BEFORE THE LOS ANGELES POLICE DEPARTMENT

BOARD OF RIGHTS

MS. S. AMIN, CHAIRMAN

IN THE MATTER OF:	)	
	)	
LOS ANGELES POLICE DEPARTMENT BOARD OF RIGHTS HEARING	)	B.F. 31674
	)	C.F. 21-001144
IN RE: LUKE WALDEN, #34898	)	
	)	

TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

THURSDAY, FEBRUARY 15, 2024

REPORTED BY:

GINA ARIAS
C.S.R. NO. 11554

APPEARANCES:

FOR THE DEPARTMENT:	SERGEANT D. SLATER DEPARTMENT ADVOCATE 201 NORTH FIGUEROA SIXTEENTH FLOOR LOS ANGELES, CA 90012
FOR THE ACCUSED:	MR. B. SEKI ATTORNEY AT LAW 600 WILSHIRE BOULEVARD SUITE 1250 LOS ANGELES, CA 90017
BOARD MEMBERS:	MS. S. AMIN MR. D. ORTEGA MS. P. STRONG-FARGAS
ALSO PRESENT:	SERGEANT P. PAK

I-N-D-E-X

FOR THE DEPARTMENT:	DIRECT	CROSS	REDIRECT	RECROSS
MICHAEL HACKMAN	24	29	35	
YASIR GILLANI	39	52	62	62

FOR THE ACCUSED:	DIRECT	CROSS	REDIRECT	RECROSS
SCOTT MCNEIL	7	13		
HUGO AYON	18			

E X H I B I T S

(NONE.)

LOS ANGELES POLICE DEPARTMENT

B.F. 31674

C.F. 21-001144

THE MATTER OF LUKE WALDEN, #34898, CAME ON REGULARLY FOR HEARING BEFORE THE BOARD OF RIGHTS CONSISTING OF:

MS. S. AMIN, CHAIRMAN

MR. D. ORTEGA, ASSOCIATE

MS. P. STRONG-FARGAS, ASSOCIATE

AT 1030 HOURS ON THURSDAY, FEBRUARY 15, 2024, AT 201 NORTH FIGUEROA, 16TH FLOOR, LOS ANGELES, CALIFORNIA.

SERGEANT D. SLATER APPEARED AS THE DEPARTMENT ADVOCATE; MR. B. SEKI, ATTORNEY AT LAW, APPEARED AS THE DEFENSE REPRESENTATIVE; AND THE ACCUSED WAS PRESENT.

GINA ARIAS, C.S.R. NO. 11554, HAVING BEEN DULY APPOINTED AND SWORN BY THE CHAIRMAN OF THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER TO REPORT IN SHORTHAND WRITING THE TESTIMONY AND PROCEEDINGS UPON THE HEARING, WAS DIRECTED BY SAID DEPARTMENT ADVOCATE TO THEREAFTER REDUCE SAID SHORTHAND NOTES INTO TYPING.

THE RECORDS INDICATE THAT ALL JURISDICTIONAL REQUIREMENTS HAVE BEEN COMPLIED WITH. WHEREFORE, THE BOARD PROCEEDED IN THE SAID HEARING AS PRESCRIBED IN THE CHARTER OF THE CITY OF LOS ANGELES, SECTION 1070.

THE ACCUSED WAS CHARGED IN A FORMAL WRITTEN COMPLAINT VERIFIED BY THE CHIEF OF POLICE AS FOLLOWS:

COUNT 1: ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF-DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER.

MS. AMIN: ON THE RECORD.

(REPORTER SWORN.)

MS. AMIN: MR. SEKI, YOU HAVE A WITNESS FOR US TODAY?

MR. SEKI: YES. WE HAVE RETIRED LIEUTENANT SCOTT MCNEIL.

(TELEPHONIC TESTIMONY.)

MR. SEKI: SIR, BILL SEKI HERE.

MR. MCNEIL: HOW ARE YOU?

MR. SEKI: I HAVE YOU ON SPEAKER PHONE. AND I'M GOING TO GO AROUND THE ROOM TO LET YOU KNOW WHO'S PRESENT. OKAY. WE HAVE OUR CIVILIAN BOARD MEMBERS OUR CHAIR, MS. AMIN. OUR ASSOCIATE HEARING OFFICERS PATRICIA STRONG-FARGAS AND MR. ORTEGA. ON BEHALF OF

THE DEPARTMENT, WE HAVE SERGEANT SLATER. THERE IS A COURT REPORTER HERE TAKING EVERYTHING DOWN, SO I NEED YOU TO BE CLEAR. AND THEN ALSO DETECTIVE WALDEN IS PRESENT.

AND BEFORE WE GO ANY FURTHER, MS. AMIN WILL SWEAR YOU IN.

MS. AMIN: BEFORE I DO THAT, CAN YOU SPELL YOUR NAME FOR US, PLEASE.

MR. MCNEIL: I AM STANDING IN PARKING LOT.

MS. AMIN: CAN YOU SPELL YOUR NAME FOR US, PLEASE.

MR. MCNEIL: S-C-O-T-T, M-C-N-E-I-L.

MS. AMIN: ALL RIGHT.

"DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

MR. MCNEIL: I DO.

MS. AMIN: THANK YOU.

SCOTT MCNEIL

WAS CALLED AS A WITNESS BY THE ACCUSED, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. BILL SEKI AGAIN. PLEASE START WITH THIS, ARE YOU CURRENTLY EMPLOYED?

A. I AM EMPLOYED.

Q. OKAY. WHAT DO YOU DO?

A. I ACTUALLY AM A SECURITY MANAGER AT A LOCAL CHURCH.

Q. PRIOR TO DOING THAT, WERE YOU EMPLOYED IN LAW ENFORCEMENT?

A. I WAS.

Q. AND BY WHOM?

A. I WAS A LOS ANGELES POLICE OFFICER FOR TWO MONTHS SHY OF 27 YEARS, I RETIRED TWO YEARS AGO.

Q. YOU RETIRED TWO YEARS AGO?

A. YES, SIR.

Q. WHEN YOU LEFT, WHAT WAS YOUR RANK AND ASSIGNMENT?

A. I WAS A LIEUTENANT II OF POLICE ASSIGNED TO GANG AND NARCOTICS DIVISION.

Q. AND HOW LONG HAVE YOU BEEN A SUPERVISOR?

A. I BECAME A SUPERVISOR IN 2007 OR 2008.

Q. AND I KNOW YOU SAID IT, BUT I DON'T RECALL, YOU HAD BEEN A MEMBER OF THE DEPARTMENT FOR HOW LONG?

A. TWO MONTHS SHY OF 27 YEARS.

Q. DURING YOUR TIME WITH THE DEPARTMENT, DID YOU HAVE AN OPPORTUNITY TO WORK WITH OR SUPERVISE DETECTIVE LUKE WALDEN?

A. I DID.

Q. CAN YOU PLEASE EXPLAIN TO THE BOARD HOW IT IS YOU KNOW HIM AND THE TYPES OF INTERACTIONS YOU HAD WITH HIM?

A. I BECAME CLOSE WITH DETECTIVE WALDEN AROUND 2016. I WAS A DETECTIVE III OFFICER IN CHARGE OF THE UNDERCOVER NARCOTICS BUY TEAM. I HAD BEEN THROUGHOUT MY CAREER DOING VARIOUS ASSIGNMENTS HERE AND THERE, BUT I PERSONALLY WAS HIS DIRECT SUPERVISOR FOR TWO YEARS.

Q. AND WHAT TYPE OF THINGS WAS HE DOING FOR YOU?

A. I AM SORRY?

Q. WHAT TYPE OF THINGS WAS HE DOING FOR YOU WHEN YOU WERE SUPERVISING HIM?

A. LUKE WAS A SUPERVISOR IN THE UNDERCOVER BUY TEAM FOR ME. HE HELPED RUN THE DAY-TO-DAY UNDERCOVER NARCOTICS OPERATION. HE DID THE MAJORITY OF THE ADMINISTRATIVE WORK, EMPLOYEE DEVELOPMENT, MONITORING, HE WAS AN INTEGRAL PART OF THAT SQUAD.

Q. TELL US ABOUT THE TYPE OF OFFICER THAT LUKE WAS WHEN YOU WERE SUPERVISING HIM?

A. MY GOOD FRIEND LUKE WALDEN, I THINK THAT LUKE IS A KIND, CARING INDIVIDUAL. HE IS A PERSON OF INTEGRITY. HE IS SOMEBODY WHO I LEARNED -- I DON'T TRUST ANYBODY, HE WAS ONE WHO EARNED EVERYBODY'S TRUST. HE IS AN OUTSTANDING SUPERVISOR, LAW ENFORCEMENT OFFICER, AND I CONSIDER HIM A GOOD FRIEND TO THIS DAY.

Q. YOU HAVE TALKED ABOUT HIM IN GENERAL TERMS BUT ARE THERE ANY SPECIFIC QUALITIES THAT STAND OUT WHEN YOU THINK ABOUT LUKE AND THE TYPE OF OFFICER HE IS?

A. SPECIFIC QUALITIES, HE WAS VERY DETAILED ORIENTED, HE WAS VERY THOROUGH, ARE THESE THE TYPES OF QUALITIES YOU ARE LOOKING FOR?

Q. SURE.

A. HE WAS VERY ORGANIZED. I RELIED HEAVILY ON HIM DUE TO THE NATURE OF THE ASSIGNMENT. I HAD TO HAVE A LOT OF TRUST IN THAT PERSON. HE HAD TO BE SOMEONE WHO COULD BE COUNTED ON TO DO THE RIGHT THING AT THE RIGHT PLACE. AND I HAVE ALWAYS CONTINUED TO THIS DAY THINK OF HIM IN SUCH A FASHION.

Q. THANK YOU. I EXPLAINED BRIEFLY TO YOU THE NATURE OF THIS BOARD OF RIGHTS. HE HAS BEEN FOUND GUILTY BY THE BOARD OF ATTEMPTING TO OBTAIN A FIREARM SILENCER. HEARING THAT, DOES THAT IN ANY WAY CHANGE

YOUR OBSERVATIONS, OPINIONS, OF LUKE AT ALL?

A. IT DOES NOT. AND I SAY THAT BECAUSE I GOT MORE DETAILS ABOUT THIS FROM YOU. I NEVER DISCUSSED THIS WITH LUKE IN ANY MANNER. I AM ACTUALLY SURPRISED BY A GUILTY FINDING. I DON'T KNOW THE DETAILS SO I CAN'T COMMENT ON IT.

Q. OKAY. I KNOW YOU ARE NOT HERE, BUT YOU KNOW WHAT A SUPERVISOR DOES FOR LAPD, RIGHT?

A. I DO.

Q. AND KNOWING THAT HE HAD BEEN FOUND GUILTY OF, THIS PARTICULAR CHARGE, IF YOU WERE STILL HERE AS A LIEUTENANT II, WOULD YOU HAVE ANY HESITATION OR CONCERNS ABOUT HAVING HIM WORK FOR YOU?

A. ABSOLUTELY NOT.

Q. CAN YOU EXPLAIN WHY NOT?

A. I WAS WAITING FOR THAT. I DIDN'T WANT TO JUMP AHEAD, SIR.

Q. I DON'T KNOW ANY DETAILS ABOUT THE FINDINGS, THERE ARE -- THIS IS HOW I LIVE MY LIFE, LIKE I SAID.

SERGEANT SLATER: I AM GOING TO OBJECT. HE JUST SAID HE DOESN'T KNOW ANY DETAILS ABOUT THE FINDINGS AND AS SUCH, I DON'T THINK HE IS QUALIFIED TO ANSWER THIS STATEMENT.

MR. SEKI: SOMEBODY MADE AN OBJECTION. YOU WERE EXPLAINING WHY YOU DIDN'T HAVE ANY HESITATION.

WE ARE GOING TO HAVE A RULING BY THE CHAIR.

MS. AMIN: OVERRULED. HE CAN ANSWER.

BY MR. SEKI:

Q. NOW YOU CAN EXPLAIN.

A. WITHOUT HAVING THE DETAILS OF IT, LET'S SAY ALL YOU KNOW HE WAS FOUND GUILTY OF THAT CRIME. AS A LAW ENFORCEMENT PROFESSIONAL, IT RUNS IN MY FAMILY, MY FATHER WAS A LAW ENFORCEMENT, I AM A SECURITY MANAGER AT A RATHER LARGE MEGA CHURCH, THERE ARE CRIMES OF THINGS SAY, FOR EXAMPLE, A PEDOPHILE, A CHILD MOLESTER, SOMETHING THAT WOULD HAVE A LARGE OR TAKE A LARGE PIECE OF BEING A PEACE OFFICER WHERE SOMEONE IN MY OPINION CANNOT, IF I'M TOLD HE WAS FOUND GUILTY OF ATTEMPTING TO POSSESS, THERE IS NO POSSESSION WHICH IS MY FIRST QUESTION AN ATTEMPT TO POSSESS IS NOT A CRIME OF MORALE TURPITUDE. I WORKED HOMICIDE ON TWO OCCASIONS, THERE ARE A LOT OF FACTORS. I HAD AN OFFICER ARRESTED WHILE IN LAS VEGAS IN POSSESSION OF COCAINE, AND I THOUGHT TO MYSELF AND I SAW THE VIDEO FOOTAGE, IT WAS LARGE INVESTIGATION OF INTERNAL AFFAIRS. AND I THOUGHT TO MYSELF, THERE IS NO WAY TO EXPLAIN THAT WHERE IT WOULDN'T BE AN ISSUE OF MORALE TURPITUDE, THEY CAN'T SAY, NOT MY PANTS, THAT'S DIFFERENT THAN BEING IN POSSESSION OF A SILENCER, IT'S AN ATTEMPT POSSESSION SO FOR THOSE FACTS, NOT RELATED

TO THAT, TO HIS DUTIES BECAUSE I PERSONALLY SUPERVISED HIM. I REMAIN CLOSE FRIENDS EVEN THOUGH I AM OUT OF STATE, HE IS A MAN OF INTEGRITY. HE IS A PERSON I WOULD TRUST PERIOD.

Q. THANK YOU. LAST QUESTION, OPEN ENDED, BUT OBVIOUSLY IS THERE ANYTHING ELSE THAT YOU HAVEN'T SPOKEN ABOUT WHICH MAY BE IMPORTANT FOR THE BOARD TO KNOW?

A. ABSOLUTELY. ABSOLUTELY. FIRST THING THAT COMES TO MIND, THAT MAN IS A DEAR, DEAR, CARING, KIND FATHER. HE IS A LOVING MAN TO HIS TWO CHILDREN, WE TALK ABOUT THAT. I UNDERSTAND THERE WAS AN INTERNAL AFFAIRS INVESTIGATION. I WAS A CONSUMMATE PROFESSIONAL, MAYBE I HAVE ACHIEVED SOME PRETTY NICE AUTHORITY OF THE POLICE DEPARTMENT. I MADE IT CLEAR I DON'T WANT TO TALK ABOUT IT, JUST IN CASE. WE ALWAYS TALKED ABOUT HIS CHILDREN. THAT MAN, I AM A SECURITY MANAGER AT A MEGA CHURCH. THAT MAN IS FIRST AND MORE NOW A GOD NEARING INDIVIDUAL. AND SECONDLY AN UNBELIEVABLY PROUD, GOOD, CARING FATHER TO HIS CHILDREN. THAT CATCHES ME OFF GUARD WITH PEOPLE IN THIS WORLD. THEY DON'T HAVE THOSE TWO QUALITIES THAT WALDEN POSSESSES. THAT'S HOW I BASE MY FAMILY AND FRIENDS ON GOD NEARING AND GOOD TO THEIR FAMILY AND FRIENDS, AND THAT'S LUKE WALDEN.

