16-001876

Los Angeles Police Department

Detective II K. Merrill #35814
The Bradbury Building
Suite 225
Office 213-473-4256
Fax 213-473-6700

TO:

FAX

Date: 7/20/16

Page 1 of 1

From: Detective II Merrill Internal Affairs Group.

To: Laguna Beach Records

FROM

Fax #: 949-497-0772

Phone#: (949) 497-0701

Re: **I am requesting a copy of DUI arrest report #16-02672**
Thank you.
*****
I can be reached at 213-473-4256 and fax is 213-473-6700

Incident/Investigation Report

Agency: LBPD Case Number: 16-02672 Date: 07/20/2016 21:41:58

Incident Information

Date/Time Reported	Date/Time Found	Date/Time Found	Officer
07/10/2016 02:07	07/10/2016 02:07	07/10/2016 02:07	(31348) MCGUIRE, THOMAS
Incident Location			
COAST HWY / VISTA DEL SOL, LAGUNA BEACH, CA 92651			

Charges

	Charge Type	Description	Statute	UCR	
1	State	MISD - DUI ALCOHOL	23152 (A) VC	90D	☐ Att ☑ Com

Alcohol, Drugs or Computers Used	Location Type	Premises Entered	Forced Entry	Weapons
☑ Alcohol ☐ Drugs ☐ Computers	HIGHWAY/ROAD/ALLEY		☐ Yes ☑ No	1. 2. 3.

Entry	Exit	Criminal Activity

Bias Motivation	Bias Target	Bias Circumstances	Hate Group

Victims

Seq #	Type	Injuries	Residency Status	Ethnicity
1	SOCIETY/ PUBLIC	None		

Name(Last, First, M)	Race	Sex	DOB	Age
STATE OF CALIFORNIA				

Address	Home Phone

Employer Name/Address	Business Phone

Victim of Crimes	
1	

Incident/Investigation Report

Agency: LBPD **Case Number:** 16-02672 **Date:** 07/20/2016 21:41:58

Type	Name(Last, First, M)
INDIVIDUAL	GAXIOLA, GABRIEL

AKA	Race	Sex	DOB	Age	Height	Weight
	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Address	Home Phone
[redacted]	

Employer Name/Address	Business Phone
LAPD LOS ANGELES, CA	

Scars, Marks, Tatoos or other distinguishing features

Physical Characteristics

Suspect Details

Description	Serial Number	Make/Model
EMPTY 12OZ MICHELOB ULTRA BEER BOTTLE		ANHEUSER-BUSCH /

Owner	License / State	Color
GAXIOLA, GABRIEL		BROWN

Status	Status Officer	Quantity	Units of Measure	Value
EVIDENCE	(31348) MCGUIRE, THOMAS	1.00		$1.00

Gun Type	Caliber	Finish	Grip	Gun Stock

Condition	Gun Test	Test Type	Sight Test	Sight Type
	☐ Yes ☑ No		☐ Yes ☑ No	

Property Notes

Incident/Investigation Report

Agency: LBPD **Case Number:** 16-02672 **Date:** 07/20/2016 21:41:58

Vehicle

Year	Color	Style	Make	Model
2016	BLACK	SUV	FORD	EXPLORER

VIN	License Plate Type	License / State	License Year	Owner
[redacted]9745	REGULAR	[redacted] / CA	0	CITY OF LOS ANGELES

Status	Status Date	Value
		$0.00

Vehicle Notes

Involved Officers

[redacted]

Incident/Investigation Report

Agency: LBPD Case Number: 16-02672 Date: 07/20/2016 21:41:58

[redacted]

On July 10, 2016, at approximately 0207 hours, I was working uniformed patrol in marked patrol unit 858, which is equipped with an emergency siren and an overhead light bar with a steady, forward facing red light. I was driving southbound in the number two lane of Coast Hwy., approaching West St., when I began monitoring the driving of the vehicle in front of me, a black Ford SUV with no license plates.

As the Ford passed through the intersection of Coast Hwy. and West St., the vehicle suddenly changed from the number two lane to the number one lane, in front of another vehicle, without signaling, a violation of CVC 22107-unsafe lane change. The Ford then quickly accelerated and changed back into the number two lane, in front of another vehicle. I continued following the Ford, and as it passed the intersection of 7th Ave. and Coast Hwy., I paced the vehicle at 70 mph in a 40 mph zone, a violation of CVC 22350-basic speed law, and CVC 22349-maximm speed.

