PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

July 16, 2026
AGENDA
10:00 AM

Meeting Location: CA Commission on POST Headquarters, 860 Stillwater Road - Training Rooms A/B, West Sacramento, CA 95605.

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

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Board's jurisdiction. The Board cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comment relating to each item on the agenda will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting, or, as stated hereafter, by telephonic means or by submitting written public comment.

Written public comment is intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comment will not be accepted or distributed to Board members. To be considered for inclusion in the meeting record, written comments should be received by no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing (916) 866-9583 and following the prompts provided.

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

No weapons are allowed on the premises during public meetings. Upon entering POST's

facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. CALL TO ORDER

II. ROLL CALL OF POSAAB MEMBERS

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

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board Chair will advise the audience of the following:

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

IV. APPROVAL OF MEETING TRANSCRIPTS

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on April 15, 2026.

a. Approval of Meeting Transcript from the April 15, 2026 Hearing

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

V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS

VI. NEW BUSINESS

a. Proposed 2027 Peace Officer Standards Accountability Advisory Board Meeting Dates

If the Board concurs, the appropriate action would be a **MOTION** to approve the 2027 POSAAB meeting dates.

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

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

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

a. POST2507244 - Eduardo Escareno-Davila (POST ID: C99-P62) Last Employing Agency: Mendocino County Sheriff's Office

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

b. POST2505112 - Kevin Smithmatungol (POST ID: C88-T32) Last Employing Agency: Daly City Police Department

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

VIII. CLOSED SESSION

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

IX. FUTURE BOARD MEETING DATES FOR 2027

Upcoming Board meetings will be held:

- October 14-15, 2026 - POST HQ, West Sacramento

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2507244 - EDUARDO ESCARENO-DAVILA (POST ID: C99-P62) LAST EMPLOYING AGENCY: MENDOCINO COUNTY SHERIFF'S OFFICE

REPORT PROFILE

MEETING DATE 07/16/2026	**BUREAU SUBMITTING THE REPORT** Peace Officer Standards Accountability Division	
RESEARCHED BY Gerald Fernandez	**REVIEWED BY** Robert Guyton	
REPORT DATE	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

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

BACKGROUND:

Respondent began his employment with the Mendocino County Sheriff's Office (MCSO) on June 11, 2023 as a Trainee, becoming a full-time Deputy Sheriff/Coroner on December 10, 2023. Respondent held a peace officer position as defined under California Penal Code § 830.1(a). Respondent did not earn a peace officer certificate from POST; however, he was issued a Proof of Eligibility (POE) by POST, based on his appointment as a peace officer by the MCSO. At the time of the event at issue, Respondent was off duty. Approximately a week later, he was released during his probationary period. Respondent's POE expired upon his separation from the MCSO.

On November 13, 2024, at approximately 0310 hours, while off duty, Respondent surreptitiously entered his roommate's (Victim) bedroom and touched her vaginal area while she was sleeping. Respondent's physical touch woke Victim up. When Victim turned on the light in her bedroom, she saw Respondent lying on the floor, attempting to hide under her bed.

Victim confronted Respondent, who appeared intoxicated. Respondent told Victim he was looking for a white cat that used to be Victim's pet. Respondent repeatedly told Victim he was sorry. Respondent had never been in Victim's bedroom before, which was an unspoken rule that it was off-limits, according to the Victim. Although they were roommates, Respondent and Victim had never been in a romantic relationship, nor was there any reason to suggest she was romantically interested in him.

Respondent admitted that he had consumed beer the night of the incident and was intoxicated. He admitted that he lied to Victim when he said he was looking for the white cat. Respondent said that he went into Victim's bedroom, touched her foot, and moved his hand up her leg until he reached her calf area, at which point Victim woke up so he stopped. However, Respondent denied touching Victim's vaginal area. After Victim confronted Respondent, she called the MCSO to report the incident. MCSO deputies responded to Victim's call for service, interviewed Victim, and later the Respondent. An Emergency Protective Order (EPO) was served upon Respondent.

