STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, OCTOBER 9, 2025

10:05 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:

Connie J. Parchman,

California Certified Shorthand Reporter #6137

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE DUDLEY
Governor Appointee
Attorney
(Chairperson)

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

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

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

POST STAFF

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

CHRISTINE FORD
Bureau Chief
Professional Conduct
Southern Bureau

SARAH WALLACE
Bureau Chief
Intake and Disposition Bureau

KEVIN SHERBURNE
Law Enforcement Consultant
Professional Conduct Central Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

MARCUS GREGORY
Law Enforcement Consultant
Professional Conduct Southern Bureau

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

BRANDY ESSEX
Staff Services Analyst
Executive Office

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

ALSO PRESENT

BEATRICE JOHNSON
Public Speaker

APPEARING REMOTELY:

PATRICIA DE ARMAN
Public speaker, sister of Christopher DeArman

CINDY NUNEZ
Public speaker

DAVID DE ARMAN
Public speaker, father of Christopher DeArman

BRUCE LEININGER
Public speaker

MELISSA MIRAMONTES
United Families for Justice

CRYSTAL RODRIGUEZ
Public speaker

DARWIN FISHMAN
Racial Justice Coalition of San Diego

MARIE MASTERS, ESQ.
Representing Michael Kim

BRETT RUTKOWSKI, ESQ.
Representing Armando R. Montalvo

ARMANDO R. MONTALVO (POST ID: C89-U13)

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Thursday, October 9, 2025, 10:05 a.m.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning. I'm sorry that I was a minute late. There were some problems, but all good.

So today's Thursday, October 9th, 2025. And the time is 10:05.

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 and you will need to watch your crosstalk.

We will now call the roll of board members.

MS. ESSEX: Thank you, Madam Chair.

Good morning, Board.

Member Clavo.

MEMBER CLAVO: Present.

MS. ESSEX: Doyle.

MEMBER DOYLE: Here.

MS. ESSEX: Crawford.

MEMBER CRAWFORD: Here.

MS. ESSEX: Dudley.

CHAIRPERSON DUDLEY: Here.
MS. ESSEX: Glaser.
MEMBER GLASER: Here.
MS. ESSEX: Johnson.
MEMBER JOHNSON: Here.
MS. ESSEX: Lara.
MEMBER LARA: Here.
MS. ESSEX: Pena.
(No response.)
MS. ESSEX: Seven present, quorum established.
CHAIRPERSON DUDLEY: Okay. Thank you so much.
I would now like to introduce board counsel Christopher Beatty to my left; and POST Assistant Executive Director, who's coming up the aisle now, Annemarie Del Mugnaio.
Public comment.
So Annemarie's here. Chris is here.
This time is set aside for members of the public who wish to comment on items not on the agenda, 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 cases to be heard today will be heard at the time of the hearing of each such matter.

Please be advised that the Board cannot take action on items not on the agenda and may discuss those matters only to the extent necessary to determine whether any matter should be made an agenda item at a future meeting, to respond briefly to statements or questions posed, to request clarification or to refer the items to staff.

Please remember that this meeting is being transcribed, so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comment can be correctly captured in the transcript.

As the Board Chair, I may ask members of the public to limit their remarks to no more than three minutes pursuant to existing board policy.

I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements and the 15-minute public comment period has expired.

You will be given three minutes to speak and the time limits will be strictly enforced. So please ensure that you complete your thoughts within the allotted time.

Before I open public comment on matters not on the agenda, please note if you wish to comment on disciplinary matters scheduled to be heard today by the

Board, you must wait until that matter is called to offer public comment.

If you have a specific complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer's employing agency. Staff will assist you in this regard.

I would like to remind individuals making comments to not discuss pending complaints or pending disciplinary actions that may later come before the Board for recommendation. If the Board takes action on the complaint, you will have an opportunity to address the Board at that time.

Following these rules is necessary to comply with the state law and to avoid compromising the Board's mission.

So having said all that, is there anyone present in the audience or appearing remotely who would like to address the Board?

First, in the audience?

Seeing nothing, now asking about anyone remotely.

Okay. It appears we do have four people online.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Okay. You may -- I'm not sure if there's anyone remotely who would like to speak, but if so, you have an option, you may state your name and

organization if you wish.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: For those of you wishing to provide public comment online, if you can mute your live-stream so that we can hear you. Please do so now.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Is there anyone who remotely would like to speak?

If so, please begin speaking.

PATRICIA DE ARMAN: Hello?

CHAIRPERSON DUDLEY: Yes, hello. This is Joyce Dudley. I'm the Board Chair up here at the POST meeting, did you want to speak?

PATRICIA DE ARMAN: Hello?

CHAIRPERSON DUDLEY: Please proceed.

PATRICIA DE ARMAN: Can you hear me?

CHAIRPERSON DUDLEY: We can hear you. Please proceed. Good morning.

PATRICIA DE ARMAN: Oh. Sorry.

Good morning, my name is Patricia DeArman. I'm the sister of Christopher DeArman who was killed by San Diego Police Department on January 20th, 2023.

They racially profiled him, a pretext stop, hot stop led to a slow-speed pursuit.

He was shot at excessively 28 times, some of which

included non-department issued, hollow-point ammunition, by officer Jacob Meyers. His constitutional rights were violated by Christopher Aguilar who told him, "your word means nothing," and Sergeant Rene Murillo who failed to intervene as acting supervisor on scene.

This whole case has been a cover up. He was left to bleed out on the streets, a river of blood, no CPR or an AED was rendered.

A canine was deployed 11 minutes after he was shot 28 times, including hollow points.

SDPD failed Christopher DeArman by failing to intervene, escalating the entire situation and -- into a matter that had never needed to be there.

My brother asked for his citations. They said no.

They violated his rights, antagonized him and used his background with a little bit of marijuana, which is legal here in California. He had well under the legal amount.

They accused him of illegally transporting marijuana, escalated the situation so far he hid into fight or flight mode and panicked. He didn't want to go back to jail.

SDPD did not value his life that night.

Neither do they value the life of an ex-felon. And these officers need to be held accountable, including

Jacob Meyers with his hollow points. We had sustained findings with internal affairs and still nothing has been done. Internal affairs did not give the CPP, the Commission on Police Practices full case files for the case review. Not my whole complaint was included in its findings.

I wrote everything that happened. Why wouldn't it be there?

This has been a cover up. This were evil acts taken by these officers.

My family is -- is here with guilt and remorse and horrors. This is traumatizing.

And these officers, Christopher Aguilar, is still allowed to patrol the same area where he killed at and he has a rap, history, of being a bully in the neighborhood, well before my brother was killed by him. And he's still here, all the time, at Chicano Park. He needs to be removed from Barrio Logan.

Christopher Aguilar needs to be held accountable.

Jacob Meyers needs to be held accountable, Rene Murillo and Patrick Harvey, who, this is his second time deploying a canine on a victim that's already been shot after a hot stop was conducted.

He had another incident in October 2020 where CHP pit-maneuvered a car. And the person got off with a gun

supposedly, but you don't even see the moment that they shot at the cops, like they claim. He might have shown a gun, but they should be telling officers to drop their weapons before they shoot at them.

Hollow points need to be banned entirely.

CPR and AEDs must be rendered after they been shot and wounded and saying that he's playing possum or faking it, and that he could baiting them into another ambush?

He can't move. He told the, he screamed, "I can't move." They ordered him to make him crawl closer to his weapon. That didn't make any sense. And when you see the footage they dragged his body closer and towards his weapon, not away from it like they claimed.

They said he died while undergoing lifesaving medical procedures, but he was shot at 11:38, when "shots fired" was being called by the watch commander, one or two minutes before he was shot.

And if he was shot at 11:38, why was he pronounced dead at UCSD at 12:24 when that hospital is five minutes away.

And why didn't they utilize Logan Fire Department if it happened right there by Logan that's about two blocks away?

CHAIRPERSON DUDLEY: Let me interrupt you.

(Unreportable cross-talk.)

PATRICIA DE ARMAN: -- fourteen hours.

CHAIRPERSON DUDLEY: Let me interrupt you just for a moment, okay?

First of all, I am -- I can just hear the pain in your voice. I can't imagine the agony you and your family are going through.