MR. SEKI: THANK YOU VERY MUCH FOR SHARING THAT. I DON'T HAVE ANY ADDITIONAL QUESTIONS FOR YOU. SERGEANT SLATER MAY OR THE BOARD MAY, SO PLEASE HANG ON.

CROSS-EXAMINATION

BY SERGEANT SLATER:

Q. GOOD MORNING, SIR. CAN YOU HEAR ME?

A. I CAN. GOOD AFTERNOON.

Q. IT'S MORNING HERE, IT MIGHT BE AFTERNOON WHERE YOU ARE, BUT GOOD TIME OF DAY TO YOU.

I HAVE A COUPLE QUICK QUESTIONS FOR YOU, SIR, YOU MENTION IT WAS ONLY AN ATTEMPT TO POSSESS A SILENCER, IS ATTEMPT VIOLATION OF A LAW STILL A CRIME?

A. YES.

Q. ARE YOU AWARE THAT ATTEMPT POSSESSION OF A SILENCER WAS A FELONY CRIME?

A. I HONESTLY DON'T KNOW. IF YOU TELL ME IT IS, I CAN'T ARGUE IT. I WAS NOT A GUN GUY, BUT WHATEVER THE PENAL CODE SECTION SAYS. I DO KNOW THERE WAS A MISDEMEANOR SO IT'S NOT NECESSARILY A FELONY. IT'S A WOBBLER WHICH WAS DROPPED DOWN TO A MISDEMEANOR WHICH GOES TO MORAL TURPITUDE IN THE COURT SYSTEM.

Q. AS SUCH, DO YOU NOT HAVE CONCERN THAT THAT WOBBLER WAS A FELONY THAT HE ATTEMPTED TO COMMIT?

A. CAN I ELABORATE ON THAT ANSWER?

Q. YOU MAY.

A. IF HE WAS A 911 ATTACKER IN POSSESSION OF A SILENCER, I WOULD HAVE ISSUES WITH IT. IF HE IS LAW ABIDING CITIZEN WHO WAS A TENURED LAW ENFORCEMENT OFFICER AND I DEALT WITH THE DISTRICT ATTORNEY, THE CITY ATTORNEY, I FILED NUMEROUS CASES UP TO AND INCLUDING MURDER-BASED UPON MORALE TURPITUDE, AND THE LAW INTERPRETS WOBBLERS BASED ON SUCH, SO I DON'T HAVE THE DETAILS OF WHY IT WENT TO A MISDEMEANOR, BUT IN MY PERSONAL AND PROFESSIONAL EXPERIENCE, THE CASE WAS DROPPED TO A MISDEMEANOR, THEY LOOK AT MORALE TURPITUDE ISSUES AND I DON'T BELIEVE THAT'S ONE OF THE CASES. THERE ARE CERTAIN CRIMES YOU COMMIT, YOU CANNOT BE A POLICE OFFICER. MY EXPERIENCE IS SOMEONE WHO IS ATTEMPTING TO POSSESS A SILENCER WOULD NOT BE HELD OR NOT BE TERMINATED BASED ON THAT BECAUSE OF MORALE TURPITUDE ISSUES. IN HIS CAREER, HE HAS BEEN AN OUTSTANDING OFFICER, I IMAGINE THE DISTRICT ATTORNEY LOOKED AT IT AND SAID MORALE TURPITUDE, WE DON'T HAVE ANY ISSUES, AND IT WAS DROPPED DOWN TO A WOBBLER, SO IT'S A LITTLE BIT DIFFERENT HERE.

Q. YOU ALSO MENTIONED THAT YOU HAD LESS CONCERNS BECAUSE IT WAS ONLY AN ATTEMPT, WOULD YOU HAVE FURTHER CONCERN IF HE HAD ACTUALLY ACQUIRED THE

ITEM?

A. I WANT TO MAKE SURE IT'S CONVEYED CLEARLY, IF I CAME ACROSS SOMEBODY WHO HAD A MANIFESTO TO KILL PEOPLE AND THEY NEEDED A SILENCER TO DO CERTAIN THINGS TO ACCOMPLISH A HEINOUS HORRIFIC ATTACK, AN ATTEMPT WOULD BE ONE ISSUE, BUT FOR MY PERSONAL KNOWLEDGE AND EXPERIENCE WITH LUKE WALDEN AND I HAVE REMAINED FRIENDS WITH HIM SINCE I RETIRED, I SEE NO MORALE TURPITUDE ISSUES WITH THAT PERSON. I MEAN, I CAN'T COMMENT ON WHAT HAPPENED AND WHY IT HAPPENED BECAUSE I DON'T KNOW, I AM DISTANCING MYSELF FROM THAT, BUT BASED ON HIS CHARACTER, HIS PERSONALITY, AND THE WAY HE CARRIED HIMSELF FOR ALL OF THOSE YEARS, I DON'T SEE ANY MORALE TURPITUDE ISSUES WITH IT. I'M NOT AFRAID OF IT.

Q. I AM NOT ASKING IF YOU AFRAID OR FRIGHTENED, YOU SAID SINCE IT WAS ONLY AN ATTEMPT, IT WAS LESS OF A CONCERN TO YOU. IF HE HAD MANAGED TO SUCCEED IN ACQUIRING THE ITEM, WOULD THAT BE A CONCERN TO YOU?

A. THAT'S A DIFFICULT QUESTION TO ANSWER, SIR. I DON'T KNOW WHAT THE PURPOSE TO POSSESS IT FOR AND I WAS TOLD I WAS JUST BRIEFED THAT IT WAS NOT A SILENCER, THAT IT WAS A CAR PART, I HAD ZERO CONCERN.

Q. THE BOARD HAS DETERMINED THAT IT WAS A SILENCER, DOES THAT CHANGE YOUR CONCERN AT ALL?

A. NO, BECAUSE OF THE PERSON WHO I KNOW HIM TO BE IS CARE AND CONCERN FOR GOD, FOR HIS CHILDREN, HE IS WHAT I CALL THE EPITOME OF A POLICE OFFICER. HE SHOULD BE ON THE POSTER BOARD. IF HE TOLD ME HE HAD A MANIFESTO AND HE WAS GOING TO GO INTO A SCHOOL AND MURDER EVERYBODY, I WOULD BE VERY CONCERNED, ABSOLUTELY, BUT BEARING THAT THE STATE OF TEXAS THERE ARE SILENCERS ALL OVER THIS PLACE, I HAVE A LARGE CHURCH OF 4,000 PEOPLE, OVER 12,000 PEOPLE A WEEKEND IN ATTENDANCE, A GOOD 50 PERCENT CARRY GUNS AND THEY ARE GOD FEARING, LAW ABIDING CITIZENS, IT IS NOT CONCERNING TO ME FOR THOSE CONCERNS.

SERGEANT SLATER: THANK YOU. NO FURTHER FOR ME, SIR. THE BOARD MAY HAVE SOME QUESTIONS THOUGH, SO JUST STAND BY, PLEASE.

MS. AMIN: ANY QUESTIONS?

MR. ORTEGA: NO.

MS. AMIN: WE DO NOT HAVE ANY QUESTIONS FOR YOU, SIR. THANK YOU VERY MUCH FOR YOUR TIME.

MR. SEKI: NO ADDITIONAL QUESTIONS FOR YOU, SIR. WE APPRECIATE YOUR TIME AND I KNOW YOU ARE IN A PARKING LOT. WE TOOK YOU AWAY FROM A MEAL. THANK YOU VERY MUCH FOR GIVING US YOUR TIME.

MR. MCNEIL: HE IS WORTH MY TIME. AND I APPRECIATE EVERYBODY. BE SAFE. GOD BLESS.

MR. SEKI: LET ME SEE IF OUR OTHER PERSON AVAILABLE. WE TRIED CALLING HIM. WE HAD COMMUNICATED WITH HIM. THIS IS GOING TO BE HUGO AYON.

(TELEPHONIC TESTIMONY.)

MR. SEKI: DETECTIVE. THIS IS LUKE WALDEN'S ATTORNEY. HOW ARE YOU?

I HAVE YOU ON SPEAKER PHONE. WE ARE IN THE BOARD ROOM AND I AM GOING TO GO AROUND THE ROOM TO LET YOU KNOW WHO IS HERE AND YOU ARE GOING TO BE SWORN IN.

FIRST WE HAVE OUR CIVILIAN BOARD MEMBERS, MS. AMIN, WE HAVE OUR ASSOCIATE MEMBERS, PASTOR STRONG-FARGAS ALONG WITH MR. ORTEGA. ON BEHALF OF THE DEPARTMENT IS SERGEANT SLATER. THERE IS A COURT REPORTER TAKING EVERYTHING DOWN, SO I NEED YOU TO SPEAK SLOWLY AND CLEARLY. AND LUKE WALDEN IS HERE. AND AT THIS POINT IN TIME, MS. AMIN IS GOING TO SWEAR YOU IN, SIR.

MS. AMIN: GOOD MORNING. THANK YOU FOR PARTICIPATING TODAY. CAN YOU PLEASE GIVE US YOUR FULL NAME AND SPELL IT.

DETECTIVE AYON: FIRST NAME HUGO, H-U-G-O, LAST NAME AYON, A-Y-O-N.

"DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE TESTIMONY YOU SHALL GIVE IN THE CASE NOW HEARING BEFORE THIS BOARD OF RIGHTS

SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?"

DETECTIVE AYON: YES, I DO.

MS. AMIN: THANK YOU.

HUGO AYON,

WAS CALLED AS A WITNESS BY THE ACCUSED, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. BILL SEKI ONCE AGAIN. LET'S START WITH THIS, WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. I'M A DETECTIVE II ASSIGNED TO GANG AND NARCOTICS DIVISION. I WORK THE FBI GANG TASK FORCE.

Q. HOW LONG HAVE YOU BEEN A MEMBER OF THE LAPD?

A. I ACTUALLY JUST CELEBRATED MY 25TH ANNIVERSARY YESTERDAY.

Q. CONGRATULATIONS. THANK YOU FOR YOUR SERVICE. HOW LONG HAVE YOU BEEN IN THIS TASK FORCE?

A. I CAME IN I BELIEVE IT WAS MAY OF 2019.

Q. HOW LONG HAVE YOU BEEN A SUPERVISOR?

A. WELL, KIND OF IT'S A TWO-PART QUESTION. AND I MADE SERGEANT IN JUNE OF 2015 TO 2016, REVERTED BACK

TO DI, AND I PICKED UP A SERGEANT II SPOT A YEAR AGO IN JANUARY.

Q. SO YOU HAVE A SPLIT TIME A COUPLE OF YEARS, RIGHT?

A. YES.

Q. PERFECT. LET'S START WITH THIS. LUKE WALDEN, CAN YOU EXPLAIN TO THE BOARD HOW IT IS YOU KNOW LUKE?

A. YES, LUKE WAS DII HERE IN THE TASK FORCE WHEN I GOT HERE.

Q. AND WHAT WAS YOUR RELATIONSHIP WITH HIM?

A. WELL, I WAS HIS SUBORDINATE, BUT HE KNEW THAT I HAD PRIOR SUPERVISOR EXPERIENCE, AND HE LOOKED TO ME FOR, YOU KNOW, TO KIND OF ACT LIKE A SUPERVISOR. HE LOOKED AT ME AS A PEER.

Q. TELL US ABOUT YOUR OBSERVATIONS OF HIM AS A SUPERVISOR?

A. YOU KNOW WHAT HE WAS, I COULD ALWAYS COUNT ON LUKE TO BE HONEST WITH ME WITH THE SQUAD. HE WAS HONEST WITH US, HE WAS FAIR, YOU KNOW, HE TRIED TO HELP US OUT WITH HIS EXPERIENCE AND HE WAS JUST GENERALLY A GOOD GUY, SOMEBODY WITH A GOOD HEART AND KNEW THAT HE WOULD DO THE RIGHT THING FOR US AND YOU KNOW JUST ENJOYED BEING AROUND HIM.

Q. WHAT ABOUT AS A POLICE OFFICER, TELL US HOW

HE FUNCTIONED AS A POLICE OFFICER?

A. GREAT COP. TO ME, PERSONALLY, THAT'S THE BEST COMPLIMENT I CAN GIVE SOMEBODY. SOMEBODY ASKED ABOUT A CERTAIN PERSON I SAID, "HE IS A GREAT COP," THAT TO ME IS THE HIGHEST COMPLIMENT I CAN GIVE SOMEBODY ON THE PROFESSIONAL SIDE. LUKE WAS A GREAT COP.

Q. WHAT MADE HIM A GREAT COP?

A. YOU KNOW WHAT, I THINK HE JUST HAD A KNACK FOR THE TYPE OF WORK HE DID, DOING NARCOTICS WORK IN PLAINCLOTHES-TYPE INVESTIGATIONS THAT WE WORK WITH. TONS OF EXPERIENCE. HE HAD A WORK ETHIC DRIVE. AND HE JUST HAD A KNACK. I THINK SOME PEOPLE ARE BORN INTO THIS JOB AND I THINK HE WAS ONE OF THEM.

Q. YOU KNOW, WE ARE IN THIS BOARD OF RIGHTS, AFTER EVIDENCE AND TESTIMONY, THE BOARD FOUND LUKE GUILTY OF ATTEMPTING TO POSSESS A FIREARM SILENCER, HEARING THAT, DOES THAT IN ANY WAY AFFECT YOU OR CHANGE YOUR THOUGHTS ABOUT HIM?

A. NOT AT ALL.

Q. WHY NOT?

A. LIKE I MENTIONED BEFORE, LUKE HAS A BIG HEART. HE ALWAYS HAS THE BEST INTENTIONS. HE IS SITTING IN FRONT OF THE BOARD, HE IS A BIG MUSCULAR GUY. HE CAN PULL A SMALL AUTOMOBILE OVER HIS HEAD,

BUT THERE IS NOT A BAD BONE IN HIS BODY. HE IS A GOD FEARING MAN. HE LOVES HIS FAMILY. HE LOVES HIS KIDS. AND HE LOVES HIS COWORKERS. HE ALWAYS TREATED US FAIRLY. ALWAYS HAD OUR BEST INTENTIONS AT HEART AND I DON'T BELIEVE THAT'S CHANGED.

Q. I APPRECIATE YOU SHARING WHAT YOU HAVE SHARED WITH US. IS THERE ANYTHING ELSE YOU THINK THE BOARD NEEDS TO KNOW ABOUT LUKE TO HELP THEM MAKE THEIR DECISION?

A. WELL, HE HAS BEEN GOING THROUGH THIS FOR A COUPLE OF YEARS, LIKE I SAID, HE IS STRONG IN HIS FAITH AND THAT'S HELPED HIM. ON A PERSONAL NOTE, HE HAS HELPED ME THROUGH SOME DIFFICULT TIMES AND HE CONTINUES TO DESPITE WHAT HE IS GOING THROUGH. AND I THINK THAT SPEAKS VOLUMES OF THE TYPE OF PERSON AND CHARACTER THAT HE HAS. I JUST HOPE THAT THE BOARD SEES FIT.

