# PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

**February 5, 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 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.

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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 (Formerly Buchen)** - Senate Rules Appointee - Public Member
**Vacant (Formerly Glaser)** - 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. **ASSISTANT EXECUTIVE DIRECTOR COMMENTS**

V. **NEW BUSINESS**

a. Election of Vice Chair (Incumbent: Doyle)

The purpose of this item is to select a Vice Chair for 2026.

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

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

VI. **APPROVAL OF MEETING TRANSCRIPTS**

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on October 09, 2025 and November 06, 2025 Meetings.

a. Approval of Meeting Transcript from the October 09, 2025 and November 06, 2025 Meetings

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

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

a. POST2316280 - Khammouane Kevin Thakham (POST ID: A45-Q53) Last Employing Agency: Fresno Police Department (Current)

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. POST2402838 - Elliott Lopez (POST ID: C15-H32) Last Employing Agency: California Highway Patrol

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.

c. POST2403212 - Richard Adams (POST ID: C56-Q43) Last Employing Agency: California Highway Patrol

The Peace Officer 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**

Upcoming Board meetings will be held:

- April 15-16, 2026 - POST, West Sacramento
- July 15-16, 2026 - POST, West Sacramento
- October 14-15, 2026 - POST, West Sacramento

***Board meeting dates are tentative and subject to cancellation pending POST receiving requests from subject officers to have their cases heard before the Board.***

X. **ADJOURNMENT**

**AGENDA ITEM REPORT**

**Title: ELECTION OF VICE CHAIR (INCUMBENT: DOYLE)**

**REPORT PROFILE**

| | | |
|---|---|---|
| **MEETING DATE**<br>02/05/2026 | **BUREAU SUBMITTING THE REPORT**<br>Executive Office | |
| **RESEARCHED BY**<br>Chandler T. Knapp | **REVIEWED BY**<br>Annemarie Del Mugnaio | |
| **REPORT DATE**<br>12/23/2025 | **APPROVED BY**<br>Annemarie Del Mugnaio | **DATE APPROVED** |
| **PURPOSE** | **FINANCIAL IMPACT**<br>No | |

**ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION**

**ISSUE:** The Peace Officer Standards Accountability Advisory Board (POSAAB) will select a Vice Chair from among its members for 2026.

**BACKGROUND:** Penal Code section 13509.6 established the new Peace Officer Standards Accountability Advisory Board (POSAAB) and vested POSAAB with the responsibility of reviewing cases of serious misconduct by peace officers for the purpose of making recommendations regarding suspension or revocation of a peace officer's certification to the Commission on Peace Officer Standards and Training. The Governor designates the Chair of POSAAB from among its members. The person designated as the Chair serves at the pleasure of the Governor. POSAAB is required to annually select a Vice Chair from among its members.

**ANALYSIS:**

**RECOMMENDATION:** The purpose of this item is to select a Vice Chair for 2026.

**AGENDA ITEM REPORT**

**Title: REPORT ON DATA FOR SERIOUS MISCONDUCT REPORTING, INVESTIGATIONS, AND DISCIPLINARY ACTION OUTCOMES**

**REPORT PROFILE**

| | | |
|---|---|---|
| **MEETING DATE**<br>02/05/2026 | **BUREAU SUBMITTING THE REPORT**<br>Executive Office | |
| **RESEARCHED BY** | **REVIEWED BY** | |
| **REPORT DATE** | **APPROVED BY**<br>Manuel Alvarez, Jr. | **DATE APPROVED**<br>09/23/2025 |
| **PURPOSE** | **FINANCIAL IMPACT**<br>No | |

**ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION**

**ISSUE:**

This report provides updates on the operations of the Peace Officer Standards Accountability Division, as well as statistical data and outcomes of serious misconduct cases received by POST and cases that have moved forward with disciplinary action.

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

**BACKGROUND:**

On September 30, 2021, Governor Gavin Newsom signed Senate Bill 2, which established the Peace Officer Standards Accountability Division and outlined its primary responsibilities of reviewing cases of serious misconduct that could result in the revocation or suspension of a peace officer's certification, as well as presenting its findings and recommendations to the Peace Officer Standards Accountability Advisory Board and Commission on Peace Officer Standards and Training for their deliberation.

The process for handling serious misconduct cases has been implemented within the Division, which has has been receiving and reviewing cases of serious misconduct since January 1, 2023. Pursuant to Penal Code section 13512, POST staff reports on the relevant statistics and outcomes related to cases of serious misconduct that will assist in the Board's evaluation of the Division's operative functions related to certification and decertification.

**ANALYSIS:**

As the final provisions authorized under Senate Bill 2 took

effect on January 1, 2023, POST staff reports out on the activities and relevant actions of the Peace Officer Standards Accountability Division, Peace Officer Standards Accountability Advisory Board, and Commission on Peace Officer Standards and Training.

**RECOMMENDATION:** This item is presented for information only. No action is required.

**ATTACHMENT(S):**

February 2026 POSAAB Hearing - Decert Stats - Updated 02.04.26.pdf

POSAAB Memo_012226.pdf

# Peace Officer Standards Accountability Division

## Statistical Data Profile

### February 2026

**Data through 01/13/2026**

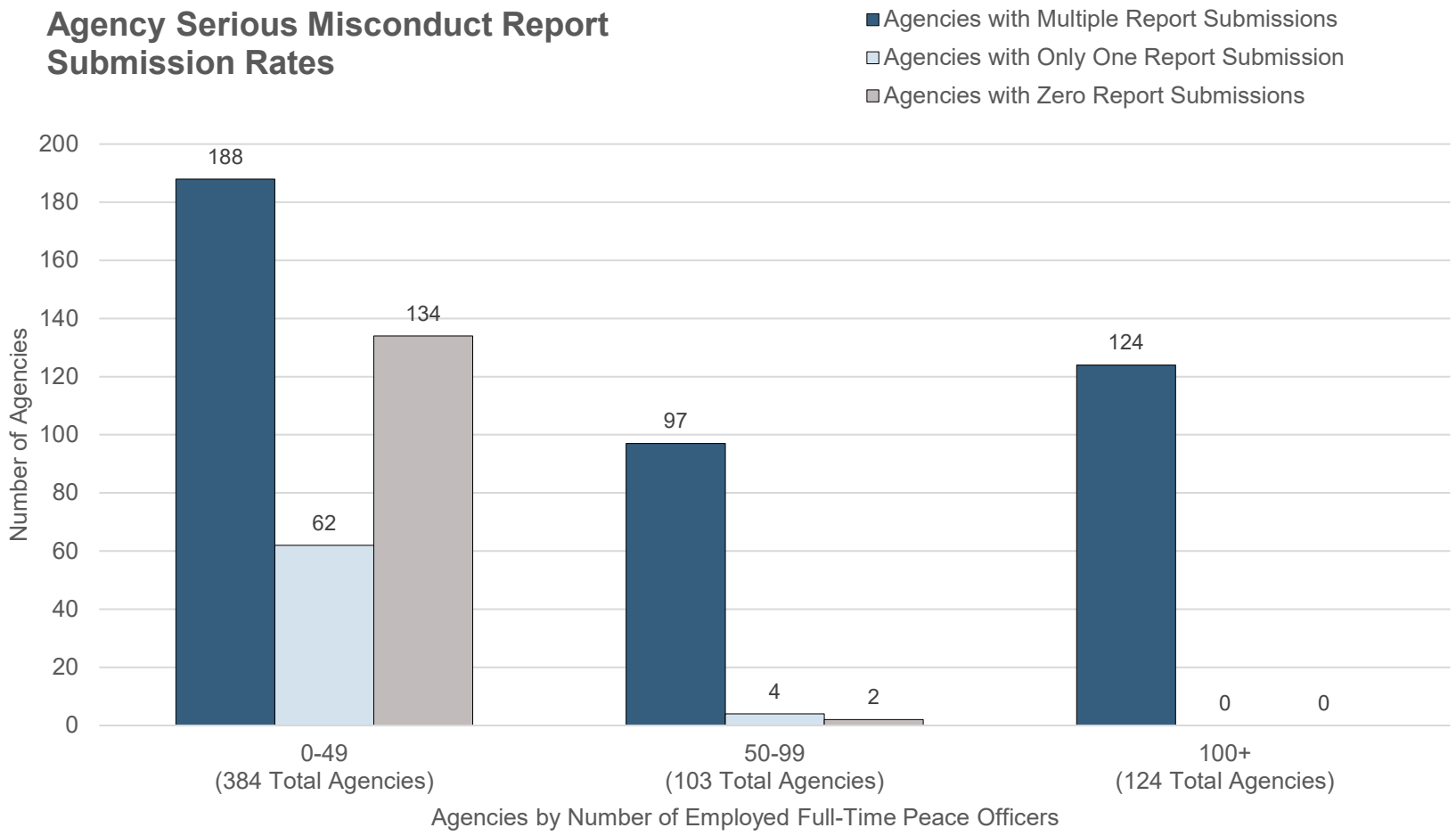
**Agency participation for serious misconduct report submissions is at its highest since the implementation of SB 2.**

611 agencies must report serious misconduct to POST.

**Most agencies have submitted multiple serious misconduct reports to POST.**

**22% of agencies have not reported.** Over half of these agencies employ less than 10 full-time peace officers.

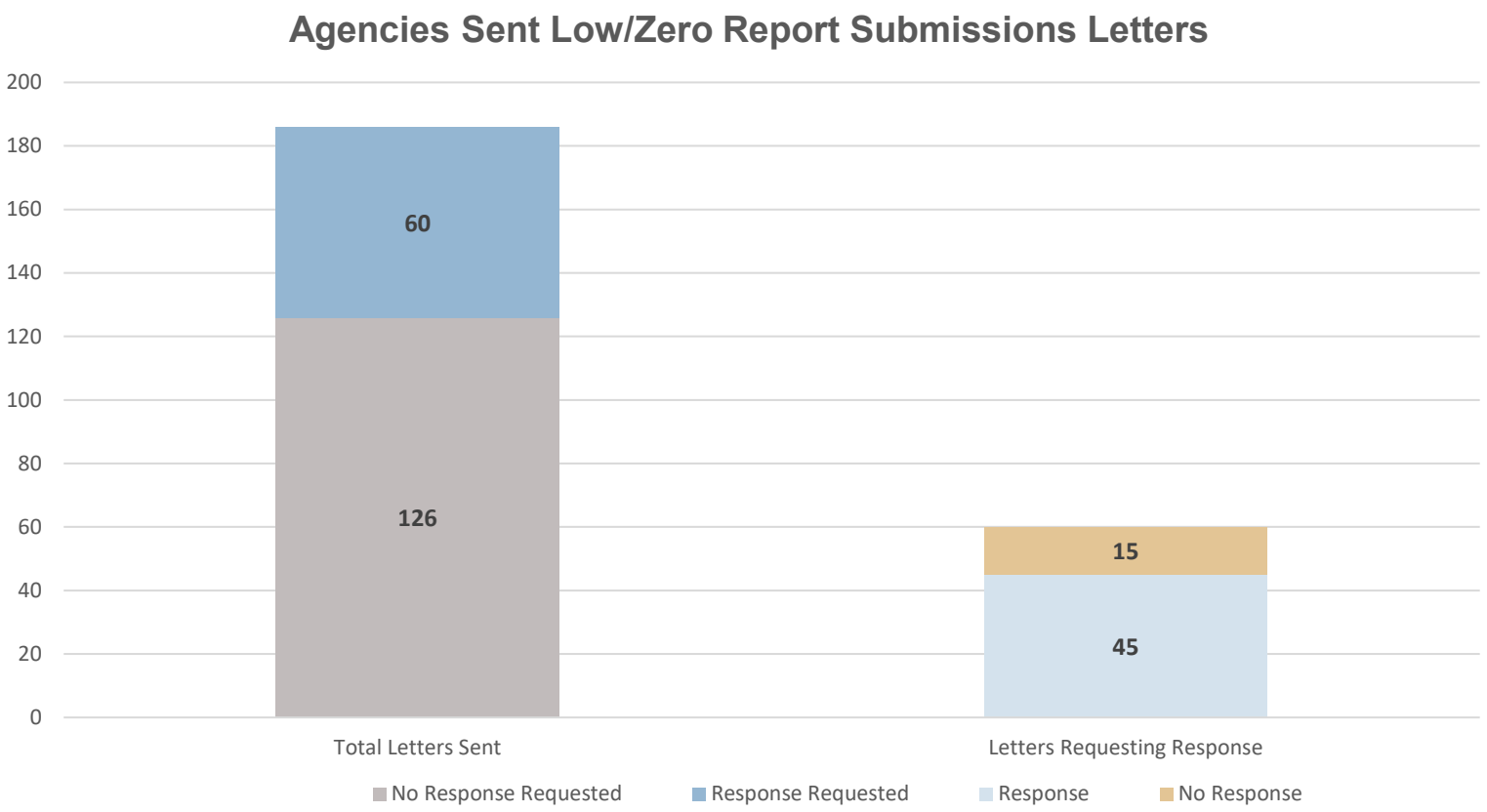
Agencies with a smaller number of peace officers are statistically expected to have less serious misconduct incidents and allegations.



## POST tracks non-reporting agencies and conducts outreach to these agencies through various methods.

POST's efforts to conduct statewide outreach to non-reporting agencies include holding virtual and in-person trainings on serious misconduct reporting, the decertification process, and serious misconduct allegations and investigations.

Annually, POST sends a letter to non-reporting agencies to confirm if they had any serious misconduct to report.




In October 2025, POST identified **186 agencies** with less than expected, or zero, serious misconduct submissions.

- **60** Agencies identified as "Traditional Law Enforcement" (Police Departments, Sheriff's Offices, etc.) were sent a letter asking the Agency Head to respond and attest to the accuracy of POST's reporting.
- **126** Agencies identified as "Non-traditional Law Enforcement" (Railyards, DA's, etc.) were sent a letter advising them of the number of misconduct submissions received by POST.

Of the **60** letters sent requesting a response, **45** agencies responded to confirm the accuracy of the reporting.

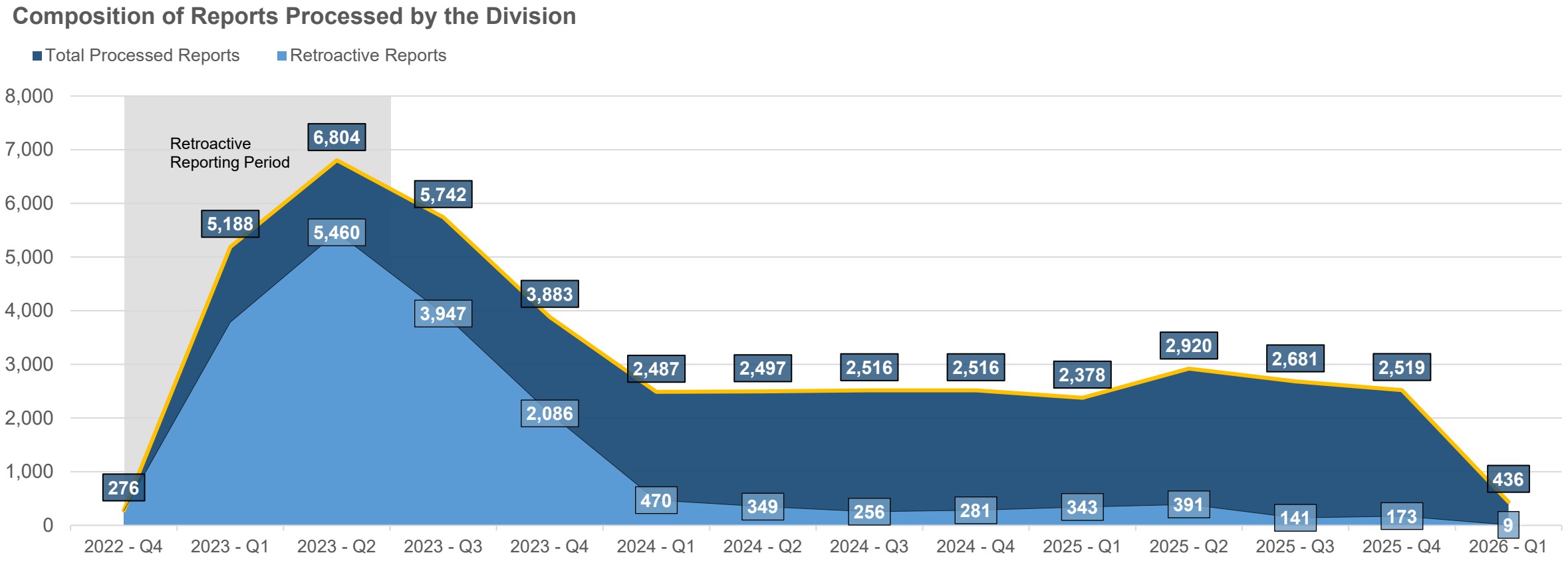
# The Division's intake of serious misconduct reports was heavily driven by the statutory retroactive reporting mandate, but numbers have since stabilized at ~2.5k reports per quarter.

The Division processed nearly **43,000 Agency Misconduct reports.**

29% were received prior to the statutory retroactive reporting deadline: July 1, 2023.

Approximately 42% of all reports were **retroactive reports** (incident date between January 1, 2020, and January 1, 2023.)

Since the 1st quarter of 2024, the Division routinely processes approximately **2,500 reports per quarter.**



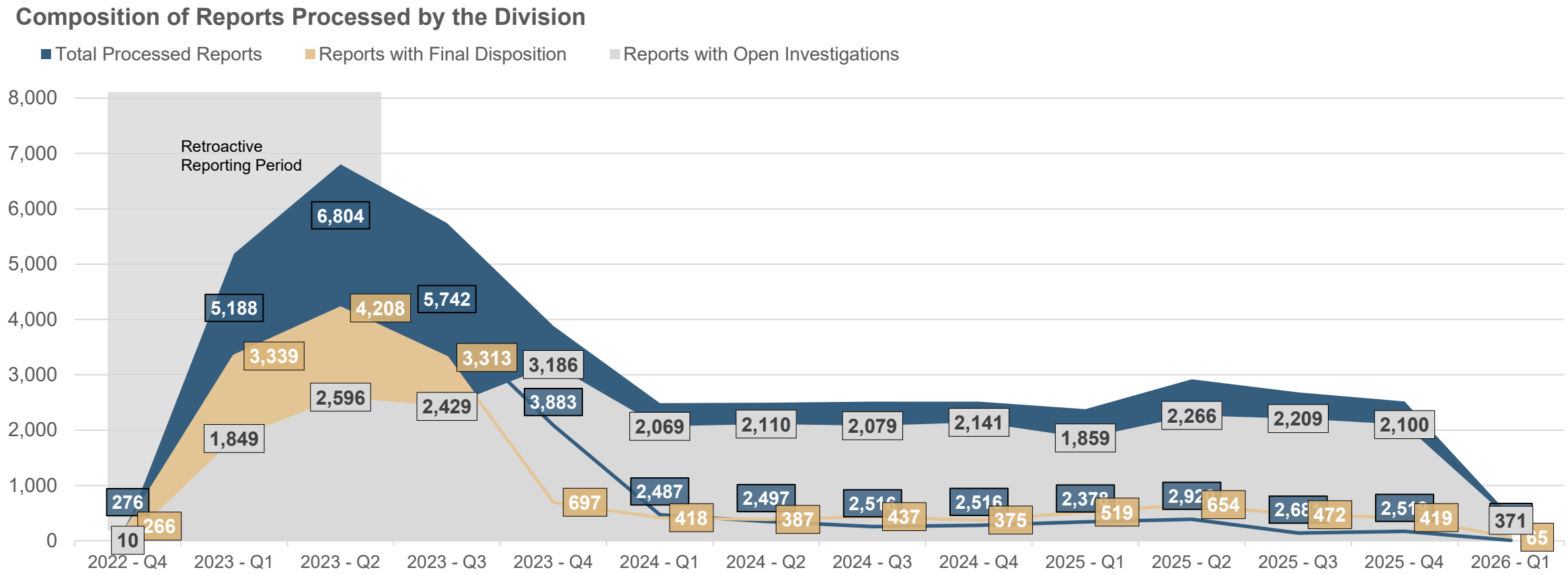
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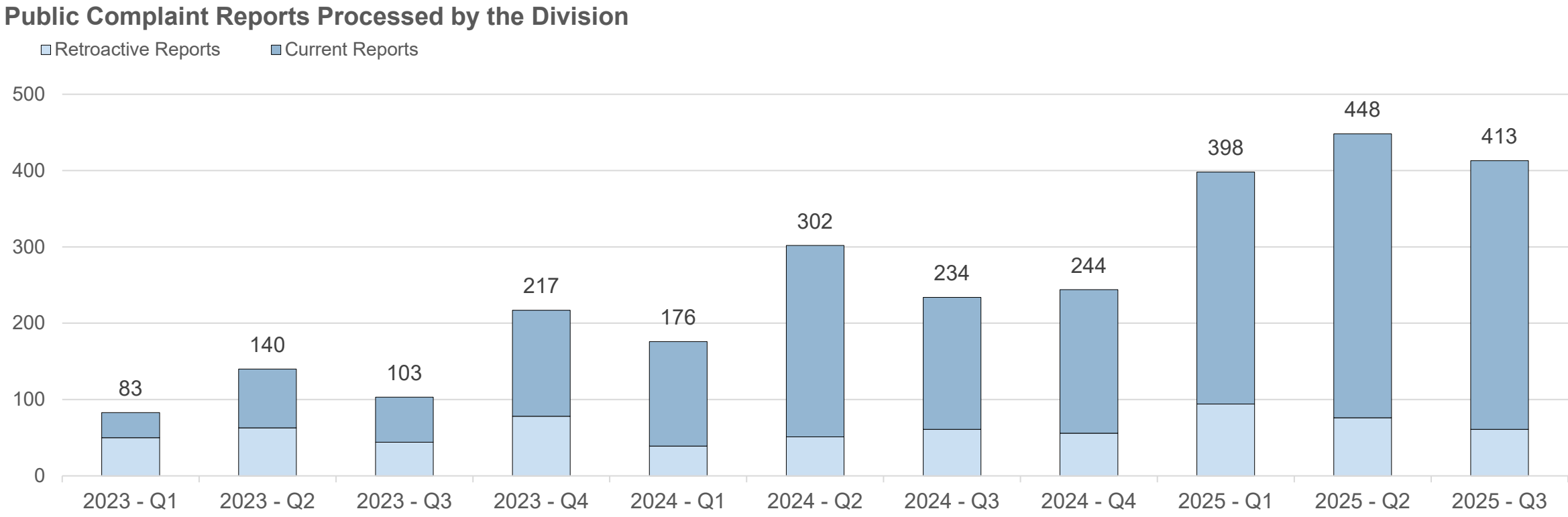
Approximately 42% of all reports were **retroactive reports** (incident date between January 1, 2020, and January 1, 2023.)

