

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Kevin Smithmatungol

POST ID NUMBER: C88-Y32

EMPLOYING AGENCY: Daly City Police Department

POST CASE NUMBER: POST2505112 / POST2505137 / POST2505140

WRITTEN BY: LEC Christina Moore

DATE: 4/14/2026

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I. Executive Summary and Findings

Daly City Police Department (DCPD) Officer Kevin Smithmatungol, hereinafter "Respondent," failed to provide true and accurate information to his supervisor regarding the identification of the subject of a criminal investigation and was dishonest by providing false statements during his Internal Affairs interviews related to three (3) separate investigations of misconduct. As a result, the Respondent was served a Notice of Intent to Terminate[1] and resigned from DCPD effective October 1, 2025.[2]

On June 2, 2024, the Respondent responded to the Target retail store in the Serramonte Center in Daly City, California. The Respondent contacted a female subject, who was detained by Target security for shoplifting, and cited and released the party. On the day of the incident, when questioned by his supervisor regarding how the party was identified, the Respondent claimed to have obtained the subject's fingerprint, when he had not. During his Internal Affairs interview, the Respondent again claimed to have obtained the subject's fingerprint when he had not. During his interview with the Division, the Respondent admitted he did not obtain a fingerprint from the subject at any time, was dishonest to his supervisor, and was dishonest in his Internal Affairs interview.

On June 20, 2024, the Respondent arrived late for his pre-scheduled training day. When questioned by his supervisor as to why he was late, the Respondent claimed to be handling evidence related matters. The Respondent then sent the Property Room Manager a text message indicating if she was asked by a supervisor to let them know he was handling evidence with her, when he had not been. During his Internal Affairs interview, the Respondent was evasive about his arrival time, again claimed to have been handling evidence related matters, and denied sending the text message for the purpose of creating an alibi. During his interview with the Division, the Respondent admitted he was late, did not handle evidence related matters that morning, and the text message appeared untruthful.

On October 25, 2024, the Respondent was assigned two (2) subpoenas to serve. The Respondent informed his supervisor and wrote on the subpoena return slip that he had attempted to serve each subpoena when he had not. During his Internal Affairs interview, the Respondent again claimed to have attempted to serve the subpoenas when he had not. After being presented with evidence, the Respondent ultimately agreed if there was no evidence of him at the locations then he may not have served them. During his interview with the Division, the Respondent admitted he did not

[1] Attachment I – Notice of Intent to Terminate.
[2] Attachment J – Letter of Resignation.

physically attempt to serve either subpoena, was dishonest on the subpoena return slip, and was dishonest in his Internal Affairs interview.

Analysis of the administrative evidence, the Respondent's statements during the internal affairs interviews, and the Respondent's interview with the Division, establish clear and convincing evidence the Respondent committed serious misconduct as defined in Penal Code §13510.8(b)(1) and Commission Regulation 1205(a)(1) – *Dishonesty.*

II. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of the Commission on Peace Officer Standards and Training (POST). The investigation included a review of the Daly City Police Department's three (3) administrative investigations. The review of the first administrative investigation (24-04) included interviews of four (4) witnesses and an interview with the subject officer, the criminal report written by the subject officer and the associated citation, the Body Worn Camera (BWC) recordings from the incident, the Target store surveillance footage, and the Computer Aided Dispatch (CAD) Log associated with this case. The review of the second administrative investigation (24-06) included interviews with three (3) witnesses and an interview with the subject officer, the Daly City Door Code Logs, and the Respondent's work schedule. The review of the third administrative investigation (24-07) included interviews with three (3) witnesses and an interview with the subject officer, AXON Automated License Plate Reader (ALPR) data, video surveillance, and the CAD Logs associated with this case.

The information obtained in this investigation was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that the Division believes establishes the requisite facts and proves the serious misconduct charged by clear and convincing evidence.

III. Respondent's Background

At the time of the events at issue, the Respondent was employed as an Officer with the DCPD. This position is classified as a peace officer under California Penal Code (PC) Section 830.1 (a).

A. Respondent's Peace Officer Certificates and Employment

The Respondent began his employment with the DCPD on January 3, 2022, as a trainee and was promoted to full-time Officer on July 11, 2022. Respondent is assigned POST ID C88-Y32. He received the following peace officer certificates from POST:[3]

Certificate Type	*Certificate Number*	*Date Issued*
Basic	212190	01/19/2024
Intermediate	157942	07/11/2024

B. Respondent's Service Record

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and California Regulation section 1213(a)(5) provide that the Commission must consider Respondent's prior conduct, discipline and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case. The following is a summary of the Respondent's prior conduct and discipline record:[4]

On October 7, 2023, the Respondent was counseled for being involved in a preventable collision while operating a city vehicle when he broadsided an uninvolved vehicle in the lane next to him during a traffic enforcement stop.

On October 30, 2023, the Respondent was counseled for being involved in a preventable collision while operating a city vehicle when he located a subject vehicle who had intentionally rammed a patrol vehicle. As the suspect vehicle fled at a high rate of speed, it became momentarily disabled. The Respondent intended to perform a vehicle containment technique with his patrol vehicle. The Respondent drove toward

[3] Attachment B – Respondent's POST EDI Profile.
[4] Attachment I – Notice of Intent to Terminate.

the rear passenger side of the suspect vehicle, subsequently colliding with it. The patrol vehicle's braking data indicated the vehicle was in a locked tire skid prior to the collision.

