new officers. Respondent commented, “Did we hire a fhagget,” and “A Faggola?” when referring to the hiring of new officers. TPD Lt. Kranke advised the Internal Affairs Investigator the Respondent was off duty when the messaging took place.

6. **On March 27, 2019,** Respondent sent a WhatsApp message to the group containing a smiling animal with the caption, “When you fart next to a Jewish kid, and realize you just gassed the Jews.” TPD Lt. Kranke advised the Internal Affairs Investigator the Respondent was off duty when the messaging took place.

Investigator Junginger made several attempts to schedule an interview with Respondent regarding this matter; however, the Respondent was on military leave from TPD. Additionally, Respondent’s attorney Corey Glave wrote that Respondent, “on advice of counsel, and given his current military status (and the legal impact of that status/order), declines your invite to participate in an interrogation related to this matter.” [4]

Although Respondent refused to be interviewed regarding the WhatsApp messages posted, the criminal investigation determined Respondent sent, received or responded to these messages based on the data extracted from Mr. Tomsic’s and Mr. Weldin’s cellular telephones.

The administrative investigation was sustained based on the facts that Respondent sent, received, and responded to discriminatory messages with TPD employees. All messages analyzed above were determined to be violations of the TPD Policy. The department

[4] Depending upon the facts in a given case, an officer’s refusal to answer questions, even when based on the advice of counsel, could constitute a failure to cooperate with an investigation into potential police misconduct within the meaning of Penal Code section 13510.8(b)(9). The Division did not find clear and convincing evidence of a failure to cooperate in this case.

found Respondent violated the Law Enforcement Code of Ethics, Policy 104, City of Torrance Anti-Harassment Policy, General Orders 1.10.3(B), 2.01.1(A), 2.33.1(D)(Attachment B), and TPD Policies 319.4, 319.5.7(i), 319.5.8, 401.2, and 1021.4(Attachment C), TPD violations relating to inappropriate speech and unprofessional conduct. The Respondent also failed to report receiving discriminatory messages from fellow officers. Respondent was terminated on March 15, 2023 for the policy violations related to "Discriminatory Text Messaging" and for policy violations from a separate incident in which Respondent used a PIT maneuver outside of policy.

City of Torrance and TPD Policies

Penal Code Section 13510.8(b)(5) and Commission Regulation 1205(a)(5) both establish that the demonstration of bias in violation of department policy constitutes serious misconduct. The City of Torrance and the TPD enforce a number of policies relating to the conduct of its employees. What follows is a summary of some of the most relevant policies which relate directly to Respondent's conduct in this case:

- The Law Enforcement code of Ethics, Policy 104 states "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."

- The City's Anti-Harassment Policy 34.10a, Protected Classifications prohibits harassment or discrimination because of an individual's protected classification. This classification includes 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. 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.

- The City's Anti-Harassment Policy 34.10d, Visual or Written Harassment prohibits 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.

- The City's Anti-Harassment Policy 134.05 requires that all City employees 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.

- The City's Anti-Harassment Policy 134.15 states it is the employee's responsibility to report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure.

- General Orders 1.10.3(B), 2.01.1(A), 2.33.1(D) explain the Department's philosophy and expectations of personnel in their service to the community. Section 1.10.3(B) Service to the Community, emphasizes the rules and regulations of the Department such as maintaining a professional attitude and demeanor that will not in any manner communicate any personal prejudices. In addition, 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. General Order 2.01.1(A) explains 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. General Order 2.33.1(D) defines prohibited speech, expression, and conduct which tends to compromise or damage the mission, function, reputation, or professionalism of the TPD or its employees, such as speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness, and additionally speech or expression that is contrary to the Mission Statement or Core Values of the TPD.

- TPD policies 319.4, 319.5.7(i), 319.5.8, 319.5.9, 401.2, 401.3, 1021.4 - TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(g) prohibits the use of obscene, indecent, profane or derogatory language while on duty or in uniform; and 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

City of Torrance Letter of Findings

On March 15, 2023, the City of Torrance sent Respondent a Letter of Findings advising him of the City's intent to terminate his employment as a police officer with TPD.

In the letter, authored by then Assistant City Manager Danny E. Santana, the City of Torrance found Respondent violated the Law Enforcement code of Ethics (Policy 104),

the City's Anti-Harassment Policy, former General Orders 1.10.3(B), 2.01.1(A), 2.33.1(D), and TPD policies 319.4, 319.5.7(i), 319.5.8, and 1021.4, violations relating to inappropriate speech and unprofessional conduct.