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# Over 3,200 public complaint reports processed by the Division; increasing public awareness of POST and the decertification process has resulted in a steady increase of public complaint submissions.

POST has received complaints against **over 3,200 (~1,900 unique) officers** from a pool of approximately 2,700 complainants.




Total reflects the **number of officers** with potential serious misconduct allegations rather than the actual number of public complaints submitted by members of the public; if an individual files a complaint that contains multiple officers, POST will create a respective report for each named officer.

## Overview of POST's public complaint process:

When POST receives a public complaint, it is reviewed to determine if it is against a peace officer within POST's jurisdiction.

The complaint is forwarded to the agency for its investigation; if the complaint is against an agency head or reporter in POST's records management system, it will be forwarded to the agency at the Bureau Chief's discretion. These complaints may also be investigated by POST or a third-party investigator.

Complaint reports are assigned into cases to staff to conduct outreach to ensure an agency response is received, whether it be agency findings, initiation of an investigation, or a detailed, sufficiently justified reasoning as to why the conduct within the complaint does not rise to the level of serious misconduct.

**POST receives complaint from a member of the public.**

The complaint is reviewed by staff to ensure the officer is jurisdictional. If a previous complaint was filed, the complaint is added to the initial complaint.



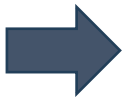
**POST forwards the complaint to the agency for its response.**

If the complaint is against an agency head or reporter, the complaint will only be forwarded to the agency at the Bureau Chief's discretion.



**POST receives a thorough response from the agency.**

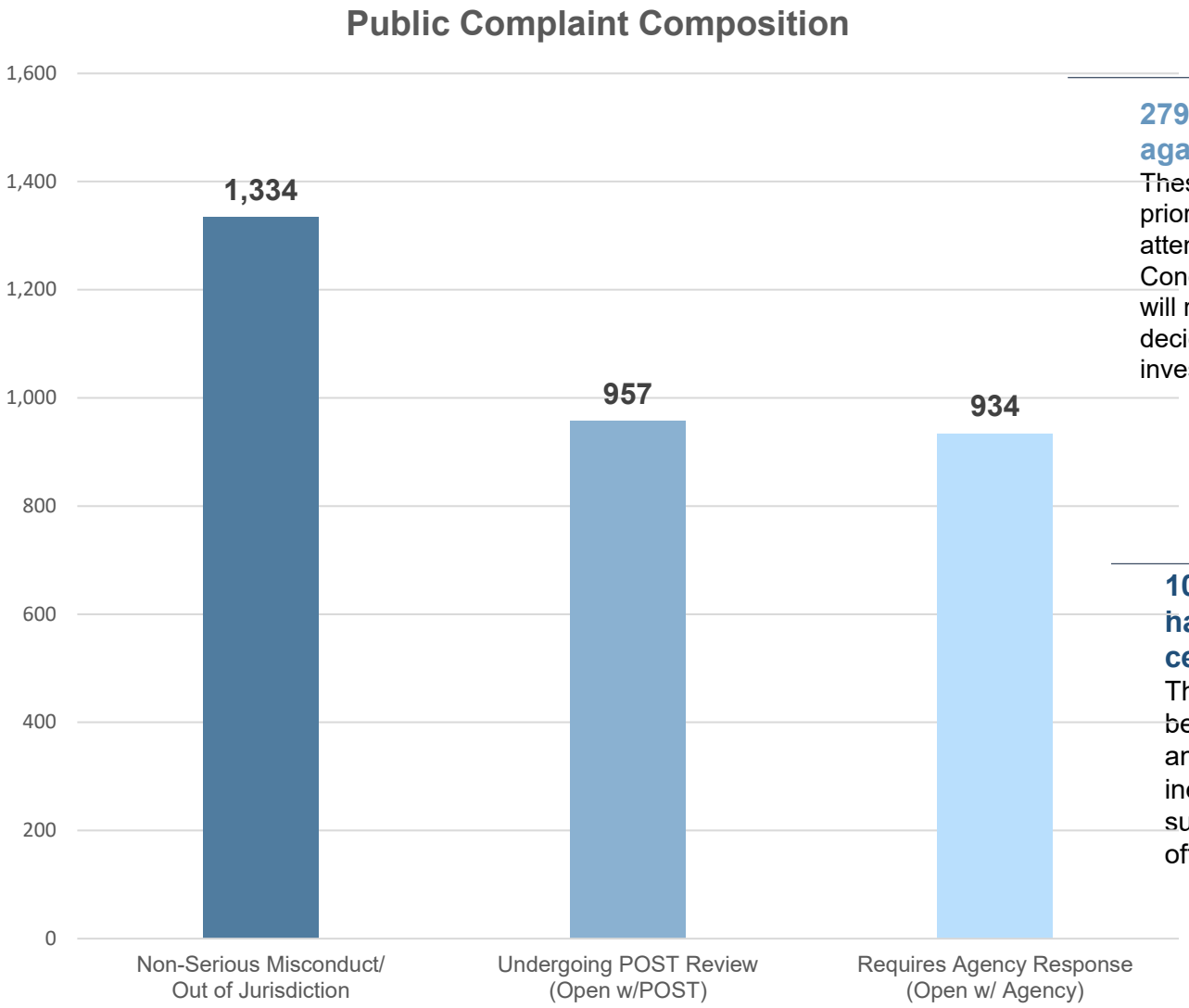
POST staff continuously conduct outreach to receive an agency response. The response must be thorough and sufficient.



**POST conducts its review of the complaint and incident.**

Once sufficient documentation is obtained, POST has up to three years to complete its investigation into the public complaint.

# POST is actively reviewing complaints and coordinating with agencies for documentation; 30% are undergoing review for potential serious misconduct, while 41% have been closed.




**279 (10%) complaints are against Chiefs/Sheriffs.**
These complaints are highly prioritized and brought to the attention of the Professional Conduct Bureau Chiefs, who will review the complaint and decide POST's next steps for investigation.

**10 (0.3%) complaints have resulted in certification action.**
These complaints have been reviewed by POST and resulted in revocation, ineligibility, or voluntary surrender of the subject officer's certification.

## 1,334 (41%) complaints are closed.

These complaints were reviewed by POST and determined to be serious misconduct, not serious misconduct, or non-jurisdictional. POST can only take certification action against peace officers described in Penal Code section 13510.1(a).

## 957 (30%) complaints are undergoing POST review.

POST has received sufficient agency documentation to move forward with review. These complaints were identified for containing potential serious misconduct.

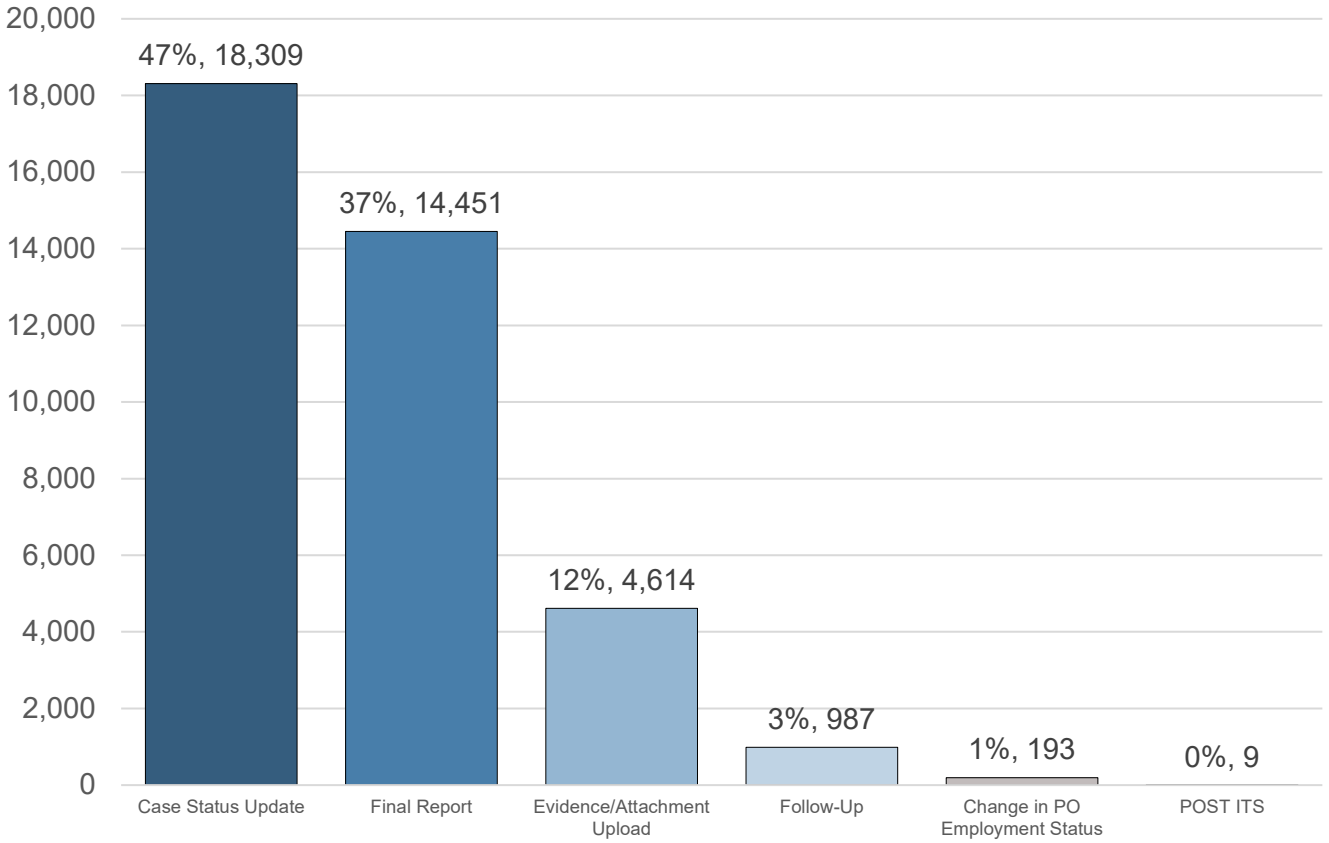
## 934 (29%) complaints require additional agency documentation.

POST communicates with agencies to receive ample documentation prior to its review.

# The Division has received over 38,000 report updates from agencies, most consisting of case status updates, evidence uploads, and agency findings.

Over 38,000 Agency Supplemental reports were submitted to provide additional information to Agency Misconduct reports and public complaints.

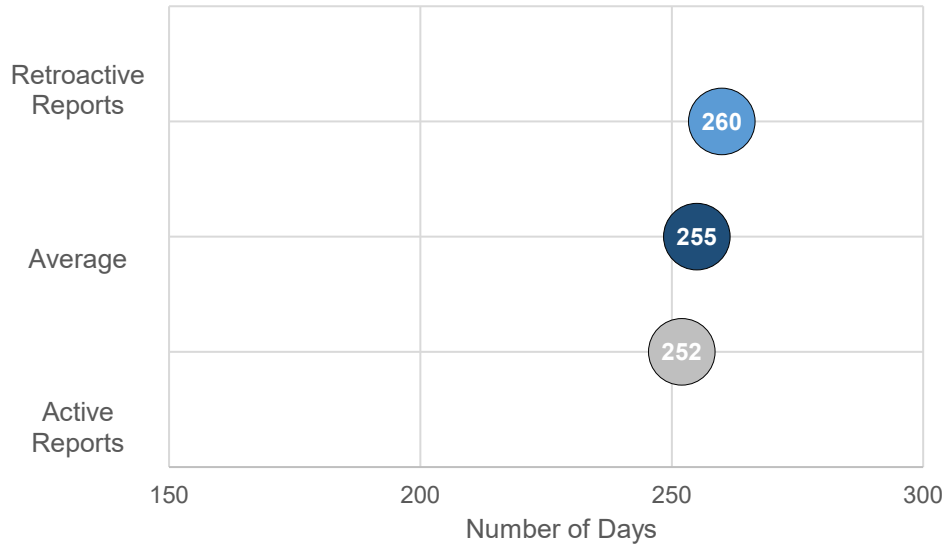
**Types of Agency Supplemental Reports Submitted to POST**



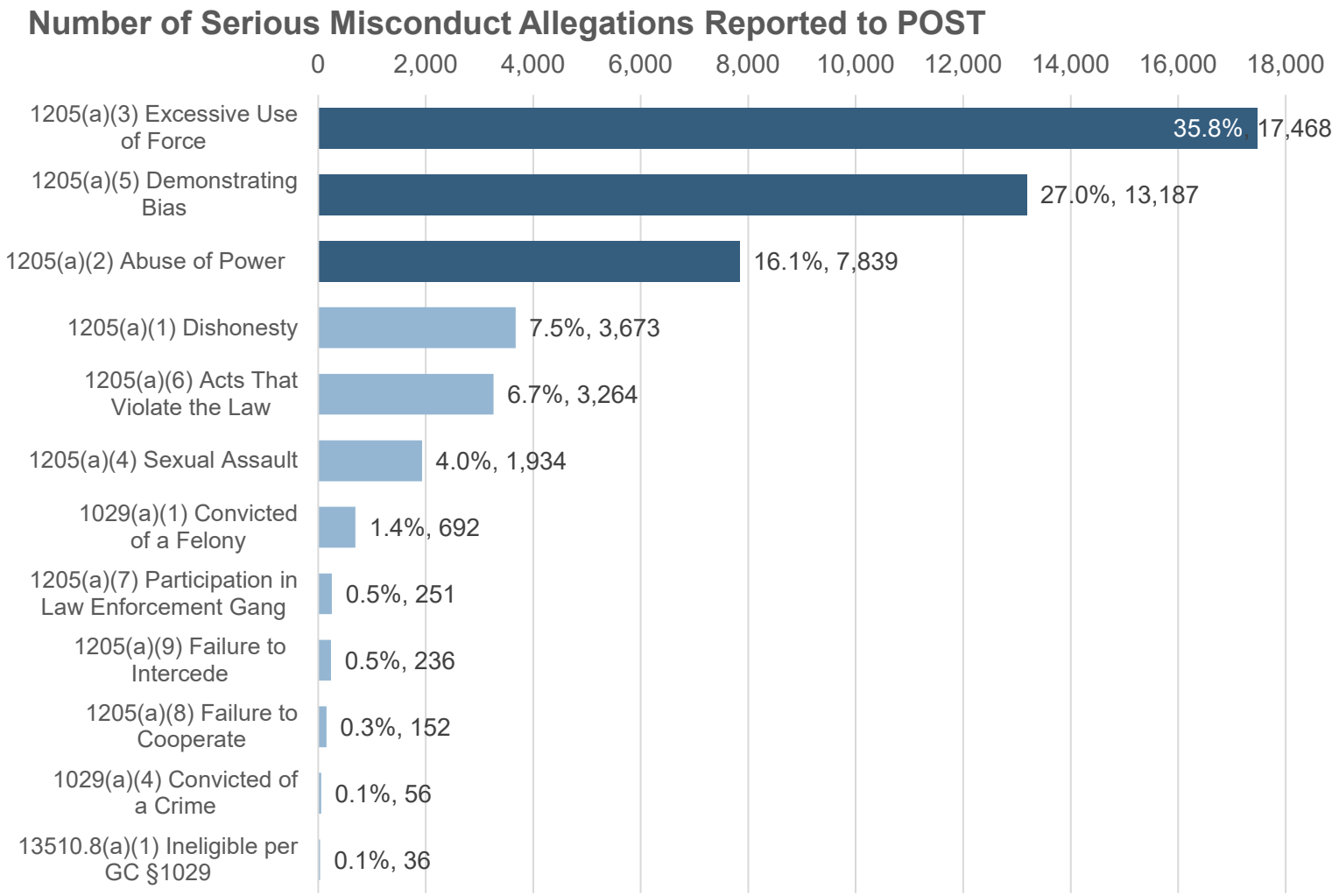

**The average timeframe** in which an open Agency Misconduct report receives agency findings through an Agency Supplemental report is **255 days**. This timeframe fluctuates when discerning active and retroactive reports.

On average, **retroactive reports** received agency findings in **260 days**. In contrast, **active reports** received agency findings later, within an average of **252 days**.

**Average Agency Finding Submission Times By Incident Date**



# Nearly 49,000 serious misconduct allegations spanning 23,000+ officers statewide have been reported to POST; in accordance with statute, only 70% of the allegations are potentially actionable.




A report or complaint may contain multiple allegations.

**23,015 unique peace officers** (27% of total CA peace officers) received allegations.

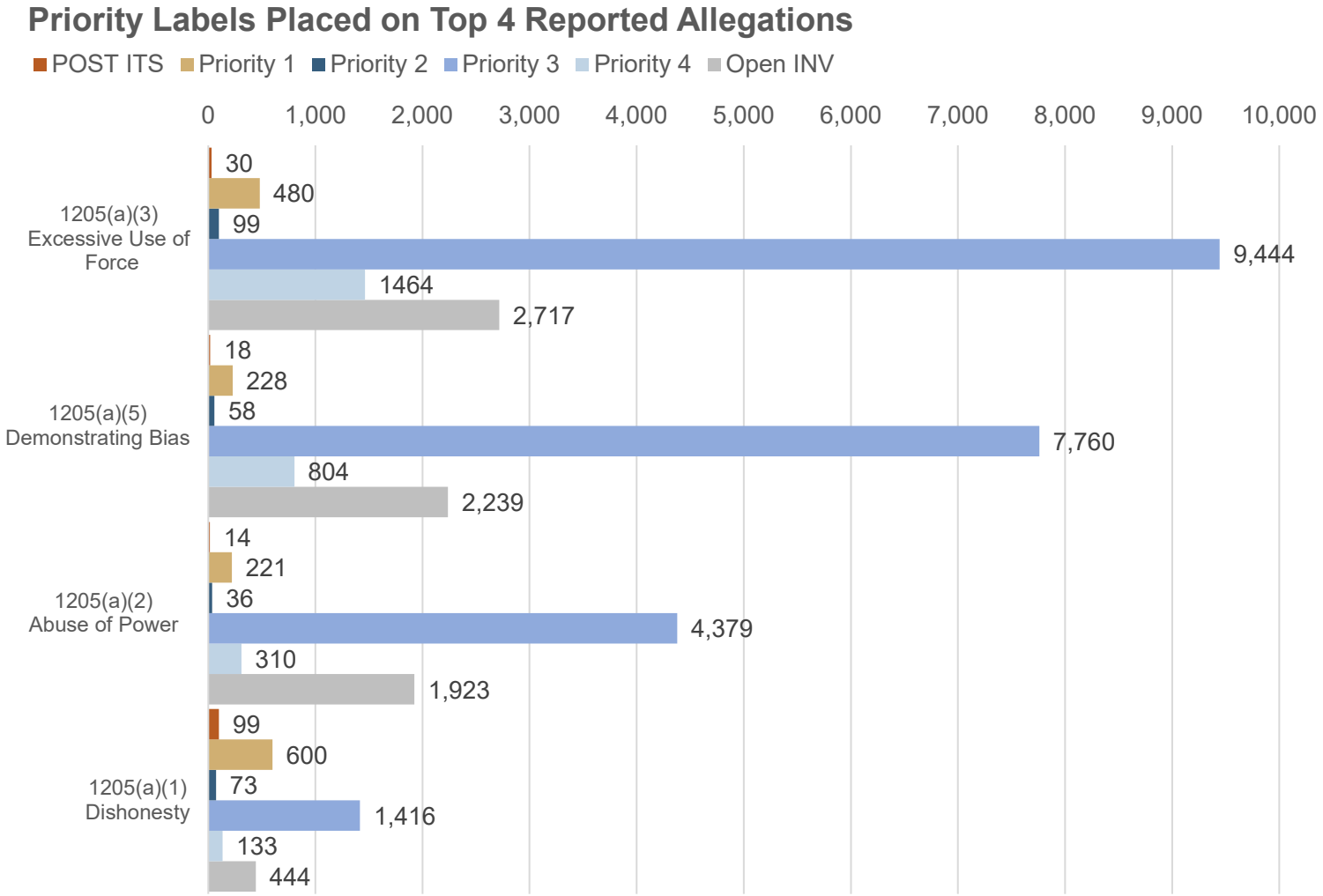
About **30%** of allegations **occurred prior to January 1, 2022**.

POST can only act against conduct that occurred prior to January 1, 2022, **if:**

(1) The subject officer's agency makes a final determination on its investigation **after** January 1, 2022,
**or**
(2) The allegations include dishonesty, sexual assault, and/or use of deadly force resulting in serious bodily injury or death.

As a result, approximately **34,000** (70%) of the allegations **are considered potentially actionable** by POST.