On March 3, 2024, the Respondent was counseled for failing to adhere to DCPD's vehicle pursuit policy when he located a stolen vehicle, initiated a vehicle pursuit when speeds reached 89 MPH on city streets, passed an uninvolved motorist on the right, and failed to update the speeds and traffic conditions on his radio.

On October 24, 2024, the Respondent was counseled for failing to adhere to DCPD's BWC policy when he conducted a sub-standard death investigation and muted his BWC when it was not appropriate to do so while conducting interviews and conversations that were pertinent to the investigation.

On December 21, 2024, the Respondent received a Written Letter of Reprimand when he failed to properly book a purse into the evidence room. The Respondent ultimately booked the purse; however, it was discovered the purse contained narcotics, drug paraphernalia, and potentially stolen property (check book). The Respondent failed to follow DCPD's booking procedures and failed to ensure the purse was free of any items which could potentially harm property room staff.

On January 18, 2025, the Respondent was involved in a preventable collision when he collided with the center median during a vehicle pursuit. The Respondent was determined to have caused the collision by being in violation of California Vehicle Code Section 22350, unsafe speed with an additional associated factor of inattention as he reached for the radio while attempting to maneuver the turn. As a result, on February 24, 2025, the Respondent was placed on Administrative Leave for the three (3) open administrative investigations and his 3rd traffic collision.

IV. Factual Background

A. June 2, 2024 (Shoplifter)

On June 2, 2024, the Respondent responded to the Target store in the Serramonte Center in Daly City, California. The Respondent contacted a female subject, who was detained by Target security for shoplifting. A secondary officer responded to provide Spanish translation for the female subject. The female subject verbally provided a name and date of birth, indicated she was from North Carolina, and presented a bank card with the same name. The officers conducted a records check, but there was no record of the name provided. During the investigation, a second shoplifter was detained, and the Respondent's attention was diverted. While his partner officer monitored the second subject, the Respondent cited and released the female subject for

shoplifting, based on the name and date of birth provided. The Respondent also cited and released the second subject; however, the male subject provided his name and date of birth. A records check revealed the male subject's California Identification number, and the Respondent confirmed his identity via photographic records.

The Respondent's field supervisor reviewed the Respondent's report and returned it to him for corrections, indicating the Respondent failed to document how or if the female suspect was identified. That evening, the Respondent spoke with his supervisor regarding the requested corrections, explained he thought suspects could be issued citations without being positively identified, and spontaneously stated he had obtained the suspect's fingerprint. After confirming that the Respondent had not obtained a digital fingerprint from the subject, as the electronic ticket writer the Respondent used that day did not have the capabilities of obtaining a digital fingerprint, and after reviewing the BWC recordings from the incident,[5] on or about June 8, 2024, the supervisor confronted the Respondent that it appeared he had not obtained a fingerprint from the subject. The Respondent stated at the conclusion of his detention, he walked the subject to his patrol vehicle where he printed a duplicate copy of the citation, retrieved an ink pad, and fingerprinted the subject. The supervisor again asked if he was sure he obtained a fingerprint, to which the Respondent stated yes and indicated he would check his duty bag for the physical copy, but then reported to his supervisor he was unable to locate it. The supervisor obtained the surveillance footage from Target, which displayed no evidence to substantiate a fingerprint was obtained.[6] As a result of the suspected dishonest statements, an Internal Affairs investigation (24-04) was initiated.

On January 31, 2025, the Respondent participated in an Internal Affairs interview related to the identification of the suspect and the statements made to his supervisor. During the Internal Affairs interview, the Respondent made the following statements:[7]

- When asked if he obtained a fingerprint of the female subject, the Respondent stated, "*I did."*[8]
- When asked when the fingerprint was obtained, the Respondent stated, "…s*o I gave her the citation when she was sitting down in the security office, uh, briefly went out or gave her the citation while she was in the office,"* and further explained, "*Um, got everything I needed from security. She walked out to go find a friend that she was with at the initial time of call that's when the security officer said that there's two of them, one of them already left. She went to go find her friend or something like that because she went back into the Target store and*

[5] Attachment C – Administrative Investigative Memorandum Excerpts (24-04) – page 2.
[6] Attachment C – Administrative Investigative Memorandum Excerpts (24-04) –pages 3-4.
[7] Attachment D – Administrative Interview Transcript (24-04).
[8] Attachment D – Administrative Interview Transcript (24-04) – page 5, line 39.

then dealt with the other shoplifter outside in front of the Target store. I'm not sure how long after and she came out, and that's when I realized I didn't get a fingerprint from her. And my ink pad is in the front pocket of my duty bag," and stated, "*And when she walked out, I grabbed my thumbprint or my ink pad, got the thumb print, and put the citation in my car until the end of shift."*[9]

- The Respondent further explained he printed a second citation for the subject within approximately 30 minutes of printing the first citation, while in the front parking lot of Target, by the handicap stall, in front of the exit, by the security office.
- When asked if there was any reason he would have told his supervisor that he had printed a second citation and obtained a fingerprint when he had not, for the purpose of avoiding getting in trouble, the Respondent stated, "*No. Why would I jeopardize my job for a citation of someone who stole home goods at Target? I worked, respectfully, my ass off to get here, and I believe I deserve to be here. I don't want to risk my job for getting, being a scapegoat and trying to cover my mistakes.*"[10]
- When asked if he ever lied to his supervisor in regards to how he identified or fingerprinted the subject, the Respondent stated, "*No, I told her exactly what I told you.*"[11]