I want you to know there is a process and I'm going to ask the Assistant Executive Director to my right to tell you how exactly to file that complaint or what we can do next in terms of getting someone in touch with you.

But let me just say on a personal level, I am so sorry for your loss.

Go ahead.

PATRICIA DE ARMAN: Thank you so much. My dad already submitted a complaint. Please look into it.

MS. DEL MUGNAIO: Thank you very much.

PATRICIA DE ARMAN: Thank you.

MS. DEL MUGNAIO: We will address that and someone will be in touch with you.

CHAIRPERSON DUDLEY: Okay. So is there anybody else remotely who would like to speak?

Are there more on the line?

UNIDENTIFED PUBLIC SPEAKER: Yes.

CHAIRPERSON DUDLEY: Okay. Apparently there are some other folks on the line who would like to speak. I'm not sure why it is not coming through, but please just speak up and we'll take it from there.

CINDY NUNEZ: Hello?

CHAIRPERSON DUDLEY: Yes, I can hear you. This is Joyce Dudley. Please go ahead.

CINDY NUNEZ: Hi. Good morning, my name is Cindy Nunez.

My brother was also murdered in March of 2024 by Los Angeles County Sheriff's Department. And I'm calling today regarding the fatal shooting of Chris DeArman by the San Diego Police Department.

I'm urging you, POST, to review the certification of these officers that were involved, Christopher Aguilar, Jacob Meyers and Sergeant Rene Murillo and also Patrick Harvey for the severe violations of the POST standards and these basic human rights.

Officer Christopher Aguilar actually violated Chris's rights by telling him his words meant nothing, reaching into his car to unlock the door himself and escalating the situation rather than de-escalating. Chris should still be alive right now. That should have never happened.

Officer Jacob Meyer failed to follow the basic procedures, never requesting Chris's license, registration, proof of insurance, that we all will be asked for if we -- if we get pulled over at a traffic stop.

The use of non-department-issued hollow point ammunition, so these officers are going into the station and bringing their own ammunition that's not assigned by the department, increasing the lethally of his actions.

Sergeant Murillo, the supervisor on scene, he failed to intervene, he gave misleading statements about what had happened to Chris, he ordered the medics to stand down twice.

And also, quote, and also while Chris was -- all this while Chris was bleeding out on the street.

Officer Patrick Harvey, then he deployed the canine on Chris after he had already been shot multiple times, people. And he was incapacitated. And he was given the -- he never gave the order to release the dog, allowing the dog to continue mauling Chris as he laid defensive on the ground.

Chris couldn't move. He was not playing possum. If POST, as you guys, the Board, take a second to compare someone, a suspect, someone being attacked by a canine dog, and they're alert, you will see the reaction

a regular subject is going to have when they're getting bitten by a dog, a canine.

Chris wasn't playing possum. He couldn't move. He was dying on them and they knew that. Chris could not respond to their orders. He was dying. He needed help. And they literally denied him that basic human right.

These actions were truly reckless, inhumane and a direct violation of POST standards that you guys certify these officers out there for their officer conduct, accountability and the preservation of life that they failed to give Chris.

I'm urging you, POST, to use your authority to decertify these officers who engage in this coercive, abusive and retaliary [sic] behavior. And to straighten transparency in how these cases are reviewed.

Every abusive officer who keeps their certification weakens the integrity of every good person out there, of the community. That's why the so mistrust in officer conduct, because they are doing what they want in the streets and you guys are certifying these officers, you fail to decertify them and hold them accountable.

And I promise you, if you start holding these officers accountable and decertifying, you will get public trust again. You will get community trust.

Make an example. Our families deserve protection,

not persecution.

Please remember that behind every case number, there are people, grieving mothers, sisters, fathers, children. We're all out here fighting for the truth, waiting for accountability that should have been there in the very beginning.

Thank you.

CHAIRPERSON DUDLEY: Thank you for calling.

And I'm incredibly sorry to hear about Chris and the torment in your voice. I'm sure this is unimaginably horrible.

So I just want you to know that we heard you and POST Assistant Executive Director is going to speak now to let you know how to follow-up.

MS. DEL MUGNAIO: I believe your comment was in response to the first caller's remarks regarding a case.

That is a complaint that has already been filed. POST will be in contact to speak with you about the process. And to help you understand what the next steps are in that complaint.

If there are other remarks regarding the same complaint, I'm going to ask that we refrain from providing specifics as it can jeopardize the investigation of that complaint that POST will conduct, that investigation, and work with law enforcement agency

to procure whatever documents are necessary to do its fact-finding analysis.

So for those of you who are online that wish to comment regarding the same matter, I'm going to ask that we refrain from doing so, so those specifics are not aired in a public forum that could otherwise compromise the future investigation of the complaint.

Thank you.

CHAIRPERSON DUDLEY: And again, we want to thank you for calling.

Are there any more callers? Okay.

If there are -- I'm happy to hear from you, and to hear about your feelings, but at this point, I am going to need to intervene if there's any discussion of the facts of the case if it's about the same case that we just heard two calls on.

So, as to the next speaker, please go ahead.

DAVID DE ARMAN: Hello, can you hear me?

CHAIRPERSON DUDLEY: I can hear you. Thank you.

DAVID DE ARMAN: This is Mr. DeArman, Christopher's father.

I have filed a formal complaint with POST, separately, against all involved officers. And have received no reply.

CHAIRPERSON DUDLEY: Let me immediately now turn it

over to the POST Assistant Executive Director so she can respond to that. And then I will continue to listen to your concerns.

MS. DEL MUGNAIO: Mr. DeArman --

DAVID DE ARMAN: Yes.

MS. DEL MUGNAIO: So you did file a formal complaint regarding the same matter?

DAVID DE ARMAN: Sure did.

MS. DEL MUGNAIO: Okay. We will definitely follow up with you regarding the status of that complaint following this meeting.

DAVID DE ARMAN: Thank you, ma'am.

MS. DEL MUGNAIO: You're welcome.

DAVID DE ARMAN: Let me ask, am I not allowed to speak regarding the incident?

CHAIRPERSON DUDLEY: You're absolutely allowed to speak. I encourage you to speak.

What I'm asking you to do is to refrain from discussing any of the evidence related to the case, any of the facts related to the case.

In my prior role, I was the District Attorney of Santa Barbara County. So I'm an attorney who understands the value of what you have to say.

But by the same token, with that, that information should not come out in a public comment. It should come

out in a formal investigation to best protect Chris's rights. Okay?

So if that made sense to you, certainly want to hear about your feelings.

Please try to stay away from the facts. Okay, sir?

DAVID DE ARMAN: Okay. I'll try to.

CHAIRPERSON DUDLEY: Thank you.

DAVID DE ARMAN: It's going to be difficult.

CHAIRPERSON DUDLEY: I understand.

DAVID DE ARMAN: It will be difficult.

Christopher was a father, a son, a brother, and a an uncle. He was much loved by his family.

The officers failed to use less-than-lethal or non-lethal measures in the force continuum that is required prior to execution of deadly force.

They did -- they took no such actions.

CHAIRPERSON DUDLEY: I can't imagine the loss that your family is experiencing.

And we'll absolutely get in touch with you after this meeting to follow up on the formal complaint. Okay?

DAVID DE ARMAN: I will also add that I'm a 30-year Naval veteran, a former security officer, Naval Base San Diego. And I'm a graduate of the Federal Law Enforcement Training Center FLETC at Glynco. I would

suggest my training far exceeds the training they received at a local junior college.

CHAIRPERSON DUDLEY: I understand, sir. And let me thank you for your service. And I promise right after this meeting, someone will be in touch with you.

And again, so sorry for your tremendous loss and the loss of your family.

DAVID DE ARMAN: Okay. Thank you, ma'am.

CHAIRPERSON DUDLEY: Thank you, sir.

Are there any other calls?

Okay. Someone else is on the line. Please go ahead.

I'm not hearing any voices.

Is someone else still on the line? If so, just speak up.

Someone still is there?

Okay. If you have a phone or a computer but you're not unmuting and you would like to speak, please press the unmute button and speak up.

If not, we're just going to go ahead with the meeting and going to assume you're just listening to the meeting.

So again, an opportunity to unmute and speak up.

(No response.)