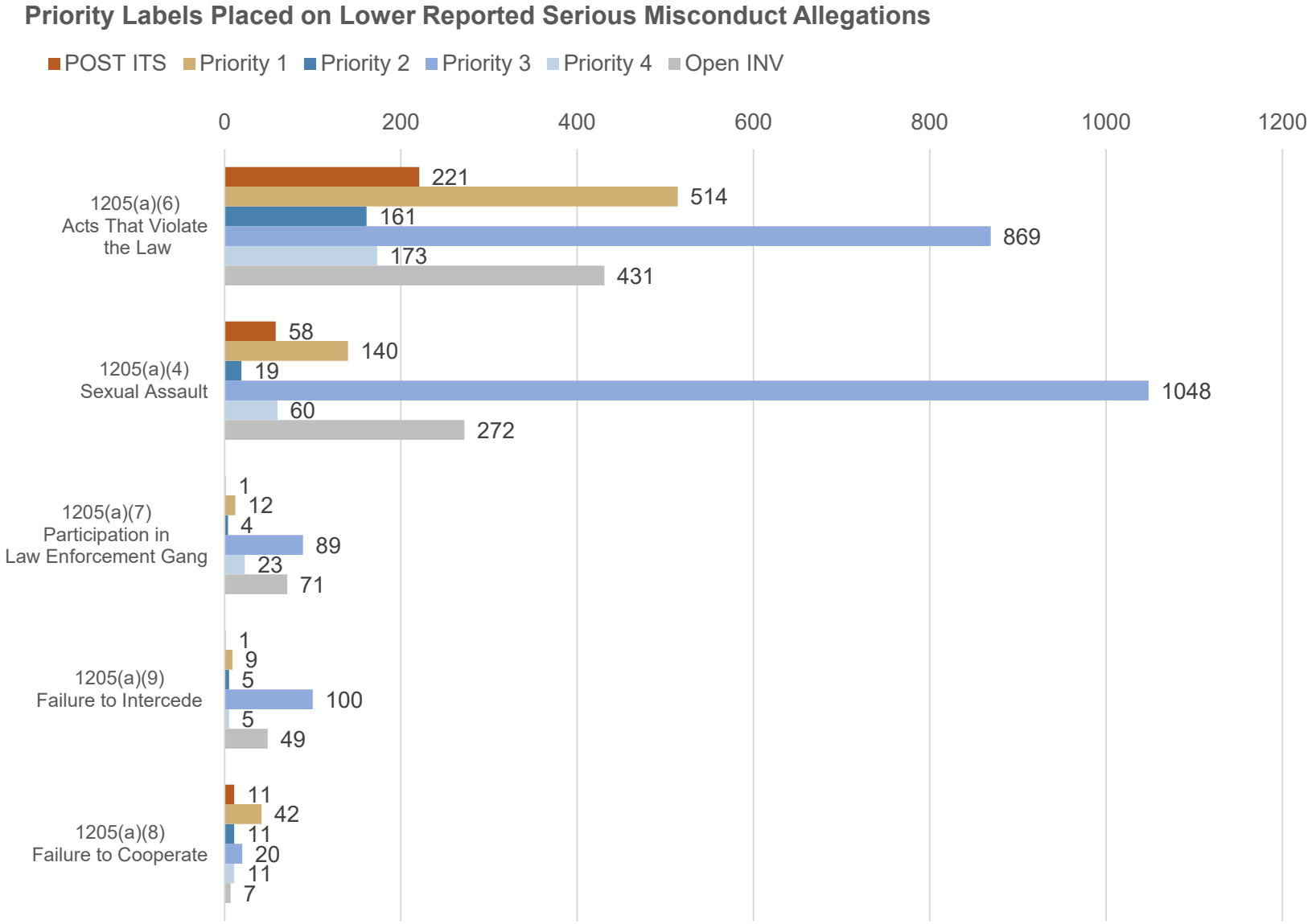
# Prioritization of reported allegations to POST: bulk of allegations receive Priority 3 and Open INV labels.




* Labels are assigned upon review by Intake and Disposition Bureau. Prioritization is subject to change when reports are assigned into cases to Professional Conduct Bureau staff.

| Label | Definition |
|---|---|
| **POST ITS** | Contains a potential ITS basis outlined in Penal Code section 13510.8(d). |
| **Priority 1** | Contains politically/media-sensitive content or sustained agency findings, regardless of the incident or agency finding date. |
| **Priority 2** | Contains sustained agency findings for policy violations that may or may not fall under the definition of serious misconduct. |
| **Priority 3** | Contains an unfounded, exonerated, or not sustained finding with an agency finding date that takes place **after** January 1, 2022. |
| **Priority 4** | Contains an unfounded, exonerated, or not sustained finding with an agency finding date that takes place **before** January 1, 2022. |
| **OPEN INV** | Contains an ongoing agency investigation without agency findings. |

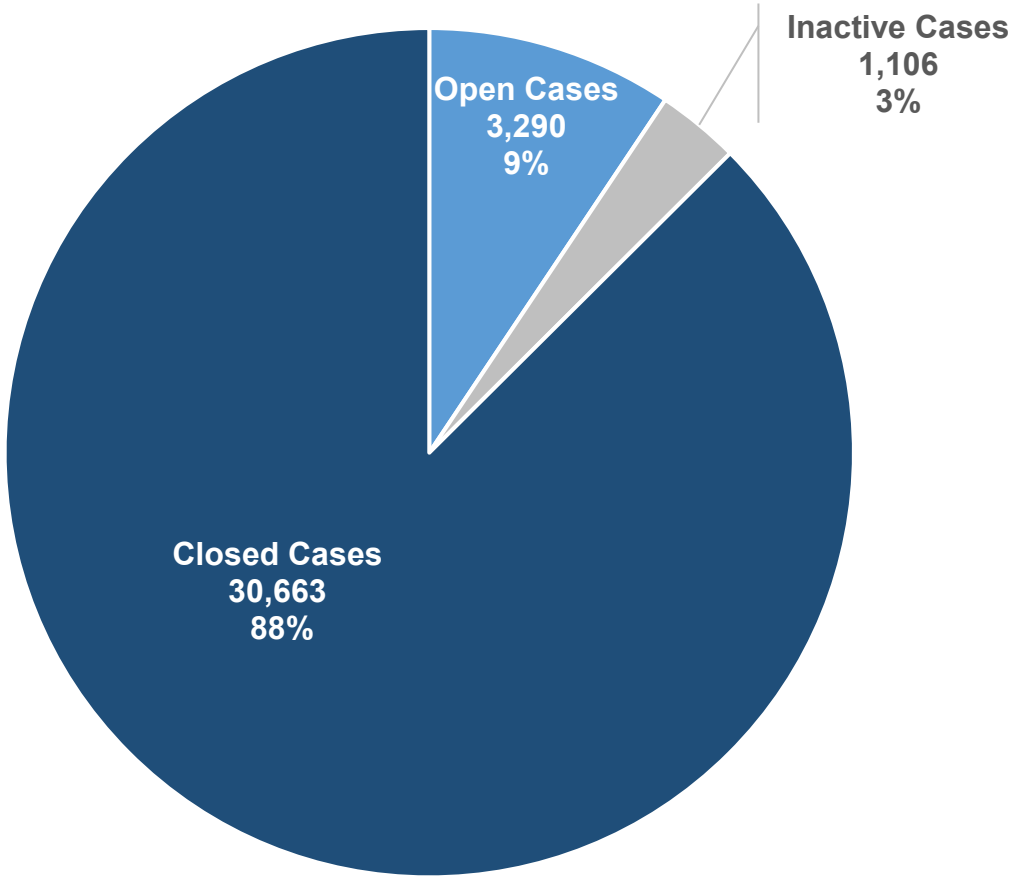
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| OPEN INV | Contains an ongoing agency investigation without agency findings. |

# 88% of ITS, Public Complaint, and Priority cases are closed; remaining ongoing caseload is prioritized based on agency findings and potential risk to public safety.

## Case Statuses Among ITS, Public Complaint, and Priority Case Types




**88% of ITS, Public Complaint, and Priority cases were closed** following POST's review.

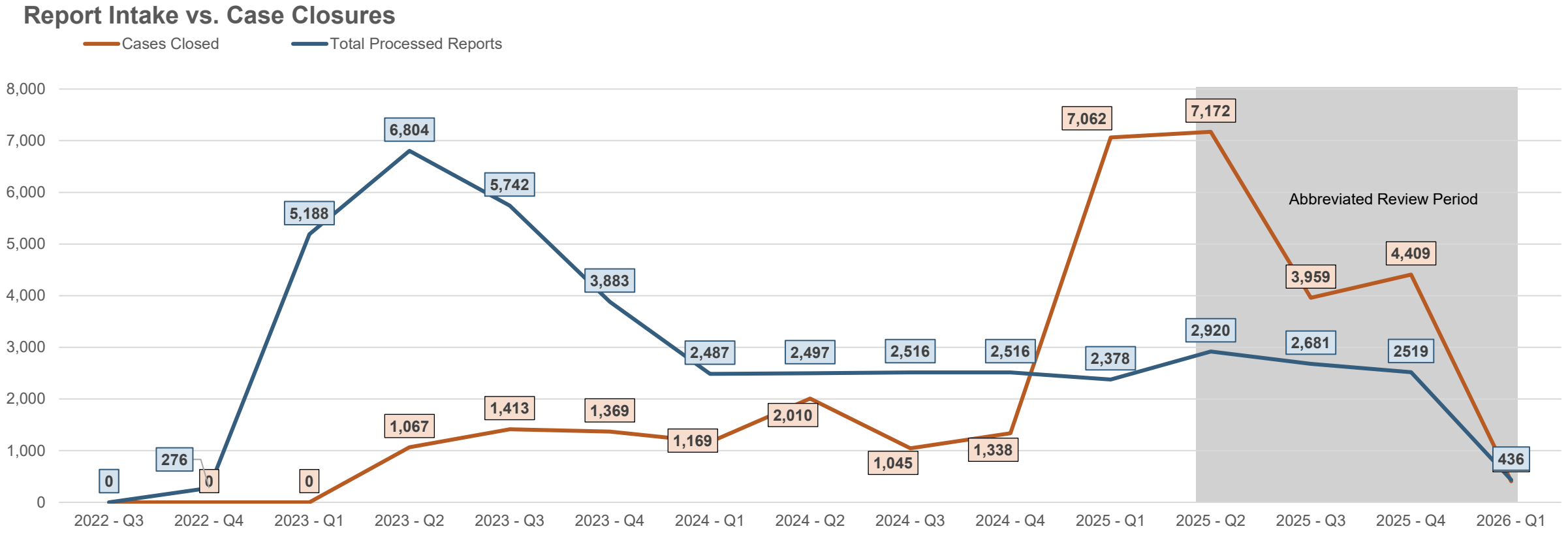
**9% of these cases are open** for POST's review.

The remaining **3% are considered inactive.**

# POST's case closures are catching up to its initial report intake; its abbreviated review process is aiding in backlog clearance.

In 2025 Quarter 1, the Division saw a spike in case closures due to a limited-time **Abbreviated Review** process to address the backlog of Priority 3 cases. Agency and POST's findings within Priority 3 cases saw little discrepancies in outcomes, and the Division determined it would be most responsible to prioritize and investigate cases that may contain serious misconduct.

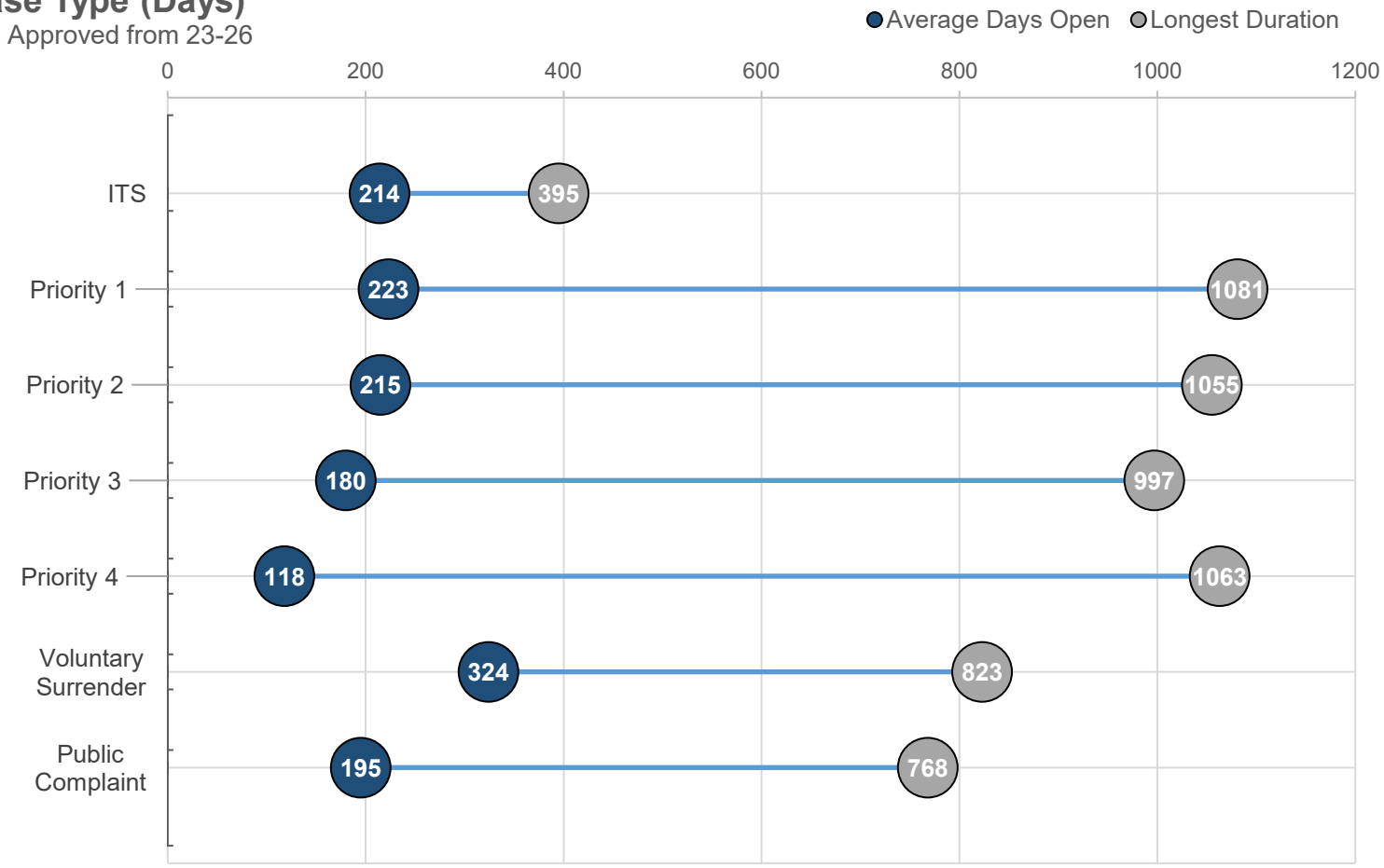
With most Priority 3 cases now closed under the Abbreviated Review process, the Division has initiated an audit phase to ensure proper case analysis and closure.



# To date, all closed cases have been closed within the 3-year statutory timeframe, with ITS cases accelerated due to public safety risk.

## Average vs. Maximum Case Closure Timeframes by Case Type (Days)

Reports Approved from 23-26



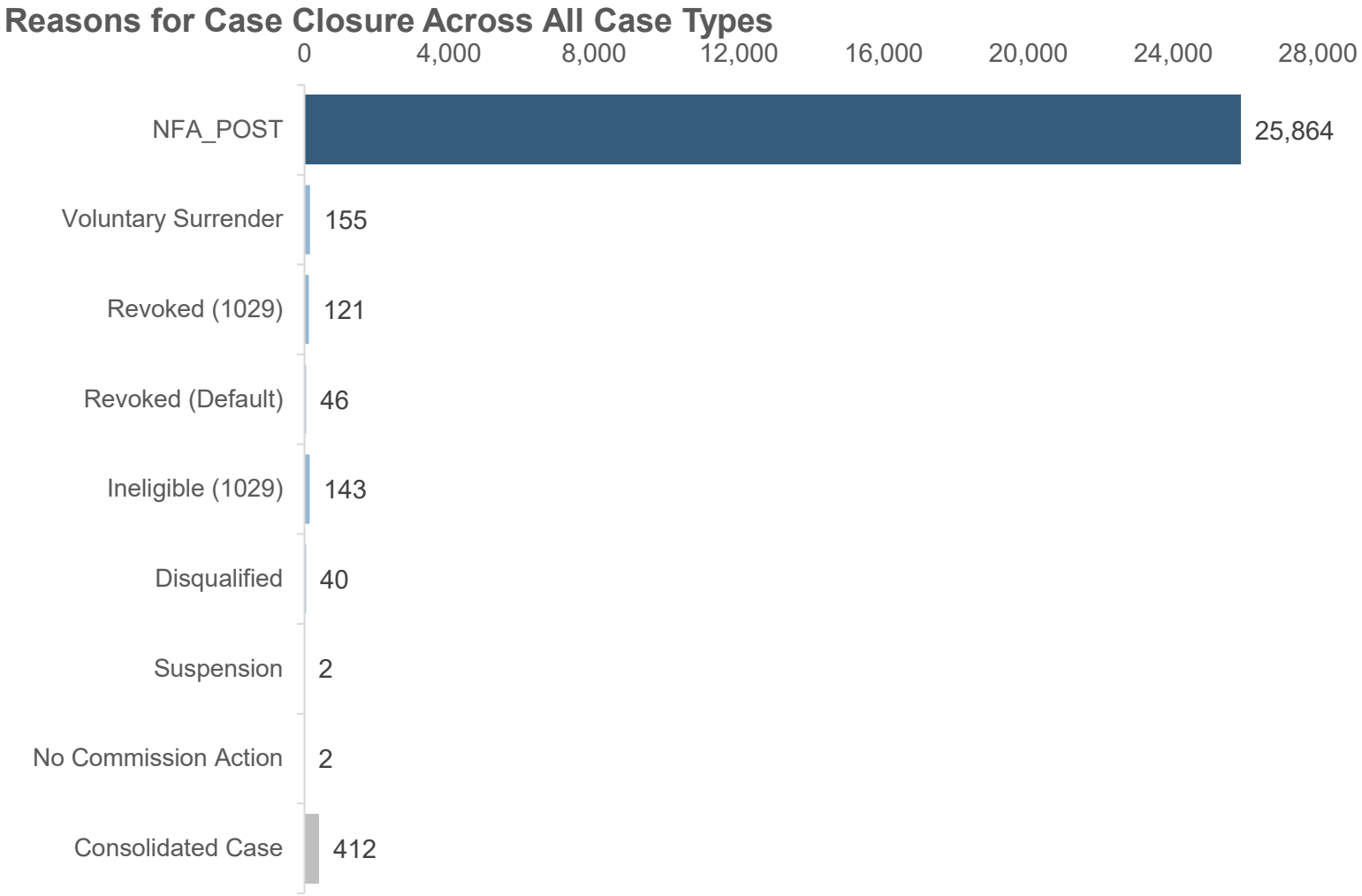

A case is considered open when POST receives the agency's findings up to the point in which POST comes to a determination on the case.

POST has three years upon receipt of the agency's findings to complete its investigation into serious misconduct.

**On average, cases are closed within 255 days.**

Cases with longer investigation durations comprise of **0.4% of the closed cases**.

**Approximately 2% of cases closed by POST resulted in disciplinary action. About 95% of cases were closed without further action.**



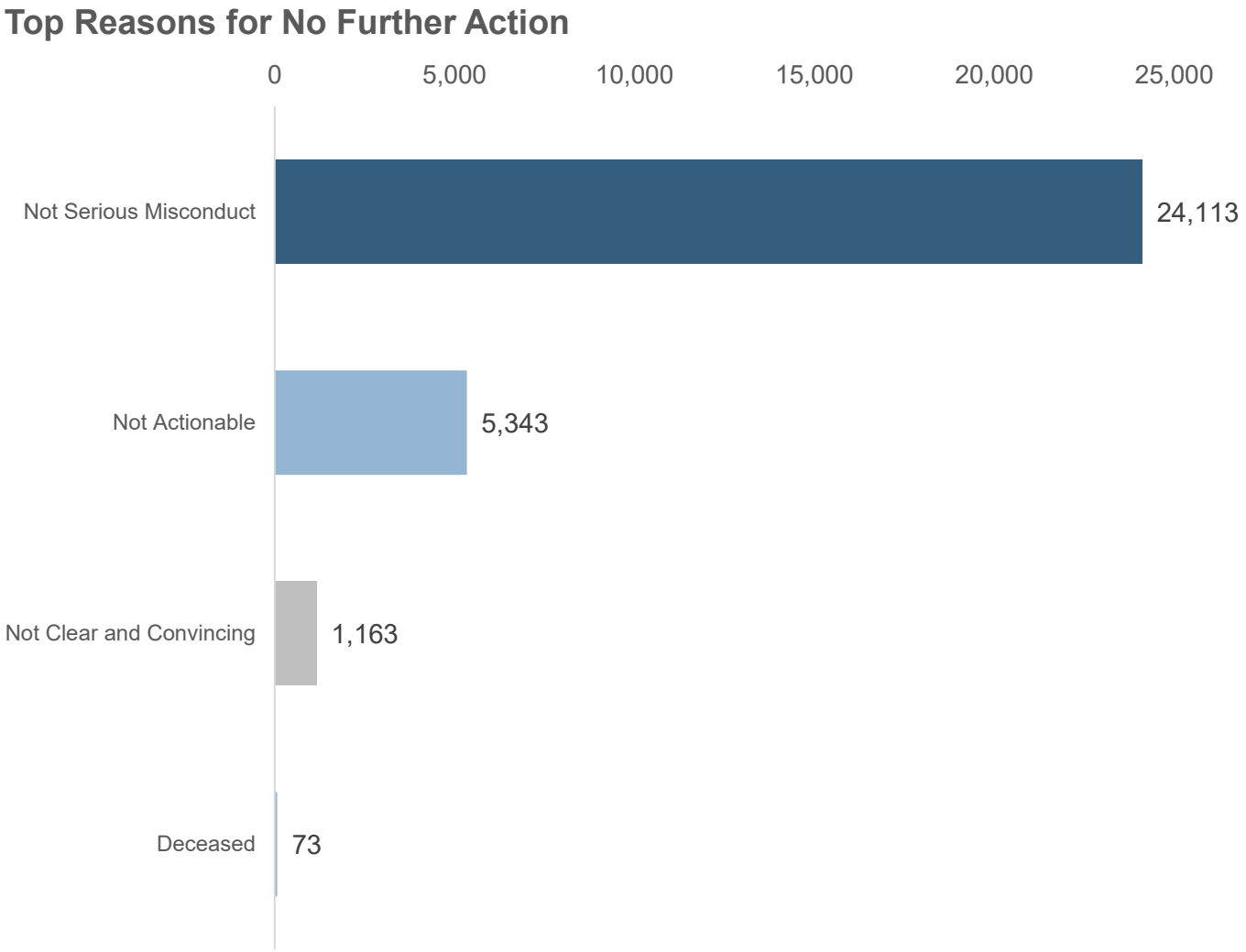

**No Further Action (NFA_POST)** accounted for **95% of POST's case closures.**

Cases closed due to **revocation, Voluntary Surrender, and Ineligibility** make up **0.6%** of all closures.

There are 40 Disqualification cases for individuals that do not hold a Proof of Eligibility or certificate from POST.

A total of 412 cases were consolidated into other cases due to duplicate submissions from agencies.