Q. LET ME ASK YOU THIS. IF HE WERE TO MAINTAIN HIS JOB, WOULD YOU HAVE ANY HESITATIONS OR CONCERNS ABOUT HIM WORKING FOR YOU?

A. NOT AT ALL. IF I COULD, I WOULD GRAB HIM UP IN A SECOND.

Q. GREAT. THANK YOU FOR SHARING ALL OF THAT. I DON'T HAVE ANY ADDITIONAL QUESTIONS FOR YOU. SERGEANT SLATER MAY OR THE BOARD MAY, SO PLEASE HANG

ON.

A. SURE.

SERGEANT SLATER: NOTHING FROM THE DEPARTMENT. THANK YOU, THOUGH.

MS. AMIN: BOARD MEMBERS? NOTHING FROM US THANK YOU VERY MUCH.

MR. SEKI: SIR, NO ADDITIONAL QUESTIONS. THANK YOU VERY MUCH FOR TAKING THE TIME TO SPEAK TO US. WE ARE GOING TO HANG UP. HAVE A GREAT DAY.

MS. AMIN: MR. SEKI, ANYBODY ELSE?

MR. SEKI: NO, THAT DOES IT FOR OUR WITNESSES.

MS. AMIN: SO ARE YOU RESTING OR ARE YOU DONE?

MR. SEKI: WE ARE DONE UNLESS SOMETHING UNUSUAL COMES UP.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: SO THE DEPARTMENT HAS WITNESSES STILL TO CALL ONE IS TO ADDRESS SOME CONCERNS THE DEPARTMENT HAS WITH THE ACCUSED'S F THAT WAS INTRODUCED AT THE END OF THE DAY, BUT THEY ARE NOT AVAILABLE UNTIL 1230. AND THEN WE HAVE A RISK MANAGER AND THEY ARE NOT AVAILABLE UNTIL 1300. I REALIZE THAT IS SHORTLY AFTER WE JUST BEGAN, BUT HOW THINGS LINE UP THEY ARE NOT AVAILABLE UNTIL THOSE TIMES.

MS. AMIN: DOES THAT MEAN WE CAN TAKE A LUNCH? CAN YOU GUYS TAKE A LUNCH AT THIS TIME?

SERGEANT SLATER: WHATEVER THE BOARD WOULD LIKE DO, WE CAN DO.

MS. AMIN: WELL, WE HAVE NO OTHER OPTION. WE WILL COME BACK AT 1230.

MR. SEKI: GREAT. THANK YOU.

(A LUNCH RECESS WAS TAKEN.)

SERGEANT SLATER: THE DEPARTMENT AT THIS TIME WOULD LIKE TO CALL DETECTIVE MICHAEL HACKMAN.

MS. AMIN: ALL RIGHT.

(TELEPHONIC TESTIMONY.)

SERGEANT SLATER: SIR, THIS IS SERGEANT SLATER. YOU ARE ON SPEAKER PHONE IN THE BOARD OF RIGHTS AS WE DISCUSSED. CAN YOU HEAR ME.

DETECTIVE HACKMAN: I CAN HEAR YOU.

SERGEANT SLATER: YOU ARE GOING TO BE SPEAKING THROUGH A PHONE, SO IF YOU CAN JUST SPEAK CLEARLY AND ARTICULATELY. OUR CHAIRPERSON IS MS. AMIN. OUR ASSOCIATES ARE MR. ORTEGA AND MS. STRONG-FARGAS. AND MR. SEKI IS HERE AS WELL.

CAN YOU SPEAK?

DETECTIVE HACKMAN: GOOD AFTERNOON EVERYONE.

SERGEANT SLATER: SIR, I'M GOING TO HAVE YOU SWORN IN BY THE CHAIRPERSON AND WE WILL PROCEED.

MS. AMIN: GOOD AFTERNOON. THANK YOU FOR BEING HERE TODAY BY TELEPHONE. CAN YOU SPELL YOUR NAME FOR US?

DETECTIVE HACKMAN: SURE. MICHAEL HACKMAN, M-I-C-H-A-E-L, HACKMAN, H-A-C-K-M-A-N.

"DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?"

DETECTIVE HACKMAN: I DO.

MS. AMIN: THANK YOU.

MICHAEL HACKMAN,

WAS CALLED AS A WITNESS BY THE DEPARTMENT, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY SERGEANT SLATER:

Q. DETECTIVE HACKMAN, HOW LONG HAVE YOU BEEN A MEMBER OF THE LOS ANGELES POLICE DEPARTMENT?

A. I HAVE BEEN A MEMBER FOR TEN YEARS.

Q. AND WHAT IS YOUR CURRENT POSITION AND RANK?

A. I'M A DETECTIVE III AT PROFESSIONAL

STANDARDS BUREAU AND I AM THE OFFICER IN CHARGE OF OUR ANALYSIS AND REGULATORY COMPLIANCE SECTION.

Q. AND AS THE OFFICER IN CHARGE OF THE ANALYSIS REGULATORY COMPLIANCE SECTION, DO YOU ALSO OVERSEE THE SERIOUS MISCONDUCT REPORTING UNIT?

A. I DO.

Q. IN THESE POSITIONS, WHAT ARE YOUR DUTIES?

A. AS THE O.I.C. I AM RESPONSIBLE FOR POLICY DEVELOPMENTS FOR SUPPORTING AND FOR OVERSEEING THE HYPE REPORTING UNIT WHICH COMPLIES WITH THE SENATE BILL 2.

Q. WHAT IS SENATE BILL 2?

A. SENATE BILL 2 WAS LEGISLATION THAT CHANGED THE CALIFORNIA PEACE OFFICERS STANDARDS AND TRAINING COMMITTEE INTO A LICENSING AND REGULATORY OVERSIGHT COMMISSION WITH THE POWER TO ISSUE AND DECERTIFY POLICE OFFICER CERTIFICATES.

Q. AND WHEN YOU SAY "DECERTIFY CERTIFICATES," WHAT DO YOU MEAN BY "DECERTIFY"?

A. SO REMOVE THE LICENSE ABILITY SO NOW THE POLICE OFFICER IN CALIFORNIA, SIMILAR TO LAWYERS, AND DOCTORS, AND DENTIST, THAT WE HAVE A PROFESSIONAL LICENSE THAT IS SUBJECT TO RENEWAL OR REVOCATION.

Q. ARE YOU FAMILIAR WITH IMMEDIATE TEMPORARY SUSPENSION?

A. I AM.

Q. WHAT IS AN IMMEDIATE TEMPORARY SUSPENSION?

A. AN IMMEDIATE TEMPORARY SUSPENSION IS THE ABILITY FOR POST, IT'S UNDER 13510.8(D) OF THE PENAL CODE AND IT ALLOWS THE EXECUTIVE DIRECTOR OF POST TO IMMEDIATELY WITHOUT THE ENTIRE INVESTIGATION BEING COMPLETED, SUSPEND THE POLICE OFFICER LICENSE OF AN INDIVIDUAL WHEN THE INDIVIDUAL IS EITHER ARRESTED OR SUBJECT TO INDICTMENT FOR A FELONY, OR IS UNDER INVESTIGATION FOR SERIOUS MISCONDUCT AND HAS LEFT THE IMPLYING AGENCY.

Q. DOES THE LOS ANGELES POLICE DEPARTMENT NOTIFY POST SPECIFICALLY THE SB2 SECTION OF POST AT ANY OTHER TIME DURING THE INVESTIGATIONS?

A. WE DO. THERE ARE, FOR COMPLETE INVESTIGATION, THERE ARE THREE TRIGGERING CASE THAT WE HAVE TO MAKE NOTIFICATION. THE FIRST IS WITHIN TEN DAYS OF WHEN THE ALLEGATION IS RECEIVED. THE SECOND IS WITHIN TEN DAYS OF THE AGENCY SUSTAINING THE SERIOUS MISCONDUCT ALLEGATION IF IT IS SUSTAINED. AND THE THIRD TRIGGERING POINT IS WITHIN TEN DAYS OF THE COMPLAINT BEING CLOSED OUT. WHEN A COMPLAINT BEING CLOSED OUT IF THERE IS A BOARD OF RIGHTS INVOLVED A COMPLAINT IS CLOSED OUT FOR BOARD OF RIGHTS AFTER BOARD OF RIGHTS IS CONCLUDED AND THE FINAL

DISCIPLINARY ACTION HAS BEEN IMPLEMENTED.

Q. SO IF I'M HEARING YOU CORRECTLY, JUST BECAUSE A TEMPORARY SUSPENSION IS ISSUED, DOES NOT MEAN THAT POST WILL NOT TAKE OTHER ACTIONS LATER ON INCLUDING AFTER A BOARD OF RIGHTS HAS BEEN CONCLUDED; IS THAT CORRECT?

A. THAT'S CORRECT. IT'S AN INDEPENDENT ACTION THEY CAN TAKE WHEN THEY THINK THERE MAY BE AN IMMEDIATE HARM TO THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC ISSUANCE OR WITHDRAW OF THE TEMPORARY SUSPENSION DOESN'T ACTUALLY IMPACT THE FINAL ACTION BEING TAKEN IN THE MATTER.

Q. IS THERE SOME SORT OF NOTIFICATION ISSUED IF POST DOES NOT INTEND TO TAKE ANY FURTHER NOTIFICATION?

A. YES, IF POST DECIDES NOT TO MAKE ANY NOTIFICATION IN THE MATTER, THE OFFICER AND THE DEPARTMENT ARE MAILED A LETTER THAT SAYS THE CASE IS BEING CLOSED AND THERE ARE NO FURTHER ACTIONS.

Q. HAVE YOU REVIEWED CF NO. 21-001144 AS PART OF YOUR DUTIES?

A. I HAVE.

Q. HAVE WE RECEIVED ANY NO ACTION LETTERS FROM POST REGARDING THAT?

A. WE HAVE NOT.

Q. AND AT THE CONCLUSION OF THIS BOARD

REGARDLESS OF THE DECISION OF THE BOARD TODAY, WILL THERE BE A NOTIFICATION TO POST?

A. THERE WILL BE.

Q. AND DOES THE DECISION OF POST HAVE ANY IMPACT ON THE DECISIONS -- OR LET ME REPHRASE THAT.

IS THE DECISION MADE BY THE DEPARTMENT ON THE OUTCOME OF THIS BOARD SEPARATE FROM POST DECISION?

A. IT IS SEPARATE, CORRECT.

Q. CAN YOU EXPLAIN HOW SO?

A. SO THE DECISION OF THE BOARD IS AS AN EMPLOYMENT ACTION AND THE DECISION OF POST IS A REGULATORY ACTION, LICENSING ACTION, SO WHATEVER DECISION IS MADE FOR RETAINING OR DISCIPLINING THE OFFICER AT A BOARD OF RIGHTS, POST INDEPENDENTLY CAN CHOOSE WHETHER OR NOT THE INDIVIDUAL CAN ACT AS POLICE OFFICER CERTIFICATE.

Q. BUT THAT DECISION HAS NO BEARING ON THE DEPARTMENT'S DECISION; CORRECT?

A. CORRECT.

Q. HAVE YOU REVIEWED ACCUSED'S F, IT WAS E-MAILED TO YOU YESTERDAY?

A. I HAVE.

Q. IS THERE ANYTHING IN THIS LETTER THAT INDICATES THAT POST DOES NOT INTEND TO TAKE FURTHER ACTION AGAINST MR. WALDEN?

A. THERE IS NOT. AND IN THE LETTER, I BELIEVE TOWARDS THE END OF THE LAST FULL PARAGRAPH, IT MENTIONS THAT THEY ARE WITHDRAWING THE TEMPORARY SUSPENSION WITHOUT PREJUDICE AND WITHOUT FULL RIGHT TO TAKE ANY ACTION THAT THEY DEEM NECESSARY FOR THE SERIOUS MISCONDUCT.

SERGEANT SLATER: THANK YOU. THE DEPARTMENT HAS NOTHING FURTHER FOR YOU AT THIS TIME BUT THE BOARD AND THE DEFENSE MAY BOTH, SO I AM GOING TO HAND YOU OVER TO MR. SEKI AT THIS TIME.

DETECTIVE HACKMAN: OKAY.

CROSS-EXAMINATION

BY MR. SEKI:

Q. DETECTIVE HACKMAN, BILL SEKI HERE.

A. HI, SIR.

Q. GIVE ME ONE SECOND. SO SERIOUS MISCONDUCT IS DEFINED 13510.8; CORRECT?

A. CORRECT.

Q. AND THERE ARE SEVERAL DIFFERENT CATEGORIES UNDER SUBSECTION B OF THAT SECTION; CORRECT?

A. YES, THERE ARE NINE.

Q. SO ON SUBSECTION 1 RELATES TO DISHONESTY; CORRECT?

A. CORRECT.

Q. 2 IS ABUSE OF POWER, INCLUDING BUT NOT LIMITED TO INTIMIDATING WITNESSES, KNOWINGLY OBTAINING A FALSE CONFESSION, ET CETERA?

A. CORRECT.

Q. SUBSECTION 3, PHYSICAL ABUSE; IS THAT RIGHT?

A. YES.

Q. IS SUBSECTION 4, I WILL TEST YOU, WHAT IS SUBSECTION 4?

A. I DON'T KNOW. I BELIEVE IT'S PROBABLY SEXUAL ASSAULT.

Q. EXACTLY. VERY GOOD. SUBSECTION 5, DEMONSTRATING BIAS ON THE BASIS OF RACE, ET CETERA, ET CETERA; CORRECT?

A. CORRECT.

Q. SUBSECTION 6 DEALS WITH ACTS OF VIOLATING THE LAW AND ARE SUFFICIENTLY EGREGIOUS OR REPEATED AS TO BE INCONSISTENT WITH THE A POLICE OFFICER'S OBLIGATION TO UPHOLD THE LAW OR RESPECT THE RIGHTS OF MEMBERS OF THE PUBLIC, AS DETERMINED BY THE COMMISSION; CORRECT?

A. CORRECT.

Q. SUBSECTION 7 IS PARTICIPATION IN A LAW ENFORCEMENT GANG; IS THAT CORRECT?

A. THAT'S CORRECT.

Q. SUBSECTION 8 DEALS WITH FAILURE TO COOPERATE

WITH AN INVESTIGATION INTO POTENTIAL POLICE MISCONDUCT, ET CETERA; CORRECT?

A. CORRECT.

Q. SUBSECTION 9 DEALS WITH FAILURE TO INTERCEDE WHEN PRESENT AND OBSERVING ANOTHER OFFICER USING FORCE WHICH IS CLEARLY BEYOND THAT THAT IS NECESSARY, ET CETERA; CORRECT?

A. THAT'S CORRECT.

Q. SO WHEN YOU ALL SEND THESE THINGS TO POST, DO YOU DETERMINE WHETHER OR NOT SOMETHING CONSTITUTES SERIOUS MISCONDUCT OR IS THAT LEFT UP TO POST?

A. WE DETERMINE IF THE ALLEGATION MEETS THE THRESHOLD CRITERIA FOR SERIOUS MISCONDUCT, THEY DECIDE IF IT'S ACTIONABLE WITHIN THEIR PERIMETERS.

