STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, JANUARY 16, 2025

9:01 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:
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A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE E. DUDLEY
(Board Chairperson)
Governor Appointee
Attorney

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

POST COMMISSION STAFF

ROBERT BRINGOLF
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
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BRAD EHRMAN
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Professional Conduct Los Angeles County Bureau

CHRISTINE FORD
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BRYANT HENLEY
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Staff Services Manager
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SARAH WALLACE
Bureau Chief
Intake & Disposition 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

PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

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

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ALSO PRESENT

ELIZABETH GIBBONS
Counsel for
Braulio Robledo
POST ID A83-R39
(Via videoconference)

COREY GLAVE
Counsel for
Blake Williams
POST ID C57-X01
(Via videoconference)

BEATRICE JOHNSON
Public Comment

BRAULIO ROBLEDO
POST ID A83-R39
(Via videoconference)

DANNY SANCHEZ
Public Comment
(Via videoconference)

TOMMY THOMPSON
POST ID B81-T83
(Via videoconference)

LESLIE WILCOX
Counsel for
Gabriel Gaxiola
POST ID B9-S96

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

TOM YU
Counsel for
Joshua Satterfield
POST ID C46-V20
(Via videoconference)

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Thursday, January 16, 2025, 9:01 a.m.

West Sacramento, California

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CHAIRPERSON DUDLEY: Thank you all for being on time.

Good morning, everyone. Today is Thursday, January 16th. And the time is 9:00 a.m. Thank you all for attending the Peace Officer Standards Accountability Advisory Board hearing.

Please note that this hearing is being live-streamed, recorded, and transcribed. Further, please note that the microphones are auto on/off. When you begin speaking, they will go live. With this in mind, you will need to watch your cross-talk.

We will now start with our roll call for our board meetings.

Mr. Knapp, please take roll call.

MR. KNAPP: Good morning, Members of the Board. Welcome. Good to see you today.

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.
MEMBER DOYLE: Here.
MR. KNAPP: Chair Dudley.
CHAIRPERSON DUDLEY: Here.
MR. KNAPP: Board Member Glaser.
MEMBER GLASER: Present.
MR. KNAPP: Board Member Johnson.
MEMBER JOHNSON: Present.
MR. KNAPP: Board Member Lara.
MEMBER LARA: Present.
MR. KNAPP: And Board Member Pena.
MEMBER PENA: Present.
MR. KNAPP: Thank you.
CHAIRPERSON DUDLEY: It looks like we are just missing one person, and a quorum has been established.
I would now like to introduce Board Counsel Christopher Beatty and Board Assistant Executive Director Annemarie Del Mugnaio. Right?
This time is set aside for members of the public who wish to comment on items not on the agenda but with -- excuse me -- but those within the Board's jurisdiction.
Public comment on matters on the agenda will be heard after each item is presented.
Public comment on specific peace officer revocation

MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
CHAIRPERSON DUDLEY: Now, would you give us the final record on that, please.
MR. KNAPP: We have seven ayes and one abstention.
CHAIRPERSON DUDLEY: There were no noes?
MR. KNAPP: No noes.
CHAIRPERSON DUDLEY: Okay.
Okay. Moving on to the next case, and, again, we will break at noon.
At this time, I will call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct Los Angeles Bureau; and Carrie Woolley, Attorney, Legal Affairs Bureau, to provide a report on Case POST2302971, Gabriel Gaxiola, who, at the time of the events at issue in this case, was employed by the Los Angeles Police Department.
Please.
MR. BRINGOLF: Good morning, everybody. My name is Robert Bringolf. I'm one of the law enforcement consultants assigned to the Professional Conduct Bureau for Los Angeles County.
With me today is Carrie Woolley, an attorney with

our Legal Affairs Bureau.

I'm here to present Case 232971 [sic], involving LAPD Sergeant Gabriel Gaxiola.

It's the Division's determination that clear and convincing evidence exists to demonstrate that Sergeant Gaxiola committed an act of serious misconduct, as set forth in Penal Code section 13510.8, being arrested -- by being arrested while off duty for driving under the influence of alcohol on May 13th, 2022.

Specifically, the Division has determined that Sergeant Gaxiola committed the following acts of serious misconduct:

And that would be 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 a member of the public, as determined by the Commission.

And that's Penal Code section 13510.8(b), as in boy, sub (6).

So this morning, I'm going to present a brief outline of the Division's findings of my investigation in this matter.