# Breakdown of No Further Action case closures: 78% considered not serious misconduct, 17% non-actionable, and 4% contained insufficient evidence.

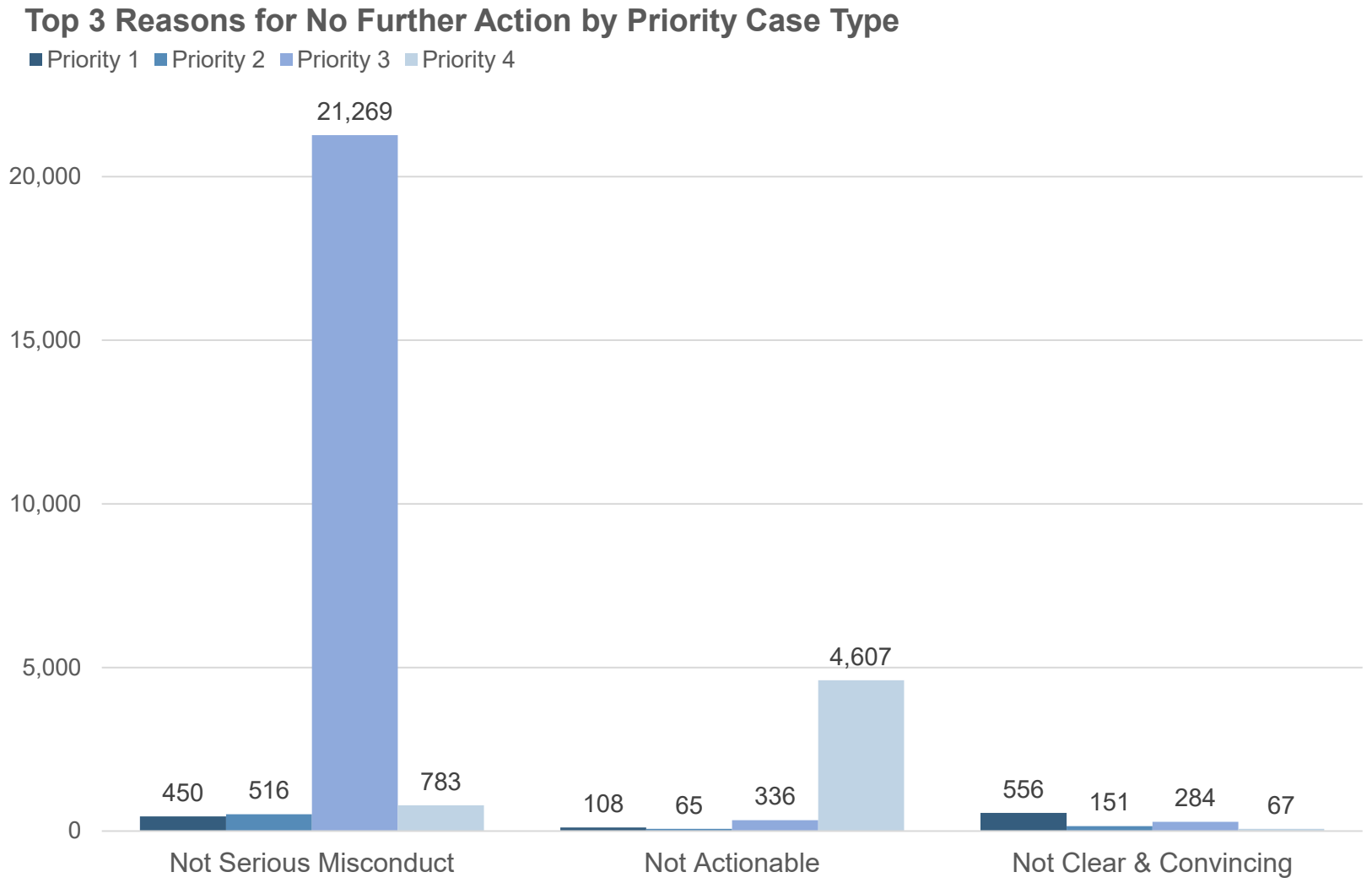



**78%** of NFA_POST cases were closed because they **did not meet the definition of serious misconduct.**

**17%** of these cases were closed for being **non-actionable**, meaning POST did not have the statutory authority to act on the case.

Only **4%** of NFA_POST cases were closed because there was **insufficient clear and convincing evidence**. Conduct within these cases may rise to the level of serious misconduct, but POST could not meet the burden of proof.

# Closure trends among priority case types: most not serious misconduct and non-actionable cases are Priority 3 and 4, while Priority 1 cases see most evidentiary gaps.




92% of closures for failure to meet serious misconduct were **Priority 3 cases.**

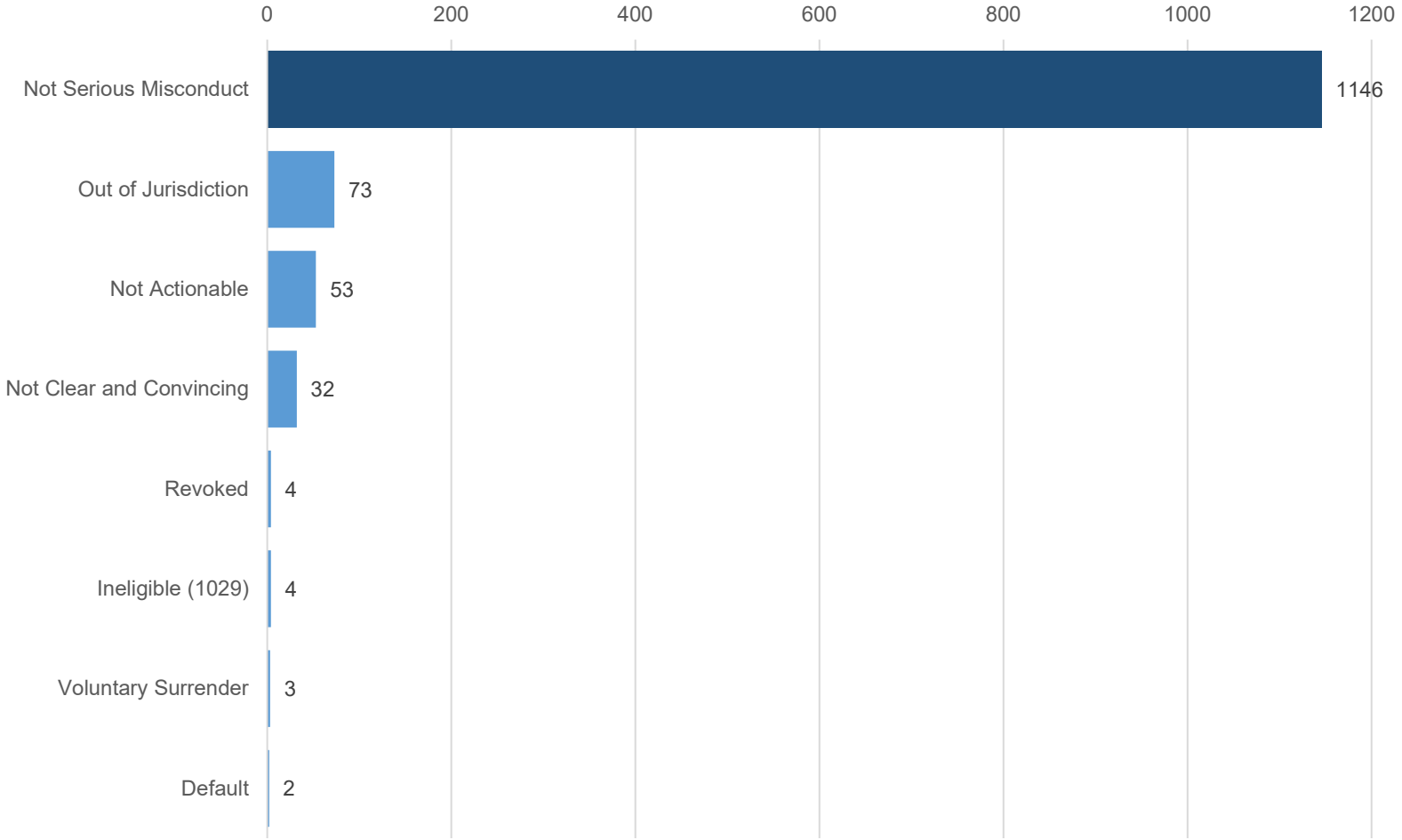
90% of non-actionable closures were **Priority 4 cases**, which aligns with expectations.

53% of cases closed for not meeting the clear and convincing evidentiary standard are **Priority 1 cases**.

**Priority 1 and Priority 2 cases combined** account for 67% of not clear and convincing closures.

# Closure trends among public complaints: most complaints are closed out as not serious misconduct, non-jurisdictional, and non-actionable. A handful have resulted in certification action.

## Top Reasons for Case Closure Among Public Complaints




86% of closed cases containing public complaint reports were closed out as **not serious misconduct.**

About 5% were closed out as **non-jurisdictional**, which occurs when a complaint indicates a person **not defined within Penal Code section 13510.1(a)**.

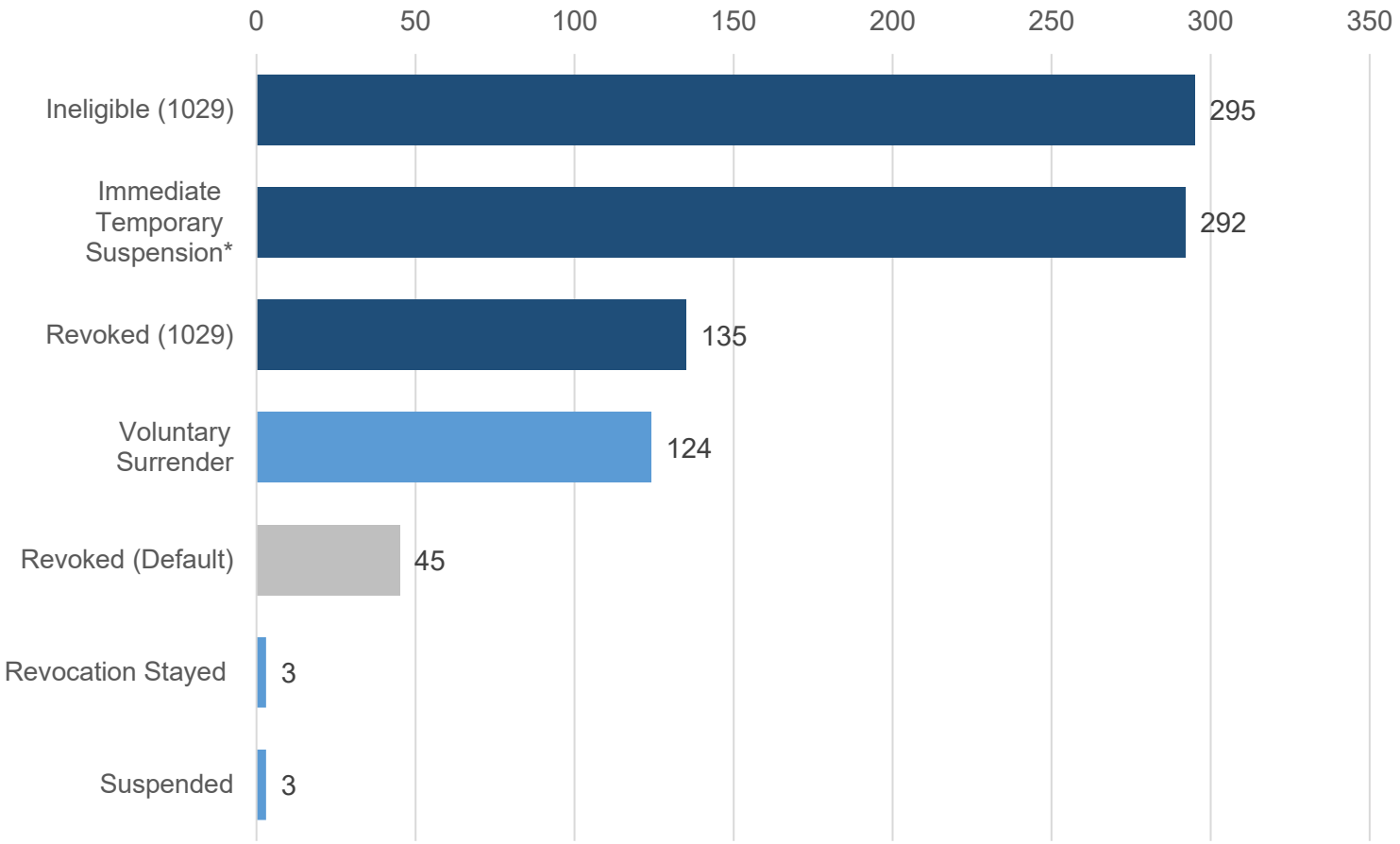
4% were closed out as non-actionable.

2% of may have met serious misconduct, but did not meet the clear and convincing evidentiary standard.

**1% resulted in certification action.**

# The number of disciplinary actions taken by POST is above average compared to other California regulatory licensing agencies.

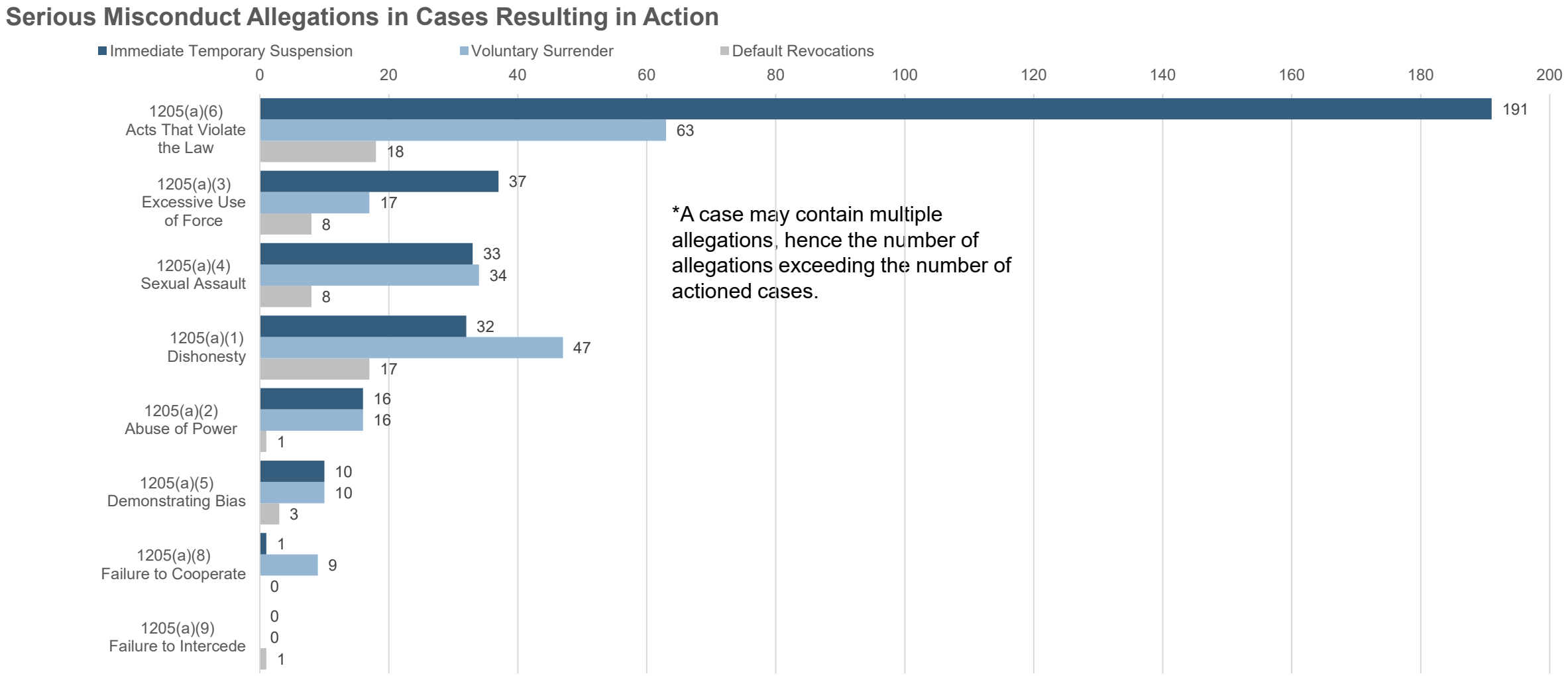
## Number of Cases Resulting in Action by POST




**897 disciplinary actions** have been imposed by POST. This amounts to **1.1% of actions** on POST's licensee population (~80k) annually.

*Reflects total number of issued Immediate Temporary Suspensions and those that resulted in subsequent action.

# The top allegations resulting in action by POST are Acts that Violate the Law, Dishonesty, and Sexual Assault.



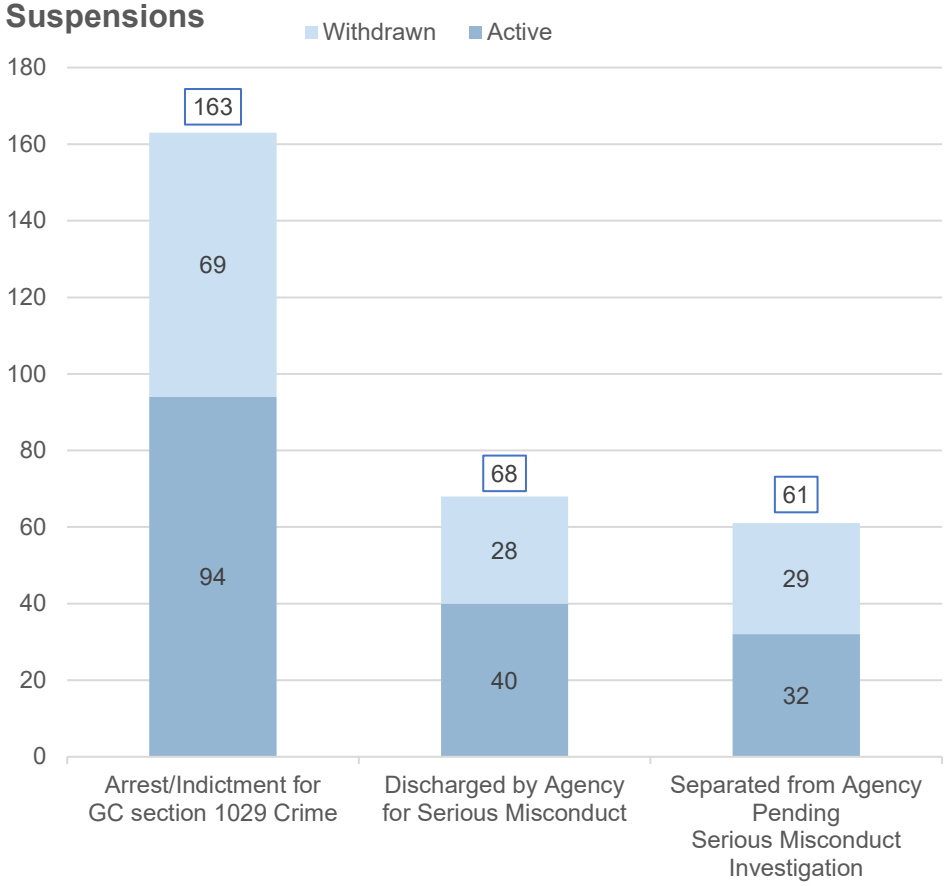

*A case may contain multiple allegations, hence the number of allegations exceeding the number of actioned cases.

# Arrests and indictments for Government Code section 1029 crimes are the highest basis for issued immediate temporary suspensions, contributing to relatively high revocation outcomes.

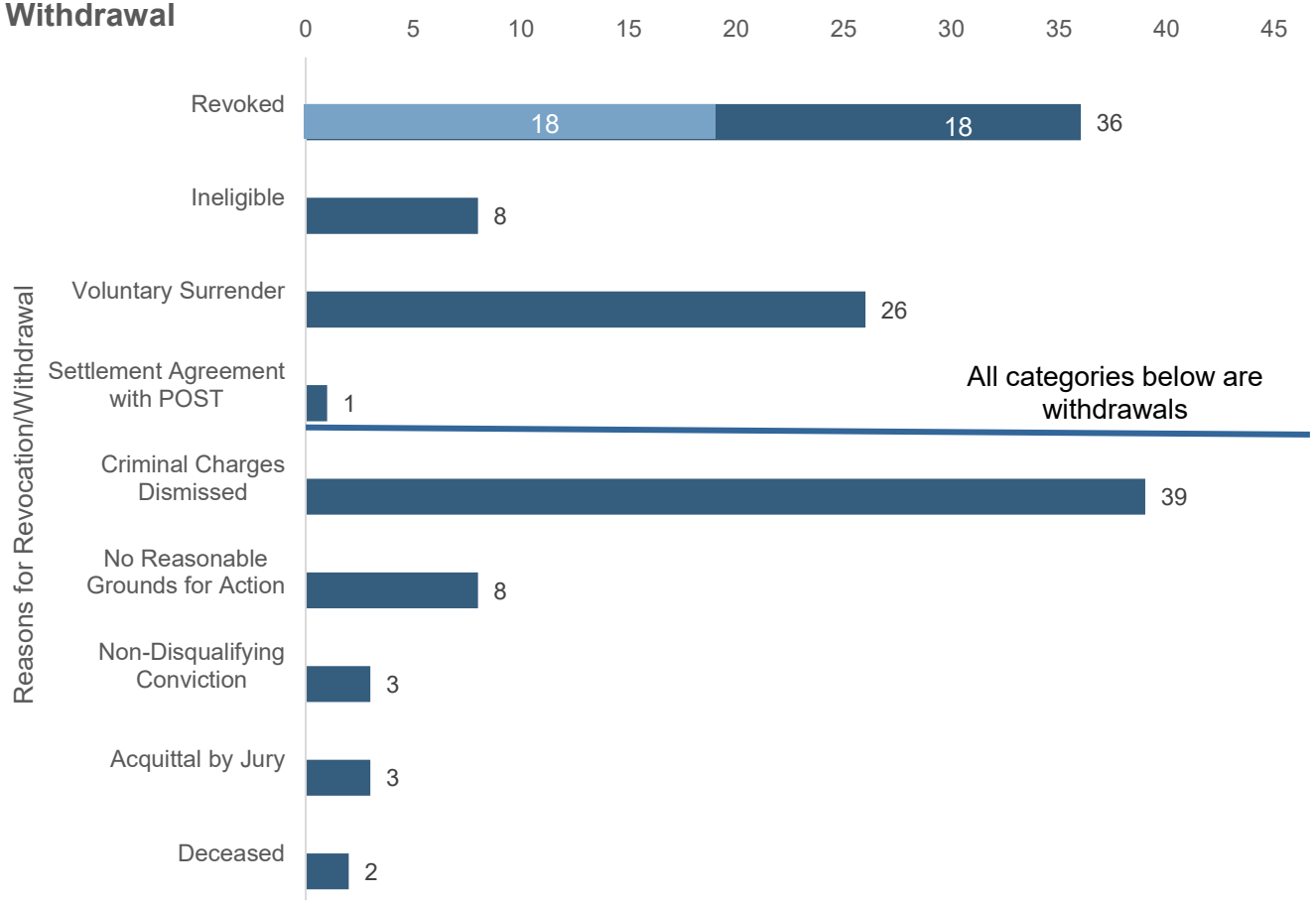
Bases for an immediate temporary suspension (ITS) are outlined in Penal Code section 13510.8(d). An ITS may be issued for one or more bases.