Q. ARE YOU USING THE SAME DEFINITIONS AS POST IN DETERMINING WHAT SERIOUS MISCONDUCT IS?

A. WE HAVE.

Q. ISN'T IT TRUE ANY FINDING OF GUILTY IN A BOARD OF RIGHTS IS THEN FORWARDED OVER TO POST?

A. THAT IS CORRECT, YES.

Q. EVEN IF IT DOESN'T FALL WITHIN ONE OF THESE CATEGORIES; IS THAT CORRECT?

A. SORRY. THAT IS INCORRECT.

Q. SO CLARIFY FOR ME, PLEASE, ILLUMINATE ME?

A. IF THERE WERE A FINDING OF GUILTY IN A BOARD

OF RIGHTS THAT AN OFFICER FAILED TO WEAR A SEATBELT DURING THAT PURSUIT, THAT WOULD NOT BE FORWARDED INTO POST BECAUSE THAT DOES NOT MEET SERIOUS MISCONDUCT.

Q. IF SOMEBODY WERE TO BE FOUND GUILTY OF DRIVING UNDER THE INFLUENCE, WOULD THAT BE FORWARDED TO POST?

A. THAT IS FACT SPECIFIC INQUIRY GENERALLY THE FIRST TIME DUI NO INJURIES THEY THEN DIDN'T TRY TO FLEE THE SCENE OF FIRST TIME DUI IS GENERALLY NOT FORWARDED, SECOND TIME DUI'S, DUI WITH INJURIES DUE DUI WITH AGGRAVATING CIRCUMSTANCES THOSE ARE REPORTED TO POST.

Q. SOMETHING DEALING WITH DOMESTIC VIOLENCE THAT WOULD BE SENT OVER TO POST; CORRECT?

A. AGAIN, IT WOULD DEPEND ON THE CIRCUMSTANCES BUT DOMESTIC VIOLENCE ARE SUBMITTED TO POST.

Q. ONCE IT'S SUBMITTED TO POST, THE DEPARTMENT, BASICALLY, ALLOWS POST TO DO WHAT IT'S SUPPOSED TO DO; CORRECT?

A. THAT'S CORRECT.

Q. DO YOU KNOW WHAT THE STANDARD OF REVIEW IS BY POST WHEN REVIEWING SOMETHING TO DETERMINE WHETHER OR NOT SOMEBODY IS FOUND GUILTY OF SOMETHING AND THEY ARE GOING TO, BASICALLY, SUSTAIN AND REVOKE THE CERTIFICATION?

A. YES, IT'S CLEAR AND CONVINCING EVIDENCE.

Q. THAT'S PURSUANT TO 13510.8; CORRECT?

A. THAT'S CORRECT.

Q. HAVE YOU PARTICIPATED IN ANY POST HEARINGS?

A. THEY HAVE ONLY HAD A ONE HEARING FOR AN LAPD SO FAR AND IT DID NOT REQUIRE PARTICIPATION.

Q. IN FACT, IT IS STILL ON-GOING, ISN'T IT?

A. IT IS, YES.

Q. SO NO FINAL ADJUDICATION HAS BEEN MADE BY POST ON ANY OF THE THINGS THAT HAVE BEEN FORWARDED TO THEM; IS THAT CORRECT?

A. THAT IS INCORRECT.

Q. OKAY. SO CLARIFY FOR ME, PLEASE.

A. SO THEY HAVE TAKEN ACTION ON ALL THE REPORTS FORWARDED TO THEM WHERE THE EMPLOYEE IS INELIGIBLE TO HOLD A LICENSE UNDER 1029.

Q. SO IF SOMEONE WAS INELIGIBLE BECAUSE THEY PLEAD TO A FELONY, THAT WOULD BE SOMETHING THAT THEY HAVE TAKEN ACTION ON; RIGHT?

A. YES, THEY HAVE TAKEN ACTION ON THOSE SO FAR.

Q. OR IF A PERSON HAS BEEN DISCHARGED FROM THE MILITARY FOR COMMITTING AN OFFENSE WHICH COULD HAVE BEEN A FELONY?

A. THAT'S CORRECT. I DON'T BELIEVE THAT HAS COME UP YET.

Q. SO ASIDE FROM THOSE, WHERE THERE HAS BEEN AN INSTANCE OF A BOARD OF RIGHTS AND SOMEBODY BEING FOUND GUILTY, HAS POST TAKEN ANY FINAL ACTION AGAINST ANYONE AS FAR AS YOU KNOW?

A. AS FAR AS I KNOW, THEY HAVE NOT YET.

Q. AND YOU ARE FAMILIAR AGAIN WITH WHAT WAS SENT TO YOU REGARDING DETECTIVE WALDEN, WHERE THERE WAS A WITHDRAW OF THE TEMPORARY SUSPENSION; CORRECT?

A. CORRECT.

Q. AND READING THAT, POST WOULD VIEW THE CONVICTION OF THE MISDEMEANOR; CORRECT?

A. CORRECT.

Q. AND THEY INDICATED IN THAT WITHDRAW THAT WAS AT THAT POINT IN TIME, BASED UPON THAT CONVICTION, THEY DIDN'T BELIEVE THERE WAS ANYTHING THAT WOULD PREVENT HIM FROM BEING A LAW ENFORCEMENT OFFICER; IS THAT ACCURATE?

A. NO. WHAT THEY INDICATED IS IT DIDN'T MEET ONE OF THE TWO CRITERIA FOR THE IMMEDIATE TEMPORARY SUSPENSION, WHICH IS SUBJECT TO, BASICALLY, A FELONY CHARGE OR SEPARATION FROM THE AGENCY WHILE UNDER INVESTIGATION FOR SERIOUS MISCONDUCT, THEY DIDN'T MAKE A JUDGMENT AS TO WHETHER OR NOT THE SERIOUS MISCONDUCT OCCURRED WOULD PREVENT HIM.

Q. AS I READ IT, AS A RESULT NO REASON EXIST TO

PRESENTLY THAT WILL BE DISQUALIFIED FROM HOLDING OFFICERS BEING EMPLOYED AS A PEACE OFFICER FOR THE REASONS SET FORTH IN GOVERNMENT CODE SECTION 1029; CORRECT?

A. THAT'S CORRECT.

Q. THE LETTER IS STATING HE IS GOING TO BE DISQUALIFIED ON THE BASIS OF HAVING A FELONY. AGAIN, IN TERMS OF A HEARING, THAT'S CONDUCTED BY THE POST COMMISSION OR THE COMMISSION THAT THEY SET UP AND THERE ARE SEVERAL LEVELS OF REVIEW; CORRECT?

A. THAT'S CORRECT.

Q. AGAIN, THE STANDARD OF REVIEW IS CLEAR AND CONVINCING; IS THAT ACCURATE?

A. THAT IS ACCURATE, YES.

MR. SEKI: THANK YOU. I HAVE NOTHING ADDITIONAL. THANK YOU VERY MUCH. THERE MAY BE ADDITIONAL QUESTIONS FOR YOU.

<u>REDIRECT EXAMINATION</u>

BY SERGEANT SLATER:

Q. JUST A COUPLE QUICK THINGS TO CLARIFY. DETECTIVE HACKMAN THIS IS SERGEANT SLATER AGAIN.

HOW LONG HAS POST BEEN HOLDING THESE HEARINGS FOR?

A. THEY JUST FULLY ESTABLISHED THE COMMITTEE

AND THE ADVISORY BOARD WITHIN THE LAST FEW MONTHS.

Q. IT'S ONLY BEEN A FEW MONTHS THAT THEY EVEN HAD THE ABILITY TO HOLD THESE COMMITTEES, IF I'M HEARING YOU CORRECTLY?

A. THAT'S IS CORRECT. THEY INTEND TO HOLD TWO ADDITIONAL HEARINGS IN MARCH FOR OUR DEPARTMENT.

Q. THANK YOU. AND I WANT TO BE CLEAR. THE COUNT THAT DETECTIVE WALDEN WAS FOUND GUILTY BY THIS BOARD IS, ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF-DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER, WILL THIS CONSTITUTE SERIOUS MISCONDUCT THAT WILL BE REPORTED TO POST?

A. YES, IT WOULD.

SERGEANT SLATER: THANK YOU. THE BOARD MAY HAVE QUESTIONS. PLEASE STAND BY.

DETECTIVE HACKMAN: YES.

MS. STRONG-FARGAS: DETECTIVE HACKMAN, IF THIS BOARD -- NEVER MIND. I JUST THOUGHT THROUGH MY OWN QUESTION AND I DON'T HAVE ANY QUESTIONS. SORRY.

EXAMINATION

BY MS. AMIN:

Q. SO THIS BOARD IS SEPARATE AND INDEPENDENT FROM THE POST OBLIGATIONS OF LICENSE REVIEW; IS THAT CORRECT?

A. THAT IS CORRECT, YES.

Q. AND OUR REQUIRED PROOF IS BY A PREPONDERANCE OF THE EVIDENCE WHEREAS POST IS CLEAR AND CONVINCING, AND THOSE ARE ENTIRELY DIFFERENT STANDARDS, RIGHT?

A. THAT IS CORRECT, YES.

Q. SO I'M AT A LOSS OF WHY YOU ARE HERE FOR US. HOW YOUR CRITERIA FOR POST AND POST REVIEW HAVE NO BEARING ON OUR REVIEW OR OBLIGATIONS TO THE EMPLOYMENT ACTION BEFORE US OR ARE THERE POST-RELATED OBLIGATIONS TO US?

A. SO I'M GOING TO TRY TO ANSWER THAT AS BEST I CAN. I MIGHT GET AN OBJECTION SO LISTEN TO THAT. THERE ARE NO OBLIGATIONS THAT YOU AS A BOARD HAVE TO POST OR VICE VERSA THERE IS A CONSIDERATION THAT, I BELIEVE, THAT --

MR. SEKI: I AM GOING TO OBJECT.

MS. AMIN: HOLD ON. MR. SEKI IS TRYING TO OBJECT.

MR. SEKI: I AM GOING TO OBJECT. HE IS NOT IN A POSITION TO DO IT. THE NEXT WITNESS WHO IS A RISK MANAGER IS PROBABLY MORE APPROPRIATE AUTHORIZED TO ANSWER THAT QUESTION SINCE HE IS, BASICALLY, THE PERSON WHO SENDS THINGS THROUGH AND THE GATE KEEPER TO FORWARD THINGS TO POST AS OPPOSED TO THE RISK MANAGER WHO WOULD HAVE A BETTER ANSWER FOR YOU.

SERGEANT SLATER: AND THE DEPARTMENT IS NOT CALLING HIM TO TELL YOU WHAT YOUR OBLIGATIONS ARE, ONLY TO EXPLAIN THE DOCUMENT THAT WAS PRESENTED AT THE END OF THE DAY.

MS. AMIN: ACCUSED EXHIBIT F, THAT'S ALL HE IS HERE FOR? NOT TO TELL THE BOARD HOW TO PROCEED.

NEVER MIND. I HAVE NO OTHER QUESTIONS.

BY MS. STRONG-FARGAS:

Q. I THOUGHT OF ANOTHER ONE OR I THINK I CRYSTALIZED MY QUESTION, I THINK. IN THE SCENARIO WHICH THIS BOARD REACHES A SENTENCING DECISION, AND DOCUMENTS IT AND ISSUES THAT DECISION AND THAT DECISION ULTIMATELY GOES TO POST. DETECTIVE HACKMAN, DOES THAT HAVE ANY BEARING ON THE DETERMINATION OF YOUR RECOMMENDATION? DOES WHAT WE CONCLUDE IN THE SENTENCING PHASE HAVE ANY BEARING ON YOUR DETERMINATION?

A. NO, IT DOES NOT. MY UNIT DOESN'T MAKE RECOMMENDATIONS TO POST. WE JUST REPORT ON THE OBJECTIVE CRITERIA AND PROVIDE THE SUPPORTING DOCUMENTATIONS THEY REQUEST FOR THEIR OWN DETERMINATIONS.

MS. AMIN: ANY OTHER QUESTIONS, DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT, MA'AM.

MS. AMIN: MR. SEKI?

MR. SEKI: NO, MA'AM.

MS. AMIN: ALL RIGHT. DETECTIVE, THANK YOU VERY MUCH FOR YOUR TIME AND THE INFORMATION YOU PROVIDED. YOU ARE EXCUSED.

DEPARTMENT, DO YOU HAVE ANOTHER WITNESS?

SERGEANT SLATER: YES. THE DEPARTMENT WOULD LIKE TO CALL CAPTAIN YASIR GILLANI.

MS. AMIN: I'M GOING TO SWEAR YOU IN. DO YOU SOLEMNLY SWEAR OR AFFIRM THE EVIDENCE YOU SHALL GIVE WILL BE THE WHOLE TRUTH?

CAPTAIN GILLANI: I DO.

YASIR GILLANI,

WAS CALLED AS A WITNESS BY THE DEPARTMENT, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

MS. AMIN: THANK YOU. HAVE A SEAT.

DEPARTMENT, YOUR WITNESS.

SERGEANT SLATER: THANK YOU.

DIRECT EXAMINATION

SERGEANT SLATER:

Q. GOOD AFTERNOON, CAPTAIN. HOW LONG HAVE YOU

BEEN A MEMBER OF THE LOS ANGELES POLICE DEPARTMENT?

A. NEXT WEEK WILL BE 25 YEARS.

Q. THANK YOU. HAPPY ANNIVERSARY. WHAT IS YOUR CURRENT POSITION AND ASSIGNMENT?

A. I'M THE COMMANDING OFFICER OF RISK MANAGEMENT LEGAL AFFAIRS DIVISION.

Q. AND WHAT ARE YOUR ASSIGNMENTS OR WHAT ARE YOUR DUTIES AND RESPONSIBILITIES AS THE COMMANDING OFFICER OF LEGAL MATTERS?

A. WE HAVE FOUR DIFFERENT SECTIONS. WE HAVE A SECTION OF DETECTIVES THAT WORK WITH THE CITY ATTORNEYS WHO DEAL WITH LITIGATION FROM OUTSIDE USE OF FORCE CASES, UNLAWFUL ARRESTS, THINGS RELATED TO THE PROTEST IN 2020. I HAVE A GROUP OF DETECTIVES THAT WORK WITH OUR CITY ATTORNEYS THAT DEFEND EMPLOYMENT LITIGATION BROUGHT BY EMPLOYEES. I HAVE ANOTHER SECTION BOUGHT BY PUBLIC REQUEST AND CALIFORNIA PUBLIC ACT 1421, THE SENATE BILL, YOU ARE OBLIGED TO DISCLOSE PUBLIC. AND I HAVE A SECTION OVERSEES A RISK MANAGEMENT EXECUTIVE COMMITTEE. THERE'S A COMMITTEE CONSISTING OF DETECTIVE ORGANIZATION AND WE MEET MONTHLY AND DISCUSS PERSONNEL WHO HAVE RISK MANAGEMENT ISSUES GOING FORWARD AND POTENTIAL DUTY RESTRICTIONS, OR NOT ALLOWING THEM TO WORK CERTAIN ASSIGNMENTS OR WATCHES, THINGS OF THAT NATURE. THAT SECTION ALSO HAS

A UNIT THAT DEALS WITH PITCHES MOTIONS WHERE WE TAKE FILES TO COURT AND THEY WORK CLOSELY WITH THE D.A.'S OFFICE WITH BRADY TIPS.

