Commission on Peace Officer Standards and Training
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On May 2, 2023, David Hubbard was interviewed in a conference room located at the California Department of Consumer Affairs, Bureau of Automotive Repair, 3331 North Sillect Avenue, Bakersfield, California by Kevin Sherburne, Law Enforcement Consultant, and Christine Ford, Bureau Chief, at the California Commission on Peace Officer Standards and Training ("POST"). Communications by the parties during the interview were electronically recorded. The recording will serve as the true and accurate record of the statements made by Hubbard. After being advised of the identity of the interviewers and the purpose of the interview, that being to obtain information related to allegations of serious misconduct, Hubbard provided the following information:

Hubbard was promoted to lieutenant in 2020. He was in charge of the Internal Affairs ("IA") unit for about three or four months.. The lieutenant in the Professional Standards Unit ("PSU") promoted to commander and Hubbard was asked to take it over. Doug Jauch was the Undersheriff. It was not unusual for a lieutenant to have a two month assignment. As a lieutenant, you are at the mercy of the department. You don't bid or request to transfer. Hubbard had extensive experience in investigations and had internal investigations experience. PSU had some investigative experience, but no one had the same depth of experience as Hubbard.

PSU reported to the compliance and standards commander and also directly to the Undersheriff. Kern County Sheriff's Office ("KCSO") created a new commander position for Erik Levig. Levig's job was to work on the stipulated judgment. IA reported to Damian Nord, who was a chief deputy at the time. Nord was Hubbard's supervisor in several capacities for nearly ten years. Levig and Hubbard worked in patrol together in 2008-09 and were partners in homicide in 2015. They each became sergeants on metro patrol.

Justin Weidenkopf was a detective in the burglary unit when Hubbard was a sergeant in homicide. Weidenkopf had a good understanding of burglary/theft cases and crimes against persons. Weidekopf had a different type of experience than Hubbard. They saw things differently. Weidenkopf sees very black and white, whereas Hubbard does not. Hubbard has had different types of investigative experiences, including administrative cases, homicide, sexual assault. Financial crimes investigations can be black and white. Later, when Weidenkopf worked for Hubbard in PSU, Hubbard and he had a difference of opinion in leadership. Again, Weidenkopf is more black and white. Hubbard refers to Weidenkopf's supervision of staff. Hubbard was very lenient and laid back on comings and goings. If someone came in late for work because they had to drop their kids off at schools or a had a doctor's appointment, Hubbard was not as rigid as Weidenkopf. Weidenkopf expected his staff to be there at 8:00 a.m. sharp. He's not wrong in that, but Hubbard allowed more flexibility. The two had discussions, not arguments about leadership style.

V1 V1 was not on a performance improvement plan. Hubbard was not aware of any performance problems, but she did come in late and she made up the time on the back end of her shift. She regularly worked past her scheduled time. She was not claiming overtime – she made up the time for coming in late. She came in late because she had childcare problems and medical appointments. She has a litany of medical issues, including POTS disease, which is a cardiovascular issue. Her heart rate increases and blood pressure decreases, resulting in fainting and being unresponsive. She was taken to the hospital. She also has allergies, which also sent her to the hospital at some points.

Hubbard and a few of the people in the office carried her. The solution was to have her lie down. Everyone in the detectives unit was aware of her situation. They helped her into a chair several times. Hubbard only recalled carrying her on one occasion. Hubbard drove her home and her boyfriend at the time was not home. She could not walk all the way up the driveway and he "picked her up and carried her" from the driveway to her house because she wasn't going to make it. This was in approximately 2019. Hubbard also helped her from the ground to a chair. Hubbard is confident that he also brought her to his office, but does not recall closing the door. There is no couch in his office.

From April 2021 onward, V1 had numerous fainting spells. She was found on the stairs even. Between fainting and allergies, she was in the hospital several times. Because the office was upstairs, that aggravated her situation.

The first time that Hubbard saw her faint, he was not aware of the situation and made her go to the hospital. She told him she knew how to regulate the situation. This was in 2017 or so. Hubbard was not aware if she went to the hospital again for fainting but she did go to the hospital for allergies after being given an EPI pen. EPI injections may have happened twice.

Hubbard was in the process of creating a position in PSU. V1 was in the unit at the time doing the job. The position was for someone. It was not specifically for her. There was a decision to have someone run Blue Team analysis. She had been assigned to that role and was functioning as an analyst.