Assistant City Manager Santana's letter went on to explain why he has no confidence in Respondent's ability to carry out peace officer duties fairly and without bias, which the Assistant City Manager explained as follows:

> Based on the record of text messages [Respondent] sent, received, and responded to, [Respondent's] 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 of [Respondent's] actions, which could open the Department to liability, and moreover, subject innocent members of the public to unfair treatment due to [Respondent's] own personal prejudices.

The City of Torrance's letter further explained that Respondent's "willingness to engage in racist, unprofessional, and offensive conduct … undercuts the mission of the Department". As noted above, the City of Torrance therefore terminated Respondent's employment, which became effective March 15, 2023(Attachment D).

On May 8, 2023, the Commission on POST's Executive Director, Manuel Alvarez, Jr. issued an immediate temporary suspension for Mr. Williams' POST Basic Certification.

V. Analysis and Findings

a. Establishing Jurisdiction

The Commission on POST may initiate proceedings to revoke or suspend a peace officer's certification for conduct which occurred before January 1, 2022, if the employing agency makes a final determination regarding its investigation of the misconduct after January 1, 2022.[5]

[5] California Penal Code section 13510.8(g)(1)(B).

The final determination in this allegation of serious misconduct was Respondent's termination, which occurred on March 15, 2023. The investigation was still ongoing after January 1, 2022, as evidenced by Investigator Junginger's interviews conducted with TPD Officer AJ Kissinger on April 27, 2022, and Junginger's July 20, 2022 signature on his investigation report.

b. Does the alleged conduct violate Penal Code 13510.8(b)(5) and California Regulation 1205(a)(5) – Demonstration of bias on the basis of race/religion/sexual orientation?

When analyzing the serious misconduct allegation of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5), "demonstrating bias," the Division evaluates whether the subject officer, through words, action or other conduct showed prejudice, intolerance, contempt or hatred towards a protected class of persons. If the subject officer did show prejudice, intolerance, contempt or hatred towards a protected class of persons, the Division then considers whether the words, action or conduct would lead a reasonable person to conclude that the officer has not or will not fairly and impartially perform the officer's law enforcement duties. If so, serious misconduct is shown if the officer's words, action or conduct either: 1) violates applicable law, 2) violates department policy, or 3) is inconsistent with the officer's obligation to carry out the officer's duties in a fair and unbiased manner.

During the analysis of each instance of potentially biased behavior, the conduct was analyzed based on the above guidelines to determine whether the allegation of bias was true to a clear and convincing standard.

1. Regarding the **July 4, 2018** message, Officer David Chandler shared a WhatsApp message to "The Boys" group, which stated "I'll eat sweaty ass at this point with dingleberries." A few minutes later, Respondent replied to "The Boys" WhatsApp group

with an image of a male adult in Blackface.[6] Respondent captioned his post, "I googled dingleberry and this popped up. Way funnier."[7]

Respondent's July 4, 2018 message shows prejudice, intolerance, contempt and hatred towards a protected class of persons. Respondent's decision to post a picture of an individual in Blackface is deeply offensive. Additionally, Respondent's statement that the Blackface photograph is "way funnier" than other Google search results he obtained for the term "dingleberry" serves to reinforce the stereotypes and racist underpinnings associated with the photograph. The photograph, and Respondent's written expression relating to that photograph, reflects Respondent's disregard for a specific protected class of persons and is inconsistent with Respondent's obligation to carry out his duties in a fair and unbiased manner.

Respondent's decision to post the image, and Respondent's characterization of the image as "way funnier" than other Google search results for "dingleberry" also violated several of the Torrance Police Department's policies, including but not limited to TPD Policies 319.58(i), 319.5.9(g), 319.5.9(m), 401.2 and 401.3**.** TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(g) prohibits the use of obscene, indecent, profane or derogatory language while on duty or in uniform; and 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably

[6] According to Merriam-Webster Dictionary online at https://www.merriam-webster.com/dictionary/blackface?utm_campaign=sd&utm_medium=serp&utm_source=jsonld, Blackface is "a dark makeup worn to mimic the appearance of a Black person and especially to mock or ridicule Black people. NOTE: The wearing of blackface by white performers was, from the early 19th through the mid-20th centuries, a prominent feature of minstrel shows … and similar forms of entertainment featuring exaggerated and inaccurate caricatures of Black people. The use of Blackface is considered deeply offensive."

[7] The image of the male adult in Blackface that Respondent sent to "the Boys" group was of Al Jolson, a singer and musical stage performer who gained popularity in the 1920s and was known to perpetuate black stereotypes. Notably, a recent Google search for the term "dingleberry" did not pull up an image of Mr. Jolson in blackface. Additionally, a reverse search of the blackface image of Mr. Jolson that Respondent texted to "the Boys" did not return results that included the term "dingleberry."

upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

It is highly probable that a reasonable person would conclude that Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with this protected class of persons. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he posted a photograph of a person in Blackface, and again when he described the photograph as "way funnier" than other Google search results for the term "dingleberry."