CHAIRPERSON DUDLEY: Okay. Hearing nothing, we're

going to go on.

Okay. We're going to go on to the approval of the minutes.

Is there anyone present or appearing remotely or by phone who would like to address the Board regarding the approval of the July 16th through 17th transcripts?

(No response.)

CHAIRPERSON DUDLEY: Hearing nothing, are there any questions or comments from the Board about the minutes?

(Sotto voce comment.)

CHAIRPERSON DUDLEY: Go ahead.

Okay. If the Board concurs --

BRUCE LEININGER: Hello. Let me know if you can hear me.

CHAIRPERSON DUDLEY: I'm sorry. Go ahead.

BRUCE LEININGER: Yeah, something was wrong with the audio. Several speakers were trying to talk.

So thank you for taking my call.

My name is Bruce Leininger and I'm also calling regarding the shooting death of Christopher DeArman by San Diego Police.

CHAIRPERSON DUDLEY: Okay.

BRUCE LEININGER: I'm calling on --

CHAIRPERSON DUDLEY: Sir, I am absolutely going to give you an opportunity to talk. And thank you so much

for calling. And thank you for bearing with the audio problems.

I want to reiterate the concerns of the Executive Director, the Assistant Executive Director, please try to stay away from any facts, because I don't want to contaminate the evidence of this investigation.

But please feel free to share whatever thoughts and feelings you have.

Please, sir, go ahead.

BRUCE LEININGER: I am calling on POST to review the allegations against the officers involved. And I'm wondering also what is the time frame that Chris's father can expect to hear back from you?

MS. DEL MUGNAIO: So an acknowledgment letter was sent back in July, acknowledging receipt of the complaint. And at that point, it takes -- can take several months for us to get additional information from the agency regarding the incident to be able to analyze that information.

As soon as we have a further status update we can provide that accordingly.

If we don't have a good address of record, that may be part of the problem. So we will look into that.

Again, I can't give you a firm date. It all depends on the production of documents and the time it

takes to analyze those documents. And if there is any follow-up investigation that needs to be done on the part of POST, all of that takes a period of time. I believe we received the initial --

BRUCE LEININGER: -- assurance --

MS. DEL MUGNAIO: -- inquiry in July. July 24th, to be exact, and a receipt -- a notification of receipt was sent immediately thereafter.

So it may take several months before we have a further status update.

DAVID DE ARMAN: This is Mr. DeArman. Can you hear me?

CHAIRPERSON DUDLEY: Yes, we can.

DAVID DE ARMAN: I just wanted your assurance that these officers' actions are being reviewed.

CHAIRPERSON DUDLEY: I can assure you that the investigation is being reviewed. That is exactly why we're here.

BRUCE LEININGER: And if he does not hear back from you in the time expected, what is the best way to contact you?

CHAIRPERSON DUDLEY: Executive Director --

MS. DEL MUGNAIO: Yeah, the best way to probably contact any of us, so you can get directly to our complaint intake team to look into the facts of the

case, is on the POST website. There's a complaint intake portal. And it's to send a message to request follow-up and a contact.

If there's specific phone number or email address that you wish to be contacted at, you can leave that information through that portal.

BRUCE LEININGER: Can I leave you my number now?

MS. DEL MUGNAIO: I wouldn't do that because this is a public broadcast and I don't know that you want the entire public to have your direct phone number.

I think it's probably a safer bet to have you do that through the portal, sir.

BRUCE LEININGER: Okay. Thanks.

MS. DEL MUGNAIO: You're welcome.

BRUCE LEININGER: And that concludes my comments.

I think there's one more person, at least, on the line.

CHAIRPERSON DUDLEY: Okay. Thank you, sir. We will certainly keep the line open and wait for the next person to speak.

We're not hearing any voices.

MELISSA MIRAMONTES: Can you all hear me?

CHAIRPERSON DUDLEY: Yes, now I can hear you. Please go ahead.

MELISSA MIRAMONTES: Okay. Hi. My name is

Melissa Miramontes and I'm with United Families for Justice.

I'm also going to speak on the family for Chris DeArman.

It's important that the POST -- you all have the final authority to be able to allow these officers on the street. I have lost a loved one due to police violence. An off-duty officer killed my brother as well.

And I actually filed a complaint against this officer with POST. And POST gave me a statement stating that they cannot look into my request in accordance with California Penal Code 7922.535.

And it basically -- basically they denied my request and said that they couldn't look into it because it was the responsibility of the LAPD.

That is false and --

CHAIRPERSON DUDLEY: Let me --

MELISSA MIRAMONTES: -- look into the --

CHAIRPERSON DUDLEY: Let me ask the Assistant --

MELISSA MIRAMONTES: Excuse me?

CHAIRPERSON DUDLEY: Let me ask the POST Assistant Executive Director to respond to what you just said.

MELISSA MIRAMONTES: So --

CHAIRPERSON DUDLEY: Hang on one sec so she can

respond to you -- to your concern.

MS. DEL MUGNAIO: I'm not familiar with that particular provision that we would have responded.

It was -- it sounds to me like perhaps the response may have been in light of the -- the issue itself falling outside of the nine acts of serious misconduct.

So POST is limited to --

MELISSA MIRAMONTES: Absolutely not.

MS. DEL MUGNAIO: Okay. I think --

MELISSA MIRAMONTES: Absolutely not.

MS. DEL MUGNAIO: -- what I am --

(Unreportable cross-talk.)

CHAIRPERSON DUDLEY: Hang on one second. Just let the -- I promise to let you speak.

But I want you to hear the full thought of the Assistant Executive Director.

MELISSA MIRAMONTES: Thank you.

MS. DEL MUGNAIO: We probably will not be able to resolve this over the phone without looking into the specifics of your particular situation.

The best thing for you to do, then, is to file the complaint, refile the complaint, for us to look into the assertion that this falls within POST jurisdiction, the nine acts of serious misconduct, and we can respond accordingly.

I don't think it's going to be helpful today because I don't have the resources in front of me to be able to address your specific situation.

There again, in a public forum, it's not appropriate to discuss the facts of the case prior to the investigation.

So I would ask that you send something to us through the intake, the complaint intake portal, that we can look into the matter.

CHAIRPERSON DUDLEY: Okay. So --

MELISSA MIRAMONTES: Okay. Thank you. I hope to get -- I'll try to get the exact email information.

You know the point is, I don't want to, you know, deteriorate from what I'm -- the point is my conversation. The point is, and you guys have heard several different family members, several different community members here in San Diego who have come together to bring awareness to Chris DeArman's story.

It's important that POST looks into this. This is one of the most gruesome cases that I've ever seen in my life. I encourage you guys to please investigate. Do your due diligence and please hold these officers accountable in any which way you can.

I encourage you all, as you guys start to receive these -- these complaints from community members,

because we are definitely going to encourage the community to start filing these complaints after today.

Please look into these investigations.

My specific complaint number is R002950-050925 --

CHAIRPERSON DUDLEY: Hang on one second.

MELISSA MIRAMONTES: -- making --

CHAIRPERSON DUDLEY: Hang on one second. Just say it one more time a little slower so the Assistant Executive Director can write it down.

MELISSA MIRAMONTES: Okay. Thank you. It's reference number R002950-050925.

And again, this is not just for -- for my particular case, but all these complaints that you guys are going to be receiving in, please investigate them. Do your due diligence. These officers are killing people, time after time, same scenario, same situation, they always get away with it.

And the scenarios in which they're harming people, inflicting and actually, you know, flattenly un-aliving people.

CHAIRPERSON DUDLEY: Okay.

MELISSA MIRAMONTES: The scenarios are all different.

All of our loved ones have been taken in different ways and yet these officers are not held accountable.

There is no reason -- there is no way you can rule in the officer's favor time after time when the situations are different.

Please investigate.

Please do your guys's job. We appreciate your time.

Justice for Chris DeArman.

Justice for all stolen lives.

CHAIRPERSON DUDLEY: I absolutely --

MELISSA MIRAMONTES: Thank you.

CHAIRPERSON DUDLEY: -- promise you that that is why we are all here --

MELISSA MIRAMONTES: I appreciate you guys for having this --

CHAIRPERSON DUDLEY: -- is to look into these cases.