Sergeant Gaxiola was hired by LAPD on October 26th, 1998. He was promoted to Sergeant July 7th, 2019.

On May 13th, 2022, Sergeant Gaxiola was arrested

for his second DUI while employed as a peace officer for the Los Angeles Police Department. He was off duty and driving his personal vehicle on State Route 110 in the area of North Avenue 52 overpass.

His vehicle collided with a stopped vehicle, which, in turn, collided with another vehicle that had been stopped in the Number 3 lane of traffic.

Just so everybody is on the same page, the lanes are numbered from the inside of the roadway to the outside: 1, 2, and 3.

Gaxiola immediately contacted emergency services, which resulted in the California Highway Patrol responding to the scene.

The CHP officer observed Sergeant Gaxiola had red watery eyes; an odor of alcoholic beverages emitting from his breath and person; he had an unsteady gait, and that was observed while he was walking around the accident scene. He had slurred and delayed speech. And when one of the officers asked for his insurance card, he handed him his debit card instead.

A CHP officer conducted a standard field sobriety test and determined Mr. Gaxiola had been driving while under the influence of alcohol. He was arrested for driving under the influence in violation of 23152(a) VC; that's the Vehicle Code.

Sergeant Gaxiola refused to submit to a chemical test, at which time a search warrant was sought for a sample of his blood.

The warrant was granted and executed on May 14th, 2022, at 0122 hours. That's approximately five hours after the accident occurred.

And he was also arrested for section 23152(b) of the Vehicle Code.

On May 17th of that same year, 2022, the lab report came back and showed that the analysis of the blood sample for Mr. Gaxiola resulted in an average of 0.155 percent blood alcohol concentration; or BAC, as you might hear me say. The legal limit is 0.08 BAC.

An LAPD subject matter expert later calculated that an average male of Gaxiola's build would have had an approximate BAC of .23 five hours prior to the collection of that .155 sample.

As an aggravating factor, Sergeant Gaxiola was found to be carrying his handgun in his waistband at the time of his arrest while he was driving intoxicated.

In relation to that case, on February 9th, 2024, Sergeant Gaxiola pled no contest to and was convicted of one misdemeanor count of driving under the influence of alcohol, with a BAC of over 0.08 percent. That's a violation of California Vehicle Code section 23152(b).

During that same proceeding, Sergeant Gaxiola admitted to a prior conviction for driving under the influence in Los Angeles County Superior Court. That's related to a 2016 case, or arrest, case 16HM08811. And that is from January of 2017.

On February 9th, 2024, Mr. Gaxiola was placed on summary probation for a period of 60 months. The conditions of that probation are that he not operate a motor vehicle with any measurable amount of alcohol in his blood;

He's not to drive a motor vehicle without a valid driver's license in his possession, or without liability insurance in the minimum requirements by law;

He is to comply, if ordered, by Department of Motor Vehicles, to install an ignition interlock device as a condition of probation;

He's ordered to make restitution to the victim per Penal Code section 1202.4(f) in an amount determined at the hearing;

He is to pay a probation revocation restitution fine pursuant to Penal Code section 1202.44, which might be enforced in the manner provided for the enforcement of money judgment in the amount of $150;

He is to obey all laws and orders of the court;

He was also ordered to serve four days in city jail

as a condition of his probation;

And to pay a fine of $500 plus penalty assessments;

And enroll within 21 days from the date of his court hearing or his release from custody; and successfully complete an approved, licensed 18-month driving under the influence program;

As well as enroll in and complete a MADD, M-A-D-D, Victim Impact Program;

And attend 52 Alcoholics or Narcotics Anonymous meetings at a rate of two per week.

In addition to those court proceedings, on January 26, 2024, Gaxiola signed a rehabilitation agreement with the LAPD in relation to the second DUI case.

In that agreement, he admitted he engaged in misconduct that warranted discipline, and he agreed he understood the Board of Rights was agreeing to hold his discipline in abeyance until he completed the terms of his rehabilitation agreement.

The Division has also examined and considered his first DUI arrest as a peace officer, and that case was considered pursuant to California Code of Regulations, Title 11, section 1213.

Brief summary of that:

On July 10th, 2016, around zero-two hours, Sergeant

Gaxiola, then Officer Gaxiola, was off duty in the city of Laguna Beach, California. He was driving his assigned police vehicle. He had been assigned to the SWAT team at the time of this event. And he had taken his city vehicle to a wedding in Huntington Beach, California.