I activated my overhead emergency lights and siren as the Ford approached the Coast Hwy./Vista Del Sol intersection. As the vehicle neared the Coast Hwy. and Via Mentone intersection, the driver signaled, slowed to approximately 30 mph. The vehicle briefly pulled to the shoulder, then reentered the number two lane and continued driving southbound before ultimately yielding at the intersection of Coast Hwy. and Crown Valley Pkwy.

Once the vehicle yielded, I believed the Ford was an unmarked police unit. Upon contacting the driver and sole occupant of the vehicle, he identified himself via his California driver license as Gabriel Gaxiola. Gaxiola informed me he was a Police Officer with the Los Angeles Police Department, and was currently assigned to the SWAT team.

While speaking with Gaxiola, I noticed his eyes were bloodshot and watery, his speech was slow and slurred, and I smelled an odor of an alcoholic beverage emanating from the vehicle.

Sergeant Cota and Officer Drake arrived on scene to assist me.

I instructed Gaxiola to exit his vehicle and he met with me at the entrance to the Monarch Bay gated community.

I administered a Horizontal Gaze Nystagmus (HGN) test on Gaxiola, during which, I observed a lack of smooth pursuit. During the test, it appeared as though Gaxiola was not following the stimulus.

Officer Drake also administered an (HGN) test. Officer Drake informed me that during his test, he observed a lack of smooth pursuit, HGN was distinct and sustained at maximum deviation, and the onset of HGN was prior to 45 degrees.

I asked Gaxiola the preliminary investigative questions from the DUI arrest, and recorded his answers on the face page of the form.

Next, I explained and demonstrated a series of NHTSA validated Standardized Field Sobriety Tests (SFSTs) to Gaxiola. Prior to attempting each test, Gaxiola confirmed he understood my instructions. My observations of Gaxiola's performance on the SFSTs is recorded on the above referenced DUI arrest form.

I offered Gaxiola the opportunity to submit to a Preliminary Alcohol Screening (PAS) test, but he declined to take the test.

Incident/Investigation Report

Agency: LBPD **Case Number:** 16-02672 **Date:** 07/20/2016 21:41:58

Based upon the objective symptoms of alcohol intoxication observed, his performance on the SFSTs, and his impaired driving, I placed Gaxiola under arrest for CVC 23152(a)-DUI, and handcuffed him without incident.

Per CVC 23612, I informed Gaxiola of his option to submit to a chemical test of his breath or blood, and he elected to submit a blood sample.

I placed Gaxiola in the rear seat of my patrol car and transported him to the Laguna Beach Jail, where he was booked and later released on his own recognizance. Gaxiola was later released to LAPD Lieutenant L. McMillion.

During the booking process, a representative from CFP, Laurel Rodin, CPT-1, responded to the Laguna Beach Jail to withdraw the blood sample. At 0325 hours, Rodin withdrew a sample of Gaxiola's blood from Gaxiola's right arm and subsequently placed it into vial number 650518. Rodin retained the vial as evidence.

Since the vehicle Gaxiola was driving contained his department issued weapons, it was driven to the Laguna Beach Police Department and secured in the sally port.

Officer Drake later informed me he located an open Michelob Ultra beer bottle in the front of the passenger compartment of the Ford. Officer Drake later booked the beer bottle as evidence.

This contact was digitally recorded via the MVS in units 858 and 853.

ARREST REPORT

Fingerprinted: [X] 1 Yes [ ] 2 No | R84 Completed: [ ] 1 Yes [ ] 2 No

IDENTIFICATION

1 ORI #: [redacted] | 2 AGENCY NAME: LAGUNA BEACH POLICE DEPARTMENT | 3a ARREST #: 2016001178 | 3b CASE #: 16-02672 | 4 SFX:

5 LAST, FIRST, MIDDLE NAME: Gaxiola, Gabriel | 6 ALIAS AKA:

[redacted] | 9 HGT. [redacted] | 10 WGT. [redacted] | 11 EYE [redacted] | 12 HAIR [redacted] | 13 SKIN | 14 [ ] SCARS [X] MARKS [X] TATTOOS [ ] AMPUTATIONS

15 PLACE OF BIRTH (CITY, COUNTY, STATE): [redacted] | 16 SSN: [redacted] | 17 DATE OF BIRTH: [redacted] | 18 AGE [redacted] | 19 MISCELLANEOUS ID #

20 SID #: | 21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCDV SUB-SECONDARY FINAL
HENRY CLASS
NCIC CLASS | 22 DL #: [redacted] | 23 ST: CA