V1 came to PSU based on a call she made to Hubbard. She had been working in detectives and called Hubbard very upset about the atmosphere. She wanted out. Hubbard to the matter to Nord and the other chief deputies but he did not recall who else he spoke with about V1 transfer. Trevino was in PSU and Hubbard was still in IA when the call happened. He discussed it with the Undersheriff. The solution was that PSU would be a good spot because it required an analyst.

The atmosphere V1 described was that the detectives were judgmental of her decision to make allegations against S1 S1 and she felt isolated from her co-workers. No one really knew what happened, and some speculated that V1 had targeted S1 or lied about what happened. She felt that she was not welcome there anymore.

V1 had reported sexual assault by S1 to a co-worker and she was encouraged to report the matter to Sergeant Newell, who documented it. Hubbard was in IA at the time she reported the allegations. The allegations went to PSU. IA did not learn of the allegations right away, but shortly thereafter. Because S1 would have to be placed on administrative leave, IA had to become involved.

PSU expressed some concerns about the allegations and having trouble obtaining corroborating evidence. Trevino and possibly Weidenkopf informed Hubbard that she did not want to wear a wire. They told Hubbard the allegation and said they did not have corroborating evidence. They were unable to convince her to wear a wire. Hubbard offered to talk to V1 and he did talk to her. Hubbard knew criminal allegations like this were hard to prove. Hubbard had extensive investigative experience and had gotten victims to cooperate. Hubbard did not recall exactly how it happened that he asked V1 to wear a wire.

The day after the allegations came to light – at some point in the morning and before lunch – Hubbard and V1 met in person in Hubbard's IA office. No one else was in the room. Hubbard told her not to tell him the allegations and said to her that, if what you allege is true, we need corroboration. Hubbard explained the process of wearing a wire. She was uncomfortable with it, which is not unusual. Ultimately, she concluded that she disclosed it for a reason and she did not want S1 to get away with it. Hubbard did not have it out for S1 Hubbard was in charge of detectives when the alleged conduct occurred. S1 was an on-call detectives and did not work directly for Hubbard.

At the time of the incident, Hubbard was lieutenant in charge of detectives. V1 was a Sheriff's Aide working in the complaint unit for detectives. S1 was a sex crimes detective.

In April 2021, Hubbard and V1 were friends. Their families hung out together and celebrated birthdays. R9 R9 V1 significant other, also came to Hubbard's house. Hubbard's wife provided childcare to V1 children from January 2021 to mid-2021. She no longer wanted to provide childcare and so stopped. The Hubbards have their own children and it was too much to care for four children. In addition, Hubbard's wife had concerns about his friendship with V1 Hubbard's wife felt the relationship was too close, too casual. Hubbard denied flirting with V1 and, other than a hug here and there, no physical contact. Hubbard's wife has always had access to the passcode for his work phone. She is not a law enforcement officer, is not employed by Kern County Sheriff's Office, and never worked for a law enforcement agency. She did not have a purpose to have access to his work phone. He did not have a reason to hide things from his wife. At times, he gave the phone to her so she could reply to text messages that he dictated when they were driving.

Hubbard in detectives from 2012-15. V1 was in complaint unit doing paperwork for deputies in patrol filing complaints. In 2015-17, Hubbard was metro patrol sergeant. In about 2017, V1 went to complaint unit and that is

when Hubbard first supervised her. Hubbard first met her when he was in patrol and she was in complaint unit.

Hubbard first met V1 in 2016-17. They started kissing and holding hands in October or November 2021. She had been in Florida and they talked by phone. There was no physical relationship beyond friendship or professional relationship prior to that. Hubbard was experiencing marital problems at the end of 2020 and into 2021. He and his wife were having marital issues. In July 2021, there was a shooting and it was the first shooting he was involved in and the first time someone who died in front of him. He returned to work immediately and did not handle things as he should have. He was trying to be tough and show strength for SWAT co-workers. The investigation of the shooting was the first investigation in years that Hubbard was not involved in and the detectives had a lot of questions.

His wife was very upset. She was watching Facebook live when the shooting occurred and thought he had been killed. V1 also struggled because she and Campos worked at the jail together. Hubbard and V1 confided in each other. They started to have a closer connection after the shooting, which occurred July 15, 2021. In July 2021, Hubbard was lieutenant in PSU. Marital problems preceded July 15, 2021. Hubbard's wife did not have other reasons to suspect Hubbard was having affairs with other women.