At the wedding, he had consumed mixed drinks, but didn't know how many.

After leaving the wedding in his City vehicle, he was stopped for a traffic violation by an on-duty Laguna Beach police officer.

During that traffic stop, he displayed objective signs of alcohol intoxication and was given a horizontal gaze nystagmus test and was arrested for violation of section 23152(a), VC, which is driving under the influence. And it's a misdemeanor.

After his arrest, he refused to submit to a preliminary alcohol screening test, but did submit to a blood test. He was found to have a blood alcohol content, or BAC, of 0.202 percent.

To further aggravate that situation, his City-owned vehicle had to be towed to Laguna Beach Police Department and secured in their sally port as the vehicle contained department-issued equipment and weapons.

And while that victim [sic] was being secured, officers located an open bottle of beer in the front passenger compartment.

He ultimately received a 22-day suspension without pay for that 2016 DUI arrest.

And in 2017, he received a misdemeanor conviction for violation of section 23152(b). The charge of 23152(a) was dismissed. And he received three years of informal probation; $140 fine; a mandated six-month first offender's program; and some victim impact counseling.

So the facts, as I have just recited, support the Division's finding that Mr. Gaxiola was involved in a -- in serious misconduct, specifically acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law.

For purpose of our findings at the Division, 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.

The Division recommends that Sergeant Gaxiola's POST certifications be revoked. And the Division's recommendation is based on the following:

He had been arrested for violating the law on two occasions during his employment as a police officer. More specifically, both arrests have occurred while Sergeant Gaxiola has held the rank of sergeant. While a repeated violation of the law alone may not always rise to the level of serious misconduct, it's the nature of these arrests and the aggregating factors that led the Division to find clear and convincing evidence exist to prove he had been involved in serious misconduct; specifically that described in 13510.8(b)(6) and California Regulation 1205(a)(6).

The public has a right to expect high moral and ethical standards from the police. And Sergeant Gaxiola's wanton disregard for public safety on more than one occasion merits decertification.

Further, the public has the right to be policed by individuals who are held to a higher standard. Sergeant Gaxiola's actions and arrests do not meet this standard.

Sergeant Gaxiola's blood alcohol concentration at each arrest was remarkably high. Expert opinion indicated that at the time of Gaxiola's recent accident, his blood alcohol content was likely around .23 percent, which is approximately three times the legal limit.

Evidence from Gaxiola's previous arrests for driving under the influence of alcohol showed his blood

alcohol at the time of the sample was .202 and then .200.

For his part in these arrests and incidents, Gaxiola put number -- numerous lives in jeopardy on at least two occasions: Once in a City vehicle filled with his SWAT gear and weapons; and once in his personal vehicle while armed off duty.

The latter of the two resulted in a vehicle accident which caused damage to Gaxiola's vehicle and two additional vehicles.

For these reasons, the Division finds the repeat offenses particularly egregious.

With that, I'm happy to try and answer any questions that you as the Board may have.

CHAIRPERSON DUDLEY: Can you give me a couple of answers, please.

When was the first DUI?

MR. BRINGOLF: The question was when was the first DUI?

CHAIRPERSON DUDLEY: Yeah. Because you said something about 2016, and then you said '17. Was '17 the plea, or when did the event occur?

MR. BRINGOLF: Yes, ma'am. Good question.

'17 was the plea. '16 was the arrest. July 10th, 2016, at 2:07 in the morning was the -- was the stop.

CHAIRPERSON DUDLEY: Okay. A couple more questions about that.

MR. BRINGOLF: Okay.

CHAIRPERSON DUDLEY: Do you have any information as to why he took a City vehicle to the wedding?

MR. BRINGOLF: I don't have any information, and it would just be supposition on my part.

I can tell you that as a SWAT team member he is likely on call. Though why he would drink on call is beyond me. So...

CHAIRPERSON DUDLEY: The other question is, thank you for your description of -- on the 5/17/22, that the assessment is at the time of the driving, he was at a .23.

Can you tell me about the time discrepancy and what the time would have been at the driving of the 2016 event where he got a .2?

MR. BRINGOLF: He was -- that was an on-view arrest. And I don't know how long it took for him to get a blood test.

CHAIRPERSON DUDLEY: Okay. So there was some time between the time that he was driving and the time that he got a blood test, but we don't know how much time?

MR. BRINGOLF: Yeah. And I don't know that it is necessarily remarkable outside of other DUI arrests.