Q. AND WHAT BACKGROUND AND TRAINING EXPERIENCE DO YOU HAVE THAT PREPARED YOU FOR THESE ROLES?

A. SO 25 YEARS ON THE JOB, SOME OF MY ASSIGNMENTS I THINK ARE APPLICABLE. I WAS AN INVESTIGATOR AT RISK MANAGEMENT LEGAL AFFAIRS DIVISION. I DID THAT FOR THREE YEARS. AS A SERGEANT I WORKED INTERNAL AFFAIRS. I WORKED AS AN INVESTIGATOR FOR ABOUT EIGHT MONTHS AND THEN I WORKED AS AN ASSOCIATE ADVOCATE FOR ABOUT THREE YEARS. I DID BOARDS OF RIGHTS CASES. AS A LIEUTENANT I WAS THE DEPARTMENT ADVOCATE FOR ABOUT EIGHT MONTHS BEFORE I MADE CAPTAIN. I BECAME A CAPTAIN IN TWO DIFFERENT AREAS HOLLYWOOD AND WEST LOS ANGELES DIVISION. AND MY CURRENT ROLE HERE I ALSO HAVE A JURIST DOCTRINE DEGREE I OBTAINED BEFORE I CAME ONTO THE JOB.

Q. YOU MENTIONED ONE OF YOUR RESPONSIBILITIES IS TO ACT AS A DEPARTMENT RISK MANAGER. AS A RISK MANAGER IS IT YOUR RESPONSIBILITY TO ASSESS THE FUTURE OF DEPARTMENT EMPLOYEES WHO HAVE BEEN FOUND GUILTY OF COMMITTING SERIOUS MISCONDUCT?

A. YES, THAT'S ONE OF THE ROLES I HAVE.

Q. WHAT IS SERIOUS MISCONDUCT?

A. ALL MISCONDUCT IS SIGNIFICANT. NOW, REALISTICALLY, WE DON'T TERMINATE EVERYONE FOR DOING EVERYTHING. AN OFFICER WHO GETS ARRESTED FOR A DUI MAY GET SUSPENSION DAYS, MORE SIGNIFICANT MISCONDUCT IS CRIMINAL ACTS. OBVIOUSLY, I KNOW THE DUI IS A CRIMINAL ACT, BUT WE LOOK AT ALCOHOL AS SOMETHING MORE OF A DISEASE IN POSSIBLE TREATMENT. BUT OTHER CRIMINAL ACTS WHERE OFFICERS IS FOUND GUILTY OF A MISDEMEANOR OR FELONY CRIME, WE BELIEVE THAT'S PRETTY SIGNIFICANT MISCONDUCT. AND WHEN WE HAVE ISSUES LIKE THAT THAT COME BEFORE A BOARD OF RIGHTS, THAT'S WHY I AM HERE TESTIFYING THOSE ARE THINGS WE LOOK AT MOVING FORWARD.

Q. DID YOU HAVE AN OPPORTUNITY IN YOUR POSITION TO REVIEW THE COMPLAINT INVESTIGATION AND LETTER OF TRANSMITTAL REGARDING THE CASE WE ARE HERE FOR TODAY CF 21-001144?

A. I DID.

Q. AND ARE YOU AWARE THAT DETECTIVE WALDEN HAS BEEN FOUND GUILTY OF THIS BOARD OF A SINGLE COUNT OF "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF-DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER," END QUOTE?

A. YES.

Q. IS THAT CONSIDERED SERIOUS MISCONDUCT BY THE STATE OF CALIFORNIA?

A. IN THE STATE OF CALIFORNIA IT IS A CRIME TO PURCHASE A SILENCER, SO, YES, BY COMMITTING A CRIME THAT IS CONSIDERED SERIOUS MISCONDUCT.

Q. IS THE FACT THAT HE ATTEMPTED AND DID NOT ACTUALLY MANAGE TO SUCCESSFULLY OBTAIN THE SILENCER, THE ATTEMPT IS STILL THERE, IT'S LIKE TRYING TO BUY DRUGS OR TRYING TO BUY SOMETHING THAT IS ILLEGAL TO POSSES, YOU ARE TRYING TO ATTEMPT TO TRY TO GET THAT ITEM. ARE YOU AWARE THAT DETECTIVE WALDEN HAD CRIMINAL CHARGES FILED AGAINST HIM AS PART OF THIS INVESTIGATION?

A. I WAS ADVISED THAT, YES.

Q. ARE YOU AWARE HE WAS ENDED UP PLEADING OUT TO A MISDEMEANOR?

A. I KNOW THERE WAS A MISDEMEANOR PLEA, I'M NOT SURE WHAT THE CHARGE WAS.

Q. DOES THE DEPARTMENT EMPLOY ANYONE WHO HAS BEEN CONVICTED OF A FELONY?

A. ONE OF THE CONDITIONS IS YOU CANNOT HAVE A FELONY, SO NO.

Q. IS THE FACT THAT WALDEN HAS PLED OUT TO A MISDEMEANOR CHARGE A CONCERN TO YOU IN YOUR ROLE AS A RISK MANAGER?

A. THE FACT THAT THERE WAS A CRIME COMMITTED AND THIS BOARD HAS FOUND HIM GUILTY OF COMMITTING THE

CRIME, THE SCALE OF BEING A FELONY OR MISDEMEANOR, I THINK IT IS STILL CONCERNING THE FACT THAT IT IS NOT A FELONY, THERE WOULD HAVE BEEN ANOTHER COUNT BROUGHT AGAINST HIM IF HE WAS CONVICTED OF A FELONY. WE DON'T HAVE THAT MISDEMEANOR THERE IS STILL A CONCERN MOVING FORWARD OF HAVING SOMEONE WHO HAS PLED GUILTY OF COMMITTING A CRIMINAL ACT, MAINTAINING HIS POSITION AS A POLICE OFFICER.

Q. WHAT ARE THE SOLE FUNCTIONS OF A POLICE OFFICER, SIR?

A. SO OUR OFFICERS ARE REQUIRED TO RESPOND TO CALLS, TAKE CRIME REPORTS, TESTIFY IN COURT WHICH IS VERY SIGNIFICANT PART OF BEING A POLICE OFFICER. MANY OTHER THINGS WE DO, BUT I DON'T WANT TO GO TOO FAR INTO IT.

Q. WOULD THE FACT THAT DETECTIVE WALDEN WAS CONVICTED OF A MISDEMEANOR WEAPONS CHARGE HAVE AN IMPACT OF HIM TO COMPLETE THE FUNCTIONS OF A POLICE OFFICER?

A. ONE OF MY BRADY ISSUES, IF BRADY NOTIFICATION IS --

MR. SEKI: OBJECTION. NONRESPONSIVE. THE QUESTION IS WOULD IT PREVENT HIM.

SERGEANT SLATER: I WILL REWORD IT.

BY SERGEANT SLATER:

Q. FIRST YOU MENTION THAT ONE OF RESPONSIBILITIES TO DEAL WITH BRADY ISSUES BUT EXPLAIN TO THE BOARD WHAT A BRADY ISSUE IS?

A. SO ONE OF MY UNIT DUTIES IS BRADY TIPS. WHENEVER AN EMPLOYEE IS FOUND GUILTY OF SIGNIFICANT MISCONDUCT BEING CONVICTED OF A CRIME WOULD BE ONE OF THOSE WE NOTIFY THE DISTRICT ATTORNEY'S OFFICE. THEY THEN PUT A BRADY NOTIFICATION TO A EMPLOYEE'S FILE SO WHEN A EMPLOYEE COMES TO TESTIFY, THAT INFORMATION IS DISCLOSED TO THE DEFENSE. IN TERMS OF HIS ABILITY TO TESTIFY, THAT WOULD BE ONE UP TO THE D.A.'S OFFICE AND THE D.A. HANDLING THOSE CASES, I DON'T WANT SAY "YES" OR "NO" BUT IT WOULD DEFINITELY BE A TIP MADE AND THE D.A.'S OFFICE WOULD BE NOTIFIED.

Q. KEEPING THAT IN MIND, WOULD THE FACT DETECTIVE WALDEN WAS CONVICTED OF A MISDEMEANOR WEAPONS CHARGE?

MS. AMIN: YOUR WORDS ARE MIXED UP THERE.

BY SERGEANT SLATER:

Q. KEEPING THE BRADY EXPLANATION YOU JUST GAVE IN MIND, WOULD THE FACT THAT DETECTIVE WALDEN PLED OUT ON A MISDEMEANOR WEAPONS CHARGE HAVE AN IMPACT ON HIS ABILITY TO PERFORM THE ESSENTIAL FUNCTIONS OF A POLICE OFFICER?

A. IT COULD.

Q. DOES THE DEPARTMENT HAVE OTHER OFFICERS CONVICTED OF A MISDEMEANOR EMPLOYED?

A. YES, WE DO.

Q. AND WHY DO WE HAVE THOSE OFFICERS EMPLOYED?

A. TAKING ASIDE DUI CASES, WE DO HAVE EMPLOYEES WHO HAVE DUI CASES WHO GET MISDEMEANOR, WE RETAIN THEM. WE ALSO HAVE EMPLOYEES WHO ARE CONVICTED OF DOMESTIC VIOLENCE, BRANDISHING, OTHER MISDEMEANOR CRIMES OFTENTIMES THOSE ARE DIRECTED TO A BOARD OF RIGHTS SUCH AS THIS ONE AND THE BOARD FINDS THE OFFICER GUILTY OF THAT COUNT AND DOES NOT REMOVE THAT OFFICER, THE DEPARTMENT HAS TO THEN RETAIN THAT OFFICER AND FIND A PLACE WHERE WE CAN KEEP THEM AND OFTENTIMES WITH NO PUBLIC CONTACT OR NOT NECESSARILY DOING THE ESSENTIAL JOB OF A POLICE OFFICER.

MR. ORTEGA: CAN I ASK A QUESTION? WHAT WAS THE EXAMPLE OF THE INSTANCE THAT YOU JUST GAVE US, WHAT WOULD A -- CAN YOU REPEAT THE SCENARIO THAT YOU SAID?

BY SERGEANT SLATER:

Q. YOU SAID THAT IS A DECISION MADE BY THE BOARD, AFTER THE CHIEF DIRECTED THEM TO A BOARD OF RIGHTS, THE CASES I AM REFERRING TO?

A. YES.

Q. AND DOES THE CHIEF HAVE THE ABILITY TO

DISAGREE WITH THE BOARD IF THE BOARD MAKES A DECISION NOT TO RELIEVE AN OFFICER AT THAT POINT?

A. THE CHIEF OF POLICE CAN ONLY LOWER A DECISION OF THE BOARD, HE CANNOT INCREASE THE DECISION.

Q. THE CHIEF OF POLICE IN THIS MATTER HIS RECOMMENDATION WAS FOR THE RELIEVE OF DETECTIVE WALDEN; DOES THE CHIEF CONSULT WITH ANYONE WHEN MAKING HIS RECOMMENDED DISCIPLINE?

A. ULTIMATELY, IT'S THE CHIEF OF POLICE'S DECISION TO RECOMMEND AN INDIVIDUAL BE DIRECTED TO A BOARD OF RIGHTS IN THIS PROCESS. I HAVE BEEN IN THE ROOM WHEN THOSE DECISIONS ARE MADE, HE DOES HAVE OTHER UPPER COMMAND STAFF THERE PERSONNEL FROM INTERNAL AFFAIRS. SO SOME DISCUSSIONS ARE HAD SOMETIMES, SOMETIMES IT'S JUST A PRESENTATION AND A DECISION IS MADE, EVERY SITUATION IS DIFFERENT.

Q. DOES THE CHIEF, FROM WHAT YOU ARE SAYING WITH THE UPPER COMMAND STAFF AND INTERNAL AFFAIRS PERSONNEL BEING THERE, DOES THE CHIEF RECEIVE ANY ADVISEMENT FROM THE COMMAND STAFF INCLUDING AND NOT LIMITED TO THE POLICE OFFICERS OF CONSTITUTIONAL POLICING?

A. SO, AGAIN, THE CONSTITUTIONAL POLICING POLICY IS IN THE ROOM WHEN THE DECISIONS ARE MADE, THE

WAY A RECOMMENDATION IS MADE TO THE CHIEF IS AS YOU SEE IN THE LETTER OF TRANSMITTAL, THE COMMAND USUALLY MAKES A RECOMMENDATION AND IT GOES UP TO THE BUREAU LEVEL, DEPUTY CHIEF OR COMMANDER, THEY WILL MAKE A RECOMMENDATION. IT GOES TO INTERNAL AFFAIRS, THEY MAKE A RECOMMENDATION, AND ULTIMATELY THAT'S ALL PRESENTED TO THE CHIEF.

Q. AND ARE YOU AWARE WHAT THE RECOMMENDATIONS IN THIS MATTER WERE FROM EACH LEVEL?

A. I BELIEVE EVERYTHING WAS DIRECTED TO A BOARD OF RIGHTS.

Q. WHAT DOES "DIRECTED TO A BOARD OF RIGHTS" MEAN WHEN RECOMMENDED?

A. THIS PROCESS WHEN THEY ARE DIRECTED TO A BOARD OF RIGHTS, ULTIMATELY FOR REMOVAL.

Q. THE OFFICE OF CONSTITUTIONAL POLICING, THAT WAS MENTIONED?

A. THAT'S THE CHAIN OF COMMAND I WORK UNDER. SO I HAVE A BOSS WHO IS A CIVILIAN ATTORNEY AND SHE IS RANK OF AN ASSISTANT CHIEF AND SHE DEALS WITH CONSTITUTIONAL ISSUES ORGANIZATIONALLY AND SHE ALSO HAS THE DIVERSITY EQUITY INCLUSION GROUP UNDER HER AND RISK MANAGEMENT UNDER.

Q. IS THE FACT DETECTIVE WALDEN WAS A DEPARTMENT SUPERVISOR AT THE TIME OF THIS INCIDENT A

CONCERN TO YOU AS A RISK MANAGER?

A. YES.

Q. WHY IS THAT?

A. WE HOLD OUR OFFICERS TO A VERY HIGH STANDARD. WE HOLD OUR SUPERVISORS ACTUALLY EVEN A HIGHER STANDARD WE EXPECT HIM TO OBEY THE LAW ON AND OFF DUTY AND UPHOLD THE PRINCIPALS OF THE ORGANIZATION.

Q. DOES DETECTIVE WALDEN'S SERVICE AND COMMENDATIONS ALLEVIATE ANY OF YOUR CONCERNS?

A. I DON'T KNOW IF IT "ALLEVIATES" IS THE RIGHT WORD I AM NOT HERE TO TESTIFY ANYTHING IN HIS WORK HISTORY OR WORK BACKGROUND. I DON'T THINK THERE'S ANY ISSUES THERE. I THINK THE ISSUE IS THIS ONE COUNT OF THE CRIME HE COMMITTED AND THAT BOARD FOUND HIM GUILTY OF.