Hubbard told Weidenkopf that he was going to supervise V1 Hubbard did not recall the date of that. No one knew what the position would look like. Hubbard built the Body Worn Camera Unit from scratch. Over time, V1 became entirely consumed with Blue Team duties and not PSU duties, which Weidenkopf supervised. V1 started receiving conflicting tasks from Hubbard and Weidenkopf. Hubbard's work was the priority and he had deadlines to meet. Hubbard spoke with Levig and Levig agreed the plan to have Hubbard supervise V1 made sense. Levig was the commander whose sole responsibility was the stipulated judgment. Technically, Levig was Hubbard's supervisor, but Levig rarely dealt with PSU. Hubbard split his time 50-50 or more in favor of the stipulated judgment as a use of force expert.

Days after the criminal investigation of S1 started, Hubbard went to Nord and met in Nord's office. He did not recall why he complained. PSU was struggling significantly. Their questioning of the detectives was vague and ambiguous and not something that would allow them to garner evidence. Hubbard did not recall exactly what he told Nord other than issues in how the investigation was going. Hubbard did not intend to be unkind or mean. Hubbard simply had 7entially more experience in investigations. No one in PSU had ever investigated sexual assaults at the detective level.

Hubbard learned of the investigation strategy through the normal course. Juan Trevino or Weidenkopf gave him updates. It was not just this case that he received updates. It was all cases. Hubbard knew that all of the cases would ultimately come to IA.

Hubbard did not recall the specifics of the conversation with Nord. Nord and Hubbard went to Jauch. Hubbard did not recall where it went from there. Hubbard did not know what Jauch did after that. Hubbard continued to receive updates throughout the investigation. Hubbard did not recall Weidenkopf refusing to provide him an update. Hubbard denied hearing any orders given that PSU was not to provide updates to Hubbard. There were no emails or text messages regarding PSU's investigative strategy.

Ken Russell was a deputy district attorney responsible for reviewing criminal allegations against law enforcement officers. Russell called Hubbard and said he heard Hubbard was over PSU, needed to talk to V1 and wanted to meet with her. Hubbard took V1 to Russell's office to meet with Russell. Russell did not give her an indication during that meeting that he was not going to proceed with prosecution – that came later. Hubbard was at the meeting in a professional capacity and the facilitator of the conversation between Russell and V1 Russell was aware that V1 worked for Hubbard in PSU. Hubbard is "pretty sure" that he told the investigators he was going to the meeting with Russell. He did not have independent recollection of it, but it was not a secret. The time between that meeting and the decision not to prosecute was about a week – it was not very long.

When V1 received notice she was to be interviewed in regards to Perez' IA investigation of S1 she asked Hubbard in person to be her personal representative. Hubbard called Danny Perez and recognized the fact that his position in PSU and his knowledge of the entire investigation could pose an issue, so he talked to Perez and Perez talked to his bosses. They decided it was OK for Hubbard to be involved. Hubbard – not V1 – told Perez he was going to represent her. It was not unusual for a representative to reach out to the investigator. Where the representative has knowledge of the case was a unique circumstance. Hubbard was making sure his involvement was OK by reaching out to Perez. Hubbard asked Perez about representing V1

Hubbard and V1 did not hold hands or kiss until after her interview. The physical contact occurred after V1 returned from Florida.

Prior to the S1 interview, Perez and Hubbard discussed the interview. They knew each other for a long time. Perez had asked Hubbard to look over questions, provide ideas about tactics, and anticipate what S1 might say. On November 23, 2021, Hubbard stopped by Perez' office after the interview and asked how it went. There was no intent to draw information from him. The timing was less than ideal after the previous weekend but Hubbard had an interest in the case from Day 1. Perez told Hubbard that S1 took a left turn during the interview and told Hubbard that S1 alleged he was having an affair and Perez might have to interview him. Hubbard did not recall if he helped Perez plan the S1 interview before or after V1 was in Florida. Hubbard did not disclose to Perez at this time that he had had an affair with V1 Hubbard denied he should have disclosed his relationship to

Perez at this time. From the moment Perez told him S1 accused Hubbard of having an affair, the "wheels start spinning" and Hubbard went into panic mode.