On the second DUI, it was remarkable in the sense they had to seek a search warrant, and then that protracted the amount of time.

CHAIRPERSON DUDLEY: Right.

MR. BRINGOLF: But in the first arrest, there was no indication that there was a protracted amount time that would have been abnormal for a DUI arrest.

CHAIRPERSON DUDLEY: Okay. But generally, blood tests are not done in the field.

MR. BRINGOLF: Blood tests, generally, are not done in the field.

CHAIRPERSON DUDLEY: Did you say this was a blood test --

MR. BRINGOLF: A blood alcohol test -- it is sort of a misnomer.

CHAIRPERSON DUDLEY: Okay.

MR. BRINGOLF: It is testing one's blood alcohol concentration.

CHAIRPERSON DUDLEY: Right. Right.

MR. BRINGOLF: It can be done by drawing blood --

CHAIRPERSON DUDLEY: Right.

MR. BRINGOLF: -- or by taking a breath sample.

CHAIRPERSON DUDLEY: And what happened in 2016?

MR. BRINGOLF: It's -- I don't know.

CHAIRPERSON DUDLEY: Okay. So we don't know

whether it was a bled -- excuse me -- breath, blood, or urine test. We just know that there was a -- when it was tested, it ended up being a .2.

MR. BRINGOLF: I believe it is in the record, and I can look at it.

Did you have that answer, Carrie?

MS. WOOLLEY: It's a blood test in 2016.

MR. BRINGOLF: Okay. There you go.

CHAIRPERSON DUDLEY: I thought it was a blood test.

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: And so generally, again, blood tests are not done in the field.

MR. BRINGOLF: Blood tests are --

CHAIRPERSON DUDLEY: So some time goes by.

MR. BRINGOLF: -- typically not done in the field, yeah. I don't want to say never, but --

CHAIRPERSON DUDLEY: Okay. No. Definitely, there's some jurisdictions where ambulances were allowed. But in general. Okay.

All right. Those are my specific questions.

Members of the Board? Questions?

Yes.

MEMBER LARA: So this is for the investigator.

The second collision, when he was a supervisor, he collided with another citizen's vehicle. I want to make

sure I'm clear about that.

MR. BRINGOLF: That's right.

My understanding of the accident. I believe there's a diagram in the -- in the attachments that you received. The accident diagram.

My understanding is he's coming around a corner on an offramp. And there were two vehicles that were disabled on the side of that offramp or "exitway" from the highway. And he collided with the rear of the vehicle in the back of that two-vehicle --

CHAIRPERSON DUDLEY: Which then collided with the one in front of him?

MR. BRINGOLF: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Okay.

MR. BRINGOLF: And then that moved it forward and collided with the rear of the vehicle in front.

Does that help, Captain?

MEMBER LARA: Very much so. Thank you.

MR. BRINGOLF: Okay.

CHAIRPERSON DUDLEY: Yes. Dr. Glaser.

MEMBER GLASER: Hi. Thank you. A couple of questions.

One is: On his record of disciplinary action within the department, there are three cases of discourtesy, and they are all -- there's an indication

on all of them that they were not resolved.

And I'm wondering if we can get some clarification on what that means.

MR. BRINGOLF: We may be able to, but not from me. And that wasn't included in the record, specifically.

So those cases were -- when we asked for previous work history and any discipline history, sometimes these things are pretty old, and they may not have those.

In this case, I don't remember specifically, but I didn't find that it was necessarily probative to the DUI, so I didn't look into it anymore.

So, yeah, that -- the discourtesy didn't necessarily lend me to think the DUI was --

MEMBER GLASER: We don't have a clear sense of what LAPD means when they say "not resolved"?

MR. BRINGOLF: No. And I also, again, don't want to -- I don't want to speak for LAPD. I have an idea that maybe -- I can tell you in general terms that there are instances where they can't get ahold of the complainant a second time.

Sometimes, they -- sometimes the complainant decides they don't want to do anything.

Sometimes the -- they handle it administratively because maybe it wasn't necessarily outside of their policy, but it needed to be addressed if somebody is

rude.

But so it's really hard to say. But, again, it wasn't necessarily important to the DUI part of this.

MEMBER GLASER: A question that is probably for Counsel, for Christopher Beatty.

And that's: We're supposed to be making determinations here based on egregiousness and repetition. And I'm just wondering how we treat the 2016 offense when it predates the law.

CHAIRPERSON DUDLEY: Let me interrupt for a second. I think the standard is either/or.