On January 13, 2026, the Respondent was interviewed by POST LEC Christina Moore and LEC Kevin Sherburne and made the following statements:[12]

- Between July 11, 2022, and October 1, 2025, he was employed as peace officer by the Daly City Police Department.
- During his employment, he investigated approximately a couple hundred cases involving shoplifting and cited and released 80-90 percent.
- During his employment, he never encountered a subject with no identification and/or was unable to identify an associated match through law enforcement databases; however, if he was faced with that situation, he would take the individual to jail to obtain a fingerprint through the booking process.
- On June 2, 2024, he cited and released a female subject, who verbally identified herself by name.
- The subject did not have a license, passport, or any other form of identification and a check through a law enforcement records indicated no match.
- He did not obtain a fingerprint from the subject.
- He did not confirm that the subject he cited was who she claimed to be.

[9] Attachment D – Administrative Interview Transcript (24-04) – page 5, lines 43-58.
[10] Attachment D – Administrative Interview Transcript (24-04) – page 8, lines 58-60.
[11] Attachment D – Administrative Interview Transcript (24-04) – page 9, line 5.
[12] Attachment K – Division Interview Transcript.

- He initially told his partner he was going to book the subject because there was no other way to identify her; however, then he told his partner he was going to cite her because they were short staff that day and stressed the importance of beat accountability.
- He related he made a *"bad judgement call"*[13] when he cited and released the subject and he should have taken her to jail.
- He indicated the subject appeared pregnant, he did not feel she was a habitual shoplifter, and he felt bad for her.
- At the time of the investigation, a second shoplifter was detained, he confirmed his identity by name and date of birth, to a matching California Identification number, which he confirmed by photo.
- When asked why he told his supervisor he obtained a fingerprint from the subject he stated, "*Um, I panicked. I, I have no excuse for what I did. I just, I just panicked. I, that was my first kind of getting in trouble doing something wrong, and I didn't take accountability for myself. And I have no excuse for that one."*[14]
- When asked why he claimed in his Internal Affairs interview that he obtained a fingerprint from the subject he stated, *"Um, I, like I said, I have no excuse. I was going through some personal things then, and I, I have no reason."*[15]
- He reviewed his BWC prior to his Internal Affairs interview, was aware he should have booked the subject when he was unable to identify her, and decided to not be forthcoming with that information during his Internal Affairs interview. When asked why, he stated, *"I don't have any excuses. Um, that that was my first kind of disciplining and as well as some things back at home and, or something happening at home and I just wasn't in the right mindset and I didn't take responsibility for my actions."*[16]
- He admitted he was dishonest in his Internal Affairs interview.
- He agreed with the findings and recommendations by DCPD and stated, *"Um, I, it's appropriate and I messed up. I didn't take accountability and I don't deserve to be a department that would have your back if you can't even do the right thing. And so whatever they did was appropriate and that's why I didn't fight it during the Skelly. I just wanted to take it head on."*[17]
- He indicated he had no evidence to refute the findings of dishonesty.

[13] Attachment K – Division Interview Transcript – page 14, line 58 - page 13, line 7.
[14] Attachment K – Division Interview Transcript – page 17, lines 29-31.
[15] Attachment K – Division Interview Transcript – page 17, lines 36-37.
[16] Attachment K – Division Interview Transcript – page 19, lines 22-24.
[17] Attachment K – Division Interview Transcript – page 19, lines 55-58.

B. June 20, 2024 (Training Day)

On June 20, 2024, the Respondent was scheduled to attend training at the DCPD station at 0700 hours but arrived at the station at approximately 0730 hours. At approximately 0740 hours, the Respondent reported to the training room and was confronted by his supervisor as to why he was late. The Respondent related he was with the Property Room Manager addressing some outstanding evidence, when he had not been. At approximately, 0807 hours the Respondent sent the Property Room Manager a text message which stated, *"If Karen or Jerel* [supervisors] *asks can you please let them know I was handling evidence.com with you!"*[18] As a result, an Internal Affairs investigation was initiated (24-06). Although this act alone does not constitute dishonesty for the purposes of serious misconduct, as the act was not committed during the reporting, investigation, or prosecution of a crime, on January 31, 2025, the Respondent participated in an Internal Affairs interview and made the following statements:[19]

- When asked when he arrived at training on June 20, 2024, the Respondent stated, "*I don't remember the exact time, but around seven o'clock,*" and "*plus or minus 15 to seven o'clock, I don't remember if it was before or after.*"[20] When asked if he arrived at or around 0700 hours, the Respondent stated, "*yes.*"[21] Later in the interview, after clarifying which door he enters every day, he claimed he could have been 30 minutes late.[22]
- When asked if he was in the training room at 0700 hours, the Respondent stated, "*Sorry, no,*" and when immediately asked where he was, the Respondent stated, "*Uh, locker room, changing out, using the restroom, and then, since it was a Thursday, I had, uh, some emails from evidence that I was going to take care of,"* and "*Because my portion of the training wasn't until an hour and half, two hours after the 7:00 AM start time.*"[23]
- When asked if he provided his supervisors with a reason for being late to entering the training room, the Respondent stated, "*Uh, yes. I told 'em I was working. I was, I was going to do evidence. I think I told the sergeants, I said <u>with</u> Rose, but I meant <u>for</u> Rose. Okay. That's just a slip up of words.*" The Respondent further explained, "*Uh, Officer Douglas, Officer Tualauleleli, um, confronted me about showing up late and what was my reason. I told them I was going to do evidence or I was doing evidence, um, to finish the evidence 'cause I have the emails from Monday through Thursday 'cause my work day's Friday*