Perez told him that S1 had made three allegations: that Hubbard and V1 had an affair; that V1 was crazy; and that V1 had come onto S1 S1 did not provide a timeframe for the alleged affair. S1 also alleged other people had affairs with V1 Hubbard returned to his office. He felt like wheels were spinning. Weidenkopf picked up on his emotions and asked how he was doing. V1 asked Hubbard if S1 had his interview. She knew it was scheduled for November 22, 2021. Hubbard told her she might need to be interviewed again. He told her to be honest and he'd be honest, too. V1 asked him why he would need to be interviewed. He told V1 that S1 alleged they were having an affair. Later in the same conversation, Hubbard told V1 the other two allegations. She asked what else did S1 say in addition to the affair. He was in a state of panic. They did not develop a plan to tell their respective partners of the affair. V1 was upset. She did not want to be interviewed again. They knew the allegation of an affair from the past was not true.

Hubbard was hopeful that he would not have to be interviewed or tell his wife. He was concerned about his wife, his children, his job.

Hubbard did not have conflict of interest concerns about his November 23 conversation with Perez or from mid-June on. Hubbard was not aware of any conflict of interest rules. There is a county rule regarding nepotism but that did not apply. Asked whether Hubbard's personal judgments cloud his professional obligations, Hubbard denied he had any obligations to disclose his relationship with V1 He recognized a personal and professional relationship can be sticky.

Asked about timeline in looking at events and the potential that on November 23, the situation looked odd, Hubbard stated that his mindset at the time was that "someone pulled the plug out of the drain and things began to circle" and he did not seek more information and did not intend to tell V1 anything. Hubbard did not have concerns about having a conversation with Perez. They did not anticipate that S1 would say Hubbard and V1 were having an affair. Hubbard may not have really heard what Perez said after the affair allegation.

Hubbard did not know if KCSO had a conflict of interest policy. Hubbard did not recall if he signed an acknowledgement regarding conflict of interest.

Shown Kern County Ordinance 2.02.010, Hubbard stated that there were a million of these types of ordinances and believed it was the first time he saw the ordinance. Asked whether he violated the ordinance, Hubbard stated he never attempted to use his position of prestige or influence. He and Perez had a personal friendship. Hubbard denied using his influence and prestige in the office to gain information. Perez was a friend of his for yours; it wasn't a situation where a lieutenant was ordering a sergeant to give information. Besides, what Hubbard

disclosed to V1 did not impede the investigation or was detrimental to the investigation. The criminal case had ended and the IA was ongoing. There was no private gain or advantage.

When V1 came to the office on November 21, she had been out shopping and did not have her access card to enter the KCSO compound. Her access card had been stolen and she stopped carrying the card with her. It might have been V1 perception to come to the office to have sex in the office, but it was not Hubbard's perception.

Hubbard did not know specifically what S1 referred to about a past affair between Hubbard and V1 S1 made numerous allegations of affairs between V1 and other men.

PSU and IA do not require their employees to sign non-disclosure agreements.

V1 request of Hubbard to transfer out of detectives was because they were friends and he helps all of his employees any way he can, even if the issue is not under his purview. She knew she could come to him and tell him her challenges and he would do something about it. She did not feel comfortable going to her supervisor at the time.

At the conclusion of the interview, Hubbard provided additional information. He had an impeccable career for 16 years. He has not had any significant disciplinary problems. His career was fast and he was the department's youngest sergeant and lieutenant. He has always maintained good morals. He had a significant lapse in judgment on November 21 because of personal issues. The situation was purely personal.

At the conclusion of questioning, Sherburne offered Hubbard the opportunity to provide any additional information he wanted. Hubbard provided the following information:

- Dishonesty: Hubbard has been honest throughout the entire investigation and provided information to Levig. He was honest during the IA and Skelly. County Counsel Bryan Alba even stated that he had never seen anyone so honest.

- Sexual assault: This is a terminology issue and the situation involved two consenting adults.

- Acts that violate the law: It was a consensual relationship and did not violate the law. It is splitting hairs to go after him for what he told her about what S1 said during his IA interview. Hubbard did not have intent to obtain or provide information. He had previously represented V1 and was in despair.

- Abuse of power: The letter from KCSO misrepresents the relationship he had with V1 Hubbard gave many people opportunities and fostered growth.

In sum, Hubbard stated that nothing affected his ability to perform as a peace officer.