Q. ARE YOU FAMILIAR WITH THE EXPRESSION "NEGLIGENT RETENTION"?

A. YES.

Q. WOULD NEGLIGENT RETENTION APPLY IF WE WERE TO RETAIN DETECTIVE WALDEN?

A. YES.

Q. CAN YOU EXPLAIN WHY SO?

A. THAT IS WHERE AN EMPLOYER IS AWARE OF, IN THIS CASE, MISCONDUCT WHICH HAS OCCURRED WHICH AN

EMPLOYEE HAS COMMITTED. IF THAT EMPLOYER IS UNABLE TO REMOVE THAT EMPLOYEE, THAT EMPLOYEE STAYS EMPLOYED BY THAT ORGANIZATION THAT THERE ARE POTENTIAL ISSUES THAT COMES WITH CIVIL LIABILITY LATER ON. IF AN EMPLOYER KNOWS THAT THE EMPLOYEE HAS DONE SOMETHING THEN THAT EMPLOYEE CONTINUES WORKING FOR THE EMPLOYER AND THE EMPLOYEE DOES SOMETHING LATER ON IF WE GET SUED, WE CAN'T SAY WE DIDN'T KNOW. WE CAN'T ARGUE THIS IS AN INDIVIDUAL SITUATION, WE WILL HAVE TO ASSUME SOME RESPONSIBILITY FOR THAT ORGANIZATIONALLY.

Q. DID THIS ALLEGATION GARNER ANY MEDIA ATTENTION FOR THE DEPARTMENT?

MR. SEKI: OBJECTION. RELEVANCE.

MS. AMIN: OVERRULED.

CAPTAIN GILLANI: I BELIEVE IT DID, YES.

BY SERGEANT SLATER:

Q. DID THIS MEDIA ATTENTION HAVE A NEGATIVE ATTENTION WITH THE DEPARTMENT'S RELATIONSHIP WITH THE COMMUNITY?

MR. SEKI: OBJECTION. CALLS FOR SPECULATION.

MS. AMIN: OVERRULED.

CAPTAIN GILLANI: ANY TIME AN EMPLOYEE IS ARRESTED OR CHARGED WITH A CRIME, THAT ALWAYS BRINGS A NEGATIVE IMPLICATION TO THE DEPARTMENT. WE HOLD OUR

EMPLOYEES TO A HIGH STANDARD. THEY ARE POLICE OFFICERS. WE EXPECT THEM TO OBEY THE LAW ON AND OFF DUTY AND IF ONE OF OUR EMPLOYEES DOES NOT AND THAT INFORMATION GOES PUBLIC, IT ALWAYS BRINGS A NEGATIVE BLACK EYE TO THE ORGANIZATION.

Q. IN YOUR ROLE AS A RISK MANAGER, DO YOU BELIEVE THE DEPARTMENT WHAT IMPACT DOES THIS HAVE ON FELLOW OFFICERS OF THE DEPARTMENT IF WE RETAIN DETECTIVE WALDEN?

A. I WOULDN'T TESTIFY -- I DON'T KNOW. I JUST I COULDN'T ANSWER THAT QUESTION.

Q. KEEPING YOUR THOUGHTS AS THE DEPARTMENT'S RISK MANAGER IN MIND, IN THE DEPARTMENT'S OPINION SHOULD DETECTIVE WALDEN CONTINUE TO BE EMPLOYED WITH THIS DEPARTMENT?

A. SPEAKING ON BEHALF OF THE ORGANIZATION, THE POTENTIAL LIABILITY GOING FORWARD AND THE FACT THAT, AGAIN, THERE'S A MISDEMEANOR CRIME THIS BOARD HAS FOUND HIM GUILTY OF, AND THE POTENTIAL ISSUES FOR THEM IN THE FUTURE, AND WHAT DO WE DO WITH AN EMPLOYEE IF THEY ARE FOUND GUILTY OF A MISDEMEANOR CRIME SUCH AS THIS, MY OPINION IS HE SHOULD NOT BE RETAINED AS A POLICE OFFICER.

Q. AND BASED OFF A FINDING OF GUILTY, DO YOU BELIEVE DETECTIVE WALDEN WILL BE ABLE TO WORK IN THE

GUN UNIT AT SOME POINT IN THE FUTURE?

A. I CAN ONLY SPEAK TO THE EXPERIENCES I HAVE SEEN. I KNOW ANOTHER EMPLOYEE WHO WAS CONVICTED OF BRANDISHING ORGANIZATIONALLY WE PRECLUDE HER FROM CARRYING A FIREARM ON AND OFF DUTY SO SHE IS, BASICALLY, ACTING AS A SECRETARY NOT A POLICE OFFICER. I WOULD THINK THAT A SIMILAR SITUATION WOULD HAPPEN HERE IF WE RETAINED HIM, SO HE COULD NOT FUNCTION IN THE ROLE OF A POLICE OFFICER BECAUSE HE COULD NOT CARRY A FIREARM.

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT AT THIS TIME.

MS. AMIN: MR. SEKI?

CROSS-EXAMINATION

BY MR. SEKI:

Q. IS THERE ANYTHING THAT PREVENTS HIM FROM CARRYING A FIREARM?

A. THAT WOULD BE ORGANIZATIONAL.

Q. BUT FROM THE PENAL CODE, THERE IS NOTHING THAT PREVENTS HIM?

A. CORRECT, NOT LEGALLY.

Q. YOU ARE NOT AWARE OF ANY OTHER LAW OUT THERE THAT WOULD PREVENT DETECTIVE WALDEN FROM CARRYING A FIREARM; CORRECT?

A. CORRECT.

Q. IN FACT, YOU TALK ABOUT NEGATIVE MEDIA, WE HAVE OFFICERS WHO HAVE BEEN FOUND OUT OF POLICY SHOOTINGS WHO ARE RETAINED BY THIS DEPARTMENT?

A. WE DO.

Q. IT HAPPENS ALL THE TIME?

A. I WOULDN'T SAY, "ALL THE TIME," BUT IT HAPPENS MORE OFTEN THAT THAN WE LIKE.

Q. SO OFFICERS THAT ARE FOUND OUT OF POLICY THAT GARNERS NEGATIVE MEDIA?

A. THAT'S CORRECT.

Q. IT PORTRAYS OFFICERS NEGATIVELY TO THE DEPARTMENT?

A. YES.

Q. DO YOU KNOW HOW MANY OFFICERS ARE RETAINED THAT HAVE BEEN FOUND GUILTY OF OUT OF POLICY SHOOTINGS?

A. I DON'T KNOW THAT NUMBER.

Q. ONE THING YOU TALKED ABOUT DUI'S; DUI'S ARE CRIMINAL?

A. YES.

Q. IN FACT, SOMEBODY BEING PUT BEHIND THE WHEEL OF A 2000-POUND METAL VEHICLE WHICH HAS THE POTENTIAL TO KILL PEOPLE?

A. YES.

Q. IT'S MORE THAN JUST IN SOME OCCASIONS, THERE ARE PEOPLE WHO ARE INVOLVED IN HIT AND RUNS WHO ARE STILL RETAINED BY THIS DEPARTMENT; CORRECT?

A. THERE ARE, YEAH.

Q. TYPICALLY, ANYONE CONVICTED OF A MISDEMEANOR WHO IS ON PROBATION IS REPORTED TO BRADY; CORRECT?

A. YES.

Q. IN FACT, PEOPLE WHO MAY BE CONVICTED OF DISTURBING THE PEACE, VIOLATION OF PENAL CODE SECTION 415 WHO ARE ON PROBATION END UP BEING PART OF THE BRADY TIP?

A. WE WILL GIVE THE TIP WHEN THEY PUT THEM ON BRADY IT IS UP TO THE D.A.

Q. EVEN SOMETHING AS SIMPLE AS DRUNK IN PUBLIC THAT COULD BE PART OF A BRADY TIP?

A. YES.

Q. IN TERMS OF BRADY AN OFFICER CAN BE GET REMOVED FROM BRADY?

A. THEY CAN.

Q. ONCE THEIR PROBATION IS OVER THEY CAN APPLY TO THE D.A. OFFICE AND HAVE THE D.A. DETERMINE WHETHER THEY WILL REMAIN IN BRADY?

A. THEY ARE TRANSFERRED TO THE ORWITS SYSTEM, BUT YES.

Q. THEY WOULD BE REMOVED FROM BRADY?

A. CORRECT.

Q. IN TERMS OF BRADY, ONE OF THE THINGS YOU SAID IT REQUIRES THE PROSECUTION TO DISCLOSE TO THE DEFENSE THAT A WITNESS IS IN BRADY OR MAY HAVE CIRCUMSTANCES THAT HAVE PUT THEM IN BRADY; CORRECT?

A. I DON'T KNOW IF I SAID THAT, BUT THAT SOUNDS CORRECT.

Q. AND, ULTIMATELY, IT'S UP TO THE PROSECUTOR TO DETERMINE WHETHER OR NOT THAT WITNESS IS GOING TO TESTIFY; CORRECT?

A. CORRECT.

Q. DO YOU KNOW HOW MANY OFFICERS ON THIS DEPARTMENT ARE IN BRADY?

A. WE HAVE APPROXIMATELY 90 OFFICERS IN RISK MANAGEMENT, NOT ALL OF THEM ON BRADY THE MAXIMUM BUT I KNOW IT'S SIGNIFICANTLY LESS THAN THAT.

Q. AREN'T THERE OFFICERS WHO ARE ON BRADY WHO AREN'T NECESSARILY IN RMEC?

A. I COULDN'T ANSWER THAT. I DON'T KNOW OF ANY.

Q. JUST BECAUSE YOU HAVE A DUI DOESN'T PUT YOU IN RMEC; CORRECT?

A. IF YOU ARE ON BRADY, YES, YOU WILL BE. IF YOU HAVE A DUI AND PUT ON BRADY LIST WE WILL KEEP YOU IN RMEC.

Q. WHAT IF YOU HAVE DISTURBING THE PEACE AND YOU ARE ON PROBATION, WILL YOU BE PUT ON RMEC?

A. I DON'T KNOW IF DISTURBING THE PEACE THAT THEY HAVE BRADY LETTERS, SO THEY WOULDN'T BE ON RMEC, BUT IF YOU DID HAVE A DISTURBING THE PEACE AND A BRADY LETTER WAS ISSUED, YOU WOULD BE UNDER RMEC.

Q. JUST BECAUSE YOU ARE IN RMEC, DOESN'T MEAN YOU ARE PREVENTED FROM DOING POLICE WORK; ISN'T THAT CORRECT?

A. NO.

Q. THERE ARE A NUMBER OF OFFICERS WHO ARE IN RMEC WHO STILL PATROL THE STREETS; CORRECT?

A. THERE ARE.

Q. NEGLIGENT RETENTION IF AN EMPLOYER IS AWARE OF WHAT MAY CONSTITUTE MISCONDUCT, THEY CAN BE HELD LIABLE IF THEY KEEP THAT EMPLOYEE. OUT OF POLICY SHOOTING, THAT WOULD BE CONSIDERED MISCONDUCT WOULDN'T IT?

A. IT COULD BE, YES.

Q. IF YOU GO TO A BOARD AND IT'S FOUND TO BE OUT OF POLICY AND YOU ARE RETAINED THAT WOULD BE NEGLIGENT RETENTION?

A. IT IS.

Q. THAT DOESN'T NECESSARILY MEAN THAT YOU DON'T PATROL THE STREETS; RIGHT?

A. NO, WE HAVE OFFICERS WHO WITH OUT OF POLICY SHOOTING THAT ARE IN THE STREETS.

Q. THERE ARE OUT OF POLICY USE OF FORCES WHERE OFFICERS ARE STILL RETAINED BY THE DEPARTMENT?

A. CORRECT.

Q. AND STILL PATROL THE STREETS?

A. YES.

Q. THERE ARE A NUMBER OF ISSUES FOR WHICH OFFICERS HAVE BEEN FOUND GUILTY AT BOARDS OF RIGHTS WHICH THEY HAVEN'T BEEN FIRED FOR BUT ARE STILL RETAINED BY THE THIS DEPARTMENT; CORRECT?

A. YES.

Q. I WANT TO CLARIFY SOMETHING. I KNOW YOU MINIMIZED IT. SERIOUS MISCONDUCT. DO YOU USE THE SAME STANDARD AS POST IN DEFINING WHAT SERIOUS MISCONDUCT IS?

LET ME REPHRASE THIS. DO YOU KNOW WHAT THE STANDARD OF OR DEFINITION OF SERIOUS MISCONDUCT PURSUANT TO THE STANDARD USED BY POST?

A. I COULDN'T GIVE IT TO YOU.

Q. SO YOUR STANDARD OF SERIOUS MISCONDUCT IS ONE THAT IS, I GUESS, INSTITUTIONAL?

A. YES.

Q. AND IT MAY NOT NECESSARILY CONSTITUTE SERIOUS MISCONDUCT FOR POST?

A. I DON'T KNOW. I HAVEN'T READ THE POST DEFINITION IN A LONG TIME.

MR. SEKI: I DON'T HAVE ANYTHING ADDITIONAL AT THIS TIME. THANK YOU.

MS. AMIN: ANY REDIRECT FROM THE DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: ANY QUESTIONS?

MS. STRONG-FARGAS: NO.

MR. ORTEGA: NO.

EXAMINATION

BY MS. AMIN:

Q. YOU EXPLAINED TO US THAT BASED ON THE MISDEMEANOR CONVICTION AND OUR GUILTY FINDING, IT IS A CONCERN AND IT COULD AFFECT DETECTIVE WALDEN'S EMPLOYABILITY, BUT HOW DOES THAT RECONCILE WITH YOUR BELIEF THAT HE SHOULD NOT BE RETAINED?

A. WELL, AS A RISK MANAGER, I ALWAYS HAVE TO LOOK AT THE WORST CASE SCENARIO, WHAT THE WORST CASE SCENARIO IF THE D.A. OFFICE IMPLEMENTED A BRADY LETTER.

Q. THAT'S MY QUESTION. IF IT COULD, MAYBE, BUT THEN YOUR CONCLUSION IS NO?

A. RIGHT. YOU ARE RIGHT BUT, AGAIN, AS THE

RISK MANAGER FOR THE ORGANIZATION, I HAVE TO LOOK AT THE WORST CASE SCENARIO.

Q. THAT'S THE POSITION FOR WHICH YOU JUDGE AS THE RISK MANAGER, OBVIOUSLY, YOU WANT TO MINIMIZE RISK FOR THE DEPARTMENT?

A. CORRECT. AND HAVING AN EMPLOYEE WHO HAS BRADY ISSUE, THEIR CONCERN IS GOING TO GO INTO COURT TESTIFYING ORGANIZATIONALLY, WE WILL LOOK AT THAT AND SAY WE ARE TO PUT HIM SOMEWHERE WHERE NOW HE CAN'T PUT IN THOSE POSITIONS TO TESTIFY. WE ARE TAKING AN EMPLOYEE WHO IS GOING TO GET PAID THE SALARY OF HIS CURRENT RANK WITHOUT BEING ABLE TO DO THE JOB AS A POLICE OFFICER. WE ARE GOING TO BE STUCK WITH AN EMPLOYEE WHO WE CAN'T USE AS A POLICE OFFICER.

Q. POTENTIALLY?

A. POTENTIALLY.

Q. WE HAVE HEARD FROM THREE DETECTIVES, TWO LIEUTENANTS, CUMULATIVE OF 108 YEARS EXPERIENCE. AND TWO OF THEM WHO WERE WORKING IN THE GND DEPARTMENT ALL OF THEM SAID THAT DETECTIVE WALDEN CAN WORK WITH THEM. THEY WOULD BE HAPPY TO HAVE HIM WORKING FOR THEM. AND WOULD BE ELIGIBLE TO WORK IN THEIR DEPARTMENTS. DON'T THESE PEOPLE KNOW WHAT NEGLIGENT RETENTION IS OR THAT HE CAN'T PERFORM HIS DUTIES?