An ITS remains in effect until a final determination is made by the Commission, or the Executive Director withdraws the temporary suspension.

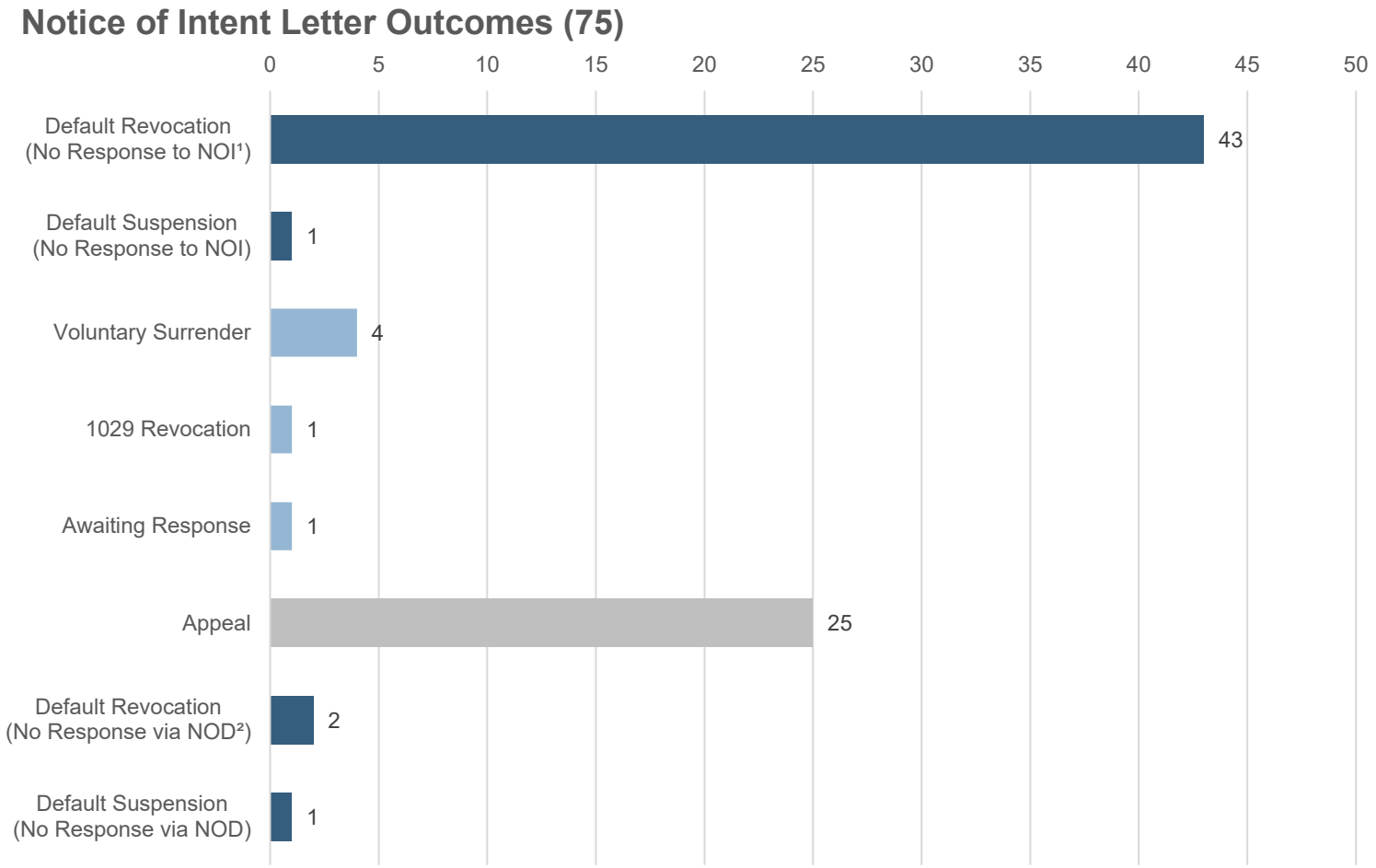
## Basis Considered for Issued Immediate Temporary Suspensions




## Immediate Temporary Suspensions Resulting in Action or Withdrawal



# Over half of subject officers who have received a Notice of Intent letter did not respond, resulting in default outcomes.




**A total of 75 Notice of Intent letters** have been sent.

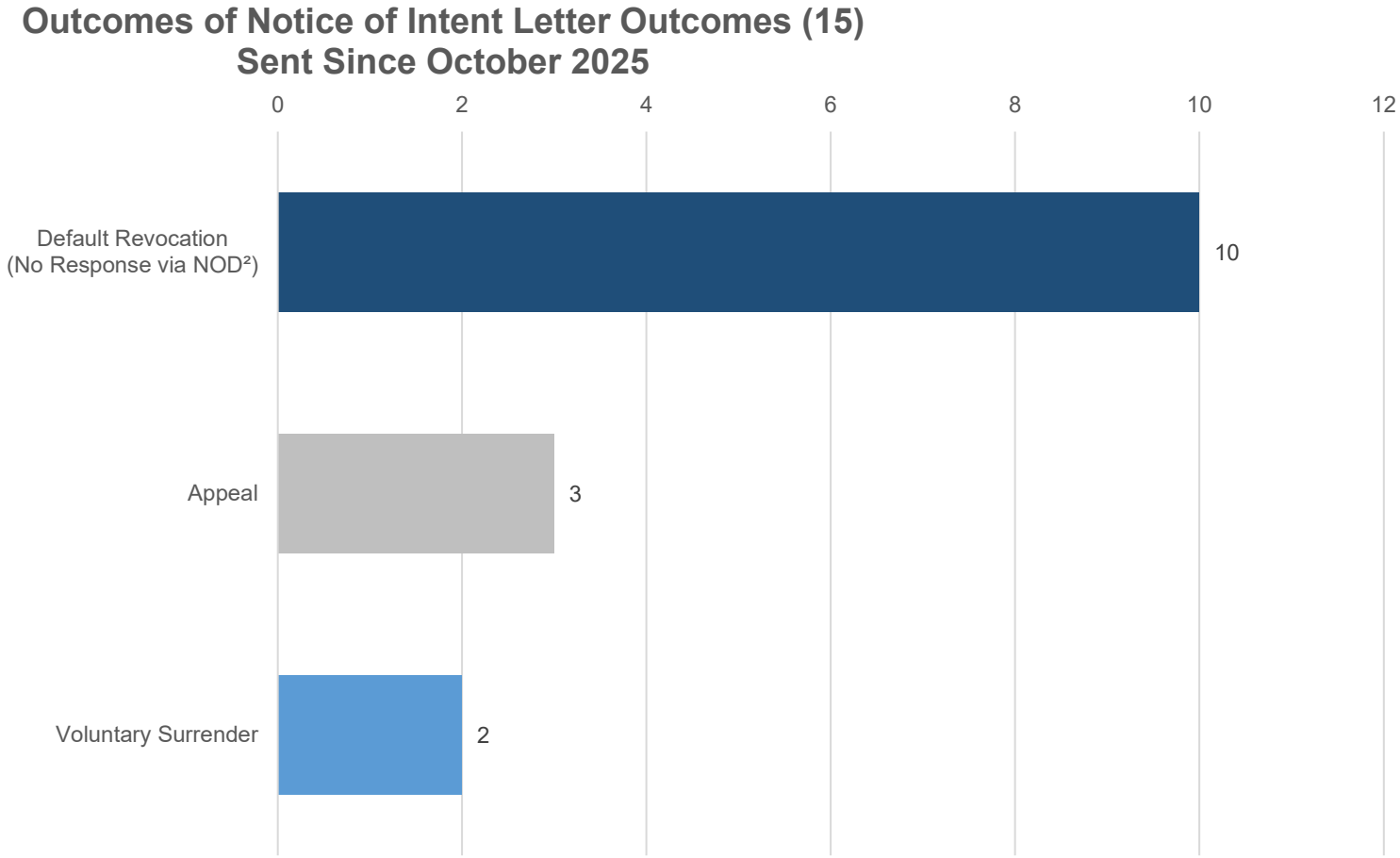
**47 Notices resulted in a default decision:**

- 44 defaulted from failure to respond to the Notice within the 30-day appeal timeframe
- 3 defaulted after hearing before the Board and Commission due to failure to timely respond to POST's accusation with a Notice of Defense.

**25 Notices resulted in appeals**; of these appeals, 22 have been heard by the Board and Commission and 3 are still pending hearing.

1. **Notice of Intent to Revoke letter**. Failure to respond within 30 days of the Notice's mailing date results in a default action without any further proceedings.
2. **Notice of Defense**. When the Commission deems that action against a peace officer's certification is warranted, POST works with the Attorney General's Office to file an accusation against the subject officer. In accordance with Government Code section 11520, failure to respond to this accusation with a Notice of Defense within 15 days results in the imposition of the Commission's determination without further proceedings.

# Since October, over two-thirds of subject officers who have received a Notice of Intent letter did not respond, resulting in default outcomes.




**A total of 15 Notice of Intent letters** have been sent since October 2025.

**10 Notices resulted in a default decision**

**3 Notices resulted in appeals**

**2 Notices resulted in Voluntary Surrender**

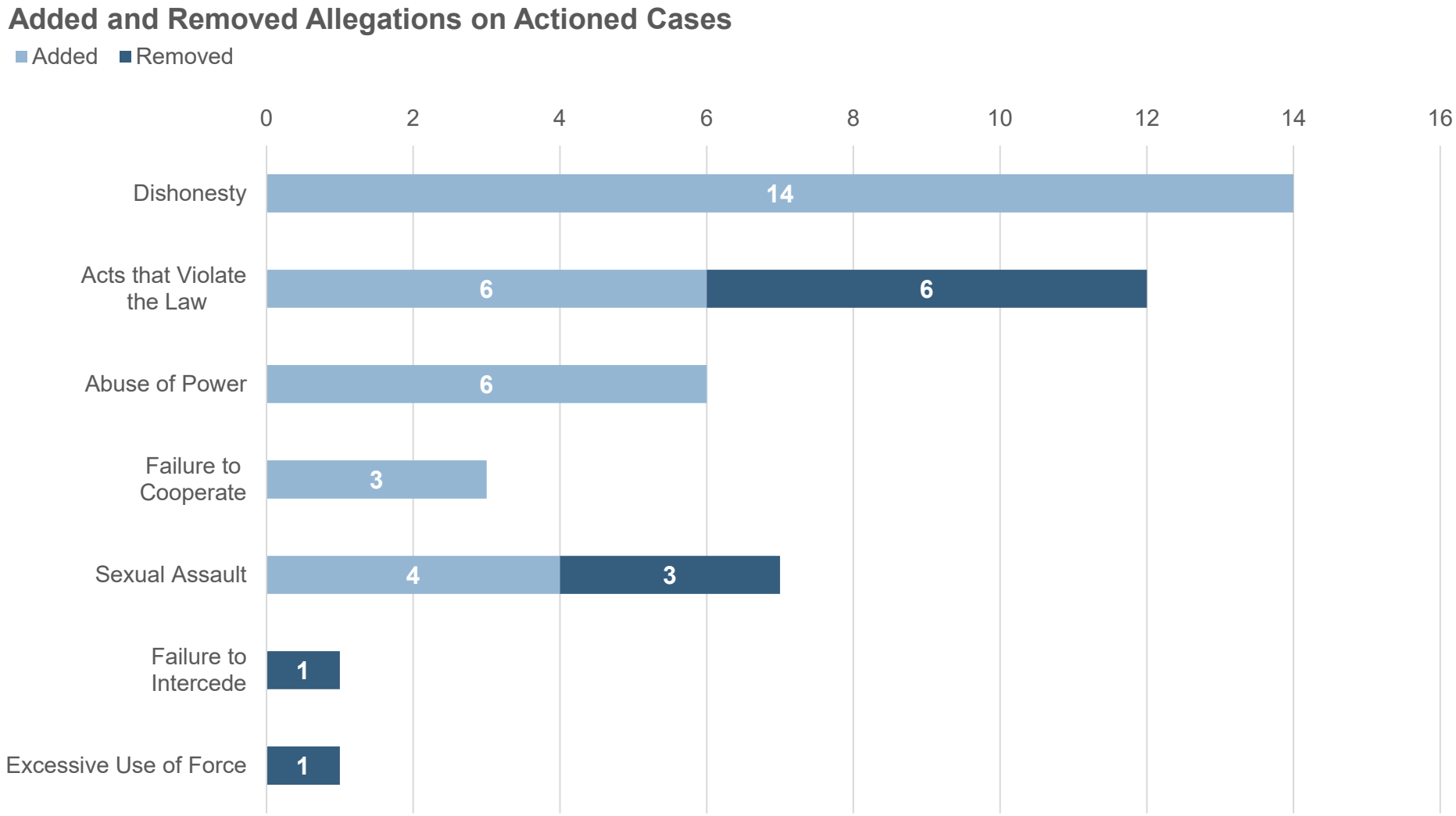
1. **Notice of Intent to Revoke letter**. Failure to respond within 30 days of the Notice's mailing date results in a default action without any further proceedings.
2. **Notice of Defense**. When the Commission deems that action against a peace officer's certification is warranted, POST works with the Attorney General's Office to file an accusation against the subject officer. In accordance with Government Code section 11520, failure to respond to this accusation with a Notice of Defense within 15 days results in the imposition of the Commission's determination without further proceedings.

# Almost half of the cases receiving Notice of Intent letters involve POST capturing additional causes for action or amending the agencies' causes for action to align with the regulatory definitions of serious misconduct.

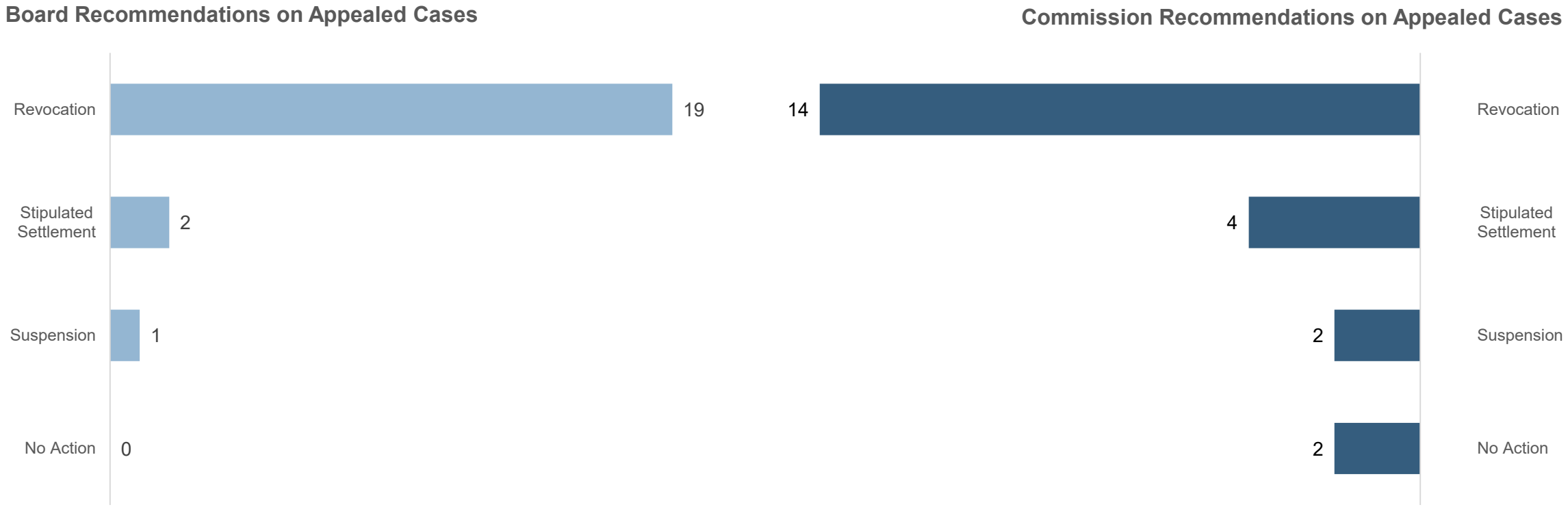
POST revised the original allegations submitted by agencies in **58 of the 75 cases** that received a Notice of Intent letter.

The **most frequent additions** were allegations of **Dishonesty, Abuse of Power,** and **Acts that Violate the Law.**

The **most common removals** were allegations of **Acts that Violate the Law** and **Sexual Assault**.



# Comparing Board and Commission recommendations on appealed cases:




The Board has moved to revoke in most cases (19 out of 22), across a range of allegations. The exceptions include cases involving DUIs; one resulted in a suspension, which occurred before awareness of the stipulation process, while two were resolved through stipulated settlements.

The Commission has moved to revoke in nearly two-thirds of cases (14 out of 22). Two cases with Dishonesty allegations resulted in no action. All DUI-related cases reviewed by the Commission (4) were resolved through stipulated settlements. Two cases involving excessive use of force resulted in suspension.

# Glossary of Terms, Part One – General Terms

| | |
|---|---|
| **Accusation** | A written statement of charges against a respondent. This statement also outlines the agency's jurisdiction and intended discipline over alleged conduct. |
| **Agency Misconduct Report** | A report created in Mark43 that provides information about serious misconduct allegations against a peace officer or law enforcement agency. |
| **Agency Supplemental Report** | A report created in Mark43 to provide additional information to an Agency Misconduct or Public Complaint report. |
| **Case** | When a serious misconduct report is approved, it is created into a case and assigned to POST staff for review. A case will contain at least one Agency Misconduct report or Public Complaint report (or both). It may also contain an Agency Supplemental report if the agency provides POST with further updates on the incident. |
| **Commission** | A group of up to 18 commissioners consisting of city and county administrators, law enforcement professionals, educators, and public members which meets at least three times a year to establish standards, regulations, and give direction to POST staff. |
| **Default Revocation/Suspension** | Disciplinary action taken against a peace officer's certification after failure to appeal the Division's Notice of Intent letter within 30 days or accusation with a Notice of Defense within 15 days. |
| **Disqualified** | An individual that is disqualified from eligibility to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 and does not hold a Proof of Eligibility or certificate from POST. |
| **Ineligible** | An individual that is disqualified from eligibility to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 prior to the enactment of SB 2 (January 1, 2022). |
| **Mark43** | The secure electronic records management system used by the Division to receive and manage serious misconduct reports and cases. |
| **Notice of Defense** | The document submitted by the respondent to preserve their right to a hearing after receiving an accusation. If a Notice of Defense is not timely filed within 15 days of the accusation's service, the agency may impose the outcome by default. |
| **Notice of Intent Letter** | Notice that provides the subject officer with a detailed explanation of the decertification procedure and the officer's rights to contest and appeal the Division's intent to take action against their peace officer certification. |
| **Peace Officer Standards Accountability Advisory Board (Board)** | An advisory body to the Commission that reviews serious misconduct cases involving peace officers. The Board was created by Senate Bill 2 and is comprised of 9 appointed members. |
| **Peace Officer Standards Accountability Division (Division)** | A new division created by Senate Bill 2 that is responsible for the intake and investigation of serious misconduct allegations that may provide grounds for suspension or revocation of a peace officer's certification. |
| **Public Complaint** | A complaint of potential serious misconduct from a member of the public. |
| **Public Complaint Report** | A report created in Mark43 that provides information about potential serious misconduct allegations from a public complaint. |
| **Revoked** | The peace officer has been decertified and may not exercise the duties and powers of a peace officer. A revocation is permanent, and the certification shall not be reactivated. |
| **Immediate Temporary Suspension** | The immediate suspension of a peace officer's certification, pending the outcome of an investigation related to allegations of serious misconduct, pursuant to Penal Code section 13510.8(d). The "temporary suspension" may be issued under the following circumstances:<br>When a peace officer is arrested or indicted for a felony or other crime listed in Government Code section 1029,<br>When a peace officer is discharged from a law enforcement agency for serious misconduct, or<br>When a peace officer has separated from employment as a peace officer during a pending investigation into allegations of serious misconduct. |
| **Suspension** | A disciplinary action wherein a peace officer certification has been suspended for a specified period of time, not to exceed three years. A peace officer whose certification has been suspended may not be assigned duties which include the exercise of peace officer powers. |
| **Voluntary Surrender (Surrender)** | A person who holds a certificate issued by the commission, knowingly and willingly, returns the certificate to the commission, forfeiting all rights and privileges associated with that certificate. A "surrender" has the same effect of a revocation in that it cannot be reactivated. |

# Glossary of Terms, Part Two – Case Terms and Priority Labels

| Case Statuses | |
|---|---|
| **Consolidated Case** | Case status applied when a case is consolidated into another case due to multiple cases for the same individual/incident. |
| **Deceased** | Case status applied to cases that cannot be actioned due to the peace officer being deceased. |
| **Disqualified** | Case status applied to cases that result in an individual being disqualified from eligibility to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 and does not hold a Proof of Eligibility or certificate from POST. |
| **Ineligible** | Case status applied to cases that result in an individual being disqualified from eligibility to be a peace officer based on a disqualifying event as set forth in Government Code section 1029 prior to the enactment of Senate Bill 2 (January 1, 2022). |
| **Issued in Error** | Case status applied to cases with reports/investigations that are generated in error. |
| **NFA_POST** | Case status applied to cases when the Division does not take action against a case due to insufficient evidence, absence of serious misconduct, or statutory limitations, etc. |
| **No Commission Action** | Case status applied to cases where the Commission's determines no action against a peace officer's certification following the Commission's review of the Board's recommendation. |
| **Non-Jurisdictional** | Case status applied to cases with allegations against an individual **not** appointed pursuant to Penal Code Section 830.1, 830.2 with the exception of subdivision (d), 830.3, 830.32, or 830.33. |
| **Revoked** | Case status applied to cases that result in the commission's revocation of a peace officer's certification. |
| **Suspension** | Case status applied to cases when the Commission's decision is to suspend the peace officer's certification. |
| **Voluntary Surrender** | Case status applied to cases where a peace officer voluntarily surrenders their certification. |
| **Not Actionable** | A closure justification for cases that cannot be acted upon due to lack of statutory authority, e.g, conduct and findings took place prior to January 1, 2022. |
| **Not Clear and Convincing** | A closure justification for cases where the clear and convincing evidentiary standard could not be established upon review and analysis of case facts. |
| **Not Serious Misconduct** | A closure justification for cases that did not involve acts of serious misconduct as defined in Commission Regulation 1205. |
| **Labels** | |
| **POST ITS** | Contains a potential ITS basis outlined in Penal Code section 13510.8(d). |
| **Priority 1** | Contains politically/media-sensitive content or sustained agency findings, regardless of the incident or agency finding date. |
| **Priority 2** | Contains sustained agency findings for policy violations that may or may not fall under the definition of serious misconduct. |
| **Priority 3** | Contains an unfounded, exonerated, or not sustained finding with an agency finding date that takes place **after** January 1, 2022. |
| **Priority 4** | Contains an unfounded, exonerated, or not sustained finding with an agency finding date that takes place **before** January 1, 2022. |
| **OPEN INV** | Contains an ongoing agency investigation without agency findings. |

# Questions?

***Thank you!***

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

**MEMORANDUM**

**Date:** January 22, 2026

**From:** Peace Officer Standards Accountability Division – Board Assistant, Chandler Knapp
**To:** Peace Officer Standards Accountability Advisory Board Members
**Subject:** February 05, 2026, Board Hearing and Outcome of Recent Commission Misconduct Case Review

Dear Esteemed members of the Board,

I trust this message finds you well in the wake of the holiday season. This memo aims to provide you all with two particularly important administrative updates that impact you as Board members:

1. February 04-05, 2026, Peace Officer Standards Accountability Advisory Board Hearing will be limited to one day, Thursday February 05, 2026, at POST Headquarters in West Sacramento beginning at 10:00 AM.