MELISSA MIRAMONTES: -- platform.

CHAIRPERSON DUDLEY: Also -- we've put up information on the screen and -- but in case you're not seeing the screen, let me just say that it's -- well, I'll ask the Assistant Executive Director to read it because it's a little blurry for me.

MS. DEL MUGNAIO: So the complaint intake address is complaintintake@post.ca.gov and hopefully it is appearing on your screen as we broadcast this meeting.

There's also a phone number associated with it and an email contact box.

I believe in your case, the information you submitted was handled through a California Public Records Request Act, not through our complaint intakes.

So this would be the appropriate place for you to file that complaint.

CHAIRPERSON DUDLEY: Do you understand that it --

MELISSA MIRAMONTES: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. So apparently it went to the wrong place.

But, you know, it's very important that you call today. It's very important you gave us this information. And now it's very important that you put your complaint through the complaint intake. Okay?

MELISSA MIRAMONTES: Yes. Thank you so much. Have a good one.

CHAIRPERSON DUDLEY: Thank you so much.

Is there somebody else who would like to speak?

CRYSTAL RODRIGUEZ: Hello?

CHAIRPERSON DUDLEY: Yes, I can hear you. Please go ahead.

CRYSTAL RODRIGUEZ: Hi, yes. My name is Crystal Rodriguez. I'm calling on behalf of -- I'm a community member here in Barrio Logan. And I just want

to say how outrageous it is that we still have the same officers patrolling the same streets where they committed murder, even -- like, they don't even -- why are they still on the same street?

Every day we encounter them and they harass our community, they're constantly stopping people and presuming things and assuming the worst of everybody instead of doing their job and actually going through the procedures that they have to. But they make comments.

Officer -- officers that come in the community are always targeting and harassing and disrespecting our community, constantly. We don't even get the same humane treatment that other communities do. And it's why, it's, like, we get generalized as one in this community. And I don't believe it's -- it's -- it's, like, ethical to have an officer here -- to have an officer that committed murder down the street still patrolling the streets. How are we supposed to feel safe with somebody like that in our community?

CHAIRPERSON DUDLEY: It is absolutely our mission to ensure that you feel safe. And we're absolutely going to be looking into this.

And I very much appreciate your call.

Was there something else you wanted to say? I

didn't mean to interrupt you.

CRYSTAL RODRIGUEZ: Oh, no. That's what I wanted to say. That was just my main concern, because we have kids. We have community members that are always here and they're always, you know -- we just get, I feel we just get categorized in one -- in one label. And we get treated like that. And I don't think it's ethical or appropriate for any officer to treat anybody like that --

CHAIRPERSON DUDLEY: It is neither --

CRYSTAL RODRIGUEZ: -- especially if they --

CHAIRPERSON DUDLEY: -- ethical nor appropriate. You're 100 percent right.

CRYSTAL RODRIGUEZ: Okay. Thank you. And then, yeah, we want that to be a priority to remove those officers from this community because people (garbled transmission; indecipherable) Feel safe. It's just many people in the community don't feel safe. And that's what I have to say.

CHAIRPERSON DUDLEY: Thank you. You've made that very clear and we'll absolutely be looking into this.

I very much appreciate your call.

CRYSTAL RODRIGUEZ: Thank you.

CHAIRPERSON DUDLEY: Thank you.

Is there anyone else who would like to speak?

If there is anyone else that would --

PUBLIC SPEAKER: Hello. Hello. Can you hear me?

CHAIRPERSON DUDLEY: I can hear you now. Thank you so much. Please go ahead.

DARWIN FISHMAN: Hello, can you hear me?

CHAIRPERSON DUDLEY: I can hear you too.

Let's have one at a time.

UNIDENTIFIED PUBLIC SPEAKER: Go ahead and go first and I'll go after you. Thank you.

DARWIN FISHMAN: Okay. Okay.

CHAIRPERSON DUDLEY: Thank you, sir. Go ahead.

(Unreportable cross-talk.)

DARWIN FISHMAN: Okay. Darwin Fishman, Racial Justice Coalition of San Diego. And I'm also calling in for Chris DeArman.

I did want to say that the reason you're getting so many calls about this and from San Diego is that we have serious problems, serious issues, the same as other communities, with racial profiling. And our young black and brown community, young men of color being targeted by police and harassment.

And if you have young men that keep getting targeted for traffic stops, and basically nuisance with the police, it's not unusual, it's not going to be surprising that folks are going to snap. And it's going

to be enough is enough. This is the third stop, the fourth stop, the fifth stop.

All of the work done on racial profiling, all the research done here has shown that there's a disproportionate amount of people of color getting pulled over. And the ones that are getting pulled over end up with no citations or things like minor traffic violations.

When you have that, and then the situation escalates, and police officers are not properly trained or they have racial bias about these youths and think that they're here at war and they're more likely to use force and lethal force, it makes it horrible situation here.

And we're calling in because we're looking for help. The tools, the research is available here. We've exhausted. They haven't brought justice for this family and other families that lost loved ones here.

At least with the POST commission and process of decertifying officers, we have a way to address some of these officers that are the worst violators that we know, keep doing this, keep harassing community members, and we have a way to get them out of the profession and other jobs. And also a way to get them out of our communities and doing this kind of horrific policing.

And that's why we're calling in and doing this concerted effort.

The communities, we know who these officers here, they're here on a regular basis. Many of them have been involved a one or multiple incidents. And this is something that's untenable.

It is just going to keep getting worse. And this is why we're looking for avenues for POST to investigate and to hopefully intervene and help us with the kind of crisis that we have here in San Diego.

Thank you.

CHAIRPERSON DUDLEY: What you've described does sound, in your words, both horrible and untenable. And we will be looking into it.

Sir, thank you for your call.

Now there is -- I heard a female voice.

UNIDENTIFIED PUBLIC SPEAKER: Yes. Yes.

CHAIRPERSON DUDLEY: Go ahead.

UNIDENTIFIED PUBLIC SPEAKER: Can you hear me?

CHAIRPERSON DUDLEY: Sure can. Go ahead.

UNIDENTIFIED PUBLIC SPEAKER: Yes. What happened to Christopher DeArman shocks the conscience. It is a gross violation of human rights, criminal law, and constitutional rights. Officers are creating orphans, widows and widowers with impunity and with -- without

any criminal accountability.

In every pro -- every profession, weeds out the bad apples for the protection of society.

And we're counting on you to please do the -- look into the serious misconduct and decertify these four officers. They pose a threat to every single person in this society.

Thank you.

CHAIRPERSON DUDLEY: Thank you very much for calling.

And that is exactly our goal. And I think it's fair for you to count on us and we'll follow through.

Again, thank you for your call.

Is there anyone else?

I think that perhaps the mute button was off.

Okay. It doesn't appear there's anyone else, but there may be someone. So let me be silent. And if there is someone on the line, please speak up.

DAVID DE ARMAN: This is Mr. DeArman again.

CHAIRPERSON DUDLEY: Yes, sir. Go ahead.

DAVID DE ARMAN: I ask you to carefully review all the videos that are available. Ironically, they're available on the San Diego Police website. If you notice, and I know I'm not supposed to talk about this, but at the end of the execution of my son, they

exchanged fist bumps, just like they just won a football game.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Sir, are you still on the line?

DAVID DE ARMAN: Yes.

CHAIRPERSON DUDLEY: As a mother of four sons, I can't imagine the torment you're going through. But I can tell you, as chair of this organization, we absolutely will look into it and also go and search those videos you just talked about.

DAVID DE ARMAN: I really greatly appreciate your efforts. Thank you so much.

CHAIRPERSON DUDLEY: Absolutely, sir. Thank you for calling.

Is there anyone else on the line?

Okay. I think what we're going to do is just go through the approval of the minutes and then take a break.

So are there any questions or comments from the Board about the approval of the July 16th-17th minutes? Transcripts?

Okay. If the Board concurs, the appropriate action would be a motion to approve the minutes, transcript, from the July 16th-17th, 2025 meeting.

have been presented and adjourn into closed session to deliberate on all cases presented. After reconvening into regular session, votes will be taken on each case.