MEMBER GLASER: Yeah.

CHAIRPERSON DUDLEY: I don't think it's -- okay.

MEMBER GLASER: But we're -- I -- you know, whichever we're thinking about --

CHAIRPERSON DUDLEY: Yeah.

MEMBER GLASER: If we're thinking about repeated, are we allowed to consider 2016, which predates the period that the law covers?

MR. BEATTY: I think it is appropriate for consideration. But it can be a factor of whether -- how much weight that the board members want to give it.

In other words, there's both the passage of time, and then sort of the jurisdictional limit there, that the Board can factor into its calculation -- board

members can factor into their individual calculations and give that the weight that they individually -- so I don't want to dodge the question, but I think it's appropriate to consider those factors.

Is that helpful?

MEMBER GLASER: Yeah.

MS. WOOLLEY: And from the Division's standpoint, we just brought this in because it's evidence of prior conduct that's similar to the evidence that's brought before you today.

MEMBER DOYLE: Just for information, typically "not resolved" means the complaint can't be proved or disproved.

MS. WOOLLEY: That would be consistent with my experience, as well, as an agency attorney, yes.

CHAIRPERSON DUDLEY: Any other comments or questions from hearing board members?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, thank you very much.

At this point, does the subject officer and/or their counsel wish to make a public comment?

MS. WILCOX: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. If so, you will each be given four minutes to speak, and time limits will be

strictly enforced. Please sit down.

So please ensure that you complete your comments within the allotted time while commenting. Keep in mind that the Board will only consider the facts as presented by the Division today, and will not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate a high probability that serious misconduct, as defined in Penal Code section 13510.8, and Commission Regulation 1205, occurred?

Please.

MS. WILCOX: Thank you. Good morning, still. I wanted to point out just a couple of things. I believe that --

THE COURT REPORTER: Please state your name.

MS. WILCOX: Oh, I'm sorry. Leslie Wilcox, W-I-L-C-O-X. I'm a union attorney for the Los Angeles Police Protective League.

CHAIRPERSON DUDLEY: Would you mind also moving the mic a little closer. Thank you.

Welcome and please go on.

MS. WILCOX: Do you need me to repeat any of that?

CHAIRPERSON DUDLEY: Yes, thank you.

MS. WILCOX: Okay. I'm a union attorney for the Los Angeles Police Protective League, and I represent Sergeant Gaxiola for this particular POST hearing.

He was planning on being here today remotely, but he's been assigned to the Palisade fires for the next few days, which I'm sure you all know, is something that's happening regularly with LAPD.

He is back at work as a sergeant in relation to the rehab agreement that Mr. Bringolf mentioned.

That is separate from a settlement agreement, so if anyone has questions about that, let me know.

I just wanted to clarify he was not promoted to sergeant until 2019. So the 2016 DUI did not occur while he was a supervisor.

And I wanted to answer the question about "not resolved."

Sir, you were correct. LAPD did not have body-worn cameras until 2015 is when they first came. And so a lot of the discourtesy allegations of that type were deemed not resolved, because there was no way to show if a person did or did not say what was alleged. Those are adjudicated slightly differently now that we have cameras recording everything.

I wanted to point out to you that you do have information in the documents that the Division provided

to you specifically in the Internal Affairs investigation that LAPD provided to POST showing what Sergeant Gaxiola has done since this incident. That particular investigation indicated that he had completed a 90-day rehabilitation program. It was specifically for first responders and dealing with post-traumatic stress disorder.

He did the Alcoholics Anonymous meetings as a result of not only his criminal case in 2022, but for his own betterment as well, and continues that to this day.

And he participates in the alcohol abuse unit through the behavioral science services at LAPD, which is meetings with psychologists, as often as they deem necessary, as well as a peer support member through that specific unit.

So the information that you have in front of you from the Division already shows the work that he has done since this incident occurred, which was in 2022, which is almost three years now, that that has occurred.

I believe you also have the information of the rehabilitation agreement. It is not through the department. It is through the Board of Rights, which are three civilian members selected by the LA Police Commission to hear his case. And they are the ones that

entered into that rehabilitation agreement with him and requires at least two times a month that he be tested for alcohol use, in addition to the rehabilitation programs that he's done separate from the 90-day one, the Alcoholics Anonymous meetings, his -- maintaining his relationship with his sponsor and meeting with him regularly.

As you see in that agreement, he's required to report quarterly back to the Board of Rights with his progress.