A. I DON'T THINK THEY DO.

Q. WHY DON'T YOU TEACH THEM THAT THEY CAN'T COME BACK TO WORK? ORGANIZATIONALLY, THERE IS A SEPARATION BETWEEN THE RANK OF LIEUTENANT AND CAPTAIN AND ABOVE?

A. LIEUTENANT RANK AND OTHER RANKS ARE A LITTLE BIT CLOSER TO THE INDIVIDUAL AS A RANK OF CAPTAIN, WE SEE THE BIGGER PICTURE ORGANIZATIONALLY, POTENTIAL RISK MANAGEMENT AND ULTIMATELY THE CHIEF OF POLICE HAS TO MAKE THAT DECISION FOR THE BETTERMENT OF THE DEPARTMENT. THEY ARE LOOKING FOR THE BETTERMENT OF THE EMPLOYEE, HE IS A GOOD EMPLOYEE. I HAVE NO CONCERNS ABOUT THAT. HE CAN WORK WITH US. WE CAN STILL HAVE HIM HERE. WE AS AN ORGANIZATION WOULD HAVE TO LOOK AT THE BIGGER PICTURE. WHAT HAPPENS IF THIS EMPLOYEE GETS INTO A SHOOTING? WILL THIS COME UP? WHAT HAPPENS IF THE EMPLOYEE IS SUED LATER ON? WE WILL BE HELD ACCOUNTABLE FOR KEEPING THEM. WHAT HAPPENS IF A EMPLOYEE BUYS ANOTHER SILENCER OR TRIES TO BUY ANOTHER WEAPON? WHAT ORGANIZATIONALLY, WHAT RAMIFICATIONS WILL THOSE HAVE? THAT'S WHERE THE DIFFERENCE IS.

Q. MANY OF THESE FOLKS WERE OR AND ARE SUPERVISORS IN YOUR DEPARTMENT, AND THEY HAVE TO GIVE THE ASSIGNMENTS TO FOLKS WHO WORK FOR THEM, DON'T THEY, HOW ARE THEY NOT AWARE OF WHERE THESE PEOPLE CAN

WORK? THEY MUST HAVE SOMEONE WHO IS NOT ELIGIBLE TO GO ON THE FIELD AND HAS TO WORK AS A SECRETARY, AS YOU MENTIONED IN ONE OF YOUR EXAMPLES, BECAUSE THEY WERE INVOLVED IN SOME CRIME AND THEY CAN'T GO OUT IN THE FIELD, AREN'T THEY AWARE OF THE RAMIFICATIONS OF SIMILAR CONVICTIONS?

A. I DON'T KNOW. I DON'T KNOW WHO THESE FIVE INDIVIDUALS ARE. I AM SURE THEY HAVE THE BEST INTENTIONS AT HEART BUT ORGANIZATIONALLY, WHEN WE ARE LOOKING AT A SITUATION WHERE AN EMPLOYEE CAN OR CAN'T GO OUT THAT RISK MANAGEMENT EXECUTIVE COMMITTEE THAT CONSIST OF THE THREE DEPUTY CHIEFS OF THE DEPARTMENT, THE OFFICE OF CONSTITUTIONAL POLICING, THE DEPARTMENT THE INTERNAL AFFAIRS, THE COMMANDER IN CHARGE OF EMPLOYEE RELATIONS GROUP, THEY LOOK AT THAT PICTURE THERE ARE NO LIEUTENANTS ON THAT BOARD, THERE ARE NO DETECTIVES, THEY ARE LOOKING AT THAT PICTURE. I DON'T KNOW WHAT THEY KNOW OR DON'T KNOW ABOUT WHAT AN EMPLOYEE CAN OR CAN'T DO. YOU ALSO HAVE TO REALIZE BECAUSE OF THE POLICE OFFICERS BILL OF RIGHTS, WE DON'T SHARE WITH OUR MEMBERS WHAT AN EMPLOYEE DID. AND WE DO SITUATIONALLY HAVE RAP SHEETS, BUT WE DON'T TIE THOSE INTO INDIVIDUAL EMPLOYEES. AN EMPLOYEE MAY NOT BE ABLE TO WORK THE FIELD AND WHERE THE FELLOW DETECTIVES DON'T KNOW WHY THEY ARE BEING BENCHED,

THERE ARE A LOT OF THINGS THAT GO WITH THAT.

MS. AMIN: ALL RIGHT. NOTHING ELSE FOR ME.

MR. SEKI: I HAVE A FOLLOW UP.

SERGEANT SLATER: I HAVE FOLLOW UP.

MS. AMIN: GO AHEAD, DEPARTMENT.

REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. DOES THE FACT THAT ONE OF THOSE EMPLOYEES THAT MADE THE RECOMMENDATION THAT THEY WOULD BE OKAY WORKING WITH DETECTIVE WALDEN, THE FACT THAT HE SAID IT WAS BECAUSE IT WAS ONLY AN ATTEMPT RAISE A CONCERN FOR YOU?

A. I THINK AN ATTEMPT LIKE TESTIFIED TO, I DON'T THINK ATTEMPT, I THINK THE ACT WAS MADE, THE GUILTY FINDING BY THIS BOARD WAS FOUND THE MISDEMEANOR CONVICTION, THE EMPLOYEE WAS THERE.

SERGEANT SLATER: THANK YOU.

RECROSS-EXAMINATION

BY MR. SEKI:

Q. SIR, HOW MANY TIMES HAVE YOU TESTIFIED IN THESE PROCEEDINGS?

A. PROBABLY SIX OR SEVEN.

Q. AND ARE YOU ALWAYS CALLED WHENEVER THE

INITIAL RECOMMENDATION IS REMOVAL; CORRECT?

A. THE ONES THAT I TESTIFIED TO ARE REMOVALS, YES.

Q. AND EVEN IF THE BOARD HAS FOUND INDIVIDUALS NOT GUILTY OF ORIGINAL CHARGES, YOU STILL TESTIFIED OR HAD SOMEONE FROM YOUR OFFICE TESTIFY REGARDING REMOVAL WHEN SOMEBODY HAS BEEN FOUND NOT GUILTY, BUT FOUND GUILTY OF OTHER COUNTS; IS THAT CORRECT? YOU UNDERSTAND WHAT I AM SAYING?

A. NO.

Q. SOMEBODY IS CHARGED WITH FIVE COUNTS AND THEY ARE FOUND NOT GUILTY OF FOUR BUT THE ORIGINAL RECOMMENDATION WAS REMOVAL, YOU STILL COME TO TESTIFY?

A. I DON'T THINK WE WOULD UNLESS THAT ONE COUNT WAS A REMOVAL COUNT. LET'S SAY AN EMPLOYEE WAS CHARGED WITH FIVE DIFFERENT COUNTS AND FOUND NOT GUILTY OF FOUR OF THEM, BUT THE FIFTH ONE WAS A SIGNIFICANT COUNT THAT THE CHIEF OF POLICE WANTED REMOVAL ON THEN, YES, WE WOULD TESTIFY.

Q. HAVE YOU EVER TESTIFIED THAT SOMEBODY SHOULD BE RETAINED?

A. NOT IN THOSE SEVEN OR EIGHT TIMES I HAVE TESTIFIED.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE

DEPARTMENT.

MS. AMIN: NO MORE QUESTIONS. THANK YOU VERY MUCH. YOU ARE EXCUSED.

ANYTHING FURTHER FROM THE DEPARTMENT?

SERGEANT SLATER: NO, MA'AM.

MS. AMIN: MR. SEKI?

MR. SEKI: I HAVE NO ADDITIONAL WITNESSES. I DON'T KNOW IF YOU WANT TO ENTERTAIN REMARKS FROM US OR NOT, IT'S UP TO YOU.

MS. AMIN: DID THE DEPARTMENT HAVE, I BELIEVE THERE ARE OFTENTIMES A RECOMMENDATION FOR PENALTY; IS THERE A RECOMMENDATION YOU WANT TO SHARE WITH US?

SERGEANT SLATER: WE HAVE A PENALTY ARGUMENT IF YOU ARE READY FOR THAT NOW.

MS. AMIN: SURE. LET'S TAKE A BREAK.

(PAUSE IN THE PROCEEDINGS.)

MS. AMIN: BACK ON THE RECORD. AND THE DEPARTMENT WANTED TO OFFER A SUMMARY OR ARGUMENTS?

SERGEANT SLATER: YES, MA'AM. THANK YOU.

GOOD AFTERNOON. AS WE HAVE HEARD, THE CHIEF OF POLICE HAS RECOMMENDED DETECTIVE WALDEN BE REMOVED FROM HIS POSITION AS A MEMBER OF THE LOS ANGELES POLICE DEPARTMENT. THE TITLE OF LOS ANGELES POLICE OFFICER IS ONE THAT COMES WITH THE UPPER MOST

RESPONSIBILITY. THE OFFICERS OF THIS DEPARTMENT ARE REQUIRED TO HOLD THEMSELVES TO THE HIGHEST STANDARDS AND BE EXEMPLARY EMBODYING THE CORE VALUES OF THIS DEPARTMENT. SPECIFICALLY IN THIS CASE, SPECIFIC REVERENCE FOR THE LAW AND INTEGRITY IN ALL WE SAY AND DO.

AS WE HEARD WHEN DETECTIVE WALDEN FIRST JOINED THIS PROFESSION, HE TOOK AN OATH AND HE HAS EXPLAINED, THAT WAS TO UPHOLD THE CONSTITUTION ABOVE THE NATION AND THE STATE. THE SAME OATH WAS REAFFIRMED WHEN HE WAS PROMOTED AND GAVE THE PRIVILEGE TO BE A DETECTIVE. DETECTIVE WALDEN FELL SHORT OF UPHOLDING THIS OATH. WHAT IS OF MORE CONCERN THOUGH TO THIS DEPARTMENT IS THE ACTIONS THAT DETECTIVE WALDEN TOOK AFTER HE MADE THE DECISION, AND IT WAS A DECISION TO VIOLATE THE LAW.

DESPITE HIS CHARACTER WITNESSES TESTIFYING REPEATEDLY THAT DETECTIVE WALDEN WAS THE TYPE OF MAN WHO WOULD TAKE ACCOUNTABILITY FOR HIS ACTIONS, WALDEN DID JUST THE OPPOSITE. AT THE BEGINNING OF THIS PROCEEDING WHEN HE HAD THE OPPORTUNITY TO TAKE ACCOUNTABILITY FOR HIS ACTIONS, HE PLED NOT GUILTY. AND HE DISPLAYED A SERIES OF EVIDENCE TRYING TO EITHER DECEIVE OR CONVINCE US THAT HIS ACTIONS WERE NOT WHAT HE WAS TAKING ACCOUNTABILITY FOR.

DETECTIVE WALDEN EXPLAINED TO THIS BOARD HE WAS A FIREARMS EXPERT AND A VEHICLE EXPERT. AND EVEN AFTER PLEADING OUT IN THE CRIMINAL OFFENSE, THE RECOVERED SILENCER WAS STILL ONLY A FUEL FILTER AND HE WOULD NOT HAVE ANY KNOWLEDGE OF THIS ITEM BEING A SILENCER. WHEN IT REALLY MATTERED, WHEN HIS INTEGRITY WAS TRULY PUT TO THE TEST, DETECTIVE WALDEN SHOWED HIS COLORS. IT TOOK DETECTIVE WALDEN, LIEUTENANT BIXLER COMING IN TO REFUTE THESE CLAIMS. LIEUTENANT BIXLER EXPLAINED DESPITE DETECTIVE WALDEN SAYING HE WOULD NOT HAVE ANY KNOWLEDGE OF THIS, HE EITHER HAD THE KNOWLEDGE AND HAD FORGOTTEN IT, OR WHEN HE WAS TESTIFYING AS AN EXPERT, HE SHOULD NOT HAVE BEEN BECAUSE THE OFFICERS IN HIS UNIT WERE EXPECTED TO KNOW WHAT THESE ITEMS WERE AND WOULD KNOW WHAT THESE ITEMS WERE.

DETECTIVE MARQUEZ TESTIFIED YESTERDAY HE EXPECTS THE OFFICERS OF THIS DEPARTMENT TO UPHOLD THE LAW. THIS BOARD HAS FOUND DETECTIVE WALDEN GUILTY OF TAKING STEPS TO VIOLATE THE LAW. AND THOUGH HE EVENTUALLY PLED TO A MISDEMEANOR, THE CRIME HE TRIED TO COMMIT AS POINTED OUT BY MR. ORTEGA YESTERDAY, WAS A FELONY. YES, WALDEN HAS HAD A CAREER FILLED WITH ACHIEVEMENTS AND SERVICE. HOWEVER, HIS ACTIONS IN THIS MATTER BEFORE THE BOARD ARE NOT ACCEPTABLE TO THE

STANDARDS OF LOS ANGELES POLICE DEPARTMENT. AND PRIOR ACHIEVEMENTS DO NOT OUTWEIGH THE SERIOUSNESS OR CONSEQUENCES OF HIS ACTIONS, AS WE HAVE HEARD FROM OUR RISK MANAGER TODAY. THE CHIEF OF POLICE IN ITS ADJUDICATION TOOK INTO ACCOUNT THESE FACTORS, SUCH AS WALDEN'S PAST, HIS PERFORMANCE AND SERVICE TO THIS DEPARTMENT, HE ALSO CONSULTED WITH COMMAND AS WE HAVE HEARD, INCLUDING VARIOUS CHIEFS THROUGHOUT THE DEPARTMENT, PROFESSIONAL STANDARDS BUREAU, AND THE OFFICE OF CONSTITUTIONAL POLICING, AND TOOK THESE FACTORS INTO CONSIDERATION.

DESPITE ALL OF THAT, THE CHIEF STILL MADE THE SAME RECOMMENDATION AT EACH LEVEL OF REVIEW THROUGHOUT THIS PROCESS PRIOR MADE THAT RECOMMENDATION. RETAINING DETECTIVE WALDEN COMES WITH FAR GREATER CONSEQUENCES THAN ALLOWING DETECTIVE WALDEN TO RETAIN HIS POSITION AND POSSIBLY NOT BE ABLE TO BE IN THE STREET OR TESTIFY. SUCH A DECISION WOULD BE AN INSULT TO THE OFFICERS WHO HAVE HONORABLY HELD THEMSELVES TO THE HIGH STANDARDS THIS COMMUNITY EXPECTS AND WOULD SEND A MESSAGE THAT CONSEQUENCES FOR CRIMINAL ACTS AND FAILURE TO TAKE ACCOUNTABILITY FOR SUCH CRIMINAL ACTS, MAY LEAD TO NOTHING MORE THAN A COUPLE DAYS AT HOME WITHOUT PAY. FOR THIS REASON, THE DEPARTMENT RESPECTFULLY REQUESTS YOU UPHOLD THE

CHIEF'S DECISION TO REMOVE DETECTIVE WALDEN. THANK YOU.

MS. AMIN: MR. SEKI?