[18] Attachment E – Administrative Investigation Memorandum Excerpts (24-06) – page 10.
[19] Attachment F – Administrative Interview Transcript (24-06).
[20] Attachment F – Administrative Interview Transcript (24-06) – page 3, lines 36-41.
[21] Attachment F – Administrative Interview Transcript (24-06) – page 3, line 45.
[22] Attachment F – Administrative Interview Transcript (24-06) – page 8, lines 54-58.
[23] Attachment F – Administrative Interview Transcript (24-06) – page 3, lines 47-60.

through Sunday," "Um, I was gonna go through the, the property tab on RIMS and evidence.com and, um, all the evidence on my phone," "*Um, I told, they asked me, or I think I told 'em I did it with Rose,"* and *"Not physically with Rose. It was supposed to be for Rose.*"[24]

- When presented with the text message he sent to the Property Room Manger, the Respondent stated he did not send a text message for the purpose of creating an alibi, but rather to inform her a supervisor would likely contact her.[25]

On January 13, 2026, the Respondent was interviewed by POST LEC Christina Moore and LEC Kevin Sherburne and made the following statements:[26]

- At the time of the incident, he lived seven (7) minutes from the DCPD office.
- On June 20, 2024, he intended on waking up at 0615 to 0620 hours, but woke up late between 0655 to 0710 hours.
- From 0700 to 0730 hours, he was "*Getting outta bed, throwing on clothes and getting on the, getting out of the car or getting outta the house to go to work*."[27]
- He indicated he was "*exhausted*"[28] from working an overtime shift the night before and concluded his shift around midnight.
- He did not obtain supervisor approval to modify his work schedule, did not notify a supervisor he would be late, and did not think to do so because he had never been late before.
- He was compensated for a full workday despite not arriving until 0730 hours.
- He said in his IA interview when he was asked by his supervisors why he was late, he told his supervisors he was handling evidence with/for the Property Room Manager (Rose Meere), but admitted he was not handling evidence for her.[29]
- He sent Rose the text message because he intended to do evidence with her; however, she was not there.
- When asked why he would send her the text when he had not done evidence with her, he stated, *"I no excuse. I mean, I was, I texted her 'cause uh, I was gonna go do it with her. She ended up not being there*."[30]
- When asked if any part of the text message to Rose was untruthful, he stated, "*Yeah, I didn't do it with Rose*,"[31] but was unable to explain why he did it.

[24] Attachment F – Administrative Interview Transcript (24-06) – page 4, line 44 – page 5, line 8.
[25] Attachment F – Administrative Interview Transcript (24-06) – page 7, lines 34-46.
[26] Attachment K – Division Interview Transcript.
[27] Attachment K – Division Interview Transcript – page 21, lines 1-6.
[28] Attachment K – Division Interview Transcript – page 21, line 15.
[29] Attachment K – Division Interview Transcript – page 22, lines 44-47.
[30] Attachment K – Division Interview Transcript – page 22, lines 49-52.
[31] Attachment K – Division Interview Transcript – page 22, line 56.

- He stated, "*When I, when the sergeant asked me why I was late, I told her I came late. Um, but I was gonna, I was gonna do property with Rose, but I ended up not doing it."*[32]
- When asked to clarify we he would use past tense versus future tense if he planned on doing evidence with her, he stated, "*I, it was untruthful*."[33]
- He denied sending the text to create an alibi.
- He denied sending the text to ask Rose to cover for him.
- He denied sending the text to ask Rose to lie on his behalf.
- He denied sending the text to conceal the fact that he was late for work.
- He admitted he used past tense and asked Rose to tell a sergeant he was doing evidence with her when he had not been, but "*didn't not do it on purpose*."[34]
- He admitted he asked Rose to do something they had not done.
- He agreed with the findings and recommendations by DCPD and stated, *"Um, I, I have no excuse. I, I, I messed up. I, it what I said in the text appeared to be untruthful and misleading and I I have no excuse. I was, I was being untruthful*."[35]
- He indicated he had no evidence to refute the findings of dishonesty.
- He indicated he did not feel he was well prepared for the IA interview by his attorney at the time, but accepted responsibility for the things he said.

C. October 25, 2024 (Subpoenas)

On October 25, 2024, at the beginning of his shift, the Respondent was assigned two (2) subpoenas to serve by his supervisor. Towards the end of his shift (morning of October 26, 2024) the Respondent submitted the two (2) subpoenas back to his supervisor, told her he attempted to serve them, and indicated on the subpoena return slip he attempted service with a remark of "*No Answer*" at 2123 hours and 2142 hours respectively.[36] The supervisor did not recall hearing the Respondent notify dispatch of any subpoena attempts, which she believed was out of character for him, and reviewed the Respondent's calls for service which indicated there were no service attempts. Additionally, the supervisor recalled being on scene with the Respondent during the time period listed on the subpoena return slip, checked the call for service, and confirmed they were on scene until 2130 hours. The supervisor reviewed Flock and Axon Automated License Plate Reader (ALPR) hits for the Respondent's vehicle, but neither indicated the Respondent visited either residence listed on the subpoenas.[37] The supervisor contacted a resident from the one of the subpoenas who indicated she

[32] Attachment K – Division Interview Transcript – page 23, lines 8-9.
[33] Attachment K – Division Interview Transcript – page 23, lines 11-17.
[34] Attachment K – Division Interview Transcript – page 24, lines 9-12.
[35] Attachment K – Division Interview Transcript – page 25, lines 16-22.
[36] Attachment G – Administrative Investigative Memorandum Excerpts (24-07) – pages 1-4.
[37] Attachment G – Administrative Investigative Memorandum Excerpts (24-07) – page 2.

was home the entire evening and no one came to her door. As a result, an Internal Affairs investigation (24-07) was initiated.