And the next Board date for that is actually next week, and they will be making a determination at that point as to whether or not he has lived up to his end of the bargain. And then they will make a decision about discipline for this 2022 DUI, just so you are aware of that.

So I wanted to bring that to the Board's attention. I know you have those documents, but I wanted to bring those to your attention and see if there was any other questions that I could answer for you.

CHAIRPERSON DUDLEY: Thank you, Counsel.

Also please thank him for the service he's providing now for the fire victims.

MS. WILCOX: I will do that.

CHAIRPERSON DUDLEY: Thank you.

Questions?

Questions for Counsel?

Yes, please. Ms. Pena.

MEMBER PENA: How long is this agreement in effect?

MS. WILCOX: So this agreement is in effect for one year typically. However, there's a caveat in the agreement that if the Board -- sorry, not the Board.

On January 24th, when they have their meeting, they will make a determination about discipline. They can either choose to terminate him, or they can give him a number of suspension days up to 65 days. Whatever they decide, if they don't determine to terminate him, if they give him some amount of suspension days, then LAPD itself has the option to extend that same rehabilitation agreement for another two years.

So with the Board of Rights, it's one-year agreement, and they have held that penalty in abeyance. They will make the penalty decision. And then the department can determine if they want to keep him on that same agreement for another two years.

And he is required to agree to that if they choose it.

MEMBER PENA: If that -- you may not be able to answer this. But if that agreement goes away, if he serves his one year under that agreement, does he

continue going to AA and have a sponsor and participate in the programs that work?

MS. WILCOX: He will, because it has proved to be very beneficial to him in this time period. He has learned a lot since 2022.

So he will continue going because he now understands that he is an alcoholic and will need to maintain that level of sobriety for the rest of his life.

And the department has provided him a lot of support in reality. They have done a very good job of supporting him through this and providing a lot of resources, both at the police station where he works, in Newton Division, as well as just department-wide with their behavioral science services, which provides a lot of supports to officers with addiction.

MEMBER PENA: And he's held accountable? I mean, people are making sure that he's attending two AA meetings a week?

MS. WILCOX: Yes. For the Board of Rights, he has to provide proof of that, and they do a quarterly report. I made some notes about it. I know you don't have that yet.

But in the first quarter, he attended 98 Alcoholics Anonymous meetings; the second quarter, he attended 39;

the third quarter, he attended 42.

He is -- the next report will be given to the board next week, and I assume it will be similar numbers to that. I believe he goes at least two times a week.

And he is tested twice a month for alcohol. It is twice a month, but it is randomly. Sometimes it's six days apart. Sometimes it's four weeks apart. But it is a random test where he's tested, and those have all -- and he has passed all of those.

MEMBER PENA: Have they all been negative --

MS. WILCOX: Yes.

MEMBER PENA: -- for alcohol?

MS. WILCOX: Yes. Every one.

And he gave me a list of things that he's doing in relation to your question:

He meets and speaks with one of the peer-support members from the alcohol abuse unit on a regular basis.

There are two people that he became friends with and supports with that first responder group that he meets with weekly to work out, as well as discuss their stresses.

He has another support group made up of five officers from the Task Force Heroes program that he participated in, that he has a group chat with where they text each other regularly for support.

He has a live-in partner that he cohabitates with, and she is his main pillar of support.

And then he relies on his family, his church, and he does a lot of physical activity to keep himself at a lower stress level so that he can maintain his sobriety.

And he intends on doing that for the rest of his life.

MEMBER PENA: Thank you.

MR. BEATTY: Just as a kind of reminder to the board members, the things that are outside the four squares of the investigation report, such as things that prospectively might mitigate or trend towards a rehabilitation, are not really in front of us now and shouldn't be given weight. Rather, we're looking at what the investigation report recommendation by the Division is.

And that's -- you know, and also consider this point: There could be things that could be brought in front of the ALJ that would militate towards a rehabilitation outlook. But those would need to be developed factually, and can't be infused into the report by Counsel's statements.

So that's just something to keep our eye on.

CHAIRPERSON DUDLEY: Thank you, Counsel.

Yes. Mr. Lara.

MEMBER LARA: All right. What is the ascension and how rapid is it if he fails any of these alcohol tests right now?

MS. WILCOX: The agreement that he has with the Board of Rights?

MEMBER LARA: Yes.

MS. WILCOX: It would be on the 24th of January. Then they would make a decision that they believed he violated that agreement. And my experience in that area is that they would terminate him on that day.