MR. SEKI: YOU HAD THE OPPORTUNITY TO HEAR FROM WITNESSES WHO WORKED WITH DETECTIVE WALDEN, WHO KNOW HIM ON A PERSONAL BASIS, WHO WERE ABLE TO VOUCH FOR HIS WORK ETHIC, HIS CHARACTER, HIS CREDIBILITY. YOU WERE ABLE TO SEE HIS PERSONNEL PACKAGES WHICH DISPLAYED TO YOU THE TYPE OF POLICE OFFICER AND PERSON THAT HE IS. IT'S RARE TO SEE AN OFFICER WITH TWO MAJOR COMMENDATIONS, A POLICE MEDAL AND A MERITORIOUS BADGE, IN ADDITION TO 155 OTHER COMMENDATIONS. YOU SAW HIS WORK THROUGH POLICE SBA'S STANDARD BASED ASSESSMENTS AND THEY WERE ALL INCREDIBLY POSITIVE. ONE OF THE THINGS THAT'S ALREADY HAPPENED TO HIM WHICH CAME OUT, HE IS NO LONGER A SUPERVISOR. HE HAS ALREADY BEEN DEMOTED OR DOWNGRADED TO A DETECTIVE. HE HAS TAKEN PUNISHMENT THERE.

I WANT TO MAKE IT CLEAR, YOU ALL FOUND HIM GUILTY OF ATTEMPTING TO POSSESS A FIREARM SILENCER WHICH, UNFORTUNATELY, WHICH IS MISCONDUCT, IT'S NOT A FELONY THOUGH, THE STANDARD IS DIFFERENT THAN A CRIMINAL CASE. IN A CRIMINAL CASE IT'S BEYOND A REASONABLE DOUBT, AND THE PROSECUTOR, OBVIOUSLY, IN THE D.A.'S OFFICE DIDN'T BELIEVE THEIR CASE WAS VERY

STRONG OTHERWISE THEY WOULDN'T HAVE PLED IT DOWN.

WHAT IS THERE THAT PREVENTS HIM FROM BEING A POLICE OFFICER? NOTHING. THERE IS NOTHING IN THE LAW THAT PREVENTS HIM FROM CARRYING A GUN AND CARRYING OUT HIS DUTIES. THERE IS A LOT OF WHAT IFS. A LOT OF IF THIS HAPPENS, IF THIS HAPPENS, IF THIS HAPPENS, AND A LOT OF TIMES NONE OF THAT COMES TRUE. WHEN YOU TALK ABOUT NEGLIGENT RETENTION, AND AS WE TALKED ABOUT IN TERMS OF PEOPLE BEING INVOLVED IN USES OF FORCE, WHICH ARE OUT OF POLICY. IF YOU NEGLIGENTLY RETAIN SOMEONE LIKE THAT, AND YOU GET INVOLVED IN ANOTHER USE OF FORCE, OR ANOTHER, THAT WOULD EXPOSE HIM TO A LOT OF LIABILITY OR SHOOTINGS, THAT WOULD EXPOSE HIM TO A LOT OF LIABILITY. LOOKING AT THE TRACK RECORD OF THIS INDIVIDUAL WHO HAS ONE SUSTAINED COMPLAINT, OTHER THAN THIS, FOR BEING INVOLVED IN AN ACCIDENT WHERE HE GOT AN ADMONISHMENT, HE HAS NOTHING ELSE AFTER 26 YEARS. THAT SPEAKS VOLUMES FOR YOU BEING ABLE TO TRUST HIM.

THE PENALTY GUIDE WHICH YOU HAVE IN FRONT OF YOU IS JUST A RECOMMENDATION, BUT IF YOU LOOK AT IT, THERE'S NOTHING THAT REALLY QUALIFIES SPECIFICALLY FOR THIS. THERE IS A SECTION THAT DEALS WITH UNBECOMING CONDUCT AND THERE'S A SECTION THERE CONDUCT ON OR OFF DUTY WHICH MAY BRING DISCREDIT TO THE DEPARTMENT. PAGE 12 OF 13, THERE THE GUIDE IS ANYWHERE WHERE IT

SAYS B TO BOARD OF RIGHTS, AND B IS AN OFFICIAL REPRIMAND, 10 TO 15 DAYS UP TO A BOARD OF RIGHTS. AND THE BOARD OF RIGHTS, AS YOU KNOW, SUSPENSION DAYS CAN RANGE FROM ONE DAY UP TO 65.

IN THIS PARTICULAR CASE, I WOULD ASK YOU TO CONSIDER THE WITNESSES, I WOULD ASK YOU TO CONSIDER POLICE TRACK RECORD WITH THE DEPARTMENT, I WOULD ASK YOU TO CONSIDER ALL THE THINGS YOU KNOW ABOUT HIM THAT WILL ASSURE YOU, YOU WON'T SEE HIM AGAIN. AND, BASICALLY, GIVE HIM A SUSPENSION, A SUSPENSION SOMEWHERE IN THE RANGE OF 15 TO 22 DAYS AS BEING APPROPRIATE. THANK YOU.

MS. AMIN: DID YOU WANT TO REBUT?

SERGEANT SLATER: TWO QUICK POINTS, PLEASE.

MR. SEKI AS A DEFENSE ATTORNEY HAS WILDLY MISINTERPRETED THE PLEA DEAL PROCESS AND SHOULD KNOW BETTER THAN THAT, JUST BECAUSE HE TOOK A PLEA DEAL DOES NOT MEAN THE DISTRICT ATTORNEY'S OFFICE DID NOT FEEL CONFIDENT WITH THEIR CASE, THAT IS NOT THE ONLY REASON --

MR. SEKI: I AM GOING OBJECT. HE HAS NO FOUNDATION FOR UNDERSTANDING WHAT IT IS. HE IS NOT A LAWYER. HE HASN'T BEEN PARTICIPATING IN IT. HE DIDN'T PARTICIPATE IN THIS, NOR THE DISCUSSION.

MS. AMIN: YOU OPENED THE DOOR, SAYING WHAT

IT WAS BASED ON, SO WE WILL LET HIM CONTINUE.

SERGEANT SLATER: THAT IS A MISREPRESENTATION OF WHY PLEA DEALS OCCUR. IT IS NOT THE ONLY REASON PLEA DEALS OCCUR. AND I THINK IT'S IMPORTANT TO KEEP IN MIND THE PLEA DEAL ONLY OCCURRED AFTER HE WAS HELD TO ANSWER, AND AFTER AN ATTEMPT TO DISMISS THE CASE WAS DENIED.

MR. SEKI: THE PRELIMINARY HEARING WHERE HE DID NOT TESTIFY, NOR ANY DEFENSE WAS PRESENTED BECAUSE THAT'S NOT WHAT IS REQUIRED AT A PRELIMINARY HEARING, SO THAT NEEDS TO BE UNDERSTOOD WHICH APPARENTLY THE DEPARTMENT DOESN'T UNDERSTAND WHAT GOES ON IN A PRELIMINARY HEARING. THANK YOU.

MS. AMIN: ARE YOU DONE? ANYTHING ELSE?

SERGEANT SLATER: YES, MA'AM.

MS. AMIN: WE WILL NOW GO OFF THE RECORD AND DELIBERATE.

(THE BOARD DELIBERATES.)

MS. AMIN: BACK ON THE RECORD. AND JUST FOR RECORD PURPOSES, I NOTICE WE HAVE ANOTHER VISITOR IN THE ROOM. CAN YOU PLEASE TELL US WHO YOU ARE FOR THE RECORD.

SERGEANT PAK: YES. MY NAME IS SERGEANT PETER PAK, P-A-K, PROFESSIONAL STANDARDS BUREAU.

MS. AMIN: GREAT.

THIS IS THE BOARD'S RATIONALE OF THE DISCIPLINARY FINDINGS IN THE MATTER OF LUKE WALDEN, BOX FILE NO. 31674

THE BOARD HAS COMPLETED ITS DELIBERATIONS FOR PENALTY AND WE WILL RENDER A UNANIMOUS DECISION. THE BOARD HAS GIVEN CAREFUL CONSIDERATION TO AN APPROPRIATE PENALTY IN THIS MATTER. WE HAVE REVIEWED DETECTIVE WALDEN'S PERFORMANCE HISTORY, DISCIPLINARY HISTORY, COMMENDATIONS AND WE HAVE HEARD FROM HIS FIVE CHARACTER WITNESSES. WE ALSO HEARD FROM TWO DEPARTMENT WITNESSES.

IN ADDITION, WE RECEIVED INTO EVIDENCE ACCUSED EXHIBIT F, WHICH WAS ORDER OF WITHDRAWAL OF THE IMMEDIATE TEMPORARY SUSPENSION OF RESPONDENT'S POST CERTIFICATES, DATED DECEMBER 4, 2023.

DETECTIVE WALDEN'S RECORD SHOWS 24 YEARS OF SERVICE WHERE HE HAS RECEIVED TWO MAJOR COMMENDATIONS AND 155 MINOR COMMENDATIONS FROM CITIZENS, THE BUREAU, AREA AND OTHERS. HIS DISCIPLINARY HISTORY CONSISTED OF ONE MINOR SUSTAINED ADMONISHMENT FOR A TRAFFIC COLLISION IN 2002.

WE HEARD FROM THE FOLLOWING CHARACTER WITNESSES: RETIRED DETECTIVE JAMES MCSORLEY WHO WAS WITH THE DEPARTMENT FOR 30 YEARS AND WORKED AS DETECTIVE WALDEN'S CO-SUPERVISOR IN THE GND DEPARTMENT

IN 2015; RETIRED LIEUTENANT JESSE KANE, WHO WAS ON THE JOB FOR 28 YEARS; DETECTIVE CRAIG MARQUEZ, WHO HAS BEEN ON THE JOB FOR 28 YEARS, WAS WITH GND FOR FOUR YEARS, AND WORKED WITH DETECTIVE WALDEN ON THE GUN UNIT; RETIRED LIEUTENANT SCOTT MCNEIL, WHO WAS EMPLOYED BY LAPD FOR NEARLY 27 YEARS, HE WORKED WITH GND AS A DETECTIVE III, AND WAS WALDEN'S DIRECT SUPERVISOR FOR TWO YEARS; LASTLY, WE HEARD FROM DETECTIVE HUGO AYON, WHO WORKS GND ON THE FBI TASK FORCE, AND HAS BEEN ON THE JOB FOR 24 YEARS.

WE ALSO HEARD FROM THE FOLLOWING DEPARTMENT WITNESSES: DETECTIVE III MICHAEL HACKMAN, WHO IS THE OFFICER IN CHARGE OF ANALYSIS AND REGULATORY COMPLIANCE. DURING HIS TESTIMONY HE EXPLAINED THE PROCESS OF THE POST LICENSURE AND REGULATORY PROCEDURE, AND THAT THIS BOARD IS COMPLETELY INDEPENDENT AND SEPARATE FROM THE POST. ON THE ONE HAND THE BOARD IS AN EMPLOYMENT ACTION, WHEREAS THE POST IS A LICENSURE-BASED PROCESS. HE ALSO EXPLAINED STANDARD OF REVIEW FOR POST IS OF A CLEAR AND CONVINCING, WHEREAS THE BOARD IS BY A PREPONDERANCE OF THE EVIDENCE.

WE ALSO HEARD FROM CAPTAIN YASIR GILLANI WHO HAS BEEN ON THE DEPARTMENT FOR 25 YEARS AND IS A COMMANDING OFFICER OF RISK MANAGEMENT. HE EXPLAINED

THAT THERE IS A CONCERN AND POSSIBLY A NEGATIVE EFFECT OF THE MISDEMEANOR CONVICTION AND OUR GUILTY FINDING IN THIS CASE. HE ALSO EXPLAINED THAT ONCE A PERSON IS PLACED ON BRADY, IT MAY AFFECT HIS ABILITY TO TESTIFY, HOWEVER, THAT WOULD BE UP TO THE DA'S DEPARTMENT TO DETERMINE HIS ABILITY TO TESTIFY. ONCE ON BRADY, IT'S NOT A DONE DEAL AND IT IS POSSIBLE TO BE REMOVED FROM A BRADY LIST.

THE CHARACTER WITNESSES HAVE A COLLECTIVE EXPERIENCE OF MORE THAN 136 YEARS OF SERVICE AND HAVE UNANIMOUSLY COMMENDED WALDEN ON HIS POSITIVE WORK ETHIC. DETECTIVE AYON EXPLAINED THAT HE IS A PERSON OF INTEGRITY WHO EARNED EVERYONE'S TRUST THAT HE WAS A GREAT COP. DETECTIVE AYON, HAVING BEEN TOLD OF THE GUILTY FINDING IN THIS CASE, SAID THAT HE WOULD BE HAPPY TO HAVE HIM WORK FOR HIM.

WALDEN WAS FOUND GUILTY OF WHILE OFF-DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER. THE BOARD OF RIGHTS MANUAL, 12TH EDITION, PAGE 3, STATES THAT,

> "IN THE EVENT THAT A FINDING OF GUILTY IS MADE, PENALTIES PERMITTED BY SECTION 1070, MUST BE IMPOSED. THE NATURE AND EXTENT OF THE PENALTY SHOULD BE COMMENSURATE WITH THE PARTICULAR CONDUCT FOR WHICH THE ACCUSED HAS BEEN FOUND GUILTY."

WHEN ASSESSING THE PENALTY, THERE IS AN EXAMINATION OF MOTIVATION, DAMAGE, KNOWLEDGE, INTENT AND HISTORY. THE BOARD BELIEVES THAT YOU SHOULD HAVE KNOWN NOT TO ATTEMPT TO MAKE THE PURCHASE. HOWEVER, TO YOUR CREDIT, YOU HAVE A LONG HISTORY OF GOOD WORK WITH THE DEPARTMENT AND THAT THIS OUTWEIGHS THE POTENTIAL HARM CAUSED BY YOUR MISTAKE. THE BOARD DOES NOT BELIEVE THAT THERE IS ANY IMMEDIATE HARM TO HEALTH OR SAFETY TO THE PUBLIC AS A RESULT OF THIS GUILTY FINDING.

THIS BOARD FURTHER BELIEVES THAT THE SEVERITY OF THE PUNISHMENT SHOULD BE REDUCED FOR A LONG-TERM EMPLOYEE WITH A GOOD WORK RECORD AND WITHOUT HAVING SIGNIFICANT SUSTAINED PRIOR COMPLAINTS. DETECTIVE WALDEN HAS PROVIDED 24 YEARS OF SERVICE TO THE LAPD AND THE LOS ANGELES COMMUNITY AND WE TRUST HE WILL HAVE MANY FUTURE YEARS OF SERVICE TO OUR COMMUNITY, HOPEFULLY UNBLEMISHED.

THEREFORE, IT IS THE UNANIMOUS RECOMMENDATION OF THIS BOARD TO THE CHIEF OF POLICE THAT THE PENALTY IMPOSED BE A SUSPENSION OF 30 DAYS.

THIS CONCLUDES THE BOARD OF RIGHTS.

(THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER ADJOURNED AT 1425 HOURS.)

REPORTER'S CERTIFICATE

I, GINA ARIAS, CERTIFIED SHORTHAND REPORTER FOR THE STATE OF CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING PAGES COMPRISE A FULL TRANSCRIPT OF PROCEEDINGS TAKEN BEFORE ME ON THURSDAY, FEBRUARY 15, 2024, AT THE TIME AND PLACE THEREIN SET FORTH, AND WAS TAKEN DOWN BY ME IN SHORTHAND AND THEREAFTER TRANSCRIBED INTO TYPEWRITING TO THE BEST OF MY ABILITY.

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR NOR RELATED TO ANY PARTY TO SAID ACTION NOR IN ANYWISE INTERESTED IN THE OUTCOME THEREOF.

IN WITNESS THEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME THIS MAY 1ST, 2025.

_____
GINA ARIAS
C.S.R. NO. 11554