PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD MEETING

October 17, 2024
AGENDA
9:00 AM

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but must be within the Board's jurisdiction. Further, public comment will be allowed after each item on the agenda and must relate to matters on the agenda. Members of the public who wish to participate during public comment may do so in person by attending the meeting, by telephonic means stated hereafter or by submitting a written public comment submission no later than three days before the meeting date. Written public comments will be published on the Commission on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing +1 669 444 9171 US or +1 669 900 6833 US and entering the Webinar ID: 817 3463 0494 and Passcode: 749503

The Board cannot act on or deliberate on items not on the agenda, but only to the extent necessary to determine whether they should be made an agenda item at a future meeting, respond briefly to statements or questions posed during public comment, request clarification, or refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item.

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. **CALL TO ORDER**

II. **ROLL CALL OF POSAAB MEMBERS**

Elizabeth T. Buchen - Senate Rules Appointee - Public Member
Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Professor Jack Glaser - Governor Appointee - Public Member
Cephus Johnson - Governor Appointee - Public Member
Lieutenant Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member

III. **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. **APPROVAL OF MEETING TRANSCRIPTS**

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on March 21, 2024.

a. Approval of Meeting Transcript from the March 21, 2024 Meeting

If the Board concurs, the appropriate action would be a **MOTION** to approve the Meeting Minutes from the last Board meeting.

V. **NEW BUSINESS**

a. Discussion and Possible Action to Vacate the Conflict of Interest Code and Delete a Provision of the Peace Officer Standards Accountability Advisory Board (POSAAB) Administrative Requirements Policy

If the Board concurs, the appropriate action would be a **MOTION** to vacate the previously adopted POSAAB Conflict of Interest Code and delete the identified provision of the POSAAB Administrative Requirements Policy as described in the staff report.

b. Discussion Regarding a Board Policy: POSAAB Travel and Compensation Policy

The Board may discuss details of the POSAAB Travel and Compensation Policy.

c. Report on Outcome of Case Review from the June 12, 2024 Commission Meeting

This report is presented for information only. No action is required.

d. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes

This item is presented for informational purposes only. No action is required.

VI. ASSISTANT EXECUTIVE DIRECTOR COMMENTS

The Assistant Executive Director of the Peace Officer Standards Accountably Division will address the Board.

VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

a. POST2303451 - James Mutuku (POST ID: C25-A69) Last employing agency: Riverside Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

b. POST2307511 - Sifredo Cano (POST ID: C03-G01) Last employing agency: Los Angeles County Sheriffs Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

c. POST2313715 - Jaime Bermudez (POST ID: C36-U28) Last employing agency: Daly City Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

d. POST2300017 - Paul Matejcek (POST ID: C65-U31) Last Employing Agency: Brentwood Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VIII. CLOSED SESSION

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today.

With regard to POST2303451, James Mutuku: Pursuant to Government Code section 11126(c)(3), Penal Code section 832.7(b)(6)(B), and Penal Code section 13510.85(b), the Board may review the following attachment in closed session: Attachment D (Complainant_Interview_1644_11_08_2022_03_43_PM).

Attachment D is an audio recording that includes the voice of the complainant in this case. If the Board finds it necessary, this attachment will be reviewed in closed session to preserve the anonymity of the complainant. A redacted transcription of this recorded interview, however, is part of the public record for these proceedings, and can be located under Attachment C to this Investigative Summary and Findings.

With regard to POST2300017, Paul Matejcek, pursuant to Government Code section 11126(c)(3), Penal Code section 832.7(b)(6)(B), and Penal Code section 13510.85(b), the Board may review the following attachments in closed session: Attachment K (K_4_BPD-2201912_-_FRANSON_DAVID_624D.mp4) and Attachment L (L_2_BPD-2201912_-_MATEJCEK_PAUL_-_595P_2_.mp4).

Attachments K and L are body worn camera footage of the incident at issue in these proceedings, which includes images of the victim's face. If the Board finds it necessary, these attachments will be available to be viewed in closed session to preserve the anonymity of the victim and preserve her right to privacy. Redacted versions of these attachments have been made public for these proceedings.