On January 31, 2025, the Respondent participated in an Internal Affairs interview and made the following statements:[38]

- In response to "*On October 25th at 2123 hours, did you drive to the residence of* [redacted] *and attempt to serve that subpoena right there?"* the Respondent stated, "*I did.*"[39]
- In response to *"You did? How do you remember that?"* the Respondent stated, *"Uh, well, I mean, the subpoenas, I, I, I always try to serve 'em. I don't try not to serve 'em. I mean, they're part of the job. They, I have to do it. Um, so I would say I went to the house, I knocked on the door and, no answer, I left."*[40]
- When confronted with the fact he was at a call for service during the time indicated he attempted to serve the subpoena, the Respondent stated, *"I don't remember writing the exact times exactly right after I did it. I think it was served. I attempted to serve it, went to a different call and then filled it in later. But I didn't put exactly the time I served it."*[41]
- In response to *"Can you say definitively that GPS on your patrol car would show you at these two addresses on this date?"* and the Respondent stated, *"On that day, yes it will."*[42]
- In response to "*On October 25th at 2142 hours, did you drive to the residence of* [redacted] *and attempt to serve the subpoena?"* the Respondent stated, "*Yes.*"[43]
- When confronted that a homeowner from one of the residences listed in the subpoena indicated they were home all evening and no one came to the door, the Respondent stated, *"No. I mean, I, it's a subpoena. It's not worth my job."*[44]
- When confronted with the fact the video surveillance in the area does not show the Respondent's patrol vehicle on that street listed on the subpoena, the Respondent stated, *"Because it could have not been that time. I, like I said, I don't, I, I think I just put a random time on there, but I showed up that day."*[45]
- When asked if ring camera footage is reviewed from 7:00pm to 8:00am, would they see his patrol car on the street, the Respondent stated, *"It should."* When

[38] Attachment H – Administrative Interview Transcript (24-07).
[39] Attachment H – Administrative Interview Transcript (24-07) – page 6, lines 20-24.
[40] Attachment H – Administrative Interview Transcript (24-07) – page 6, lines 26-30.
[41] Attachment H – Administrative Interview Transcript (24-07) – page 6, lines 55-57.
[42] Attachment H – Administrative Interview Transcript (24-07) – page 7, lines 18-21.
[43] Attachment H – Administrative Interview Transcript (24-07) – page 7, lines 37-44.
[44] Attachment H – Administrative Interview Transcript (24-07) – page 8, lines 2-11.
[45] Attachment H – Administrative Interview Transcript (24-07) – page 8, lines 29-37.

asked to explain why he indicated *it should* rather than *it will,* the Respondent stated, *"I can't explain. Um, it will."*[46]

- When asked, *"Is there any clarity that you can give me as to why I'm not showing your vehicle at these locations?"* the Respondent stated, *"I genuinely don't remember serving the subpoenas. Okay. That's why I wanted to see the calls from that day 'cause I wanted to narrow down that happened that day. I generally don't remember."*[47]
- When asked, *"So if there's no evidence of you doing it, then you didn't do it?"* and the Respondent stated, *"If there's not, then there's not."*[48]
- The Respondent stated, *"I don't, I don't want to give you all these excuses, but if there's no video of me doing it, then I, maybe I didn't do it. And I don't know why these dates and times would be on there, but I, I don't remember honestly."*[49]
- When asked, *"Um, at this point, I just have one last question and is, did you willfully write times and dates on there with the intent to deceive in any way, um, and state something on that paperwork that you knew to be not true?"* and the Respondent stated, *"I don't. I just, I wrote it on here. I, this is my handwriting. I wrote it. Yep. But I don't, I can't recall why I wrote it."*[50]

On January 13, 2026, the Respondent was interviewed by POST LEC Christina Moore and LEC Kevin Sherburne and made the following statements:[51]

- He estimated, throughout his career, he has attempted to serve 100 subpoenas, and of those, has successfully served a couple dozen.
- On October 25, 2024, he was assigned two (2) subpoenas to serve during his shift.
- He did not personally know either of the intended recipients of either subpoena.
- He did not attempt to serve either subpoena.
- He gave the subpoena return slip to his sergeant after indicating he attempted to serve each subpoena at 2123 hours and 2142 hours respectively.
- He had no evidence to refute the following evidence presented to him: CAD history, BWC, APLR data, Nest camera footage, and a witness interview.
- When asked why he indicated on the subpoena return slip that he had attempted to serve the subpoena on [redacted] when he had not, he stated, "*In all honesty, I didn't want to get in trouble. Um, it's plain and simple*."[52]

[46] Attachment H – Administrative Interview Transcript (24-07) – page 8, line 49 – page 9, line 3.
[47] Attachment H – Administrative Interview Transcript (24-07) – page 11, lines 35-40.
[48] Attachment H – Administrative Interview Transcript (24-07) – page 13, lines 4-9.
[49] Attachment H – Administrative Interview Transcript (24-07) – page 13, lines 24-26.
[50] Attachment H – Administrative Interview Transcript (24-07) – page 14, lines 1-6.
[51] Attachment K – Division Interview Transcript.
[52] Attachment K – Division Interview Transcript – page 32, line 36.

