STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, MARCH 21, 2024

9:02 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Kathryn S. Swank
California Certified Shorthand Reporter #13061
Registered Professional Reporter

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer
(Vice Chairperson)

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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POST COMMISSION LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

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A P P E A R A N C E S C O N T I N U E D

POST COMMISSION STAFF

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

CHRISTOPHER BECKER
Assistant Chief Counsel
Legal Affairs Bureau

ROBERT BRINGOLF
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

BRYANT HENLEY
Attorney IV
Legal Affairs Bureau

WILLIAM IMBODEN
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

MARK NAGEL
Law Enforcement Consultant
Professional Conduct Southern Bureau

KEVIN SHERBURNE
Law Enforcement Consultant
Professional Conduct Central Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

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A P P E A R A N C E S C O N T I N U E D

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ALSO PRESENT

KASEY A. CASTILLO
Counsel for
Officer David Hubbard
(Via videoconference)

CESAR DIAZ
Peace Officer
POST ID C68-U20

SAKU ETHIR
Counsel for
Officer Ivan Sarabia-Medina
(Via videoconference)

DILLON FUSTON
Peace Officer
POST ID C71-S10

BRADLEY M. FIELDS
Counsel for
Officer Dillon Fuston
(Via videoconference)

BEATRICE JOHNSON

DANIEL SANCHEZ

IVAN SARABIA-MEDINA
Peace Officer
POST ID C12-A96
(Via videoconference)

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I N D E X

PROCEEDINGS		PAGE
I.	CALL TO ORDER	7
II.	ROLL CALL OF POSAAB MEMBERS	7
III.	PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA	9
IV.	ASSISTANT EXECUTIVE DIRECTOR COMMENTS	11
V.	NEW BUSINESS	
	1. Peace Officer Standards Accountability Division (POSAD) Update	11
	2. Report on Outcome of Case Review from the March 07, 2024 Commission Meeting	21
	3. Election of Vice Chair	24
VI.	APPROVAL OF MEETING MINUTES AND TRANSCRIPT	
	1. Approval of Meeting Minutes from the December 13, 2023 Meeting	29
	2. Approval of Meeting Transcript from the December 14, 2023 Meeting	29
VII.	NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION	
	1. POST2311496 - Cesar Hazel Diaz (POST ID: C68-U20) Last employing Agency: Los Angeles School District Police Department	35
	2. POST2300809 - Dillon Fuston (POST ID: C71-S10) Last employing Agency: San Diego Police Department	45
	3. POST2300204 - David Wesley Hubbard (POST ID: C15-B77) Last employing agency: Kern County District Attorney's Office	82

I N D E X C O N T I N U E D

PROCEEDINGS	PAGE
4. POST2322012 - Ivan D. Sarabia-Medina (POST ID: C12-A96) Last employing Agency: Los Angeles County Sheriff's Department	108
VIII. CLOSED SESSION	
(Transcripts prepared and bound under separate cover)	
IX. FUTURE BOARD MEETING DATES	131
May 15-16, 2024 - POST, West Sacramento July 24-25, 2024 - POST, West Sacramento	
X. ADJOURNMENT	134
CERTIFICATE OF REPORTER	135
ERRATA SHEET	136

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Thursday, March 21, 2024, 9:02 a.m.

West Sacramento, California

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MS. DEL MUGNAIO: Good morning. Welcome everyone. This is our second hearing of the Peace Officer Standards Accountability Advisory Board.

Today before we get into the first order of business, I'm just going to make a quick announcement about the proceedings today. As many of you know, on the Board, Ms. Dudley, our Chair, will not be joining us today. Sadly, she would have been here if she could. But due to some unforeseen circumstances, she will not be joining us today.

So I will go ahead and facilitate at least the first half of the meeting until we get to our cases that are before the Board today. And then we will probably have our vice chair, as long as that person feels comfortable, facilitate the remainder of the meeting.

