# INVESTIGATIVE SUMMARY AND FINDINGS

**PEACE OFFICER NAME: Joshua G. Satterfield**

**POST ID NUMBER: C46-V20**

**EMPLOYING AGENCY: Torrance Police Department**

**POST CASE NUMBER: POST2305109**

**WRITTEN BY: LEC Robert Bringolf**

**DATE: 9/20/2024**

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## I. Executive Summary

This case was submitted by the Torrance Police Department (TPD) which alleged the subject officer, Officer Joshua Satterfield, hereinafter, "Respondent," was involved in serious misconduct when he sent text messages that contained racist, homophobic and transphobic sentiments which demonstrated his bias and inability to fairly and impartially perform his duties 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 September 22, 2022.

### 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[2] shows a written reprimand issued December 13, 2019, for policy violations associated with leaving his assigned beat and failing to advise dispatch of his location.

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[1] In addition to the discipline summarized here, Respondent is the subject officer in seven (7) other serious misconduct allegations, which the Torrance Police Department reported to POST. As of the date of the Investigative Summary and Recommendation in the present case (POST2305109) some, but not all, of the seven unrelated cases remain open with the Division. The Division stands ready to provide additional details about these other allegations; however, the allegations are unrelated to the facts in the present case and were not relied upon in making the Division's recommendation here.

[2] Summarized in the Findings Letter sent to Respondent upon his termination (pg. 11 of 14)

On January 22, 2019, Respondent was issued a 30-day suspension for an event that occurred on April 10, 2018, wherein he committed policy violations associated with missing court.[3] That same day, another 30-day suspension was issued to Respondent for a separate incident that occurred on August 20, 2018, wherein Respondent, while off-duty and intoxicated, used a LASD deputy's radio to broadcast an "officer needs help" radio call and then immediately turned off the radio. This particularly egregious offense resulted in a county-wide status check /roll call on the radio.[4]

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

- Workplace harassment Prevention – 8 hours – 01/13/2014
- Cultural Diversity – 8 hours – 04/23/2014
- Basic Police Academy
- Racial Profiling
- Racial Profiling Update – 4 Hours – 05/29/2019

### c. Prior Employment History

Respondent began his law enforcement career with the Los Angeles County Sheriff's Office as a deputy trainee on January 9, 2014; he was promoted to deputy sheriff on June 1, 2014. Respondent had ten days off between working as a deputy sheriff and starting as a police officer at the Torrance Police Department.[5]

[3] Per a telephone conversation with TPD Sgt. James Kyle on 05/19/2023~1300 hours.
[4] Per a telephone conversation with TPD Sgt. James Kyle on 05/19/2023~1300 hours.
[5] Respondent's EDI Report

### d. Peace Officer Certification

Respondent is assigned POST ID C46-V20. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic #180699 (Issued: July 14, 2015)

### e. The Present Allegations of Serious Misconduct

1. ***Penal Code Section 13510.8(b)(5), as clarified by Commission Regulation 1205(a)(5)[6] – Demonstrating Bias:***

> (a)(5) 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

[6] See 11 Cal. Code Regs. § 1205(a)(5) (as modified on April 18, 2024).

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 and the subject officer. The TPD also provided the Peace Officer Standards Accountability Division (Division) the raw data seized from the cellular telephones of other Torrance Police Officers during a criminal investigation.

Information obtained was analyzed using 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.[7] It does, however,

[7] The Division, as described further below, received information concerning approximately 390 WhatsApp messages exchanged between several peace officers. Respondent was one of the members of a group chat called "The Boys," and 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, 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).

contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

## IV. Factual Summary

On March 26, 2023, Torrance Police Department (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 homophobic, transphobic and racist texts sent between members of the TPD between May 2018 and February 2022.

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.[8]

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 around 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.

[8] 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.

One of the WhatsApp group texts was titled, “The Boys” and consisted of approximately 15 members from the TPD.

On **August 23, 2018**, Officer Anthony Chavez (hereafter “Officer Chavez”) sent a text to Respondent that was a link to an article titled, “Grand Rapids Man Accused of Urinating on Black Child, Calling Her N-word.” Respondent responded, “What’s the crime [?]”

On **December 13, 2018**, Officer Chavez sent a photo from the social media account of a T Flats rapper that contained an image of an assault rifle sitting upright on a table with a target underneath. After some discussion, Respondent messaged the group, “You happen to notice the rounds put through that target on the table? I’m confident he won’t be hitting any of us with that unzeroed Eotech… Kinda reminds me of Chandler’s targets… by Evidence of IP1 Officer David Chandler (hereafter “Officer Chandler”) responded, “I’m a deadeye shot biotch. Who’s IP1 Respondent replied, “That nigglet you failed to kill. Grandma said you need to be a better shot.”

On **April 30th, 2019**, Officer Lance Nelson (hereafter “Officer Nelson”) shared a Black Lives Matter Instagram post to “The Boys” group chat. The post read, “TORRANCE, CA POLICE SHOT AND KILLED IP2 WITHIN 15 SECONDS. Just released bodycam footage shows police murder IP2 Respondent responded, “Aww,” and, “His little son will grow up without a father now. Oh way [sic] that’s standard for any African American family to be absent a father. He’ll be fine.”