At this time, I will now call upon law enforcement consultant Kevin Sherburne, Professional Conduct Central Bureau and Carrie Woolley, Attorney VI, Legal Affairs Bureau to provide a report on POST case 241-0050, Michael Kim, who at the time of the events at issue in this case was, and still is, employed by the San Francisco Sheriff's Office.

MR. SHERBURNE: Thank you, Madam Chair.

Good afternoon, Board members. My name is Kevin Sherburne. I'm a law enforcement consultant assigned, as the chair mentioned, to the Professional Conduct Central Bureau.

I served as the investigator on this case involving Michael Kim. The case number's POST 241-0050.

With me today is Carrie Woolley, she is legal counsel for POST.

The clear and convincing evidence substantiated in this case, that based upon his conviction for contempt of court, Mr. Kim was dishonest.

On May 25th, 2018, Mr. Kim admitted to the federal court in San Francisco, that he filed a declaration with the court that contained materially false statements and

he plead guilty to a violation of Title 18, United States Code, Section 401, parentheses, 1, a misdemeanor.

Mr. Kim's dishonesty for serious misconduct purposes occurred when he lied to the Court in the declaration and obstructed justice in the criminal prosecution of Andy Li, and he lied to FBI agents who asked him about the declaration that he filed with the Court.

Under California Penal Code Section 13510.8(b)(1), dishonesty is defined as lies relating to two types of lies.

First, there's dishonesty relating to the investigation or prosecution of a crime.

Second, there's dishonesty relating to the investigation of peace officer misconduct.

Mr. Kim's dishonesty is in violation of this statute because it's false statements relating to the criminal prosecution of Andy Li, the criminal investigation of his own criminal activity, that is the submission of a false declaration to the Court, and the investigation into his own peace officer misconduct.

May we have the next slide, please.

This presentation, I've divided into four parts.

So first I will talk about Mr. Kim's professional career as a peace officer.

Then I'll talk about the evidence substantiating Mr. Kim's serious misconduct.

I will cover the reasonable grounds for revocation of Mr. Kim's certificates.

And then I'd like to talk a little bit about some of the procedural aspect of this particular case.

For purposes of the division's findings, the clear and convincing evidence standard means there is sufficient evidence, to establish, quote that there is a high probability that the charge is true, end quote. And the evidence need not establish a fact beyond a reasonable doubt.

That said, in this case, we have evidence beyond a reasonable doubt of dishonesty based on Mr. Kim's conviction.

Next slide, please.

At this time, I'll give an overview of his professional career.

Mr. Kim's professional career as a peace officer started in 1999 when he became a deputy with the San Francisco Sheriff's Office. He promoted to sergeant on February 12th, 2005, and was a sergeant at the time of the serious misconduct.

Mr. Kim resigned from the sheriff's office on February 13th, 2016. At that time, Mr. Kim held basic,

intermediate, and advanced certificates issued by POST.

In April 2021, Mr. Kim completed a requalification basic course and re-applied to the Sheriff's Office in May of 2021.

The application expired and in June 2023, Mr. Kim reinitiated the application process. He completed a second re-qualification basic course in August, 2024.

During Mr. Kim's background investigation, he completed questionnaires in which he made admissions that he committed perjury by submitting a false statement to a court and made false statements to FBI agents.

Mr. Kim also underwent a psychological evaluation as required by POST regulations. A key component of the psychological evaluation is the examination of what are known as dimensions that cover topics like integrity and decision-making or judgment.

Under this process, a department psychologist conducted an evaluation. If that psychologist determined an applicable not to be suitable, the applicant had a right to appeal and hire his or her own psychologist.

In Mr. Kim's case, the department psychologist deemed him quote, not suitable, end quote. He appealed and hired Dr. Ryan Dunnigan to evaluate him.

Dr. Dunnigan performed an evaluation on November 1, 2023, and deemed Mr. Kim not suitable for the position of peace officer.

In my investigation, the evidence showed that an applicant's own psychologist very rarely failed the applicant. As a result of Dr. Dunnigan's determination that Mr. Kim was not suitable, the sheriff's office sent Mr. Kim an email on November 30, 2023, stating that it discontinued his application. In other words, it, quote, "elected not to proceed with your application," end quote.

While on one hand, the background process did not set forth another appeal for applicants who failed the evaluation by their own psychologist, on the other hand, personnel at the sheriff's office stated there was no prohibition on an appeal.

However it occurred, in February of 2024, Mr. Kim did appeal Dr. Dunnigan's determination that he was not suitable for a peace officer position and in this appeal, Mr. Kim submitted a letter of recommendation from Sheriff Paul Miyamoto.

Dr. Dunnigan stated it's very rare he receives letters of recommendation from chiefs or sheriffs. As such, the letter carried, quote, considerable weight, end quote, because he said, quote, it leaned into his

lane in the road, end quote. And Dr. Dunnigan deemed him suitable.

But for the letter, the letter was the sine qua non of Dr. Dunnigan's suitability finding. Dr. Dunnigan likely would have again deemed Mr. Kim not suitable for employment as a peace officer based upon those dimensions I mentioned earlier.

Counsel for Mr. Kim has submitted public comment in which she states that investigators, quote, immediately seemed suspicious of the letter.

Given Mr. Kim's lies, for which he was convicted, our suspicions were legitimately founded and the division's investigations followed up in a thorough and objective manner to determine whether Mr. Kim himself authored that letter.

The letter also had probative value, whether there was abuse of power in the hiring process of Mr. Kim.

After a third psychologist reviewed the previous psychological evaluations, the background investigation unit at the Sheriff's Office submitted the background investigation file up the chain of command.

Counsel for Mr. Kim stated in her written submission, that "It is rare that anyone would be able to return to a sworn position after an incident of this nature."

I would like to point out, and as noted in the investigative summary and findings, three of the four voting members of the command staff hiring committee voted to reject hiring Mr. Kim.

Further, Dr. Dunnigan focused on the dimensions of ethics and judgment in his initial finding of nonsuitability.

On December 21, 2024, the department rehired Mr. Kim as a deputy.

Now I will go over the evidence of my investigation into Mr. Kim's serious misconduct.

Mr. Kim became friends with an individual named Andy Li when they were in the ninth grade. They remained friends after Mr. Kim joined the sheriff's office. Mr. Lee was a criminal and ultimately became the enforcer for Raymond Chow. Mr. Chow was the leader or dragonhead of an organized crime syndicate in San Francisco's Chinatown.

Mr. Li committed crimes such as arson on behalf Mr. Chow who also ordered Mr. Li to kill people, break their legs and to commit armed robbery.

Although Mr. Kim knew that Mr. Li had convictions and spent time in prison, they maintained a close personal relationship. Mr. Li had introduced Mr. Kim to Mr. Chow.

In March, 2014, after an extensive undercover operation, the FBI arrested Mr. Li. The FBI seized a ballistic vest they found in Mrs. Li's vehicle.

The federal court found that pretrial detention of Mr. Li was justified based on its finding that Mr. Li was a danger to the community. The Court specifically relied on the charges against Mr. Li which involved firearms and narcotics trafficking; that Mr. Li was a convicted felon in possession of a ballistic vest; and that Mr. Li was an enforcer for an organized crime syndicate.

Over the summer of 2014, Mr. Li sought his release from jail. Arguing the vest was Mr. Kim's vest, not his.

Mr. Li's lawyers asked Mr. Kim how Mr. Li obtained the vest.

Next slide, please.

Mr. Kim fabricated a story to Mr. Li's lawyers and then signed a declaration on August 6, 2014, quote, under penalty of perjury under the laws of the state of California, end quote, as being, quote, "true and correct."

In the declaration, Mr. Kim identified himself as a San Francisco Sheriff's Office employee. The declaration stated he dropped off the ballistic vest

that his Sheriff's Office had issued him at Mrs. Li's hair salon with Mr. Kim's wife.

Mr. Kim's wife forgot the vest at the salon. Mrs. Li took the vest, placed it in her car and intended to return to it Mr. Kim. And the declaration further stated that although Mrs. Li made plans to return the vest to Mr. Kim, quote, both got busy and plans fell through, end quote.

In addition to creating this make-believe story, Mr. Kim recruited his wife and Mrs. Li to commit to this web of lies and submit false statements to the Court. This is more than, as counsel for Mr. Kim stated, wearing, quote, "blinders" when it comes to close friends or family.