Does that sound fair to the board members?

(No response.)

MS. DEL MUGNAIO: Okay. Great. All right. I'm going to go ahead and ask Chandler to call the roll this morning.

MR. KNAPP: Okay. Good morning, members of the Board.

Board Member Buchen.
(No response.)
MR. KNAPP: Board Member Clavo.
MEMBER CLAVO: Present.
MR. KNAPP: Board Member Crawford.
MEMBER HATCHER-CRAWFORD: Present.
MR. KNAPP: Board Member Doyle.
VICE CHAIRPERSON DOYLE: Here.
MR. KNAPP: Board Member Dudley.
(No response.)
MR. KNAPP: Board Member Glaser.
MEMBER GLASER: Here.
MR. KNAPP: Board Member Johnson.
MEMBER JOHNSON: Present.
MR. KNAPP: Board Member Lara.
MEMBER LARA: Here.
MR. KNAPP: And Board Member Pena.
MEMBER PENA: Here.
MS. DEL MUGNAIO: Okay. Thank you.
We have a quorum.
I want to thank those of you who are in attendance today. We want to take a couple of notes to kind of explain to you that this meeting or hearing is being webcast. It is also being recorded and transcribed.
The microphones are on auto on and off, so you do

not have to touch them before you speak. As soon as you begin speaking, they will go live. When you are not speaking, they will not be live.

You will need to watch the cross-talk because if you lean over and talk to your partner, that will be caught on recording and webcast, so just be advised.

I also want to thank those in attendance today for joining us. When you are asked to come forward for public comment, you may introduce yourself and your association. You do not have to. So that is voluntary. I want to make sure that's clear today.

I would like to introduce some of the folks here at the table today. To my left, I would like to introduce Chris Beatty. He's our board counsel.

I'm assistant director -- Assistant Executive Director Annemarie Del Mugnaio of the Peace Officer Standards and Accountability Division.

To my right is Chandler Knapp. He works in EXO.

Thank you.

Okay. We're going to see if there's any public comment before the Board today. This is the time that is set aside for public members of the public who wish to comment on items that are not on the agenda but those within the Board's jurisdiction.

Public comment on matters on the agenda will be

First case is Cesar Diaz POST2311496 and POST ID C68-U20.

At this time, I will call upon Law Enforcement Consultant William Imboden, Professional Conduct Los Angeles Bureau, and Carrie Woolley, Attorney IV, Legal Affairs Bureau, to provide a report on case POST2311496, Cesar Diaz, who the time of the events at issue in this case was employed by the Los Angeles School District Police department.

MR. IMBODEN: Thank you, Mr. Vice Chair.

VICE CHAIRPERSON DOYLE: Please.

MR. IMBODEN: My name is William Imboden. I'm a Law Enforcement Consultant II in Professional Conduct, assigned to the Los Angeles County Bureau.

Beside me is Carrie Woolley, an attorney with the Legal Affairs Bureau.

The case before you, POST2311496, was submitted to POST for an allegation of serious misconduct under California Penal Code section 13510.8(b)(6), Acts That Violate the Law.

That states that "Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with the peace officer's obligation to uphold the law or respect the rights of members of the public as determined by the Commission."

In June 2020, Cesar Hazel Diaz, an officer with the Los Angeles School District Police Department, while off duty was arrested in Orange County, California, for suspicion of -- (audio malfunction).

In June 2020, Cesar Hazel Diaz, an officer with the Los Angeles School District Police Department, while off duty was arrested in Orange County, California, for suspicion of driving under the influence of alcohol.

Mr. Diaz was seen driving his vehicle recklessly at a high rate of speed, approximately 50 miles per hour in a 25 mile an hour zone on the wrong side of the road and crossing over solid double yellow lines with several passengers in his vehicle.

Mr. Diaz failed field sobriety tests, and was subsequently arrested. And when he was taken into custody, his loaded handgun was located in the waistband of his clothing.