24 FBI #: | 25 [ ] RESIDENT [X] NON-RESIDENT | 26 HOME ADDRESS (STREET, CITY, STATE, ZIP): [redacted] | 27 RESIDENCE PHONE | 28 IDENTIFICATION COMMENTS

29 OCCUPATION (BE SPECIFIC): Police Officer

30 EMPLOYER (NAME OF COMPANY/SCHOOL): Lapd | 31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP): Los Angeles, Ca | 32 BUSINESS PHONE

ARREST

33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP): Vista Del Sol / Coast Hwy Laguna Beach, Ca | 34 SECTOR # | 35 ARRESTED FOR YOUR JURISDICTION? [X] IN STATE [ ] OUT STATE AGENCY [ ] YES [ ] NO

36 CONDITION OF ARRESTEE: [ ] DRUNK [ ] SOBER [ ] DRINKING [ ] DRUGS | 37 RESIST ARREST? [ ] YES [ ] NO | 38 INJURIES? [ ] NONE [ ] OFFICER [ ] ARRESTEE | 39 ARMED? [ ] Y [X] N | 40 DESCRIPTION OF WEAPON

41 DATE OF ARREST: 07/10/2016... | 42 TIME OF ARREST: 02:38 [ ] 1. AM [X] MIL. [ ] 2. PM | 43 DAY OF ARREST: [ ] SU [X] M [ ] T [ ] W [ ] TH [ ] F [ ] SA | 44 TYPE ARREST OFFICER... | 45 ARRESTED BEFORE? [ ] YES [ ] NO [X] UNKNOWN

46 CHARGE-1 [ ] FEL [X] MISD: Misd - Dui Alcohol	47 UCR CODE: 90D	49 STATE CODE/LOCAL ORD.: 23152 (A) VC	51 WARRANT #	DISPOSITION	52 DATE ISSUED
48 CHARGE-2 [ ] FEL [ ] MISD	50 UCR CODE	53 STATE CODE/LOCAL ORD.	54 WARRANT #	DISPOSITION	55 DATE ISSUED
56 CHARGE-3 [ ] FEL [ ] MISD	57 UCR CODE	60 STATE CODE/LOCAL ORD.	61 WARRANT #	DISPOSITION	62 DATE ISSUED
58 CHARGE-4 [ ] FEL [ ] MISD	59 UCR CODE	63 STATE CODE/LOCAL ORD.	64 WARRANT #	DISPOSITION	65 DATE ISSUED

65 ARRESTED WITH (1) ACCOMPLICE (FULL NAME):

66 ARREST DISPOSITION: Misdemeanor | 67 ARRESTED WITH (2) ACCOMPLICE (FULL NAME):

VEHICLE

70 VYR	71 VMA	72 VMO	73 VBT	74 VCO TOP / BOTTOM	75 TAG #	76 LIS	77 LIY

78 VIN: | 79 IMPOUNDED? [ ] YES [ ] NO | 80 STORAGE LOCATION/IMPOUND #:

VEHICLE RELATED TO: | VEHICLE RELATION:

81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED [ ] CONTINUED IN NARRATIVE

JUVENILE

82 JUVENILE DISPOSITION: [ ] HANDLED AND RELEASED [ ] REF. TO WELFARE AGENCY [ ] REF. TO ADULT COURT [ ] REF. TO JUVENILE COURT [ ] REF. TO OTHER POLICE AGENCY | 83 RELEASED TO

84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME) | 85 ADDRESS (STREET, CITY, STATE, ZIP) | 86 PHONE

87 PARENTS EMPLOYER | 88 OCCUPATION | 89 ADDRESS (STREET, CITY, STATE, ZIP) | 90 PHONE

RELEASE

91 DATE AND TIME OF RELEASE: [ ] 1 AM [ ] 2 PM [ ] MIL. | 92 RELEASING OFFICER NAME | 93 AGENCY/DIVISION | 94 ID #

95 RELEASED TO | 96 AGENCY/DIVISION | 97 AGENCY ADDRESS

98 PERSONAL PROPERTY RELEASED TO ARRESTEE [ ] YES [ ] NO [ ] PARTIAL | 99 PROPERTY NOT RELEASED/HELD AT | 100 PROPERTY #

101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)

LOCAL USE

102 SIGNATURE OF RECEIVING OFFICER | 103 SIGNATURE OF RELEASING OFFICER | STATE USE

MULTIPLE CASES CLOSED	104 CASE #	105 SFX	106 CASE #	107 SFX	108 CASE #	109 SFX	110 ADDITIONAL CASES CLOSED NARRATIVE [ ] Y [ ] N