2. Regarding the **July 5, 2018** text, Respondent sent a WhatsApp group photograph to "The Boys" along with a descriptive message. The message contained an image of two muscular black males, fighting or wrestling, along with Respondent's captioned message, "Hey [Officer Chris] Young, every day you don't work out, just know some gorilla looking fuck is getting it in over in the shadow lands."

Respondent's use of an image of two black males as a visual aid to convey Respondent's written message that "some gorilla looking fuck is getting it in over in the shadow lands" is a patently racist, offensive characterization of the individuals in the photograph. The image, coupled with Respondent's written message, is inconsistent with an officer's obligation to carry out his duties in a fair and unbiased manner. Respondent's message violated several of the TPD's policies, including but not limited to TPD Policies 319.58(i), 319.5.9(g), 319.5.9(m), 401.2 and 401.3**.** TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(g) prohibits the

use of obscene, indecent, profane or derogatory language while on duty or in uniform; and 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing. Respondent's violations of these policies through his messaging discredits the Torrance Police Department in potentially irreparable ways.

It is highly probable a reasonable person would conclude that Respondent, who proactively sent the July 5, 2018, message in addition to other bigoted messages to "The Boys" chat group has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he posted his July 5, 2018, photograph and message.

3. Regarding **August 23, 2018,** Respondent responded to a message which mentioned "Omar." TPD Officer Omar Alonso is one of the members of "The Boys" group. The message string began with Officer Joshua Satterfield stating: "Omar was though." Respondent replied, "Bro…not a good idea. The big brown war machine would not be pleased. Generations of field work has left his knees numb and calloused." "Omar's people excel at fence hopping to (sic)."

Respondent's characterization of "Omar's people" as a class of persons who "excel at fence hopping" is inherently offensive and racist. Additionally, Respondent's suggestion

that Officer Alonso's knees are "numb and calloused" due to "[g]enerations of field work" in Officer Alonso's lineage is a stereotypical and derogatory reference to Latin Americans. Even when viewed in the light most favorable to Respondent, this use of stereotypical and demeaning descriptions of Latin American persons as a means of amusement reinforces biased and discriminatory sentiments. These stereotypes are inconsistent with an officer's obligation to carry out his duties in a fair and unbiased manner. Respondent's characterization of Latin Americans in his message about Officer Omar Alonso also violated a number of the Torrance Police Department's policies, including but not limited to TPD Policy 319.5.8(i), 319.5.9(m), 401.2 and 401.3. The TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

Respondent's statements, particularly when considered along with Respondent's many other derogatory messages, would lead a reasonable person to conclude that Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with this protected class of persons in the Torrance community. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he messaged "The Boys" WhatsApp group: "Bro…not a good idea. The big brown war machine would not be pleased. Generations of field work has left his knees numb and calloused." "Omar's people excel at fence hopping to (sic)."

4. Regarding **November 4, 2018,** Respondent sent a text message to the members of "The Boys" WhatsApp group. The message contained what appears to be an actual photograph of a scene of a lynching, in which multiple deceased black males were hung, including one deceased black male lying on the ground. Beyond the center of the photograph is a large group of older white males, some of whom are smiling for the photograph.

The members of "The Boys" WhatsApp group were discussing the types of inappropriate content that might be found on other TPD officers' social media accounts. Respondent attached the photograph of the lynching and wrote: "They missed this on mine." Shortly after, that message, Respondent sent another message, which read: "hanging with the homies."

A photograph of a lynching in which multiple black males were murdered is an image depicting some of the most depraved and disturbing acts of racism fathomable. Respondent's decision to post the photograph in support of Respondent's "joke" about content on Respondent's own social media account displays hatred and contempt for a protected class of persons. Respondent's contempt and hatred for this protected class of persons was further exemplified by Respondent's additional decision to also add to the photograph the note which read: "hanging with the homies."

Respondent's use of the photograph along with Respondent's writings relating to the photograph discredit not only himself, but also threaten to discredit the Torrance Police Department in potentially irreparable ways. A reasonable person who views this photograph of a lynching along with Respondent's posted written remarks would conclude that Respondent has not and will not fairly and impartially perform his law enforcement duties. Respondent's conduct violated a number of TPD policies, including but not limited to, TPD Policies 319.5.8(i), 319.5.9(m), 401.2 and 401.3. The TPD Policy Manual

319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon the TPD or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

Not only are Respondent's actions in violation of TPD policies, but they are also entirely inconsistent with Respondent's obligation to carry out his duties in a fair and unbiased manner. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he posted a photograph of a lynching as a source for amusement and again when he commented: "they missed this on mine," and once again when he wrote: "hanging with the homies."