During the booking process, Mr. Diaz provided a blood sample to determine his blood alcohol concentration, which ultimately returned as .14 percent BAC post-arrest.

Just ten weeks later in August of 2020, while driving his vehicle off duty in Los Angeles County, Mr. Diaz was seen rapidly accelerating as he exited a parking lot and swerving across four lanes of traffic in

one move without signaling.

After stopping at a red light, Mr. Diaz then accelerated rapidly while crossing two lanes of traffic to make a right turn without signaling.

During the subsequent DUI investigation, it was discovered Mr. Diaz's loaded firearm was on the floor under the front passenger seat, which was occupied by a subject who was not a peace officer and who also had been drinking alcohol.

While being booked at the jail after being arrested, Mr. Diaz provided breath samples to determine his blood alcohol concentration. The sample showed Mr. Diaz -- (audio malfunction).

The sample shows Mr. Diaz's blood alcohol concentration was .17 percent and .19 percent shortly after his arrest.

In July 2021, in LA County Court, Mr. Diaz pled no contest to one misdemeanor count of drivings under the influence of alcohol with BAC of .08 percent or higher.

The second misdemeanor charge was dismissed as part of the plea bargain.

In October of 2022, in Orange County court, Mr. Diaz pled guilty to two misdemeanors; driving under the influence and driving under the influence with a BAC of .08 percent or higher.

Mr. Diaz's employer told the administrative investigation while the criminal cases worked their way through court, and due to the court delays, the June 2020 arrest was not cleared administratively until December of 2022.

At the conclusion of the administrative investigation, Mr. Diaz was suspended without pay for 240 hours by his agency.

As a result of his actions, Mr. Diaz arrest -- I'm sorry -- was arrested twice in 10-week span for driving under the influence of alcohol.

At the time of his second arrest, his blood alcohol concentration was significantly higher than the first time. During both arrests he exhibited erratic and dangerous driving behavior, putting both his passengers and the rest of the driving public at extreme risk of death or serious injury.

Additionally, he was in possession of a loaded firearm both times. The second time, his firearm was unsecured and accessible by an inebriated passenger.

Based on these actions and the details as I have described them, the Division believes there's clear and convincing evidence that Mr. Diaz committed serious misconduct as defined in section 13510.8(b)(6).

For the 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 the charge is true. The evidence need not establish a fact beyond a reasonable doubt.

That's the end of my report, and I would be happy to take questions.

VICE CHAIRPERSON DOYLE: Ms. Pena.

MEMBER PENA: Thank you.

On the first DUI, there was no weapon found?

MR. IMBODEN: There was a weapon on him both DUIs. The first DUI was in his waistband.

MEMBER PENA: Thank you.

VICE CHAIRPERSON DOYLE: Any other questions by board members?

(No response.)

VICE CHAIRPERSON DOYLE: At this time, does the subject officer or their counsel wish to make public comment? You may state your name and organization, if you wish. Please come to the...

MR. DIAZ: Hello, Madam Chair, and Vice Chair and Board members. I prepared a three-minute speech because I know I was told I only had three minutes to speak about myself.

So my name is Cesar Diaz. Thank you for allowing me to speak a little bit about myself today. I ask that

while you consider my case that you also have -- you also consider the facts about what I have done to learn from my mistakes and how growing from those mistakes have made me a different person and a better police officer to this day.

There was a period of time in 2020 where my actions did not correctly reflect my true character. I was dealing with undiagnosed PTSD, unmanaged grief from family and work losses, the 2020 riots in Los Angeles, childhood trauma, and unfortunately my list of coping skills only included drinking.

After my off-duty mistakes, I realized what I was doing to cope wasn't working. I made the conscious decision to work on my personal and mental wellness by choosing to attend a 30-day inpatient rehab for first responders.

After that, I also completed a 90-day outpatient program where I received continued support for my personal wellness to this day.