111 ARRESTING OFFICER (LAST, FIRST, M.I.)	112 ID #	113 ARRESTING OFFICER (LAST, FIRST, M.I.)	114 ID #	115 SUPERVISOR	116 WATCH CMDR.
Mcguire, Thomas	31348			Ramos ID # 26834	ID #

Los Angeles Police Department

Complaint Adjudication Form

12/27/2016 <== Date on the IAG, ARS-Communication Slip, or on the chain of command investigation (Manual Section 3/824).	CF No. 16-001876

EMPLOYEE: ☐ Multiple Employees

LAST NAME, FIRST M.I.	SERIAL NO.	RANK AT TIME OF INCIDENT	AREA/DIV. AT TIME OF INCIDENT	DUTY STATUS	ARRESTED
GAXIOLA, Gabriel ☐ UNKNOWN	35056	P-3	Metropolitan	☐ ON ☑ OFF	☑ YES ☐ NO

ASSIGNMENT TYPE AT TIME OF INCIDENT: ☐ PATROL ☐ AREA DETECTIVE ☐ ADMIN/COVETED ☑ SPECIALIZED DIV ☐ UNIFORM GED

COMPLAINANT (LAST NAME, FIRST, M.I.) ☑ DEPARTMENT

ADJUDICATION SUMMARY: Enter allegation number(s) under the respective dispositions. Check Military endorsement for the disposition recommended.

	SUSTAINED	NOT RESOLVED	UNFOUNDED	EXONERATED	INSUFFICIENT EVIDENCE TO ADJUDICATE	OTHER JUDICIAL REVIEW	PENALTY: No Penalty	Admon	OR	Susp Days	Demotion	Discharge or Term on Probation	BOR
Division Commanding Officer	1, 2, 3						☐	☐	☑		☐	☐	☐
Area Commanding Officer							☐	☐	☐		☐	☐	☐
Group Commanding Officer							☐	☐	☐		☐	☐	☐
Bureau Commanding Officer							☐	☐	☐		☐	☐	☐
Chief of Police							☐	☐	☐		☐	☐	☐

PENALTY RATIONALE: (Explain, if recommendation deviates from Penalty Guide.) ☐ PTC (See attached Form 1.13 for findings and penalty recommendation.)

☐ Continued on back

DIVISION COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	EMPLOYEE'S SIGNATURE (ADMONISHMENT ONLY)	SERIAL NO.	DATE
Captain Greg D. McManus #33931		1/20/17			
GROUP/AREA COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	☐ Concur ☐ Military Endorsement (See back page.)		
Captain Greg D. McManus #33931		1/20/17			
BUREAU COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	☐ Concur ☑ Military Endorsement (See back page.)		
Bruce E. [illegible]	25958	3/31/17			

FINAL DEPARTMENT ACTION — Internal Affairs Group Use Only

NO REPLY — SEE 15.2 PD, 6/1/17 — NO 3.29 7/25/17

10-55-22500(C)? 6/1/17

☐ CSC OVERULE ☐ BOR - GUILTY (Counts:) ☐ BOR - NOT GUILTY (Counts:)

NAMED EMPLOYEE (LAST NAME, FIRST, MI)	☐ UNKNOWN	CF No.
Gaxiola, Gabriel		16-001876

EMPLOYEE INTERVIEW

EMPLOYEE INVESTIGATION REVIEW

Other than Sustained, Admonishments, or Official Reprimand

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You have the opportunity to review the completed investigation, including the letter of transmittal, and to make a written response. Any such response must be in writing and submitted to the commanding officer listed on the front of this form with 30 calendar days of this service. Thirty days from that date will be:

NOTICE OF PROPOSED DISCIPLINARY ACTION

Notice of Proposed Disciplinary Action

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You are hereby notified that I am proposing to the Chief of Police that you receive the penalty specified on the front of this form for the allegations sustained in the findings, which are attached to this form **You have an opportunity to respond orally or in writing by:** June 20, 2017

Your response will be reviewed by the Chief of Police for evaluation prior to adjudication of this matter.

The employee shall initial the boxes that apply:

- GG I have received a copy of the investigation materials.
- ☐ I have waived my right to receive a copy of the investigative material.
- GG I was informed of my right to respresentation prior to discussing this matter.
- ☐ I intend to submit a response.
- GG I do not intend to submit a response.
- ☐ I have received documentation regarding my fitness and suitability to perform the duties of my position (civilian employee).

I have discussed this matter with the employee.