- He further explained that it was an expectation for officers at DCPD to make an attempt to serve subpoenas and no attempt is not acceptable, he heard and observed it firsthand how other officers would inaccurately note attempts of service when no attempt was made.
- He admitted he said during his IA interview he attempted to serve both subpoenas and when asked why, he stated, "*I, I don't know why I did that. It was untruthful and I had no reason to*."[53]
- He admitted he said during his IA interview that GPS will show his patrol vehicle was at both residences and when asked why, he stated, *"Um, I dunno why I did, but it was untruthful*."[54]
- He explained he was "*nervous*" and "*scared*."[55]
- He indicated there was no reasoning as to the times he wrote on the subpoena return slip, he just wrote in times at the end of this shift.
- He admitted by stating in his IA interview that he attempted to serve both subpoenas when he had not, he was dishonest.
- He admitted he did not demonstrate integrity.
- He stated, "*Um, I try to excuse myself and not want to get in trouble. In trouble. And so instead of confronting the issue head on at the time it happened, I try to work my way around it and it was not the right thing to do. It questions, I mean, it, it makes assumptions of who I am and who I am as a person, which I'm, I'm not, I mean, I hope I'm not, but now that my name is tarnished and the department's tarnished and, um, sorry, it's, it just questions my integrity.*"[56]
- He agreed with the findings and recommendations by DCPD and stated, "*I, I deserve it. I mean, I deserve the discipline that I got. I had no excuse for it*."[57]
- When asked how he would explain his actions to a future employer, he stated, "*That I wholeheartedly messed up. I, whatever I did, I did. Um, I have no reasons to be dishonest and whatever questions they ask, I'll say with wholehearted truth and there's nothing to hide at this point. And so if, if given the opportunity, everything's gonna be out on the table and I'm, I'd be happy to answer any questions and take full responsibility of what happened.*"[58]
- He explained, *"…that's not an excuse, but I personally think that what I was kind of, what was going on at home was kind of influencing and kind of keeping it bottled up with me and my fiancé kind of changed a lot of things. Um, but I went to seek therapy, went to go get help, and it's helping*…"[59]

[53] Attachment K – Division Interview Transcript – page 34, lines 12-18.
[54] Attachment K – Division Interview Transcript – page 34, lines 25-29.
[55] Attachment K – Division Interview Transcript – page 34, lines 38-40.
[56] Attachment K – Division Interview Transcript – page 35, lines 30-34.
[57] Attachment K – Division Interview Transcript – page 35, lines 52-56.
[58] Attachment K – Division Interview Transcript – page 36, lines 26-29.
[59] Attachment K – Division Interview Transcript – page 36, lines 32-35.

- He also explained, "…*I've learned, I, like I said, I went to therapy, go to therapy now. Um, trying to be able to, my, my, I think my issue was I was afraid of confrontation. Confrontation with supervisors, confrontation with anything. Um, because I knew I was wrong. And I can say that wholeheartedly I was wrong, but at that moment I couldn't say I was wrong. I don't know why I couldn't say I was wrong, but I was wrong*."[60]

V. Analysis and Findings

The Present Allegations of Serious Misconduct

1. June 2, 2024 (Shoplifter, IA #24-04)

On July 2, 2024, DCPD initiated an investigation into the Respondent's dishonest statements to his supervisor which occurred on June 2, 2024.

On April 17, 2025, DCPD Lieutenant Harold Rolfes determined all allegations against the Respondent were sustained.

2. June 20, 2024 (Training Day, IA #24-06)

On October 28, 2024, DCPD initiated an investigation into the Respondent's dishonest statements to his supervisor which occurred on June 20, 2024.

On May 14, 2025, DCPD Lieutenant Lee Auila determined all allegations against the Respondent were sustained.

3. October 25, 2024 (Subpoenas, IA #24-07)

On October 28, 2024, DCPD initiated an investigation into the Respondent's dishonest statements to his supervisor which occurred on October 25, 2024.

On June 2, 2025, DCPD Lieutenant M. Busalacchi determined all allegations against the Respondent were sustained.

[60] Attachment K – Division Interview Transcript – page 38, lines 20-24.

4. Agency Discipline, Appeals, and Division Notification

As a result of the allegations sustained from Administrative Investigation 24-04, 24-06, and 24-07, the Respondent was served a Notice of Intent to Discipline on June 2, 2025.[61]

On June 12, 2025, DCPD made initial notifications to Division of each of the Administrative Investigations and provided the Administrative Investigation reports.

On August 15, 2025, the Respondent participated in an administrative meeting where he resigned from DCPD effective October 1, 2025.[62]

A. Does the alleged conduct violate POST Regulation 1205(a)(1) – Dishonesty?

1. June 2, 2024 (Shoplifter)

Based on the following clear and convincing evidence, it is highly probable the Respondent's claim of obtaining a fingerprint from the subject during his Internal Affairs interview was dishonest:

- BWC recordings from the Respondent and responding officers, which captured the entire enforcement contact, as well as a subsequent enforcement contact at the same location, displayed no evidence to substantiate a fingerprint was obtained.[63]
- The surveillance footage from the Target shopping center, which displayed the Respondent's arrival, parked patrol vehicle, and departure from the scene, displayed no evidence to substantiate a fingerprint was obtained.[64]
- The electronic ticket writer was not equipped to obtain a digital fingerprint.[65]
- The data extraction from the electronic ticket writer displayed no evidence to substantiate a duplicate citation was printed.
- During his interview with the Division, the Respondent admitted he did not obtain a fingerprint from the subject.
- During his interview with the Division, the Respondent admitted he did not know if the person he cited and released for shoplifting was who she said she was.