On December 9, 2024, Respondent was charged with one count of sexual battery, Penal Code § 243.4(e)(1), a misdemeanor. On February 20, 2026, the Complaint was amended to add a misdemeanor battery charge for Penal Code §§ 242 and 243(a). Respondent then pled guilty to the misdemeanor battery charge, and the court dismissed the sexual battery charge. The court then suspended sentencing based on a deferred entry of judgment/non-drug program. If Respondent abides by all the conditions of his deferred entry of judgment, it is possible that the battery charge will be dismissed on February 19, 2027.

On May 15, 2025, the MCSO initiated an administrative investigation predicated on the Victim's original allegations and related criminal investigation. On July 10, 2025, the administrative investigation was completed with sustained findings for policy violations for standards of conduct, laws rules and orders, and sexual battery by the MCSO.

Video Evidence Link:

- **BR09 POST2507244 EscarenoDavila Eduardo Attachment E Victim Interview with Detective Woida**
- **BR10 POST2507244 EscarenoDavila Eduardo Attachment F Dispatch Call 1**
- **BR11 POST2507244 EscarenoDavila Eduardo Attachment G Dispatch Call 2**
- **BR12 POST2507244 EscarenoDavila Eduardo Attachment H Initial Victim Interview**
- **BR16 POST2507244 EscarenoDavila Eduardo Attachment L Respondent Interview**
- **BR17 POST2507244 EscarenoDavila Eduardo Attachment M Respondent Demonstration**
- **BR18 POST2507244 EscarenoDavila Eduardo Attachment N Video of Respondent Pointing Here**

ANALYSIS:

Clear and convincing evidence substantiated that the Respondent violated California Penal Code §13510.8(b)(6) and Commission Regulation §1205(a)(6), Acts that Violate the Law. Specifically, Respondent violated California Penal Code § 243.4(e)(1) that says, in part, "Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, or any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of misdemeanor sexual battery…" Penal Code § 243.4(g)(1) defines an intimate part as "the sexual organ, anus, groin, or buttocks of any person, and the breast of a female."

Respondent violated the law, Penal Code § 243.4(e)(1), sexual battery, when he admittedly crawled into Victim's bedroom without her knowledge or permission and touched Victim's bare skin with his bare hand while she was sleeping in her bedroom. Although Respondent denied touching Victim's vaginal area, he also said three separate times during his investigative interview that he wasn't sure what other parts of Victim's body he touched besides her foot and leg.

Victim's account of the incident was essentially consistent with Respondent's, except that Victim alleged that Respondent had indeed touched her vaginal area, which is what caused her to wake up. Victim was assessed to be highly credible because

she provided consistent statements to dispatch and the responding deputies and she provided specific details when recounting the battery. Additionally, Victim was wearing loose-fitting shorts with no underwear, which made the direct skin-to-skin contact of her vaginal area plausible, which woke her up. Victim has no known motive to fabricate the allegations that Respondent touched her vaginal area and it was not in her best financial interest to have Respondent moved out due to the emergency protective order.

Respondent's actions represented a glaring contradiction with his obligation to uphold the law as a peace officer.

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

ATTACHMENT(S):

BR01_POST2507244_EscarenoDavila Eduardo_ISF.pdf
BR02_POST2507244_EscarenoDavila Eduardo_ExecReviewDivisionRec.pdf
BR03_POST2507244_EscarenoDavila_Eduardo_POSTProfile_Redacted.pdf
BR04_POST2507244_EscarenoDavila Eduardo_AgencyIA_Redacted.pdf
BR05_POST2507244_EscarenoDavila Eduardo_Attachment A - Memo of Release_Redacted.pdf
BR06_POST2507244_EscarenoDavila Eduardo_Attachment B - Criminal Complaint_Redacted.pdf
BR07_POST2507244_EscarenoDavila Eduardo_Attachment C - Deferred Entry of Judgment Order.pdf
BR08_POST2507244_EscarenoDavila Eduardo_Attachment D - Personnel Complaint Disposition.pdf
BR13_POST2507244_EscarenoDavila Eduardo_Attachment I - EPO_Redacted.pdf
BR14_POST2507244_EscarenoDavila_Eduardo_Attachment_J_-_TRO_Redacted.pdf
BR15_POST2507244_EscarenoDavila Eduardo_Attachment K - Search Warrant_Redacted.pdf