2. A brief overview on the outcome of case review from the December 03, 2025, Commission Meeting.

First, during the recent cycle, Division personnel issued 15- Notices of Intent to Revoke. Of those 15,10 cases have resulted in default revocations, three subject officers have appealed and the cases will be before the Board on February 05, 2026, and two subject officers voluntarily surrendered their certification.

As such, we will be conducting a **single-day hearing on Thursday February 05, 2026**, at POST Headquarters in West Sacramento beginning at 10:00 AM.

Secondly, the Commission met on December 03, 2025, at POST Headquarters in West Sacramento, CA to review the recommendations made by you – the Board – at the October 09, 2025, Board hearing. Below are the results of the Commission's review. The following is a summary of those results – any further questions/discussion may be addressed during the Board hearing on 02/05/2026.

**POST2306324 - Luke Baxter Walden (POSAAB Recommendation: Revocation)**

The subject officer and his counsel were notified of the details of the Commission's review and notified of their opportunity to issue public comment. The subject Officer's counsel, Leslie Wilcox, was present and issued public comment. One member of the public provided comment before the Commission. Following the Law Enforcement Consultant's presentation and review of the record from the Board hearing of November 06, 2025, the Commission adjourned into closed session then returned to general session and voted unanimously to revoke the subject officer's certification. This case will now move forward for the filing of an accusation and a full evidentiary hearing before an Administrative Law Judge (ALJ), pending an appeal by Mr. Walden.

**POST2410050 - Michael Kim (POSAAB Recommendation: Revocation)**

The subject officer and their counsel were provided notice of the Commission's hearing and given notice of their opportunity to speak. Both the subject officer and his counsel, Marie Masters, issued public comment. Three members of the public provided comment before the Commission. At the conclusion of the presentation by the Law Enforcement Consultant and review of the record and recommendation from the Board hearing of October 09, 2025, the Commission voted unanimously in support of the Board's recommendation to revoke the subject officer's certification. This case will now move forward for the filing of an accusation and a full evidentiary hearing before an Administrative Law Judge (ALJ), pending an appeal by Mr. Kim.

**POST2402562 - Armando R. Montalvo (POSAAB Recommendation: Revocation)**

The subject officer and his counsel were notified of the details of the Commission's review and notified of their opportunity to issue public comment. Counsel for the subject officer was present and provided public comment followed by the subject officer. There were no additional public comments. Following the Law Enforcement Consultant's presentation, the Commission met in closed session, returned to regular session and voted unanimously for a 30-day suspension of the subject officer's peace officer certification. This case will now move forward for the filing of an accusation for the suspension of Mr. Montalvo's certificate.

We understand that you may have questions or concerns in reference to the aforementioned case outcomes. This memo aims to provide a summary of those case outcomes; however, staff can elaborate on the outcome of any of these cases at the Board's next scheduled meeting on February 05, at POST Headquarters in West Sacramento.

We sincerely hope that fall treats you well and look forward to seeing you all in February. If you have any general questions or concerns about POSAAB business, please do not hesitate to reach out to me at any time.

Very truly yours,

Chandler T. Knapp

Chandler T. Knapp
POSAAB Assistant - Executive Office

**AGENDA ITEM REPORT**

**Title: APPROVAL OF MEETING TRANSCRIPT FROM THE OCTOBER 09, 2025 AND NOVEMBER 06, 2025 MEETINGS**

**REPORT PROFILE**

| | | |
|---|---|---|
| **MEETING DATE**<br>02/05/2026 | **BUREAU SUBMITTING THE REPORT**<br>Executive Office | |
| **RESEARCHED BY** | **REVIEWED BY** | |
| **REPORT DATE** | **APPROVED BY** | **DATE APPROVED** |
| **PURPOSE** | **FINANCIAL IMPACT**<br>No | |

**ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION**

**ISSUE:**

**BACKGROUND:**

**ANALYSIS:**

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

**ATTACHMENT(S):**
2025 10-09 CP POSAAB - Open Session_Final.pdf
POSAAB Open Session 11.06.2025_CK.pdf

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, OCTOBER 9, 2025

10:05 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:

Connie J. Parchman,

California Certified Shorthand Reporter #6137

# A P P E A R A N C E S

## POSAAB MEMBERS PRESENT

JOYCE DUDLEY
Governor Appointee
Attorney
(Chairperson)

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

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

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## PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

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

POST STAFF

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

CHRISTINE FORD
Bureau Chief
Professional Conduct
Southern Bureau

SARAH WALLACE
Bureau Chief
Intake and Disposition Bureau

KEVIN SHERBURNE
Law Enforcement Consultant
Professional Conduct Central Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

MARCUS GREGORY
Law Enforcement Consultant
Professional Conduct Southern Bureau

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

BRANDY ESSEX
Staff Services Analyst
Executive Office

---o0o---

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

ALSO PRESENT

BEATRICE JOHNSON
Public Speaker

APPEARING REMOTELY:

PATRICIA DE ARMAN
Public speaker, sister of Christopher DeArman

CINDY NUNEZ
Public speaker

DAVID DE ARMAN
Public speaker, father of Christopher DeArman

BRUCE LEININGER
Public speaker

MELISSA MIRAMONTES
United Families for Justice

CRYSTAL RODRIGUEZ
Public speaker

DARWIN FISHMAN
Racial Justice Coalition of San Diego

MARIE MASTERS, ESQ.
Representing Michael Kim

BRETT RUTKOWSKI, ESQ.
Representing Armando R. Montalvo

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

--o0o--

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

West Sacramento, California

---oOo---

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

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

Thank you all for attending the Peace Officer Standards Accountability Advisory Board hearing.

Please note that this hearing is being live-streamed, recorded and transcribed. Further, please note that the microphones are auto on/off. When you begin speaking, they will go live with this and you will need to watch your crosstalk.

We will now call the roll of board members.

MS. ESSEX: Thank you, Madam Chair.

Good morning, Board.

Member Clavo.

MEMBER CLAVO: Present.

MS. ESSEX: Doyle.

MEMBER DOYLE: Here.

MS. ESSEX: Crawford.

MEMBER CRAWFORD: Here.

MS. ESSEX: Dudley.

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

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

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

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

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

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

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

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

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

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

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

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

First, in the audience?

Seeing nothing, now asking about anyone remotely.

Okay. It appears we do have four people online.

(Indecipherable feedback from video conference.)

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

organization if you wish.

(Indecipherable feedback from video conference.)

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

(Indecipherable feedback from video conference.)

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

If so, please begin speaking.

PATRICIA DE ARMAN: Hello?

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

PATRICIA DE ARMAN: Hello?

CHAIRPERSON DUDLEY: Please proceed.

PATRICIA DE ARMAN: Can you hear me?

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

PATRICIA DE ARMAN: Oh. Sorry.

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

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

He was shot at excessively 28 times, some of which

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

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

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

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

My brother asked for his citations. They said no.

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

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

SDPD did not value his life that night.

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

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

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

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

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

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

Christopher Aguilar needs to be held accountable.

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

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

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

Hollow points need to be banned entirely.

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

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

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

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

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

CHAIRPERSON DUDLEY: Let me interrupt you.

(Unreportable cross-talk.)

PATRICIA DE ARMAN: -- fourteen hours.

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

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

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

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

Go ahead.

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

MS. DEL MUGNAIO: Thank you very much.

PATRICIA DE ARMAN: Thank you.

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

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

Are there more on the line?

UNIDENTIFED PUBLIC SPEAKER: Yes.

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

CINDY NUNEZ: Hello?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Make an example. Our families deserve protection,

not persecution.

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

Thank you.

CHAIRPERSON DUDLEY: Thank you for calling.

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

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

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

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

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

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

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

Thank you.

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

Are there any more callers? Okay.

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

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

DAVID DE ARMAN: Hello, can you hear me?

CHAIRPERSON DUDLEY: I can hear you. Thank you.

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

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

CHAIRPERSON DUDLEY: Let me immediately now turn it

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

MS. DEL MUGNAIO: Mr. DeArman --

DAVID DE ARMAN: Yes.

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

DAVID DE ARMAN: Sure did.

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

DAVID DE ARMAN: Thank you, ma'am.

MS. DEL MUGNAIO: You're welcome.

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

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

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

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

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

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

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

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

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

CHAIRPERSON DUDLEY: Thank you.

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

CHAIRPERSON DUDLEY: I understand.

DAVID DE ARMAN: It will be difficult.

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

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

They did -- they took no such actions.

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

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

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

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

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

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

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

CHAIRPERSON DUDLEY: Thank you, sir.

Are there any other calls?

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

I'm not hearing any voices.

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

Someone still is there?

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

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

So again, an opportunity to unmute and speak up.

(No response.)

CHAIRPERSON DUDLEY: Okay. Hearing nothing, we're

going to go on.

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

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

(No response.)

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

(Sotto voce comment.)

CHAIRPERSON DUDLEY: Go ahead.

Okay. If the Board concurs --

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

CHAIRPERSON DUDLEY: I'm sorry. Go ahead.

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

So thank you for taking my call.

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

CHAIRPERSON DUDLEY: Okay.

BRUCE LEININGER: I'm calling on --

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

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

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

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

Please, sir, go ahead.

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

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

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

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

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

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

BRUCE LEININGER: -- assurance --

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

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

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

CHAIRPERSON DUDLEY: Yes, we can.

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

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

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

CHAIRPERSON DUDLEY: Executive Director --

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

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

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

BRUCE LEININGER: Can I leave you my number now?

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

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

BRUCE LEININGER: Okay. Thanks.

MS. DEL MUGNAIO: You're welcome.

BRUCE LEININGER: And that concludes my comments.

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

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

We're not hearing any voices.

MELISSA MIRAMONTES: Can you all hear me?

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

MELISSA MIRAMONTES: Okay. Hi. My name is

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

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

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

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

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

That is false and --

CHAIRPERSON DUDLEY: Let me --

MELISSA MIRAMONTES: -- look into the --

CHAIRPERSON DUDLEY: Let me ask the Assistant --

MELISSA MIRAMONTES: Excuse me?

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

MELISSA MIRAMONTES: So --

CHAIRPERSON DUDLEY: Hang on one sec so she can

respond to you -- to your concern.

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

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

So POST is limited to --

MELISSA MIRAMONTES: Absolutely not.

MS. DEL MUGNAIO: Okay. I think --

MELISSA MIRAMONTES: Absolutely not.

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

(Unreportable cross-talk.)

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

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

MELISSA MIRAMONTES: Thank you.

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

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

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

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

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

CHAIRPERSON DUDLEY: Okay. So --

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

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

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

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

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

Please look into these investigations.

My specific complaint number is R002950-050925 --

CHAIRPERSON DUDLEY: Hang on one second.

MELISSA MIRAMONTES: -- making --

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

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

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

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

CHAIRPERSON DUDLEY: Okay.

MELISSA MIRAMONTES: The scenarios are all different.

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

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

Please investigate.

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

Justice for Chris DeArman.

Justice for all stolen lives.

CHAIRPERSON DUDLEY: I absolutely --

MELISSA MIRAMONTES: Thank you.

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

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

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

MELISSA MIRAMONTES: -- platform.

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

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

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

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

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

CHAIRPERSON DUDLEY: Do you understand that it --

MELISSA MIRAMONTES: Yes, ma'am.

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

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

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

CHAIRPERSON DUDLEY: Thank you so much.

Is there somebody else who would like to speak?

CRYSTAL RODRIGUEZ: Hello?

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

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

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

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

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

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

And I very much appreciate your call.

Was there something else you wanted to say? I

didn't mean to interrupt you.

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

CHAIRPERSON DUDLEY: It is neither --

CRYSTAL RODRIGUEZ: -- especially if they --

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

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

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

I very much appreciate your call.

CRYSTAL RODRIGUEZ: Thank you.

CHAIRPERSON DUDLEY: Thank you.

Is there anyone else who would like to speak?

If there is anyone else that would --

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

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

DARWIN FISHMAN: Hello, can you hear me?

CHAIRPERSON DUDLEY: I can hear you too.

Let's have one at a time.

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

DARWIN FISHMAN: Okay. Okay.

CHAIRPERSON DUDLEY: Thank you, sir. Go ahead.

(Unreportable cross-talk.)

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

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

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

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

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

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

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

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

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

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

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

Thank you.

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

Sir, thank you for your call.

Now there is -- I heard a female voice.

UNIDENTIFIED PUBLIC SPEAKER: Yes. Yes.

CHAIRPERSON DUDLEY: Go ahead.

UNIDENTIFIED PUBLIC SPEAKER: Can you hear me?

CHAIRPERSON DUDLEY: Sure can. Go ahead.

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

any criminal accountability.

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

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

Thank you.

CHAIRPERSON DUDLEY: Thank you very much for calling.

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

Again, thank you for your call.

Is there anyone else?

I think that perhaps the mute button was off.

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

DAVID DE ARMAN: This is Mr. DeArman again.

CHAIRPERSON DUDLEY: Yes, sir. Go ahead.

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

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

(Indecipherable feedback from video conference.)

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

DAVID DE ARMAN: Yes.

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

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

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

Is there anyone else on the line?

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

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

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

Is there such a motion?

MEMBER LARA: Move to approve the minutes.

CHAIRPERSON DUDLEY: And a second?

MEMBER CLAVO: I second.

CHAIRPERSON DUDLEY: Thank you.

Any opposed?

(No response.)

CHAIRPERSON DUDLEY: Any abstentions?

MEMBER DOYLE: Abstain. I was not present.

CHAIRPERSON DUDLEY: Thank you. So we will go ahead and that motion is approved and we'll take a break and come back at 11:00 o'clock for the new business.

Thank you, everyone.

(Brief break.)

CHAIRPERSON DUDLEY: Okay. Let's start up.

Okay. We're going to start up. If I can get everybody to please take their seats. Thank you so much.

I see all the Board members are in their seats and we'll proceed.

We're now on to new business.

We now move to the next items on the agenda. We have -- I'm sorry. I'm reading the wrong part of the script. Stand by.

Okay. We're going to handle the cases possibly

right after lunch, depending upon how long there's a discussion of the data. So we'll proceed with the discussion of the data. Proceed with any questions you might have.

If there's time, we'll begin the Kim case before we break for lunch.

And if not, we'll proceed -- I'll break for lunch from 12:00 to 12:30 and that should be a sufficient amount of time.

So, Ms. Del Mugnaio will invite the bureau chief to come up and now the report on data for serious misconduct reporting investigations and disciplinary actions.

MS. DEL MUGNAIO: Thank you so much.

CHAIRPERSON DUDLEY: Thank you.

MS. DEL MUGNAIO: Good morning, Chair. Thank you, Madam Chair.

We're going to go over some of the data that we presented in July to the Board. We've got some updated numbers.

One thing I would like that add before I turn it over to Bureau Chief Christine Ford and Bureau Chief Sarah Wallace to review the data with you is, we have made a concerted effort to go through and audit all 600-plus agencies that are required to report to POST.

And audit their serious misconduct reporting efforts.

And we are in the process of -- actually today, tomorrow -- sending correspondence to agencies that we've not received reports from, and those agencies that the reports we have received do not appear to be proportionate to the number of peace officers that are employed with that agency.

The effort will help us reconcile our data against the data the agency head believes is representative of their particular agency.

Keep in mind that zero reporting agencies, some of those involve, as we've mentioned in the past, agencies that have very few peace officers, maybe or five or six, DA investigators, harbor patrol police, airport police, some of the state agencies that employ peace officer classifications, where the scope of responsibility is not patrolling the communities, thereby, there may not be the types of serious misconduct complaints that would be typical of an -- of an average law enforcement agency.

However, when we come back to the Board in February, we will be able to provide you the exact numbers and responses from those agencies.

With that, I'm going to turn it over to Sarah --

Bureau Chief Sarah Wallace.

CHAIRPERSON DUDLEY: I'm just going to interrupt for a second.

Are there any questions about what Ms. Del Mugnaio said just now?

Wonderful. Please proceed.

MS. DEL MUGNAIO: Thank you. Okay.

So I'm now going to turn it over to Bureau Chief Sarah Wallace Intake and Disposition Bureau and Bureau Chief Christine Ford, who oversees our Southern Bureau.

For those of you who might remember, we consolidated LA County and Southern Bureau, the largest bureau we have in the professional conduct region. And Christine has taken on a pretty lofty assignment in overseeing a collective thousands of reports that are sitting in Southern California.

So thank you.

MS. FORD: Thank you. Good morning, Madam Chair and board members.

I know that you were provided the certification stats prior to today's meeting, so I'm not going to cover those unless you have specific question. So those are slides 1 through 12. So we'll go ahead and start with the accountability division. Thank you.

CHAIRPERSON DUDLEY: Excuse me, Christine.

What I'm going to ask the Board, because you have all had an opportunity to look at it, you're going to hear the presentation now. It's probably better to ask your questions as you see something that concerns you.

So I will stop the speakers. And if you just raise your hand, I'll call on you and then you can address your questions.

Thank you so much.

Please proceed.

MS. FORD: Thank you.

So as our Assistant Executive Director already mentioned, we have 611 agencies that must report to POST.

Twenty-four percent have zero reporting, or actually have less than -- I'm sorry.

Have not reported. Half of those are agencies which have ten or less full-time peace officers.

She did cover the letters. What I plan to do with these slides is just give you a brief bullet points and if you have questions we can go into deeper on each slide.

But it was already mentioned that those letters will go out this week.

Question.

CHAIRPERSON DUDLEY: Question. Ahh. I didn't

notice. Please, thank you so much. Yes.

MEMBER CRAWFORD: It's the previous slide.

So you mentioned that -- that the agencies -- and that was -- I know we had mentioned previously in one of the questions, they're supposed to report to you misconduct reports; am I correct?

MS. FORD: Yes, within 10 days.

MEMBER CRAWFORD: But it's not mandatory. And that based on your slide, you said that you're seeing that maybe agencies that have less than ten officers, is the number correct, that are not reporting; right?

MS. FORD: No. It just indicates that the 24 percent that we have zero reports from, half of those basically have ten or less officers.

So the probability or possibility that there's no allegations of serious misconduct is a -- is a valid reason why they have not reported any cases.

MEMBER CRAWFORD: So I guess I'm not -- so from agencies from ten to -- ten to let's say 25 or 50 officers, where would I see that as far as the breakdown?

MS. FORD: It's within the first paragraph -- first draft -- or graph that shows zero to 49.

147 currently have not reported to POST.

MEMBER CRAWFORD: Okay. And they're not -- this is

not a mandatory thing they have to do? It's --

MS. FORD: If they get a complaint, charge or allegation of serious misconduct, yes, it is a mandated report.

MEMBER CRAWFORD: It is a mandated report?

MS. FORD: Yes.

MEMBER CRAWFORD: Okay. I thought the last time we -- okay. Thank you.

CHAIRPERSON DUDLEY: Thank you.

Question, Dr. Glaser?

MEMBER GLASER: Just on that point, I think we began a discussion of this last time.

It might be worth bringing it up again, which is just that there could be the possibility that there would be a mandate to even report zero incidents, so that there would be an annual or even a quarterly reporting requirement whether or not there are misconduct cases.

MS. DEL MUGNAIO: Thank you, Dr. Glaser. That's what I was going to speak to with Regina's question.

Yes, so with the letters that are being sent out, there is a mandatory acknowledgment by the agency head or the agency designee of either the zero reporting or the less than what we would maybe deem proportionate reporting so they will be required to respond to us by a

certain date and verify the information.

To answer moving forward, it would probably require a regulatory action so that there's some force and effect of that requirement.

To require an annual reporting and reconciliation of even if there are zero reports, that someone is signing their name to that fact and recognizes that it is a mandate.

MEMBER CRAWFORD: Okay. One last question.

CHAIRPERSON DUDLEY: Yes. Lieutenant Lara.

MEMBER LARA: She was first.

MEMBER CRAWFORD: Are you sure, sir?