[61] Attachment I – Notice of Intent to Terminate.
[62] Attachment J – Letter of Resignation.
[63] Attachment C – Administrative Investigative Memorandum Excerpts (24-04) – pages 6-10.
[64] Attachment C – Administrative Investigative Memorandum Excerpts (24-04) – pages 10-13.
[65] Attachment C – Administrative Investigative Memorandum Excerpts (24-04) – pages 2-3.

- During his interview with the Division, the Respondent admitted he was dishonest with his supervisor when he claimed to obtain a fingerprint from the subject when he had not.
- During his interview with the Division, when asked why he informed his supervisor he had obtained a fingerprint when he had not, the Respondent stated he "*Um, I panicked*. *I, I have no excuse for what I did. I just, I just panicked. I, that was my first time kind of getting in trouble doing something wrong, and I didn't take accountability for myself. And I have no excuse for that one*."[66]
- During his interview with the Division, when asked why when questioned during his Internal Affairs interview he stated he obtained the subject's fingerprint, he stated, "*Um, I, like I said, I have no excuse. I was going through some personal things then, and I, I have no reason."*[67]
- During his interview with the Division, the Respondent admitted going into his Internal Affairs interview he had concerns because he knew he should have booked the subject, but decided not to be forthcoming during his Internal Affairs interview. When asked why, the Respondent stated, "*I don't have any excuses. Um, that that was my first kind of disciplining and as well as some things back at home and, or some things happening at home and I just wasn't in the right mindset, and I didn't take responsibility for my actions.*"[68]
    - Note: The Respondent disclosed personal information he received between May 2024 and December 2024, which he believed affected his mindset at the time. The Respondent also referenced this being his first discipline; however, prior to his Internal Affairs interview the Respondent had four (4) documented incidents of counseling and one (1) written letter of reprimand related to multiple preventable collisions, failing to adhere to vehicle pursuit policy, failing to adhere to BWC policy, and failure to follow evidence booking procedures.

2. June 20, 2024 (Training Day)

Based on the following clear and convincing evidence, it is highly probable the Respondent's statements during his Internal Affairs interview were dishonest when he told his supervisors he arrived late because he was working on evidence with the Property Room Manager:

- The door code audit indicated the Respondent used his electronic key card to enter the DCPD station at 0731 hours.[69]

[66] Attachment K – Division Interview Transcript – page 17, lines 25-31.
[67] Attachment K – Division Interview Transcript – page 17, lines 33-37.
[68] Attachment K – Division Interview Transcript – page 19, lines 5-24.
[69] Attachment E – Administrative Investigative Memorandum Excerpts (24-06) – pages 16-17.

- No evidence in the electronic evidence management system was manipulated by the Respondent prior to 1100 hours.[70]
- According to witness statements and the Internal Affairs interview with the Respondent, the Respondent never met with the Property Room Manager that morning.[71]
- During the Internal Affairs interview, the Respondent claimed it was an issue of incorrect wording when he told his supervisors he was doing property *with* the Property Room Manager as opposed to *for* the Property Room Manager; however, the Respondent did not arrive at DCPD until 0731 hours.
- During the Internal Affairs interview, the Respondent claimed he was working on evidence by reviewing his emails on his cell phone while changing into his uniform in the locker room; however, the Respondent did not arrive at DCPD until 0731 hours.
- During the interview with the Division, the Respondent admitted he arrived late to work because he woke up late.[72]
- During the interview with the Division, the Respondent admitted he had not been handling evidence with the Property Room Manager prior to 0807 hours on June 20, 2024.
- During the interview with the Division, the Respondent admitted the text message he sent the Property Room Manager was "*untruthful,"* and admitted he had asked the Property Room Manager to say they were doing something that they had not been doing.[73]
    - Note: The Respondent maintained the text message was not for the purpose of creating an alibi or purposely asking her to cover for him, which lacks credibility when viewed in totality.
- During the interview with the Division, when asked to share his thoughts, feelings, or concerns after he read the completed Internal Affairs investigation, the Respondent stated, *"Um, I, I have no excuse. I, I, I messed up. I, it, what I said in the text appeared to be untruthful and misleading and I I have no excuse. I was, I was being untruthful."*[74]

[70] Attachment E – Administrative Investigative Memorandum Excerpts (24-06) – page 16.
[71] Attachment E – Administrative Investigative Memorandum Excerpts (24-06) and F – Administrative Interview Transcript (24-06).
[72] Attachment K – Division Interview Transcript – page 20, lines 30-32.
[73] Attachment K – Division Interview Transcript – page 22, lines 23-60.
[74] Attachment K – Division Interview Transcript – page 25, lines 16-17.