On April 25, 2022, Respondent was interviewed as part of a large-scale internal affairs investigation stemming from the discovery of the above-mentioned messages. During the interview Respondent was advised of his Constitutional Rights per 3303(h) of the Government Code. Respondent invoked his right to remain silent and was compelled to

provide a statement. A sergeant from TPD admonished Respondent pursuant to *Lybarger*[9] and then the interview continued.

During the internal affairs investigation Respondent provided his cellular telephone number to the investigator[10]. Respondent advised he did not have another phone number while he worked for TPD[11]. Respondent was not aware of anyone else using his cellular telephone while he had that number. During Respondent's internal affairs interview, his counsel instructed him not to answer any questions related to information or data seized as a result of the search warrant written for the personal telephones of Officers Tomsic and Weldin.[12]

Because Respondent was refusing to answer questions related to the digital evidence, Respondent was admonished by TPD Sergeant James Kyle that his continued refusal to answer the specific questions presented to him by Internal Affairs Investigator Stauffer could result in an additional policy violation of insubordination which could result in further discipline, up to and including termination. Respondent continued to refuse to answer questions directly related to the messages located on the telephones of Officers Tomsic and Weldin. Respondent stated that he refused to answer these questions based on the advice of his counsel.[13]

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[9] *Lybarger v. City of Los Angeles,* 40 Cal. 3d 825 (1985).

[10] Respondent Transcripts 4/25/22 Interview Pg 5.

[11] Respondent Transcripts 4/25/22 Transcript Pg 6.

[12] Respondent's counsel contended that TPD's use of cellular phone information or data seized as a result of the search warrant for Officers Tomsic and Weldin was a violation of Penal Code section 1546.1. Respondent's counsel's contentions were later determined to be erroneous as a matter of law. On August 26, 2022, L.A. Superior Court Judge William Ryan rejected Respondent's motion to suppress evidence, and concluded TPD was permitted to use the cellular phone information and ask questions of Respondent concerning the information. Respondent appealed this ruling; however, the appeal was dismissed by order of the 2nd Appellate District Court of Appeal on January 29, 2024. (See *Chavez et al. v. Torrance Police Department et al.* (California Court of Appeal Case No. B324472).)

[13] 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.

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 several policies relating to the conduct of their 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.

On September 22, 2022, the City of Torrance, CA sent Respondent a letter of intent to terminate his employment as a police officer with TPD. In the letter, authored by then-Assistant City Manager Danny E. Santana, Respondent's involvement in the above-listed messages was classified as racist, and TPD terminated Respondent on the basis of Respondent's violation of several Torrance Police Department Policies, "..any of which, standing alone, or in combination warrant[ed Respondent's] termination."

On May 3, 2023, The Commission on POST's Assistant Executive Director, Annemarie Del Mugnaio issued an immediate temporary suspension for Respondent's POST Basic Certification[14].

## 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.[15]

The final determination in this allegation of serious misconduct resulted in Respondent's termination, which occurred on September 22, 2022.[16] The investigation was still ongoing after January 1, 2022 as evidenced by Respondent's internal affairs investigation interviews on April 25, 2022 and June 29, 2022.[17] Because the TPD made its final determination regarding its investigation of Respondent after January 1, 2022, the Commission on POST has jurisdiction to consider this serious misconduct action.

### 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?

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

[14] ITS Packet uploaded to Mark 43.
[15] California Penal Code 13510.8(g)(1)(B).
[16] Termination letter date.
[17] Compendium file, Respondent's Interview Transcripts.

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.

Regarding a message on **August 23, 2018**: Officer Chavez sent a text to Respondent that was a link to an article titled, "Grand Rapids Man Accused of Urinating on Black Child, Calling Her N-word." Chavez wrote, "[Respondent] when he's older." Respondent replied, "What's the crime [?]"

The exchange between Officer Chavez and Respondent is inherently offensive and racist. Respondent's conduct, in sending the message "What's the crime [?]" in response to an article describing allegations of an adult male urinating on a female child and calling the child the "N-word" shows prejudice, intolerance, contempt and hatred towards a protected class of persons. Even when viewed in the light most favorable to Respondent, the "What's the crime [?]" response shows Respondent's indifference toward a specific protected class, which necessarily erodes the public's confidence in Respondent's ability to fairly perform his law enforcement duties. This message constitutes the demonstration of bias.

It is highly probable a reasonable person would conclude that Respondent's August 23 message, in which Respondent asked "What's the crime[?]" in response to an article entitled: "Grand Rapids Man Accused of Urinating on Black Child, Calling Her N-word" demonstrates that Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with a protected class of persons. The message exchange, and Respondent's "What's the crime[?]" response violated several of the Torrance Police Department's policies, including but not limited to: TPD's Anti-Harassment Policy (34.05, et seq.), and General Orders 1.10, 1.10.3(B) and 2.33.1(D)[18]. 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 responded "What's the crime[?]" to Officer Chavez's message.