MEMBER LARA: Please, go ahead. By all means.

MEMBER CRAWFORD: Thank you.

Now I kind of forgot my question.

But, so, in this reporting, and I have to go back, I'm sorry.

Part of this reporting, some of the things I'm kind of -- questionable to me, when we looked at the levels of serious misconduct, versus the agencies policy and what is deemed as truly what we consider misconduct. And some of the cases that we have seen, you know, we've seen where agencies, based on their policies, have not -- I don't like to use the word "undermine" -- have taken a different position and seems to me to challenge

the authority of what POST -- don't tell me that.

Somewhat has created different policies that circumvent what POST's policies is.

And we're going to be seeing that, you know, and some of the cases where POST is clear in -- so what I think is clear in their description of what misconduct is, but we're finding out the agencies are not clear.

They're kind of making up their policies as they go along.

So -- and in that, it's kind of concerning to me because it's, like, when do the two meet? You know, other than if a person does not file to POST directly, what the agencies said as what they deem as not being misconduct, it just -- you know, it goes away.

And that's what the community is calling for, is when do the two make sure that they're both on the same level playing field? And --

CHAIRPERSON DUDLEY: Okay. Thank you. I understand your question. And I'll ask -- I'll ask --

MEMBER CRAWFORD: So you understand what I'm saying. Thank you.

CHAIRPERSON DUDLEY: Go ahead. And you want to respond to that, please?

MS. DEL MUGNAIO: So we've discussed this as well, is what is POST's audit authority within the Penal Code?

And POST does have broad audit authority within the Penal Code.

The challenge is, is the agency determines complaints, charges and allegations that fall within the nine acts of serious misconduct, which is what you're speaking to. And that is what is mandatorily reported to POST is if it's one of the nine acts.

And if the conduct falls outside that, arguably it would not be within POST's jurisdiction. The agency would not report it.

So we've been in discussions about is there an opportunity for POST to specify by regulation that it has this broad audit authority to go in and look at IA files and look at complaints with agencies who may or may not have been reporting the volume of serious misconduct, to determine whether or not they do understand which of those complaints, charges and allegations and completed investigations need to be filed with POST.

Again, that requires manpower so that would be a tremendous lift.

What we're trying to balance right now is we have 40,000 allegations of serious misconduct that we're working through where agencies have reported and some of those are significant and serious.

And so, would we be able to even be diligent if we tried to take on this audit authority right now when we're trying to manage the volume of complaints, charges and allegations that we see.

So it really is a resource issue at this point.

I think the first step is starting with these inquiries and getting someone to acknowledge that they understand the requirement, the Penal Code requires that they submit this information to POST.

We have on record that they may not have submitted anything or what they submitted does not look proportionate. And I think that's first step in the direction of trying to get on record and then I think we need to move from there.

CHAIRPERSON DUDLEY: Okay. Captain Lara.

MEMBER LARA: I just wanted to -- it's to Jack's earlier comment that the zero reporting not without precedent. I'm thinking of the use of kinetic energy weapons during a protest, even if there is a zero utilization that the -- month-by-month the agencies have to report that out, so it might require, like you said, some legislative action. But that sort of reporting, zero reporting is not without precedent.

CHAIRPERSON DUDLEY: Thank you.

Sheriff Doyle.

MEMBER DOYLE: I'm not naive to think that there may some agencies that are circumventing SB 2, but I remember, Annemarie, that initially there was a great deal of overreporting, up to like one-third of the cases didn't fall within the authority of POST to investigate; correct?

MS. DEL MUGNAIO: Thank you. Yes.

So, Board member Doyle, to your point, it's that -- greater than one third, I would say. There's a vast majority of probably anywhere between 78, 82, 83 percent maybe a little higher, that are not sustained, unfounded or exonerated complaints, charges and allegations that end up, the agency's reviewed them.

And I think this is where we keep going back to the fact that the volume of those cases that would not move forward because they don't meet the threshold of serious misconduct, is substantial.

That's the volume that I would say, again, if you look at 40,000, you know, complaints, or allegations, you're talking about somewhere upwards of 83 percent of those are cases that would not move forward because there was no serious misconduct.

There is some what we might consider overproportionate reporting coming from some of the larger agencies.

And that stems from the complaints that come in that are perhaps biased complaints, or complaints on abuse of power that are just complaints of individuals being pulled over, individuals being approached by police officers, and there's a complaint made that the individual was -- the peace officer encountered the individual because of their race, sexual orientation, or some other factor outside of an act that violates the law.

Those typically end up as being -- there was no nexus there for us to be able to move forward.

So, some of the larger agencies in Southern California, you might consider it in proportion to the number of peace officers they have, overreporting.

But they're actually doing their job. They're reporting every complaint, charge and allegation that looks like it meets bias conduct or abuse of power or something of that nature.

So I think we have both ends of this and then we're trying to keep a closer eye on the cases that, for example, that are being reported prior to there being an agency finding and then looking at that agency finding, what proportion of those cases do we see amount to serious misconduct, because that's the agency being forthcoming, about a complaint, charge or allegation

before they've completed their investigation which is part of Senate Bill 2.

And what does that investigation yield?

And then what percentage of those cases do we really see meeting that threshold of serious misconduct?

Because that really shows the agency as being forthcoming about their reporting to POST.

And I think that would be a good statistic to share.

CHAIRPERSON DUDLEY: Dr. Glaser?

MEMBER GLASER: I mean, just -- just for the sake of clarity, I want to -- I want to emphasize that we want to be careful with the use of "overreporting."

If they're in compliance with the law and they're reporting things that are not sustained, that's not overreporting --

MS. DEL MUGNAIO: Right.

MEMBER GLASER: -- it's just -- and I wanted to seek clarity that we don't have a requirement that a -- that there be a sustained finding at the agency level in order for us to find clear and convincing evidence of serious misconduct.

MS. DEL MUGNAIO: Thank you. Yes.

CHAIRPERSON DUDLEY: And I think that's clear by the two cases we have today as well, so, yes.

Anything else from the Board members?

Okay. Thank you.

Christine, please.

MS. FORD: Okay. This slide shows the total processed reports. As you can see, we've stayed pretty consistent with 2,500 reports per quarter.

This next slide will show you in the gold, reports with final disposition. I think the key point to take away from this slide is that much of what we're getting are open investigations. Until we receive the final disposition from the agency, most -- the majority of cases that we are receiving right now are going to be open with the invest -- with the agency.

The gold just depicts where an agency actually sends an original report with a final disposition included with it.

CHAIRPERSON DUDLEY: Christine, just a thought there.

Are we through with the retroactive cases now?

MS. FORD: I would say the majority of retroactive cases are complete.

CHAIRPERSON DUDLEY: So what's interesting to me is that we're seeing a consistent number in terms of cases, even though we've already gone through the retroactive cases.

MS. FORD: Correct. The majority of cases we are getting right now are current.

CHAIRPERSON DUDLEY: Okay. Thank you.

MS. FORD: Current cases.

CHAIRPERSON DUDLEY: Please go on.

MS. WALLACE: Good morning, Chair, Members of the Board.

My name's Sarah Wallace. I'm the Intake and Disposition Bureau Chief.

I'm going to be going over some of the public complaint statistics. And this are similar to what we shared back in July.

As you can see, we continue to see an uptick in the number of public complaints that are being received by POST.

Currently we have over 2,500 officers who have received complaints. I do not believe the pool of approximately 2,700 complainants -- I think it may be lower than that -- but there are 1,600 unique officers that have been identified.

Based on the discussions at the last meeting, we are working with our Computer Services Division to see how we can extract additional data to determine how many complaints have come in prior to the agency reporting, versus the agency reporting prior to receiving the public complaint and going into a deeper dive as to whether or not those come in with final disposition or if they are acknowledging that they received it and they are moving with an open investigation, and should be able to provide additional details at the next meeting, as well as time frames.

Next slide.

Additionally, based on the last meeting, we inserted a slide to provide an overview of the POST public complaint process for readily available information in case there's any questions.

But this shows the work flow when POST receives the public complaint from a member of the public, we acknowledge that complaint, forward the complaint on to the agency, receive the response to the agency and we

conduct our own review of the incident.

Next slide.

We continue to have complaints grow. Here is another snapshot. You'll see at the bottom the ten complaints that have resulted in certification action, that number has not increased since the last meeting. And those were all resulting in the agency having reported prior to receiving the public complaint in those cases.

This also provides a snapshot of complaints received against chiefs and sheriffs.

Again, we do a specialized process when we receive complaints against chiefs or sheriffs or any of our Mark43 reporters where we consult with the Professional Conduct Bureau Chief to determine whether or not it is appropriate to send to the agency or if the Bureau Chief wants to handle it in an alternate fashion before notifying the agency.

MEMBER GLASER: I have a question. What period is -- does this graph reflect? The entire --

MS. WALLACE: This is the totality, so from January 2023 to current.

MEMBER GLASER: All right. Thank you.

MS. WALLACE: Well, sorry, to the middle of September of this year.

MS. FORD: Okay. As you can see the Division has received over 35,000 report updates.

Now, this is in addition to what we received as original reports, which are 39,000. So as you can see, we are taking in a significant amount of agency supplements.

The key on this slide is to give you an idea that at the time an agency submits a case to POST and when they actually send us a final finding, it averages about eight months from that time.

CHAIRPERSON DUDLEY: I would just note that the fact that we're seeing an increase in public complaints is a good thing, in terms of what it is that POST wants to let the community know that we're truly here to hear this information.

So any concerns about law enforcement agencies filtering what comes to us through them, I think that's the way we can clearly see that that's not what's happening at the moment.

But rather what we're seeing is an increase in the public knowing that they can access POST and make these complaints.

Did you want to comment on that, Christine?

Either one of you?

MS. FORD: Sarah might want to comment.

MS. WALLACE: We are noticing an increase in intake of public complaints. It seems to be -- there are advocates that have been coming to POST meetings have -- we've been doing outreach with. And I believe that that's also contributing to furthering the transparency of what is available for public complaint process at POST.

CHAIRPERSON DUDLEY: Excellent. Thank you.

Please go on.

MS. FORD: Okay. This will show that we've -- over those cases, it's about 45,000 serious misconduct allegations that -- which are unique to about 21,000 officers. To give you some context, we have over 80,000 peace officers in the state.

Our top three: Excessive use of force, demonstrating bias and abuse of power, are our top 3. That has remained the top three since the inception of SB 2.

As you all know, we prioritize our cases. This gives you an idea for each allegation, the next two slides will -- the two slides will show you the nine allegations.

MEMBER GLASER: Sorry, on the previous slide, are those three the ones that are also retroactive?

So I'm wondering if part of this --

MS. FORD: Yes.

MEMBER GLASER: -- pattern is because those are included in a longer period of time.

MS. FORD: It -- this is from the inception, yes.

MEMBER GLASER: Okay. Thank you.

MEMBER JOHNSON: I have a question also. Johnson.

CHAIRPERSON DUDLEY: Please.

MEMBER JOHNSON: I can remember it was like 32,000 when we began to sit in the rooms.

And we understood that it was, like, maybe 12 or 15,000 that was retro. And I thought I heard earlier that the -- basically that the 12 to 15,000 that was retro has actually all been completed.

So, I guess my question is, that seemed pretty quick. How did -- I mean, it was just a determination looking at the complaint and then just writing it off as resolved?

MS. FORD: Well, my prior comment was "the majority," we've gotten through the bulk of our retro. We still do have several thousand retro cases that we are looking at. Most of those are going to be our Priority 3 cases.

So I do have a slide that's after that we can talk a little bit about the process of what we're still doing with those Priority 3s and the closures of those.

MEMBER JOHNSON: I was wondering, being that they're going so quick, I'm sure some of the community members are probably complaining about that.

But, we have seen an uptick in complaints being filed with the Commission or POST; correct?

MS. WALLACE: Yes, we are seeing an uptick of complaints filed via the public complaint process.

I think maybe to -- I think this might help address the question, but with the retroactive reporting there were a certain portion that were non-actionable cases and that was written into the statute.

So I think that might also help clarify why those were closed, because they were deemed non-actionable. There were only three acts we would have been able to take action on during that point in time.

Up until -- any allegation that had happened, or the findings of the agency until January 1st, 2022, there were only three acts. And it was sexual misconduct, excessive use of force that resulted in bodily harm or death, and dishonesty.

So that was a smaller portion. Those may have continued to be investigated.

However, anything that fell in the other six categories would have been closed as non-actionable. And so I think that's why you're going to see those

particular cases closed.

MEMBER JOHNSON: Okay.

CHAIRPERSON DUDLEY: Does that respond?

MEMBER JOHNSON: Yes.

CHAIRPERSON DUDLEY: Okay. Thank you.

Please go on.

MS. FORD: As mentioned before, we do prioritize our cases. As you can see on the blue graph, much of it is Priority 3s.

I do want to make a comment that the prior slide, we had talked about our top three for -- were basically use of force, bias and abuse of power. But as you go into a little bit of the numbers, our Priority 1s, our top three is dishonesty, acts that violate and excessive use of force. So it varies a little bit on allegations as you change the priority on the case.

Second slide is just going to show the remainder of the allegations.

Next slide.

Eighty percent of our ITS public complaints and priority cases, that's Priority 1 through 4 are closed.

I would like to concentrate a little bit on the right-hand side of that bar graph. You can see that there's a bulk of open cases. The ones that are depicted with 2996 as the number are unassigned. The

majority of all those cases are Priority 3s.

And so, they're unassigned on our system internally, but our staff does grab from that pool and assign them -- assign themselves that case and then they work it.

So that's why there appears to be a lot of unassigned open cases, but they really are being worked constantly.

Okay. So this is -- this chart will show you kind of what we talked about previously, an abbreviated review of our Priority 3 cases.

As you can see, there was a big spike in it in quarter one. We've leveled out a little bit in quarter three.

What I do want to mention is that our staff still reviews all the documents that the agency submits. They do verify that the finding matches what is in the content of the report that they're sending us.

And then they do their closure.

So, it's not a quick review. They are spending time reviewing all of those documents and confirming that the agency's findings match what is contained in the report.

CHAIRPERSON DUDLEY: Yes, Dr. Glaser?

MEMBER GLASER: Is that graph wrong? I mean, it

indicates that the abbreviated review period started in quarter two, but the big increase in closures started in quarter one.

Is it possible the abbreviated review began in quarter one?

MS. FORD: Yes, it did. It started in quarter one.

MEMBER GLASER: Okay.

MS. FORD: Yeah.

MEMBER GLASER: Thank you.

CHAIRPERSON DUDLEY: Thank you.

MS. FORD: Okay. This next slide's going to show that for all the closed cases, we're well within that three-year statutory time frame.

Again, once we get a case and we review it, the average of POST closure is running at about 8 1/2 months.

Now, I would just like to make a comment. I know that in several other Board and Commission meetings, there's been discussion on the length of time that POST has had the case and why did it take so long.

Many times when an incident occurs, the agency will send us the report. It will be an open investigation. So what we talked about earlier in a slide, it takes, on average, eight months for the agency to complete that investigation and send it to us. We investigate it, we

average about 8 1/2.

So that's what your time lapse is there.

Many times, there is a longer duration because, one, it could be that we choose to wait for the results of arbitration or a board hearing where we may use a subject matter expert on a case.

A lot of times, agencies will have a case where they have a criminal component to it and they run that IA parallel to the criminal complaint, but they'll also -- they'll complete their administrative investigation and send it to us.

So there are some reasons why there could be a duration in time.

CHAIRPERSON DUDLEY: Let me ask, how often does it happen that you go back to the agency, ask for a follow-up report and there is a delay in terms of getting that report to you?

MS. FORD: I would say that it's -- it's frequent.

For the amount of work that we have, as much as the agencies have, it is just -- it is a matter of getting to the task and being able to complete the task and send it to POST.

CHAIRPERSON DUDLEY: And obviously you're out of control of how long it takes the department to get that to you, or the agency to that to you.

MS. FORD: Correct.

CHAIRPERSON DUDLEY: Okay. Just want to make the Board aware of that.

MEMBER JOHNSON: Johnson. I guess, you know, we have had quite a few public complaints or speakers today.

And so in regards to Christopher DeArman, the father said he had filed a complaint, I guess, in July. And hadn't heard anything yet.

Can we get a reference of what it takes, I guess, for the family member to actually receive some information concerning the complaint they filed?

MS. WALLACE: So POST intake acknowledges receipt of the public complaint immediately.

Typically, we're processing within one business day. And so we would send an email, if that's how the complaint was received or via mailed letter, a letter via the mail.

We then immediately refer it to the agency. And then typically the agency responds with an acknowledgment, but then it can take up to a year in some cases to get the final disposition.

In general terms, we, as intake and disposition, on our public complaint case management, do frequent followups with the agency. And if we're not receiving

feedback or response to the allegations, then we escalate it to our Bureau Chiefs who then reach out to the reporters and the chiefs or the sheriffs.

So our goal is to get the information as soon as possible. And then it goes to the review process with the Professional Conduct Bureau.

So there isn't a specific time frame in which the complainant will receive information, but if there's decertification, it will become available at the meeting.

But they are acknowledged and we do provide updates when possible. And if they contact us, we will put them in contact with the law enforcement consultant to give them information that is available.

MEMBER JOHNSON: So the complainant is acknowledged?

MS. WALLACE: Yes, almost immediately.

MEMBER JOHNSON: Almost immediately?

MS. DEL MUGNAIO: Uh-huh.

MEMBER JOHNSON: So he was -- so his complaint was filed, he received notice that it had been received.

MS. WALLACE: As soon as we receive the complaint, we open the complaint and send an acknowledgment letter to the complainant with the notification of what the complaint number is, whether or not that complaint has

been referred to the agency or if it's under review by POST.

In all circumstances, we are going to have to collect information from the agency so that the complainant is notified that the agency is aware, that they've been notified, and then we immediately send a notification to the agency.

There is notification sent via our complaint case management system, Mark43, and we send an email followup as well. And then we continue to work the case until we receive followup information from the followup agency.

MR. JOHNSON: So I'm not sure if it heard you correct.

I thought he said he had never received any response.

CHAIRPERSON DUDLEY: I believe what he said was -- he may have said that. But we -- but I think what he meant was a response that was more than "we got your information."

I think he was looking to note here, maybe let's use the word, "reaction."

But all he got, so far, was, "we received your complaint."

I think your question, and please correct me if I'm wrong, is: In general, how long does it take from the

time someone files a complaint with POST for them to get a substantive response.

MR. JOHNSON: Yes.

CHAIRPERSON DUDLEY: Do you want to respond to that?

MS. WALLACE: Unfortunately it depends on the agency and time frame in which we get the information, if they're aware of the allegation, if they've already conducted an investigation. And then how long it takes our professional conduct bureaus to also review the case and go through the review process.

CHAIRPERSON DUDLEY: Give us a range. Is it somewhere between eight months and two years? Or something. So that Mr. Johnson can feel that his question's been answered.

MS. WALLACE: In -- in -- there's some cases where the agency responds right away and those are closed.

We're going to be going over some closure statistics. And I'm hopeful that the statistical program that we're working on is also going to help tell that story at a future meeting.

I can't speak to specifics. But I would say within six months to eight months, they're typically referred over to the professional conduct bureau, meaning that we've received the response from the agency, they've

finished their investigation, and now it can be looked at by our professional conduct bureaus.

CHAIRPERSON DUDLEY: And just to followup, because I know it's going to come up.

From the time it comes -- the reports all come to you, to the time you've formed an opinion, about how long is that?

MS. WALLACE: Again, it depends.

CHAIRPERSON DUDLEY: Sure.

MS. WALLACE: I'm hoping that the statistics we pull together will tell the story in a -- more concrete terms.

But I would say it takes -- our investigations, depending if it's non-serious misconduct, typically we're able to close those right away.

If there is allegations of serious misconduct and we're waiting on information from the agency and the professional conduct bureau, I could say it's anywhere from six months to a year until you have that final determination.

CHAIRPERSON DUDLEY: Does that answer your question, Mr. Johnson?

MEMBER JOHNSON: Yes.

CHAIRPERSON DUDLEY: Thank you.

MS. DEL MUGNAIO: Chair, may I point something out?

CHAIRPERSON DUDLEY: Please.

MS. DEL MUGNAIO: So we did provide that statistic, generally. The average time frame in which an open agency misconduct report receives an agency finding as eight months. So that's in your statistics. Christine covered that a little earlier.

So that's the point that they submit an initial AMR, which is an agency misconduct report, without a final disposition, meaning they haven't completed the investigation. Or maybe they have, but they haven't sent us that final investigation. So it's, on average, eight months.

So if you take that into consideration, and then POST then has to do its analysis, any gap investigation that needs to be done, interviewing the officer, interviewing witnesses, procuring additional documentation, which oftentimes there's some of that, because they don't completely align in terms of the agency findings. It goes back to Ms. Crawford's remarks earlier about policy violations versus serious misconduct.

So if you take that all into consideration, it can be over a year before we have a final package.

There are stats that Christine's going to cover here in a few minute that talk about the average time

frame to close a case when we have a final disposition.

MR. JOHNSON: Thank you.

CHAIRPERSON DUDLEY: Thank you.

MS. DEL MUGNAIO: You're welcome.

CHAIRPERSON DUDLEY: Please continue.

MS. FORD: Thank you. Next slide. Okay.

So, approximately -- for our closure cases, approximately 95 percent of our closures have the no further action closure status.

As you can see, the breakdown for voluntary surrenders, revocations and ineligibles make up 1.4 percent.

From the "no further action," the reasons of that are broken down here on this next slide: Not serious misconduct, not actionable, not clear and convincing, and deceased.

CHAIRPERSON DUDLEY: Yes, Ms. Crawford.

MEMBER CRAWFORD: That also jogs a similar feeling, when we say not - no -- not serious misconduct, it's a high number.

When we say that not serious misconduct, that's -- I guess that was my question. Between what we think is mis -- not misconduct and what the public thinks is misconduct. And so, there's some clarity I feel that needs to be defined.

MS. FORD: Sure. How we would say "not serious misconduct," under most of those circumstances, there's going to -- those are going to be our Priority 3 cases where the agency has had a not-sustained, exonerated or unfounded, does not meet any of the definitions of the nine.

MEMBER CRAWFORD: And so the bigger concern is, there's probably the high number of not serious misconduct. And it's coming from the community that feels when you see an officer, that you can tell by mannerism is overzealous in their conduct.