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- January 15-16, 2025 - POST, West Sacramento
- April 16-17, 2025 - POST, West Sacramento

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2300017 - PAUL MATEJCEK (POST ID: C65-U31)
LAST EMPLOYING AGENCY: BRENTWOOD POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 10/17/2024	**BUREAU SUBMITTING THE REPORT** Professional Conduct Central Bureau	
RESEARCHED BY Kevin Sherburne		**REVIEWED BY** Brian South
REPORT DATE	**APPROVED BY**	**DATE APPROVED** 10/17/2024
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

On April 23, 2022, Respondent, then a Brentwood Police Officer, responded to a service call of a person screaming near garden sheds at a home improvement store. There, Respondent and other officers found an individual hiding in one of the sheds. Respondent detained the individual, placed her in handcuffs behind her back, and seated her in front of the shed where they found her. About eight minutes later, she suddenly attempted to stand up. Body worn camera ("BWC") footage showed Respondent took three steps toward her and kicked her with his right foot, knocking her backward into the shed door, where she fell to the ground. Brentwood Police Department conducted an administrative investigation on the issue whether Respondent's use of force was excessive or unreasonable and found that Respondent's use of force was "not proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance." Brentwood Police Department terminated Respondent.

Video Evidence Links:

- BR13 POST2300017 Matejcek Paul REDACTED002 K 4 BPD 2201912 FRANSON DAVID 624D

- BR14 POST2300017 Matejcek Paul REDACTION L 2 BPD 2201912 MATEJCEK PAUL 595P 2

ANALYSIS:

The clear and convincing evidence substantiated that Respondent kicked Victim 1 on April 23, 2022, while she was handcuffed. The clear and convincing evidence substantiated that Respondent's use of force was excessive and unreasonable, either or both. The evidence showed that just prior to and at the time that Respondent kicked Victim 1, she did not pose a threat to Respondent, the other officers, or anyone else, was not resisting, and was not attempting to escape. Reasonable grounds exist for the Respondent's peace officer certification to be subject to disciplinary action, which is either revocation or suspension by the Commission pursuant to California Penal Code Section 13510.85(a)(1).

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR1_POST2300017_Matejcek_Paul_POST2300017_Matejcek_ISF_Sherburne_FINAL.pdf
BR2_POST2300017_Matejcek_Paul_REDACTED_1_Executive_Review_Division_Recommen
BR3_POST2300017_Matejcek_Paul_REDACTED.pdf
BR4_POST2300017_Matejcek_Paul_REDACTED_B_EDI_Profile.pdf
BR5_POST2300017_Matejcek_Paul_REDACTED_C_1_City_of_Brentwood-Matecjek_Termination-Hearing_Officer_Recommendation_002.pdf
BR6_POST2300017_Matejcek_Paul_REDACTED_D_PM_HO_Appeal_.pdf
BR7_POST2300017_Matejcek_Paul_REDACTED_E_3_Notice_of_Intent_to_Terminate_with_
BR8_POST2300017_Matejcek_Paul_REDACTED_F_4_Notice_of_Termination_Skelly_Opinio
BR9_POST2300017_Matejcek_Paul_REVIEWED_G_2_2022_09_02_JDF_to_Ogden_Appeal_
BR10_POST2300017_Matejcek_Paul_REDACTED_H_Respondent_Interview_Transcript_002ksherburne9132_Redacted.pdf
BR11_POST2300017_Matejcek_Paul_REDACTED_I_26_2022-05-26_Josh_Flynn_interview_trancript.pdf
BR12_POST2300017_Matejcek_Paul_REDACTED_J_25_2022-05-30_David_Franson_interview_transcript_Redacted.pdf
BR15_POST2300017_Matejcek_Paul_REDACTED_M_33_Matejcek_Accomodations.pdf

BR16_POST2300017_Matejcek_Paul_REDACTED_N_IA_Findings_20-03_002.pdf
BR17_POST2300017_Matejcek_Paul_REDACTED_O_1_IA_20-03_Summary_002-ksherburne9132.pdf