I have found since then new and healthy ways to cope with my PTSD that include -- that don't include drinking. I learned how my coping skills were detrimental to me and negatively affecting those around me, like my family, community, and friends.

Today I stand in front of you a better man with a

long list of healthy coping skills. I recently became a father, which has shaped my world for the better and created a why for me every day.

With my any coping skills, I have been able to successfully manage duty-related traumas as I have continued to work in the field as a police officer and having dealt with personal losses for the last four years.

I love my job as a police officer. It affords me the opportunity to serve people on their worst days, including people who have made similar mistakes to what I have made.

It allows me to positively impact my community, and to help set an example of how one can overcome their mistakes and increase their overall wellness and be able to lead a better life.

With all that said, I understand the need for accountability in peace officers, and I commend your service for these efforts.

I hope that you can see how my actions after my mistakes reflect my integrity, and how I have held myself accountable for my family and my community that I serve.

Thank you for allowing me to represent myself and speak about who I am.

If you have any questions I can answer in regards to my case.

VICE CHAIRPERSON DOYLE: Members, any questions?

(No response.)

VICE CHAIRPERSON DOYLE: No? Okay.

Is there any public comment to the presentations?

(No response.)

VICE CHAIRPERSON DOYLE: Thank you. At this time, is it the Board's interest in going into closed session after each case or take them all at the same time?

MEMBER GLASER: I move that we go into closed session now.

VICE CHAIRPERSON DOYLE: Okay.

MEMBER CLAVO: I second.

VICE CHAIRPERSON DOYLE: Okay. Okay. At this time, the meeting will adjourn into closed session for the deliberations on this case. And the Board will now exit to a private room.

(Time noted: 10:03 a.m.)

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(Closed session was held from 10:07 a.m. to 10:55 a.m.)

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(Time noted: 11:01 a.m.)

VICE CHAIRPERSON DOYLE: We will now reconvene to

the regular session to take a vote on the Board's recommendation to the Commission.

As a reminder to the Board, the Board has several options in making a recommendation to the Commission, including a suspension, revocation, or no action. Each option is available until a motion is voted on and approved. In other words, if a motion to revoke certification is made and passes, that ends the deliberations.

If such a motion is made and fails, however, a motion to suspend certification may still be made should any board member wish to do so.

In the matter of the case POST2311496, Cesar Diaz, who at the time of events was -- at issue was employed by the Los Angeles School District Police Department, what comments do members of the Board have to make on this matter?

(No response.)

VICE CHAIRPERSON DOYLE: Okay. Is there a motion by the Board to make a recommendation to the Commission?

MEMBER LARA: I would like to make a recommendation, please.

VICE CHAIRPERSON DOYLE: Commissioner Lara.

MEMBER LARA: I recommend that the -- the period of six-month suspension.

MEMBER GLASER: Second.
VICE CHAIRPERSON DOYLE: A second by Mr. Glaser. Roll call.
MR. KNAPP: Board Member Buchen.
(No response.)
MR. KNAPP: Board Member Clavo.
MEMBER CLAVO: Aye.
MR. KNAPP: Board Member Crawford.
MEMBER HATCHER-CRAWFORD: Abstain.
MR. KNAPP: Board Member Doyle.
VICE CHAIRPERSON DOYLE: Yes.
MR. KNAPP: Board Member Dudley.
(No response.)
MR. KNAPP: Board Member Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Board Member Johnson.
MEMBER JOHNSON: Nay.
MR. KNAPP: Board Member Lara.
MEMBER LARA: Aye.
MR. KNAPP: Board Member Pena.
MEMBER PENA: No.
MR. KNAPP: We have four yeses; one abstention; and two nays.
VICE CHAIRPERSON DOYLE: Motion passes. Four yes. Two nay. One abstention.

CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Kathryn S. Swank, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of April 2024.

Kathryn S Swank

KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061