On August 19th, 2014, FBI special agents interviewed Mr. Kim about his version of events relating to the vest. He told the FBI the same lies he provided in the declaration he filed with the court.

Mr. Kim's story was material to Mr. Li's submissions to the Court. The Court denied Mr. Li's request for release.

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In December 2014, the FBI again interviewed Mr. Kim about the stories in his declaration. This time, Mr. Kim told the FBI that he lied to them in August and

in the declaration.

Next slide, please.

On May 25th, 2018, Mr. Kim pled guilty to Contempt of Court. In support of his plea, Mr. Kim stated that he knowingly and willfully lied to the Court.

Next slide, please.

On October 12th, 2018, the Court entered a judgment of conviction.

Mr. Kim also submitted a memorandum to his supervisor at the Sheriff's Office in which he repeated the lies that he told the FBI agents and that were contained in his declaration.

Although my investigation was unable to obtain the memorandum he submitted to his supervisor, and his supervisor, who's now retired, did not respond to my request for an interview, Mr. Kim admitted that he lied in the memorandum.

These admissions also serve as evidence of his dishonesty relating to reporting or investigation of peace officer misconduct.

The evidence above, and as detailed in the ISF, therefore, substantiated at the clear and convincing standard that Mr. Kim lied in Mr. Li's prosecution, to FBI agents during a criminal investigation into his own conduct to the Court, and to his chain of command.

Reasonable grounds exist to revoke or suspend Mr. Kim's peace officer certificates. His lies have impacts in the following ways that demonstrate that his certificate should be revoked.

Mr. Kim's lies obstructed justice in the prosecution of Mr. Li. They interfered in the proceedings of another branch of government and affected the integrity of the judicial system wasting the time and resources of the Court, the prosecutors and the FBI.

Mr. Kim enlisted others in his criminal activity. This activity demonstrated that Mr. Kim had a conflict of interest and willingly compromised core law enforcement values based upon personal loyalties.

Mr. Kim's lies to his own chain of command harmed the morale of the sheriff's office and undercut departmental discipline. Mr. Kim's lies were an attempt to gain release of a man the court found to be a danger to the community.

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Finally, in his memorandum at date of sentencing, Mr. Kim's lawyer stated that Mr. Kim resigned from the Sheriff's Office with, quote, no intention of returning to law enforcement.

His own family also submitted statements that Mr. Kim's atonement included accepting responsibility

through the act of relinquishing a career in law enforcement. Mr. Kim's re-entry to law enforcement demonstrates further dishonesty.

Before concluding, I would like to talk a little bit about the procedural aspects of this case.

In accordance with California Penal Code Section 13510.8(g)(1)(B), POST can initiate proceedings to revoke or suspend an officer's certification for conduct occurring prior to January 1, 2022, where the serious misconduct is dishonesty.

Here, the serious misconduct occurred in August 2014 through December 2014 when Mr. Kim filed a false declaration with the Court and lied to FBI agents and in 2018 when Mr. Kim was convicted.

As a separate but related issue, San Francisco Sheriff's Office was not obligated under SB 2's provisions to report Mr. Kim's dishonesty to POST because the mandatory reporting became effective January 1, 2023, and Mr. Kim's serious misconduct and his employment had ended prior to that date.

Next slide, please.

POST initiated this investigation pursuant to its authority under California Penal Code Section 13510.8(c)(3)(C). This section states that the division may, in its discretion, investigate without the request

of the Commission or Board any potential grounds for revocation of certification of a peace officer.

POST received a public records request that alerted POST to Mr. Kim's conviction and the division reviewed the matter for possible disqualification under California Government Code Section 1029.

The Division determined that Mr. Kim was not subject to a 1029 disqualification.

After reviewing court records, however, the Division initiated its -- this investigation to determine whether Mr. Kim's conviction for contempt and underlying conduct constituted dishonesty.

In addition to the division's initiation of the investigation in January 2025, POST received an anonymous complaint from a member of the public that Mr. Kim was convicted and had agreed not to re-apply for a law enforcement position.

Thus, even if the Division had not initiated its own investigation, it would have investigated pursuant to the public complaint.

Final slide, please.

In sum, the Division seeks revocation of Mr. Kim's certificates based on his dishonesty for lying during the prosecution of Mr. Li, during the criminal prosecution into Mr. Kim's crimes and based on Mr. Kim's

dishonesty during an investigation into Mr. Kim's misconduct as a peace officer.

That concludes my presentation.

Ms. Woolley and I are ready to answer any questions that members of the board or chair may have.

CHAIRPERSON DUDLEY: Thank you. I have a couple of questions. I want to make sure I understand this.

There was some question about Sheriff Miyamoto's letter of recommendation. The questions emerged because it was an email, it was unsigned, and it wasn't on letterhead; correct?

MR. SHERBURNE: That's correct.

CHAIRPERSON DUDLEY: Okay. Did anybody -- I know that the counselor, the psychologist or psychiatrist, I don't know which he is, said that he thought -- was possibly going to check up on that. And it appears he did not check up on that, as far as we know.

Did anybody ever contact Sheriff Miyamoto and ask if that, in fact, was what he wrote?

MR. SHERBURNE: I did not interview Sheriff Miyamoto. I determined that that was not part of the investigation. To the extent that Ms. Masters, counsel for Mr. Kim, had submitted certain evidence to us that in the metadata showed that it was written by Sheriff Miyamoto, so I didn't

pursue that that line of inquiry.

CHAIRPERSON DUDLEY: Okay. So is there any doubt in your mind, then, that Sheriff Miyamoto wrote that?

MR. SHERBURNE: Again, Madam Chair, that part wasn't part of my investigation.

CHAIRPERSON DUDLEY: Okay.

MR. SHERBURNE: So to the extent that the evidence that I did uncover in this investigation showed that there was a conflict in the evidence, on one hand, the background investigation unit investigators said that when they spoke with Dr. Dunnigan he said that he was going to call the Sheriff.

When we interviewed Dr. Dunnigan, he either said he did not recall or he did not reach out to the Sheriff in order to vet that out.

CHAIRPERSON DUDLEY: Okay.

MR. SHERBURNE: But the background investigators were suspicious of that letter also.

CHAIRPERSON DUDLEY: Okay. So I understand the suspicion.

I also understand that his counsel provided documentation that supported that it was, in fact, written by him.

Or what was it that his counsel said to you that made you decide not to call.

MR. SHERBURNE: During -- well, so prior to the writing of the ISF, I had already made the decision not to reach out to the Sheriff, Miyamoto.

After we interviewed Mr. Kim, his counsel provided information to us by way of email that are contained as attachments --

CHAIRPERSON DUDLEY: Right.

MR. SHERBURNE: -- to the ISF, and in those, we looked at the metadata and we determined it seemed credible.

CHAIRPERSON DUDLEY: Okay. So, as far as we know, that the statements that were emailed by Sheriff Miyamoto were, in fact, his statements.

MR. SHERBURNE: Correct.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: And just for clarity's sake, Chair Dudley, those are Exhibits 35 and 34 to the ISF. They are in the agenda packet, they showed that the email which included the letter, was sent by Sheriff Miyamoto.

CHAIRPERSON DUDLEY: Okay. I want to be clear about that, because it continued to still be an issue in the letter that we all read on October 7th, and just wanted to clarify that.

I also wanted to clarify the first time Mr. Kim was

interviewed by the FBI he lied about the situation.

And then did Mr. Kim reconnect or recontact the FBI and say: I want to come and tell you the truth now?

How is it that the second interview occurred? Whose idea was it?

MR. SHERBURNE: According to the FBI's 302, it was a proffer session.

CHAIRPERSON DUDLEY: Right.

MR. SHERBURNE: And according to Mr. Kim, it was on his own initiative.

CHAIRPERSON DUDLEY: Okay. Would you tell everybody the difference between a proffer session versus his own?

MR. SHERBURNE: That's a legal question I will defer to Ms. Woolley.

CHAIRPERSON DUDLEY: Okay. Counsel?

MS. WOOLLEY: So a proffer is when prosecution makes you an offer that you will cooperate with the prosecution with an ongoing prosecution. Either your own or with somebody else's.