5. Regarding **November 8, 2018,** Respondent replied within a WhatsApp "The Boys" message string when the group had been discussing the department's hiring of new officers. Respondent commented, "Did we hire a fhagget," and "A Faggola?" when referring to hiring the new officers.

Respondent's message was derogatory and homophobic. Respondent's conduct, in sending the messages: "Did we hire a fhagget," and "A Faggola?" in response to "The Boys" group discussion about hiring new officers shows prejudice, intolerance and contempt towards a protected class of persons. This message, particularly when viewed along with the other bigoted remarks described within this Investigative Summary and Findings, constitutes the demonstration of bias.

It is highly probable a reasonable person would conclude that Respondent, who proactively sent multiple bigoted messages to "the Boys" chat group, including the November 8 message, which contained derogatory references about a person's sexual orientation, has not or will not fairly and impartially perform his law enforcement duties when interacting with this protected class of persons. Respondent's messages violated several of the Torrance Police Department's policies, including but not limited to TPD TPD Policy 319.5.8(i), 319.5.9(m), 401.2 and 401.3 (Attachment D). The TPD Policy Manual 319.5.8(i) prohibits performance that is any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when he wrote "Did we hire a fhagget," and "A Faggola?" as part of "The Boys" group discussion about recent hiring at TPD.

6. Regarding **March 27, 2019,** Respondent sent a WhatsApp message to the group containing a drawn image of a smiling animal with the caption, "When you fart next to a Jewish kid, and realize you just gassed the Jews."

Respondent's comment appears to have been intended as a joke about the Holocaust, an event in history in which the Nazis slaughtered millions of Jewish civilians, along with

Roma and other people derogatorily labeled as “Gypsies”, gay men, people with dark skin, Jehova’s Witnesses and other Nazi-targeted groups or persons by killing them in gas chambers using poisonous gas. Respondent’s message, however, appears directed towards ‘the Jews’ and is a display of antisemitism. Such a message shows prejudice towards a protected class of persons. This message, particularly when considered along with Respondent’s other bigoted messages, would lead a reasonable person to conclude that Respondent has not or will not fairly and impartially perform his law enforcement duties. Additionally, Respondent’s antisemitic message violated several of the Torrance Police Department’s policies, including but not limited to TPD Policy 319.5.8(i), 319.5.9(m), 401.2 and 401.3. The TPD Policy Manual 319.5.8(i) prohibits any act on or off duty that brings discredit to the department. TPD Policy 319.5.9(m) prohibits any other on duty or off duty conduct which any member knows or reasonably should know is unbecoming a member of the department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members. Furthermore, TPD Policy Manual 401.2 states the TPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the TPD to provide law enforcement services and to enforce the law equally, fairly, and objectively and without discrimination toward any individual group. TPD Policy Manual 401.3 prohibits bias based policing.

The message is inconsistent with Respondent’s obligation to carry out his duties in a fair and unbiased manner. Accordingly, the Division finds that Respondent demonstrated bias within the meaning of Penal Code section 13510.8(b)(5) and Regulation 1205(a)(5) when Respondent posted a drawing of a smiling animal with the caption, “When you fart next to a Jewish kid, and realize you just gassed the Jews.”

VI. Supporting Evidence and Documentation

Attachment "A" – Text messages

Attachment "B" – Law Enforcement Code of Ethics/City of Torrance Anti-Harassment Policy

Attachment "C" – Torrance Police Department General Orders and Policies

Attachment "D" – City of Torrance Letter of Findings

Attachment "E" – Executive Review and Peace Officer Standards Accountability Division Recommendation

VII. Findings

After thorough analysis, the Division has concluded Respondent's messages itemized as 1 through 6 in this Investigative Summary and Findings constitute a demonstration of bias. As a law enforcement officer, one is held to a higher standard of conduct which is consistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. Use of racist, homophobic, and antisemitic language by a police officer also leads to an erosion of trust between that officer's agency and the community the agency serves. All of the messages were examples of the Respondent's repetitive misconduct which confirms the Respondent violated the TPD's policies on several occasions relating to inappropriate speech and unprofessional conduct including the City's Anti-Harassment Policy. In addition to violating the Department's policies with regard to prohibited speech, expression, and conduct, clear and convincing evidence exists that Respondent violated California Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5) - Demonstration of Bias. Therefore, reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for revocation of Respondent's POST certification, in accordance with the Executive Review and Peace Officer Standards Accountability Division Recommendation.[8]

[8] See Attachment "E" – Executive Review and Peace Officer Standards Accountability Division Recommendation