3. October 25, 2024 (Subpoenas)

Based on the following clear and convincing evidence, it is highly probable the Respondent's statements during his Internal Affairs interview were dishonest when he stated that he attempted to serve two subpoenas that had been assigned to him:

- A review of the Respondent's Computer Aided Dispatch (CAD) history and BWC confirmed he was on scene for a separate call of service at the time he indicated the first service attempt was made at 2123 hours.[75]
- A review of the Respondent's CAD history and BWC confirmed there were no calls for service generated and BWC activations related to subpoena service attempts.[76]
- The Respondent's Axon ALPR data indicated his patrol vehicle never traveled on the street of the first subpoena [redacted].[77]
- The Respondent's Axon ALPR data indicated his patrol vehicle drove past the residence of the second subpoena [redacted] twice during his shift. The Respondent made an enforcement stop across the street from the residence of the second subpoena, but BWC confirmed he never went to the residence.[78]
- Nest Camera footage from a neighboring residence near [redacted] indicated a patrol vehicle never traveled to the residence on October 25, 2024, between 2130 and 2200 hours.[79]
- A resident from the residence in the first subpoena [redacted] indicated he and his family were home during the day and night of October 25, 2024, no one came to their home to attempt to serve a subpoena.[80]
- At the end of his Internal Affairs interview, the Respondent stated, *"I don't, I don't want to give you all these excuses, but if there's no video of me doing it, then I, maybe I didn't do it. And I don't know why these dates and times would be on there, but I, I don't remember honestly."*[81]
- During the interview with the Division, the Respondent admitted he never attempted to serve either subpoena.
- During the interview with the Division, the Respondent explained, for the first subpoena, he wrote on the subpoena return slip that he attempted to serve it when had not because, *"In all honesty, I didn't want to get in trouble. Um, it's plain and simple."* The Respondent further explained DCPD officers were told they had to make an attempt for a subpoena, that no attempt was not acceptable,

[75] Attachment G – Administrative Investigative Memorandum Excerpts (24-07) – page 2 and pages 5-6.
[76] Attachment G – Administrative Investigative Memorandum Excerpts (24-07) – page 2, and pages 5-6.
[77] Attachment G – Administrative Investigative Memorandum Excerpts (24-07) – pages 6-9.
[78] Attachment G – Administrative Investigative Memorandum Excerpts (24-07) – pages 5-9.
[79] Attachment G – Administrative Investigative Memorandum Excerpts (24-07) – page 3 and page 8.
[80] Attachment G – Administrative Investigative Memorandum Excerpts (24-07) – pages 2-3.
[81] Attachment H – Administrative Interview Transcript (24-07) – page 13, lines 24-26.

he was busy with a Domestic Violence call that had led to an arrest, and he *"And so I, I just put a time and date and no answer just to give it to the next team. And I, I just didn't want to get in trouble."*[82]

- Note: The Respondent indicated he observed *"a handful"* of officers indicate "*No answer*" on the subpoena return slip when they had not attempted to physically serve the subpoena.

- During the interview with the Division, the Respondent explained, for the second subpoena, he wrote on the subpoena return slip that he attempted to serve it when had not because, *"Same as the last one. Um, I didn't wanna get in trouble and I thought the next team could serve it."*[83]
- During the interview with the Division, the Respondent was asked why he stated in his Internal Affairs interview that he had attempted to serve both subpoenas when he had not, and the Respondent stated, *"I, I don't know why I did that. It was untruthful and I had no reason to."*[84]
- During the interview with the Division, the Respondent was asked why he said during his Internal Affairs interview that GPS would show him at the two addresses listed on the subpoenas, when he had not attempted to serve either subpoena, and the Respondent stated, *"Um, I dunno why I did, but it was untruthful."* The Respondent further explained, *"…that IA I was, I was nervous. Um, my first, that was my first IA meeting. And that's, I was scared."* The Respondent's counsel asked, *"Were you hoping that you would basically get away with that lie and not get in trouble? Was that what, was that your thought process at the time?"* and the Respondent stated, *"Yeah."*[85]
- During the interview with the Division, the Respondent admitted when he stated during his Internal Affairs interview that he attempted the serve the subpoenas when he had not, he was dishonest and he did not demonstrate integrity. The Respondent explained, *"Um, I try to excuse myself and not want to get in trouble. In trouble. And so instead of confronting the issue head on at the time it happened, I try to work my way around it and it was not the right thing to do. It questions, I mean, it makes assumptions of who I am and who I am as a person, which I'm, I'm not, I mean, I hope I'm not, but now that my name is tarnished and the department's tarnished, and um, sorry, it's, it just questions my integrity."*[86]

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation or suspension pursuant to California Penal Code section 13510.8.

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[82] Attachment K – Division Interview Transcript – page 32, lines 33-48.
[83] Attachment K – Division Interview Transcript – page 34, lines 9-10.
[84] Attachment K – Division Interview Transcript – page 34, lines 12-18.
[85] Attachment K – Division Interview Transcript – page 34, lines 25-45.
[86] Attachment K – Division Interview Transcript – page 35, lines 30-34.

VI. Supporting Evidence

- Attachment A – Executive Review and Division Recommendation
- Attachment B – Respondent's POST EDI Profile
- Attachment C – Administrative Investigative Memorandum Excerpts (24-04)
- Attachment D – Administrative Interview Transcript (24-04)
- Attachment E – Administrative Investigative Memorandum Excerpts (24-06)
- Attachment F – Administrative Interview Transcript (24-06)
- Attachment G – Administrative Investigative Memorandum Excerpts (24-07)
- Attachment H – Administrative Interview Transcript (24-07)
- Attachment I – Notice of Intent to Terminate
- Attachment J – Letter of Resignation
- Attachment K – Division Interview Transcript