So in this case because we don't have the proffer agreement, we don't know if the proffer agreement involved Mr. Li's prosecution or whether it was an agreement regarding potential prosecution of Mr. Kim.

But generally speaking, a proffer agreement

involves some sort of terms where the prosecution will say: We will not prosecute you or you will do X, Y, and Z and then we will give you this in return.

So we don't know what the details were here, but it is a contract. It's a legally binding contract, particularly in federal court.

So for Ms. -- for the line in this December 302 is what Mr. Sherburne calls it.

What that means is that there was a deal reached between the federal government and Mr. Kim.

CHAIRPERSON DUDLEY: Okay. There's no evidence, no documentary evidence, that indicates that it wasn't Mr. Kim who suggested meeting with the FBI so that he could tell the truth this time, is there?

MR. SHERBURNE: My investigation did not uncover --

CHAIRPERSON DUDLEY: Okay.

MR. SHERBURNE: -- that documentary evidence.

CHAIRPERSON DUDLEY: Okay. Then at the time Mr. Kim lent, slash, gave, the vest to Mr. Li, is there any evidence that Mr. Kim knew that Mr. Li was still involved in any criminal acts?

MR. SHERBURNE: I don't know the answer to that.

I think Mr. Kim said that he was not aware that Mr. Li was still involved in illegal activities. But, I'm not familiar enough with the criminal case, the

prosecution case of Mr. Li, to answer that question fully.

CHAIRPERSON DUDLEY: Okay. Mr. Kim said that he thought Mr. Li was going to work as a security guard and that was why he gave it to him; is that correct?

MR. SHERBURNE: Correct.

CHAIRPERSON DUDLEY: Okay. And lastly, when Mr. Kim pled guilty to the misdemeanor, he said he had no intention -- back in 2016, he said he had no intention of seeking employment with the San Francisco Police Department; correct?

MR. SHERBURNE: With any police department --

CHAIRPERSON DUDLEY: With any police department.

MR. SHERBURNE: -- or law enforcement agency.

CHAIRPERSON DUDLEY: Okay. But the word he used was "intention" and it was based on 2016.

He didn't say he would never do that again; right?

MR. SHERBURNE: Correct.

CHAIRPERSON DUDLEY: Okay. I just want to make sure I understood, because there were so many details here and so much information.

And you did a very thorough investigation, but I wanted to make sure I understood all those points.

Okay. Let me open up to the rest of the board for questions.

Yes, Sheriff Doyle.

MEMBER DOYLE: Yes, I just had an observation that -- that -- about the authenticity of the letter, since the Sheriff --

CHAIRPERSON DUDLEY: The Sheriff's letter?

MEMBER DOYLE: Yeah, the Sheriff overruled all of the chain of command up to him by approving the hire.

And it also seems to me kind of unprecedented that you would fail a psychological and just based on a letter, saying this is a good person, that the examiner would overrule -- or change their -- their finding and I was just wondering if POST would have a concern about this person that's doing law enforcement psychologicals.

MR. SHERBURNE: I think that that question is beyond the scope of my investigation. Dr. Dunnigan's testimony, when we talked to him, said that there were two parts to his evaluation.

One was based upon his psychological evaluation; the other was in examination of the dimensions.

And if it was his lane in the road, that is to say mostly his lane in the road, that clinical psychological aspect, then he kind of owned that lane.

But he gave great deference to the Sheriff when the Sheriff wrote in -- or a chief, however it might have played out, in this case it was the Sheriff, that he

gave great deference if that individual was willing to take a risk in hiring the individual based upon their review of the POST dimensions, then he -- he said, I -- I that's -- that's up to them, on the hiring side.

CHAIRPERSON DUDLEY: Go ahead, Sheriff.

MEMBER DOYLE: Well, I guess I just find the whole thing unusual, because being a sheriff for 26 and a half years, I don't remember ever doing anything but reading psychologicals when they were completed and submitted for hire.

So maybe that's more of an observation. But I'm just wondering if POST, not you, as the investigator, would have some concern about this -- this examiner, based on they're probably going to be doing -- or he's probably going to be doing more in the future.

MS. DEL MUGNAIO: So I will attempt to answer that question.

The discussion did come up and having worked at the Department of Consumer Affairs for over 20 years, where licensed psychologists are -- there's -- that's the regulatory oversight, I think what you're bringing up is a conflict of interest in terms of the Sheriff, Chief, regardless of who it is that's head of the agency, should not be practicing psychology and making determinations on mental suitability. That rests with

the licensee who's charged with doing that.

So, from my perspective, it does bring up some concerns in terms of a conflict. You want to make sure that that is separate and apart from hiring decisions. Whatever that suitability or nonsuitability judgment is, is that of the licensed individual who's making the call.

So I understand your concern.

MEMBER DOYLE: Thank you.

CHAIRPERSON DUDLEY: Ms. Hatcher-Crawford, you'd like to speak. And Dr. Glaser. So go in that order.

MEMBER CRAWFORD: So in reviewing this case, I think a couple things were really concerning that we're even sitting here looking at this case, because it was, again policy, POST, it was -- it was one of those issues that was brought up, you know, that if he was already terminated, how was it that the Sheriff of San Francisco -- Sheriff's Department decided to rehire him?

And that just kept popping up in my mind.

In one of the statements, I don't -- I don't recall the regulation or public thing you put in there, it was very clear in POST about the rehiring of officers.

And I was just baffled in reading the case. That was my statement and that was my thought, that if you

are dishonest this once, you will probably be dishonest again.

CHAIRPERSON DUDLEY: You just wanted to share a thought and a feeling, you don't have any question for the investigator; right?

MEMBER CRAWFORD: Not really. I think they did a wonderful job.

CHAIRPERSON DUDLEY: All right. Dr. Glaser.

MEMBER GLASER: Just to get clarity.

The letter from the Sheriff, from Sheriff Miyamoto, is just addressed, "to whom it may concern."

And I think from the -- from Mr. Kim's attorney, it sounds like Mr. Kim showed the letter to the psychologist; is that -- is that correct?

MR. SHERBURNE: That is correct.

MEMBER GLASER: So we don't have any information that indicates that the Sheriff communicated with the psychologist.

MR. SHERBURNE: Correct. There were actually two versions of the letter, according to the email that Ms. Masters provided to me.

In one, the Word document was labeled "Letter of Recommendation, Captain." Or words to that effect.

And the second was "Letter of Recommendation, Sheriff."

So when now-Sheriff Miyamoto was a captain, at some point he must written this letter at some historical point in time.

CHAIRPERSON DUDLEY: Thank you.

Yes, Mr. Johnson.

MEMBER JOHNSON: Yes. Johnson.

You know, I was really taken away, too, with the fact that the Sheriff actually wrote the letter. If he, in fact, did but also everyone rejected hiring him except for the Sheriff.

So, I mean, I don't know, you know, it just -- I guess my thoughts messing with me concerning that.

But, the four individuals or three individuals that rejected hiring him and then Dunnigan changing his mind and approving that he's fit, basically, for duty, and then again, of course, the Sheriff, Miyamoto -- is that how you pronounce it?

MR. SHERBURNE: Miyamoto.

MEMBER JOHNSON: Miyamoto overruling everybody and hiring him. I guess he has that right, but that's problematic.

MS. WOOLLEY: If I could just clarify one thing for the record, Board member Hatcher-Crawford, he -- Mr. -- Deputy Kim did not get terminated from the San Francisco Sheriff's Office back in 2016. He resigned. Right.

MEMBER CRAWFORD: Okay.

CHAIRPERSON DUDLEY: Okay. Any other questions from the Board?

(No response.)

CHAIRPERSON DUDLEY: Okay. Seeing none --

MR. JOHNSON: Actually, I do have one.

So, while he was unemployed he, I think, was working for a security company. I forget exactly.

But there was some sexual harassment allegations.

Did he actually get through both of those cleanly?

MR. SHERBURNE: He did. So after he left the Sheriff's Office he did a variety of jobs, but ended up at the San Francisco War Memorial, which is a City and County employee also.

And while there, he was under investigation for a sexual harassment incident. He was cleared of that, and that was one of the reasons why, in his background check, Dr. Dunnigan had stated that he had failed him initially during his first evaluation.

CHAIRPERSON DUDLEY: Thank you. Any other questions from the board?