MEMBER LARA: Thank you.

CHAIRPERSON DUDLEY: Any other questions for Counsel by any other member of the Board?

MEMBER JOHNSON: Johnson.

CHAIRPERSON DUDLEY: Mr. Johnson.

MEMBER JOHNSON: Yes. I'm not clear on -- maybe you can explain the Board of Rights. Who are they?

MS. WILCOX: So LAPD's discipline system has a Board of Rights to adjudicate any discipline that is intended to be imposed by the Chief of Police. It is similar to a civil service hearing or an arbitration in other agencies.

In LAPD's system, it's under their city charter. They can either choose to have civilians that are appointed by the Police Commission, or they can choose

to have sworn law enforcement members of their own department decide their case.

And it's like a little trial but not like in front of a jury.

MEMBER JOHNSON: The other part of the question: I have heard an agreement with the Board of Rights. But did I also hear he had a second agreement?

MS. WILCOX: I was just clarifying that that rehabilitation agreement that was mentioned by Mr. Bringolf was not like a settlement agreement in the previous case that you had heard about from LAPD. They are different types of agreements.

But it is essentially like a probationary term to see if he can behave.

MEMBER JOHNSON: And the Board of Rights agreement is just for one year?

MS. WILCOX: Correct.

With the caveat that if the Board of Rights determines that he, in fact, followed all of the parts of that agreement, and they want to suspend him instead of fire him, then the department has the option to extend that agreement for up to two years at their discretion.

CHAIRPERSON DUDLEY: Thank you, Mr. Johnson.

Any other questions or comments at this point?

MS. WILCOX: May I just add one: I just meant to say that Sergeant Gaxiola is not disputing that this is a problem and that POST has the right to look at his actions on -- I think it was May of 2022. He is just requesting that the Board recommend a suspension instead of a revocation.

He is not asking that nothing happen. He understands that his actions have consequences. I just wanted to be clear about that.

CHAIRPERSON DUDLEY: Thank you, Counsel.

Okay. Thank you so much.

MS. WILCOX: You are welcome.

CHAIRPERSON DUDLEY: Is there anyone in the public that would like to address the Board at this time?

(No response.)

CHAIRPERSON DUDLEY: Anyone on the phone who would like to do so?

(No response.)

CHAIRPERSON DUDLEY: Okay. Well, we are going to take a break. It is now 12:01. Although the Board will be meeting in the room next door, we are not going to discuss this case at all because the court reporter will not be in the room with us.

So what we will do is -- do you think a half hour is enough time for lunch everybody? Yeah.

And does that give you enough time, Court Reporter?

THE COURT REPORTER: Yes.

CHAIRPERSON DUDLEY: Okay. So let's plan on not talking about this case for the next half hour, eating our lunch, and then asking the reporter to join at 12:31.

Thank you.

(Time noted: 12:01 p.m.)

---o0o---

(Break taken in proceedings:
12:01 p.m. to 12:39 p.m.)

---o0o---

(Closed session was held:
12:40 p.m. to 1:02 p.m.)

---o0o---

(Time noted: 1:06 p.m.)

CHAIRPERSON DUDLEY: Back on the record.

We are now convened -- reconvened to regular session to take a vote on the Board's recommendation in the matter of Case POST2302971, Gabriel Gaxiola, who, at the time of the events at issue in the case, was employed with the Los Angeles Police Department.

Any comments on the matter?

(No response.)

CHAIRPERSON DUDLEY: Is there a motion?

MEMBER DOYLE: Yes. I would like to make a motion, Madam Chair.

I will need some help from staff.

And my motion would be along the lines of what the POST Commission has -- has proposed with the DUI cases. And I don't know exactly every element of that. But that's what I -- that's my motion, and that's what I support.

CHAIRPERSON DUDLEY: Is that for a five- or a ten-year period?

MEMBER DOYLE: Five-year.

CHAIRPERSON DUDLEY: Okay. So that's the motion.

Is there a second?

MEMBER LARA: Second.

CHAIRPERSON DUDLEY: Okay.

MEMBER GLASER: Can I get some clarification?

CHAIRPERSON DUDLEY: Please.

MEMBER GLASER: Because there are several versions of this.

Is this decertify with a stay of the decertification?

CHAIRPERSON DUDLEY: What was your motion?

MS. DEL MUGNAIO: I'm sorry.

CHAIRPERSON DUDLEY: Go ahead.