Your signature acknowledges receipt of materials, but does not indicate concurence with my recommendations.

DIVISION COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	EMPLOYEE'S SIGNATURE	SERIAL NO.	DATE
	26086	6/14/17		35056	6/14/17

C/O'S RESPONSE TO EMPLOYEE:

Date response received:

- ☐ No employee response was submitted by the date specified.
- ☐ After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty.
- ☐ A review of the employee's response has caused me to take the following actions: (See below).

RECEIVED

JUN 22 2017 RJ

ADVOCATE SECTION
INTERNAL AFFAIRS GROUP

☐ See continuation page.

MILITARY ENDORSEMENT RATIONALE:

☐ See continuation page.

NAMED EMPLOYEE (LAST NAME, FIRST, MI)	☐ UNKNOWN	CF No.
GAXIOLA, Gabriel		16-001876

EMPLOYEE INTERVIEW

EMPLOYEE INVESTIGATION REVIEW

Other than Sustained, Admonishments, or Official Reprimand

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You have the opportunity to review the completed investigation, including the letter of transmittal, and to make a written response. Any such response must be in writing and submitted to the commanding officer listed on the front of this form with 30 calendar days of this service. Thirty days from that date will be:

NOTICE OF PROPOSED DISCIPLINARY ACTION

Notice of Proposed Disciplinary Action

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You are hereby notified that I am proposing to the Chief of Police that you receive the penalty specified on the front of this form for the allegations sustained in the findings, which are attached to this form **You have an opportunity to respond orally or in writing by:** 4/17/2017

Your response will be reviewed by the Chief of Police for evaluation prior to adjudication of this matter.

The employee shall initial the boxes that apply:

GG I have received a copy of the investigation materials.	GG I intend to submit a response.
☐ I have waived my right to receive a copy of the investigative material.	☐ I do not intend to submit a response.
GG I was informed of my right to respresentation prior to discussing this matter.	☐ I have received documentation regarding my fitness and suitability to perform the duties of my position (civilian employee).

I have discussed this matter with the employee.

Your signature acknowledges receipt of materials, but does not indicate concurence with my recommendations.

DIVISION COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	EMPLOYEE'S SIGNATURE	SERIAL NO.	DATE
	26086	3/16/17		35086	3-16-17

C/O'S RESPONSE TO EMPLOYEE:

Date response received:

☐ No employee response was submitted by the date specified.

☐ After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty.

☐ A review of the employee's response has caused me to take the following actions: (See below).

☐ See continuation page.

MILITARY ENDORSEMENT RATIONALE:

☐ See continuation page.

RE-Skelly

NAMED EMPLOYEE (LAST NAME, FIRST, MI)	☐ UNKNOWN	CF No.
GAXIOLA, Gabriel		16-001876

EMPLOYEE INTERVIEW

EMPLOYEE INVESTIGATION REVIEW

Other than Sustained, Admonishments, or Official Reprimand

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You have the opportunity to review the completed investigation, including the letter of transmittal, and to make a written response. Any such response must be in writing and submitted to the commanding officer listed on the front of this form with 30 calendar days of this service. Thirty days from that date will be:

FEBRUARY 23RD, 2017

NOTICE OF PROPOSED DISCIPLINARY ACTION

Notice of Proposed Disciplinary Action

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You are hereby notified that I am proposing to the Chief of Police that you receive the penalty specified on the front of this form for the allegations sustained in the findings, which are attached to this form **You have an opportunity to respond orally or in writing by:**

Your response will be reviewed by the Chief of Police for evaluation prior to adjudication of this matter.

The employee shall initial the boxes that apply:

- ☑ I have received a copy of the investigation materials.
- ☐ I have waived my right to receive a copy of the investigative material.
- ☑ I was informed of my right to respresentation prior to discussing this matter.
- ☑ I intend to submit a response.
- ☐ I do not intend to submit a response.
- ☐ I have received documentation regarding my fitness and suitability to perform the duties of my position (civilian employee).

I have discussed this matter with the employee.

Your signature acknowledges receipt of materials, but does not indicate concurence with my recommendations.

DIVISION COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	EMPLOYEE'S SIGNATURE	SERIAL NO.	DATE
	31055	1/23/17		35056	1-23-17

C/O'S RESPONSE TO EMPLOYEE:

Date response received:

- ☐ No employee response was submitted by the date specified.
- ☐ After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty.
- ☐ A review of the employee's response has caused me to take the following actions: (See below).

☐ See continuation page.

MILITARY ENDORSEMENT RATIONALE:

☐ See continuation page.