Dr. Glaser.

MEMBER GLASER: Just one more clarification with respect to his status with the -- with the department in the first phase.

He resigned, but that -- is there any reason for us to infer from that that he was not under any disciplinary review?

Or that there was any possibility that he would have been terminated?

CHAIRPERSON DUDLEY: I think that would be just speculation --

MEMBER GLASER: Right, but --

CHAIRPERSON DUDLEY: -- because he resigned. But I'll see if --

MEMBER GLASER: Maybe if there's some clarification on the timeline of that -- and -- and yeah --

MS. WOOLLEY: Thank you.

CHAIRPERSON DUDLEY: Investigators.

MR. SHERBURNE: If I can comment on that.

At that time, until SB 2 came into being, now departments are required to complete internal affairs investigations.

At that time they were not.

So, currently, the departments are required to complete an internal affairs investigation irrespective of employment status.

At that time, because he resigned, in the ISF, I note that there was -- and the record policies of departments also come into play here because after five

years, if there's a non-finding, then it's not sustained and then they purge their records.

So given the time frame that we're talking about it's a little difficult.

But there was some evidence they had started an investigation and then there was some, I think some comment in the media that they -- that Sheriff's Office had said, we -- we -- you know, we're not going to comment on it. It's a personnel matter and then it ended up being closed.

MEMBER GLASER: Thank you.

CHAIRPERSON DUDLEY: Anything else from the Board?

I'll come back and ask you that question again.

Let's move on to the next part.

At this time, does the subject officer and/or counsel wish to make a public statement? If so, you will each be given five minutes to speak and the time limits will be strictly enforced. 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 proven at a later hearing, do those facts demonstrate clear and convincing evidence, a high probability that serious misconduct, as defined in Penal Code Section 13510.8 and Commission Regulation 1205 occurred?

Let me say before I ask about those additional comments, let me just comment that -- well, let me just ask.

Has every Board member read the October 7th letter that was distributed to all of us?

Is there anyone who hadn't read it?

And if so, you can take some time now to read it.

I just want to be able to tell Ms. Masters that, in fact, she doesn't need to reiterate anything that was in the letter.

Okay. Looking at all of you, there's no one that has not read it or does not need time to review it.

Okay. Having said that, Ms. Masters, please feel free to say anything you want, but I did want you to know that we read the letter.

MS. MASTERS: Good afternoon. Thank you for clarifying that. You beat me to it. I was just going to say that in the interest of time, I won't be reading the written public comment into the record, since all the Board members have reviewed it and it's clearly part

of the record already.

I would just briefly like to point out just a few things.

First, the fact that Deputy Kim was rehired, and our position is it just supports the mitigating facts that were outlined in the written public comment. And goes to show that he had earned a substantial amount of trust with his department before this incident.

And since his -- since his rehiring, obviously, they continue to trust him if he was still rehired.

The second point is, again, regarding this -- this letter of recommendation. I think it's hopefully now been made clear that there really is no conflict in whether that letter is authentic or not.

But, all of the speculation by the Division that led up to it really did make it part of the investigation. And, frankly, instead of speculating on the matter and potentially bringing, you know, this prejudicial question of the letter into this investigation, it would have been easier just to directly interview Sheriff Miyamoto and quash any questions about the letter's authenticity, just straight away.

The third point is -- it's -- clear, at least in my opinion, that POST has ventured outside of the

decertification inquiry and scope here. Clearly disapproves of the Sheriff's Office's hiring practices by way of rehiring Deputy Kim.

But again, in doing so, left the scope of the decertification inquiry.

Specifically, just getting into the level of detail that there was regarding the psychological background, just to me clearly seems like it is part of the hiring process with the Sheriff's Office, not an inquiry into decertification. And I'm concerned that the only purpose in doing so was to, essentially, provide prejudicial, irrelevant material.

The next point is that -- I think the question was asked early, I don't know who asked it, there is no evidence in this record that Deputy Kim knew Li was still involved in illegal activities.

To the contrary, I mean, he earnestly -- Deputy Kim, earnestly stated during his interview that he honestly thought and hoped that Li had, essentially, left the organized crime world and was on the path to actually doing something productive with his life in a sense. And -- and that's where the comment about, you know, "wearing blinders with family or friends" came from.

The last point, I would just like to reiterate the

requests in the written public comment that we submitted to consider the mitigating facts outlined.

And I'm happy to answer any questions that the Board may have about any of those clarifying points that I brought up.

CHAIRPERSON DUDLEY: Okay. Thank you.

You still have a minute, 48 seconds, is there any -- for your comments alone, which stops the clock when the Board starts asking questions.

So is there anything else that you want to say?

MS. MASTERS: No, I think everything else is contained in the written public comment at this time.

CHAIRPERSON DUDLEY: Okay. Thank you.

Okay. Board members, do you have any questions for Ms. Masters?

(No response.)

CHAIRPERSON DUDLEY: Okay. Apparently they don't.

So, would you like to make an additional statement now?

MS. MASTERS: No, ma'am. Thank you for offering.

CHAIRPERSON DUDLEY: Sure. And is your client -- does your client want to speak?

MS. MASTERS: No, he is not present with me today.

CHAIRPERSON DUDLEY: Okay.

One moment, please.

Okay. At this point, then, does the Board want to adjourn into a closed session for deliberations?

Okay. Seeing one person nod, we will do that.

The meeting will adjourn into closed session for deliberations on the case. The Board members will now exit the room, and be back for regular session shortly.

(Time noted: 1:14 P.M.)

---o0o---

(Closed session was held:
1:16 P.M. to 1:36 P.M.)

---o0o---

(Time noted: 1:42 P.M.)

CHAIRPERSON DUDLEY: We will now reconvene to regular session to take a vote on the Board's recommendation in the matter of the case of POST 241-0050, Michael Kim, who at the time of the events at issue in this case was, and still is, employed with the San Francisco Sheriff's Office.

Does the Board have any comments to make on this matter?

MEMBER DOYLE: Doyle. Motion to decertify.

CHAIRPERSON DUDLEY: I'm so sorry?

MEMBER DOYLE: Motion to decertify.

CHAIRPERSON DUDLEY: Okay. Is there a second?

MEMBER GLASER: Second.

CHAIRPERSON DUDLEY: Okay. Ms. Essex, will you take a roll call vote?

Let me just ask before we do that, is there any further comments, questions, abstentions?

(No response.)

Seeing none, Ms. Essex, will you take a roll call vote.

MS. ESSEX: Clavo.

MEMBER CLAVO: Aye.

MS. ESSEX: Clavo, aye.

Crawford.

MEMBER CRAWFORD: Aye.

MS. ESSEX: Crawford, aye.

Doyle.

MEMBER DOYLE: Aye.

MS. ESSEX: Doyle, aye.

Dudley.

CHAIRPERSON DUDLEY: Yes.

MS. ESSEX: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MS. ESSEX: Glaser, aye.

Johnson.

MEMBER JOHNSON: Aye.

MS. ESSEX: Johnson, aye.

Lara.

MEMBER LARA: Aye.

MS. ESSEX: Lara, aye.

That's seven ayes. Motion carries.

CHAIRPERSON DUDLEY: So the motion passes.

MS. ESSEX: Yes.

CHAIRPERSON DUDLEY: Thank you.

Okay. We're going to move on to the next case.

I don't think we need a break.

Okay. At this point, I will now call upon law enforcement consultant Marcus Gregory, Professional Conduct Southern Bureau, and Brian Hoffman, Attorney IV, Legal Affairs Bureau, to provide a report on POST2402562 Armando R. Montalvo, who at the time of the events at issues in this case was, and still is, a current employee -- is currently employed with the Orange County Sheriff's Office.

Gentlemen.

MR. GREGORY: Good afternoon, Chair and members of the Board.

My name is Marcus Gregory and I'm one of the law enforcement consultants assigned to the Professional Conduct Southern Bureau in the Peace Officer Standards Accountability Division.

With me today is Brian Hoffman, an attorney with

CERTIFICATE OF REPORTER

I, CONNIE J. PARCHMAN, 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, Connie J. Parchman, 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 23rd day of October 2025.



Connie J. Parchman, CSR
Certified Shorthand Reporter
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