MS. DEL MUGNAIO: To answer your question,

Dr. Glaser, it would be deemed a revocation stayed for an order of stipulated settlement.

CHAIRPERSON DUDLEY: Okay.

MEMBER DOYLE: Yes.

CHAIRPERSON DUDLEY: Is that your understanding?

MEMBER DOYLE: That is my understanding.

CHAIRPERSON DUDLEY: Okay. And the second that you made, Mr. Lara, is that based on what was just stated?

MEMBER LARA: Yes.

CHAIRPERSON DUDLEY: Okay. Fine.

So now we have a first; we have a second. And we got clarification.

Would you please call the roll vote.

MR. KNAPP: Yes. Thank you, Madam Chair.

Clavo.

MEMBER CLAVO: No.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Abstain.

MR. KNAPP: Doyle.

MEMBER DOYLE: Yes.

MR. KNAPP: Dudley.

CHAIRPERSON DUDLEY: No.

MR. KNAPP: Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Johnson.

MEMBER JOHNSON: Not in agreement.
CHAIRPERSON DUDLEY: Mr. Johnson, I think he needs a "no" or a "yes" from you, please.
MEMBER JOHNSON: I'm sorry. No.
MR. KNAPP: Lara.
MEMBER LARA: Aye.
MR. KNAPP: Pena.
MEMBER PENA: Aye.
MR. KNAPP: Motion fails. That's four yeses; three noes; and one abstention.
CHAIRPERSON DUDLEY: Motion fails.
Okay. So more discussion? Or do people just want to take a second vote?
MEMBER DOYLE: I have a question. How does the Board -- how does it fail?
CHAIRPERSON DUDLEY: Well, because we didn't get a majority.
MEMBER DOYLE: Oh, okay.
CHAIRPERSON DUDLEY: We have to have five.
MEMBER DOYLE: Okay.
CHAIRPERSON DUDLEY: So I guess we could -- now that everybody knows that, we can just take another vote, see if that changes anything. Or we could start looking at new motions.
Let's try it again.

Let's revote on the last motion that was made by Doyle and seconded by Lara.

And if you could take a vote, please, again.

MR. KNAPP: Clavo.

MEMBER CLAVO: No.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Abstain.

MR. KNAPP: Doyle.

MEMBER DOYLE: Yes.

MR. KNAPP: Dudley.

CHAIRPERSON DUDLEY: No.

MR. KNAPP: Glaser.

MEMBER GLASER: Yes.

MR. KNAPP: Johnson.

MEMBER JOHNSON: No.

MR. KNAPP: Lara.

MEMBER LARA: Yes.

MR. KNAPP: And Pena.

MEMBER PENA: Yes.

CHAIRPERSON DUDLEY: Okay. So the votes came out the same. And, therefore, that motion doesn't pass.

Is there any further discussion?

MEMBER LARA: Can another motion be brought forward?

CHAIRPERSON DUDLEY: I'm sorry?

MEMBER LARA: Can another motion be brought forward?

CHAIRPERSON DUDLEY: Yes. Absolutely. That motion failed, and we have no motion before us now.

Go ahead.

MEMBER LARA: Then I would move that if we could consider the same revocation stayed and ten years in the alternative, in terms of the additional time for it.

MEMBER DOYLE: Is that a motion?

MEMBER LARA: That was a motion. Sorry.

MEMBER DOYLE: I will second.

CHAIRPERSON DUDLEY: Okay. So now if you could take another vote.

MR. KNAPP: Okay. Clavo.

MEMBER CLAVO: Yes.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.

Doyle.

MEMBER DOYLE: Aye.

MR. KNAPP: Doyle, aye.

Dudley.

CHAIRPERSON DUDLEY: No.

MR. KNAPP: Dudley, nay.

Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Glaser, aye.

Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: Johnson, aye.

Lara.

MEMBER LARA: Aye.

MR. KNAPP: Lara, aye.

Pena.

MEMBER PENA: Aye.

MR. KNAPP: Pena, aye.

CHAIRPERSON DUDLEY: 6-1.

So there were no abstentions this time.

Okay. That motion passes six to one.

Did I get that right?

MS. DEL MUGNAIO: 7-1.

CHAIRPERSON DUDLEY: 7-1, and that motion passes. No abstentions. One no.

Okay. Thank you, everyone.

Okay. Moving on to case 3.

At this time, I will call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct Los Angeles County Bureau; and Bryant Henley, Attorney IV, Legal Affairs Bureau, to provide a report on case

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 5th day of February 2025.

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