Regarding the **December 13, 2018**, message where Officer Chavez sent a photo from the social media account of a T Flats rapper that contained an image of an assault rifle sitting upright on a table with a target underneath. After some discussion, Respondent messaged the group, "You happen to notice the rounds put through that target on the table? I'm confident he won't be hitting any of us with that unzeroed Eotech… Kinda reminds me of Chandler's targets… by Evidence of IP1 Officer Chandler responded, "I'm a deadeye shot biotch. Who's IP1 Respondent replied, "That nigglet you failed to kill. Grandma said you need to be a better shot."

Respondent's message above shows prejudice, intolerance, contempt and hatred towards a protected class of persons. Respondent refers to a member of the Torrance community as "[t]hat nigglet" and goes on to criticize Officer

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Chandler because he “failed to kill” the individual during a previous police encounter. Even when viewed in the light most favorable to Respondent, his racist epithet used to describe a member of the Torrance community and statement that Officer Chandler “failed to kill” the Torrance community member shows Respondent’s indifference toward a specific protected class, which necessarily erodes the public’s confidence in Respondent’s ability to fairly perform his law enforcement duties. A reasonable person would conclude that Respondent’s message shows Respondent has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

The specificity of the language in this exchange is severe as Respondent asserts that Officer Chavez failed to kill a member of the Torrance community, an individual Respondent identified using an offensive term associated with that community member’s apparent race. Coupling the racist epithets with the implication that the appropriate outcome to a use of lethal force is the death of the suspect (rather than stopping the threat) also suggests a reasonable person would conclude Respondent’s statement reveals Respondent’s predisposition to use force in an unfair or biased manner. Stated another way, a reasonable person would also conclude that Respondent believes the appropriate use of force will depend on the suspect’s race.

Further, this type of statement violates several department policies and discredits the Torrance Police Department in potentially irreparable ways. Respondent’s remarks violated several of the Torrance Police Department’s policies, including but not limited to: TPD’s Anti-Harassment Policy (34.05, et

seq.), and General Orders 1.10, 1.10.3(B) and 2.33.1(D).[19] 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: "That nigglet you failed to kill. Grandma said you need to be a better shot."

Regarding the **April 30, 2019** message where Officer Nelson shared a Black Lives Matter Instagram post to "The Boys" group chat: The post read, "TORRANCE, CA POLICE SHOT AND KILLED # IP2 WITHIN 15 SECONDS. Just released bodycam footage shows police murder IP2 …" Respondent replied, "Aww," and, "His little son will grow up without a father now. Oh way [sic] that's standard for any African American family to be absent a father. He'll be fine."

Respondent's April 30 message shows prejudice, intolerance, contempt and hatred towards a protected class of persons. Respondent facetiously laments the death of a member of the Torrance community by messaging "Aww". Respondent goes on to reinforce racist stereotypes and expresses a callous indifference concerning the future of the decedent's child when he states: "[the decedent's] little son will grow up without a father now. Oh way [sic] that's standard for any African American family to be absent a father. He'll be fine."

Respondent reacted to the death of a member of the Torrance community by using racist stereotypes, while at the same time displaying no empathy for the decedent's young son. A reasonable person would conclude that Respondent's message demonstrates Respondent has not or will not fairly

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and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

Further, the April 30 message is another message that discredits the Torrance Police Department in potentially irreparable ways. Respondent's remarks also violated a number of the Torrance Police Department's policies, including but not limited to: TPD's Anti-Harassment Policy (34.05, et seq.), and General Orders 1.10, 1.10.3(B) and 2.33.1(D).[20] 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: ""Aww," and, "His little son will grow up without a father now. Oh way [sic] that's standard for any African American family to be absent a father. He'll be fine."

## VI. Supporting Evidence and Documentation

**Attachment "A"** – Termination Letter
**Attachment "B"** - POSAD Mark 43 Report Summary – 2 pages
**Attachment "C"** - Respondent's EDI Report
**Attachment "D"** - Respondent Transcripts 4/25/22 Interview Pg 5
**Attachment "E"** - Respondent Transcripts 4/25/22 Transcript Pg 6
**Attachment "F"**- Text messages –sorted by date
**Attachment "G"** - Applicable Torrance Policies
**Attachment "H"** - Executive Review and Peace Officer Standards Accountability Division Recommendation

[20] Torrance Policies

## VII. Findings

Based on the evidence that Respondent sent multiple unequivocally bigoted group messages in violation of TPD policies, and a reasonable person would conclude that Respondent has not or will not perform his duties fairly and impartially as a result, the Division finds there is clear and convincing evidence that Respondent engaged in serious misconduct, to wit demonstrating bias in violation of Penal Code section 13510.8(b)(5) and Commission Regulation 1205(a)(5). Therefore, reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of suspension or revocation of Respondent's POST certification in accordance with the Executive Review and Peace Officer Standards Accountability Division Recommendation.[21]

[21] See Attachment "H".