I mean, it's obvious to and it's projection. Subjective.

As to what we may feel as community, and I'm speaking for my community, and what POST may see.

So I guess, how do I -- how would you clarify that, define it, to make the person feel good about that decision being made.

MS. FORD: Sure. I think there are a lot of circumstances where you had mentioned earlier about policy violations.

The agency reports that and will implement their discipline in regards to that.

We, on the other hand, are a licensing part of it where if it doesn't meet the criteria, that's not a case

that we would be able to move forward with.

So, I think to answer your question is, is it could be a policy violation, but not necessarily meet the serious misconduct allegations that we deal with at POST.

That doesn't necessarily mean that the officer isn't disciplined by their own agency on reporting it to their agency for discipline.

MEMBER CRAWFORD: And so that was me listening to this family, the transparency that people felt that SB 2 was going to give them as a community, that each one of these actions has to be somewhere tangible and accountable, in a sense.

We know that if a behavior and a pattern continues, even if it's just a policy violation, it can lead to deadly actions.

And so that is my concern, where I asked about what is the clarification of misconduct, because we've seen an incident where probably the officer is trainable. Probably we could have stopped that.

But how do we make this preventable?

And that was just my statement. Comment. Not so much a question.

CHAIRPERSON DUDLEY: Thank you.

Dr. Glaser.

MEMBER GLASER: I just have a question about the -- that graph that was just up which is there are two cases where this board recommended revocation and the POST commission countervailed our recommendation and the result was no further action.

And I'm wondering if those cases appear in this -- in these graphs. The -- it's the previous one.

But -- just, yeah, exactly.

Or if they -- or if we need to add a column to that graph.

MS. FORD: It would not appear in this -- in this slide.

So yes, we can add that to that.

MS. DEL MUGNAIO: It's in a -- you're going to see it in a future slide.

MEMBER JOHNSON: Yes, Johnson.

I know, you know, as I was listening to the community speak, you know, I think the biggest complaint was they didn't have any information.

And so, I know when we send out a letter to an officer that his license is going to be pulled, they have 30 days to respond.

So maybe some kind of way we can work in a plan of how, and if a complaint is filed, 60 days or less, 45 days, there's a -- well, if a complaint is filed,

immediately the complainant's going to receive a notice.

But when six months pass or three months pass, they're wondering what's going on.

So maybe we can work in some kind of 45-day -- 90-day period where you respond, or the complainant is aware that this could take up to a year or two years. And periodically, the -- you know, of course resources and time and all that -- but I think it would probably ease the community concern that their -- their complaint is not being heard or investigated, if they knew that something was happening in that timeline of a two-year wait.

MS. FORD: Thank you for the comment. I think that's a great suggestion.

CHAIRPERSON DUDLEY: Okay. Please go on.

I agree. I think it's a great suggestion.

MS. WALLACE: This is just another -- this is another slide that's similar to what was shared in July, closure trends among public complaints. We continue to see the majority of the complaints closing as not serious misconduct. And we do continue to receive complaints that are not within the jurisdiction of POST.

Meaning, they are indicating a person -- complaining about a person who is not defined within the Penal Code that we are able to take action.

I'm happy to answer any questions.

CHAIRPERSON DUDLEY: Dr. Glaser.

MEMBER GLASER: I do have a question about this.

The three instances there where -- from a public complaint there was a revocation. Do we happen to know if that corresponded with any action that was happening at the agency level simultaneously or was the public complaint what triggered that?

I'm just trying to get a sense of whether public complaints are adding value in terms of additional revocations that would not have been heard but for the public complaint process.

MS. WALLACE: Those are all within the ten cases that were shared previously that we had previously received indication from the agency.

MEMBER GLASER: Thank you.

MS. DEL MUGNAIO: I think it speaks to, Dr. Glaser -- if I may, Madam Chair.

CHAIRPERSON DUDLEY: Please.

MS. DEL MUGNAIO: Okay. Your question earlier about -- or the data that Ms. Wallace indicated that we would be providing in the future, which is of the public complaints that are coming in, how many of those have an AMR that's already with POST.

How many of those the initiation of the public

complaint itself is the first indication of serious misconduct.

What of those public complaints result in disciplinary action?

How long did it take us to get the final disposition from the agency?

So that's all data that I think is very relevant to: Are we taking action or is the impetus of that action really starting from the public as opposed to being generated from the agency?

I think that's what you're getting to.

I'm hoping we can meet that need by providing that data.

CHAIRPERSON DUDLEY: Thank you.

Please continue.

MS. FORD: Okay. This just gives the number of disciplinary actions taken by POST which is -- shows it's above average compared to other California regulatory licensing agencies.

I know that the Board had asked us to try to compare our action rates to other comparable peace officer training commissions. And unfortunately, we were unable to find something that was comparable to what we do and our actions.

So I'm not able to compare that with other

commissions at this time.

CHAIRPERSON DUDLEY: Still, those numbers are very compelling.

MS. FORD: Yes.

CHAIRPERSON DUDLEY: Any other comments, questions, from the Board?

Okay. Please go on.

MS. FORD: Our top allegations resulting in action, just of note, the top are acts that violate the law, dishonesty and sexual assault.

So it differs a little bit from what we talked about earlier, which was the bulk of allegations that we're getting from agencies, the top three were different.

These top three indicate, basically, when we've taken action on an officer's certification.

So different allegations.

Arrest and indictments for Government Code 1029 are really the highest basis for our issued immediate temporary suspensions.

I don't know if you have any questions on this chart, but this basically shows that out of the bulk of the ITSs that we are issuing, it's based on an arrest and/or indictment.

Over half of our subject officers who have received

a Notice of Intent to Revoke letter, we sent out 60, as you can see 37 were defaults, which basically meant that the officer did not respond or appeal.

Twenty-two notices have resulted in appeals. You've heard, thus far, 20, and you'll hear the remaining two today.

Almost half of the cases received a notice of intent letter, POST captured additional causes and/or amended the allegations that were originally submitted.

There could be various reasons why we would either add or take away an allegation that -- which was originally submitted by the agency.

A lot of it could be revolving around a criminal case where the DA does not file. Or, in turn, if -- even if a DA does not file, we still could look at that case because we would have a clear and convincing evidentiary standard versus the DA's status there, so --

And this is a slide that the Board and Commission in comparison and what you, as a board, have recommended versus what the Commission has recommended.

There's one case that you will see that you've heard 20 cases, the Commission has not made a decision on one, which is the case that they heard last session. They have not made a decision on that case yet.

MR. JOHNSON: So on the -- I guess since the

inception, right, has any officer appealed the Commission decision to the administrative judge?

What is the percent on that?

And then what is the status of those?

MS. DEL MUGNAIO: So we probably have roughly ten appeals right now before the ALJ that are in various proceedings.

We've had one case, albeit a cancellation case, that has gone before the administrative law judge and we will have a proposed decision before the Commission probably in early spring, if not March, I would think.

Those cases, depending on the calendaring -- so once they go to the administrative -- once they go for an ALJ hearing, they're in the Office of Administrative Hearings, can take anywhere from four to six months to get them calendared. So there are several that are -- have been calendared. I think we have another one in October, if it's not been postponed at this point.

And so, we should have this next year, we should have the results of those cases that have gone all the way through the due process, the administrative proceeding process, yes.

CHAIRPERSON DUDLEY: So thus far none have?

MS. DEL MUGNAIO: Just one cancellation case, yes.

CHAIRPERSON DUDLEY: Explain what you mean by

"cancellation."

MS. DEL MUGNAIO: Sure.

So there's different actions. There's a denial. So if someone comes to POST and is attempting to get a certification and for some reason we believe that either they don't meet the minimum qualifications to be a peace officer or there's something in the background that constitutes serious misconduct and we've done a thorough investigation, we can deny issuing a cancel -- or issuing a certification.

That they can appeal and that could go before an administrative law judge as a statement of issues.

There's also where someone has secured a certification by fraud or misrepresentation or deceit. And thereby, POST can take an action to cancel that certification. And there's an appeal process for that.

And this particular case was such. There was securing a peace officer certification, the allegations are by fraud, misrepresentation or failure to be honest during the course of the background.

And then that goes before a judge. The judge makes the decision, as to whether or not that certification should be -- makes a proposed decision to the Commission about whether or not that certification should be canceled.

So that's more on the administrative licensing side.

We're on the disciplinary end, where we're filing an accusation to revoke a certification, as you know. And then that gets set for hearing, the hearing occurs typically between four and six months.

There again, opposing counsel oftentimes requests continuances for various reasons. Those are entertained as well.

So sometimes that process can be delayed.

CHAIRPERSON DUDLEY: So the cancellation cases have nothing to do with us, this board.

MS. DEL MUGNAIO: No.

CHAIRPERSON DUDLEY: Yes, Dr. Glaser?

MEMBER GLASER: Yeah, question.

It looks like from one of these slides there are about 300 immediate temporary suspensions so far.

And I'm trying to grapple with how that relates to there having been just 60 notices of revocation.

So -- because my impression had been that the ITSs are pretty severe. And I'm just wondering what's happening to the rest of them?

MS. DEL MUGNAIO: One of the major contributing factors -- and I think Christine and Sarah can weigh in as well -- is that ITSs can be as a result indicted or

arrested or charged with a felony. And so the criminal proceedings would happen first. And we're tolled, meaning so our administrative case would be on hold, but the officer's certification is on hold as well.

So that represents a good proportion of those ITSs as to why they haven't moved all the way forward for decertification.

MEMBER GLASER: Thank you.

CHAIRPERSON DUDLEY: Thank you.

Please proceed.

MS. WALLACE: I would just comment that a substantial proportion of ITSs did result in 1029 revocations that would not come before the Board.

And so you'll see that count of the 1029 revocations include those that had started as an ITS.

The ITS statistic that's shown -- I'm looking for the page, I believe it's a cumulative total of all ITSs issued, not a current status of how many ITSs we have at this point in time.

CHAIRPERSON DUDLEY: Thank you.

Continue, please.

MS. FORD: That concludes our presentation.

CHAIRPERSON DUDLEY: Okay. Questions? Comments?

And I appreciate how everybody jumped in when the issue arose. It would be too difficult to go back. So

all of you did that, at some point.

So any questions, that you haven't asked?

MR. JOHNSON: I guess one from me, then, would be -- I think it's been over 300-plus officers that have been decertified? Is that number somewhat close?

MS. DEL MUGNAIO: Yeah, it's -- it's in the slides.

We can go back -- if we can go back and identify the slide, we'll put it up there so I can answer your question.

Yes. So, the slide on the number of disciplinary actions taken by POST, that slide.

MS. FORD: 31, Tobias. 31 slide.

MR. NEWKIRK: I don't have that many.

MS. FORD: It's toward the end. There's 643 disciplinary actions imposed by POST.

MEMBER JOHNSON: Oh, 631?

CHAIRPERSON DUDLEY: I think they're looking -- he's looking for the decert number.

MEMBER JOHNSON: Yeah, the decert number --

CHAIRPERSON DUDLEY: How many --

MEMBER JOHNSON: -- the actual --

CHAIRPERSON DUDLEY: -- people have lost --

MEMBER JOHNSON: -- decertification number.

CHAIRPERSON DUDLEY: -- their certifications.

MS. WALLACE: Okay. So then, of those, 129 have

been deemed ineligible through the 1029 Government Code Section. 115 have done the voluntary surrender.

And then through decertification, there has been -- there's an additional 98 that have been revoked through 1029s; 35 that have been revoked through default revocations; three that have had revocations stayed and then settlement terms imposed; and two that have been suspended.

CHAIRPERSON DUDLEY: So those are a lot of numbers. I think Mr. Johnson is asking for the total number altogether of all the decerts, whether they were default, or whether we found there was a finding, whatever.

He said it was about 300. Just want to get the clarification there.

MEMBER JOHNSON: I think that comes these to 300, if we total these total numbers up?

CHAIRPERSON DUDLEY: Yep.

MR. JOHNSON: Yeah. So, I think that answers my question. Yeah.

CHAIRPERSON DUDLEY: Thank you.

Anything else?

Okay. So just to be clear, at 12:00 o'clock, we're going to take a half hour break for lunch. We'll come back at 12:30 and when we come back at 12:30 we'll be

discussing the Michael Kim case.

So anything on statistics for now?

Okay. I also want to check to see if we have any public comment remotely on the -- I'm sorry, on this -- certification statistics.

I think at one point I saw that someone raised their hand remotely.

So I'll be quiet and if anyone would like to speak remotely, please do so.

Okay. There was a question, a raised hand.

Can we view that?

(Indecipherable feedback from video conference.)

DAVID DE ARMAN: Hello, can you hear me?

CHAIRPERSON DUDLEY: Yes. Is this David?

DAVID DE ARMAN: Yes, I would like to add a few words if I may.

CHAIRPERSON DUDLEY: Sure.

DAVID DE ARMAN: I find it (indecipherable feedback from video conference) I find it outrageous that Captain Lara of the San Diego Police Department is part of this forum.

It was under his direction that these case files were redacted. The redaction is immense. It's covering entire photographs, paragraphical, and factual information, doing much more than protecting the

required PII.

This indeed is a cover-up sanctioned by Captain Lara.

CHAIRPERSON DUDLEY: Thank you.

Any -- are there any other public comments?

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Again, I'm having difficulty trying to hear if there's a single voice.

We've heard from David.

Is there anybody else that would like to speak?

Patricia? Are you -- would you like to speak?

PATRICIA DE ARMAN: Yes, hi. I would like to echo what my dad said about Captain Charles Lara.

CHAIRPERSON DUDLEY: Okay. Let me tell you -- let me explain. I'm interrupting you and I hate being rude. But, this is public comment only as to this statistics.

If you have any public comments related to the presentation you just saw, certification, statistics, I'm open to hearing that at this time.

If not, this is not the time.

PATRICIA DE ARMAN: Okay. So there will be no more non-agenda public comments?

CHAIRPERSON DUDLEY: No, there's public comment solely as to the issue of --

PATRICIA DE ARMAN: Right, but is there going to be

another non-agenda public comment?

CHAIRPERSON DUDLEY: No.

PATRICIA DE ARMAN: No?

CHAIRPERSON DUDLEY: Thank you for --

PATRICIA DE ARMAN: Okay. Well, the statistics is funny. If you look at them, it looks like most departments are not complying and doing what they should be doing. The rest -- those graphs, those bars, were very flat. So that means that they're not actively doing what they should be doing.

And when you have captains that make the decision to redact records of your PRA request like Charles Lara did, that makes all the sense; right?

That's why the numbers don't add up. Just look at the numbers. The data's all there. They're not complying. They are not transparent. They're not doing what they're supposed to be doing.

I have a legal right to be given the records that I requested. And yet, he made -- Charles Lara made the decision to redact those records.

CHAIRPERSON DUDLEY: Once again, I'm going to stop you.

PATRICIA DE ARMAN: Thank you. That's all I have to say.

CHAIRPERSON DUDLEY: Thank you.

PATRICIA DE ARMAN: Please look into my brother's case.

CHAIRPERSON DUDLEY: Thank you.

Are there -- is there anyone else who would like to make a public comment in this specific area?

Okay. Seeing none, we will now break for lunch. And we'll be back at 12:30 with the beginning of the Michael Kim case. Thank you.

(Luncheon recess: 12:01 P.M to 12:33 P.M.)

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CHAIRPERSON DUDLEY: Okay. We now move to the next item on the agenda.

We have two cases to hear today.

We will only be reviewing the facts and evidence as presented by the Division. This is not an evidentiary hearing. The rules of evidence do not apply here. Evidence is not formally admitted into the record. There is no need to make any objections. And objections will not be ruled upon.

Under the Penal Code and applicable state regulations, this initial hearing will determine only if the matter proceeds forward for the commission review.

And then should the Commission approve for a full evidentiary hearing before an administrative law judge to determine whether the allegations are true and

justify discipline.

For those commenting on each item at this early stage, the Board must only consider the facts that the Division, after investigation, believes can be proven at a later evidentiary hearing.

For that reason, today, the Board will entertain arguments as to whether or not those facts, as presented by the Division, demonstrate clear and convincing evidence.

In other words, a high probability that serious misconduct, as defined in Penal Code Section 13510.8, and Commission Regulation 1205 occurred.

Actions by the Board or Commission prior to a full evidentiary hearing amount to a final determination that an officer did, in fact, engage in misconduct or that revocation or suspension is ordered. That will be determined after the evidentiary hearing.

At the conclusion of each law enforcement consultant's presentation, the Board will have the opportunity to ask questions. Then public comment from the subject officer and/or are their counsel will be taken, followed by members of the public.

Further discussion by the Board will be allowed if necessary. The Board may go into closed session, deliberations, after each case or wait until all cases

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

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

MR. SHERBURNE: Thank you, Madam Chair.

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

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

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

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

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

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

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

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

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

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

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

May we have the next slide, please.

This presentation, I've divided into four parts.

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

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

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

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

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

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

Next slide, please.

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

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

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

intermediate, and advanced certificates issued by POST.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Next slide, please.

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

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

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

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

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

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

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

Next slide, please.

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

in the declaration.

Next slide, please.

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

Next slide, please.

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

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

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

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

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

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

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

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

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

Next slide.

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

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

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

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

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

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

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

Next slide, please.

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

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

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

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

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

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

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

Final slide, please.

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

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

That concludes my presentation.

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

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

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

MR. SHERBURNE: That's correct.

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

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

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

pursue that that line of inquiry.

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

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

CHAIRPERSON DUDLEY: Okay.

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

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

CHAIRPERSON DUDLEY: Okay.

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

CHAIRPERSON DUDLEY: Okay. So I understand the suspicion.

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

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

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

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

CHAIRPERSON DUDLEY: Right.

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

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

MR. SHERBURNE: Correct.

CHAIRPERSON DUDLEY: Okay.

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

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

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

interviewed by the FBI he lied about the situation.

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

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

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

CHAIRPERSON DUDLEY: Right.

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

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

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

CHAIRPERSON DUDLEY: Okay. Counsel?

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

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

But generally speaking, a proffer agreement

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

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

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

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

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

MR. SHERBURNE: My investigation did not uncover --

CHAIRPERSON DUDLEY: Okay.

MR. SHERBURNE: -- that documentary evidence.

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

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

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

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

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

MR. SHERBURNE: Correct.

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

MR. SHERBURNE: With any police department --

CHAIRPERSON DUDLEY: With any police department.

MR. SHERBURNE: -- or law enforcement agency.

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

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

MR. SHERBURNE: Correct.

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

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

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

Yes, Sheriff Doyle.

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

CHAIRPERSON DUDLEY: The Sheriff's letter?

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

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

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

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

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

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

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

CHAIRPERSON DUDLEY: Go ahead, Sheriff.

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

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

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

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

the licensee who's charged with doing that.

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

So I understand your concern.

MEMBER DOYLE: Thank you.

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

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

And that just kept popping up in my mind.

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

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

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

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

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

CHAIRPERSON DUDLEY: All right. Dr. Glaser.

MEMBER GLASER: Just to get clarity.

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

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

MR. SHERBURNE: That is correct.

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

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

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

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

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

CHAIRPERSON DUDLEY: Thank you.

Yes, Mr. Johnson.

MEMBER JOHNSON: Yes. Johnson.

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

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

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

MR. SHERBURNE: Miyamoto.

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

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

MEMBER CRAWFORD: Okay.

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

(No response.)

CHAIRPERSON DUDLEY: Okay. Seeing none --

MR. JOHNSON: Actually, I do have one.

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

But there was some sexual harassment allegations.

Did he actually get through both of those cleanly?

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

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

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

Dr. Glaser.

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

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

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

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

MEMBER GLASER: Right, but --

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

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

MS. WOOLLEY: Thank you.

CHAIRPERSON DUDLEY: Investigators.

MR. SHERBURNE: If I can comment on that.

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

At that time they were not.

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

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

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

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

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

MEMBER GLASER: Thank you.

CHAIRPERSON DUDLEY: Anything else from the Board?

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

Let's move on to the next part.

At this time, does the subject officer and/or counsel wish to make a public statement? If so, you will each be given five minutes to speak and the time limits will be strictly enforced. So please ensure that you complete your comments within the allotted time.

While commenting, keep in mind that the Board will only consider the facts as presented by the Division today and will not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by the Division today

are proven at a later hearing, do those facts demonstrate clear and convincing evidence, a high probability that serious misconduct, as defined in Penal Code Section 13510.8 and Commission Regulation 1205 occurred?

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

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

Is there anyone who hadn't read it?

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

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

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

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

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

of the record already.

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

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

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

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

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

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

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

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

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

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

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

The last point, I would just like to reiterate the

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

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

CHAIRPERSON DUDLEY: Okay. Thank you.

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

So is there anything else that you want to say?

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

CHAIRPERSON DUDLEY: Okay. Thank you.

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

(No response.)

CHAIRPERSON DUDLEY: Okay. Apparently they don't.

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

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

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

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

CHAIRPERSON DUDLEY: Okay.

One moment, please.

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

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

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

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

---o0o---

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

---o0o---

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

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

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

MEMBER DOYLE: Doyle. Motion to decertify.

CHAIRPERSON DUDLEY: I'm so sorry?

MEMBER DOYLE: Motion to decertify.

CHAIRPERSON DUDLEY: Okay. Is there a second?

MEMBER GLASER: Second.

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

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

(No response.)

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

MS. ESSEX: Clavo.

MEMBER CLAVO: Aye.

MS. ESSEX: Clavo, aye.

Crawford.

MEMBER CRAWFORD: Aye.

MS. ESSEX: Crawford, aye.

Doyle.

MEMBER DOYLE: Aye.

MS. ESSEX: Doyle, aye.

Dudley.

CHAIRPERSON DUDLEY: Yes.

MS. ESSEX: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MS. ESSEX: Glaser, aye.

Johnson.

MEMBER JOHNSON: Aye.

MS. ESSEX: Johnson, aye.

Lara.

MEMBER LARA: Aye.

MS. ESSEX: Lara, aye.

That's seven ayes. Motion carries.

CHAIRPERSON DUDLEY: So the motion passes.

MS. ESSEX: Yes.

CHAIRPERSON DUDLEY: Thank you.

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

I don't think we need a break.

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

Gentlemen.

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

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

With me today is Brian Hoffman, an attorney with

our Legal Affairs Bureau.

I'm here today to present POST case number 2405562, involving Orange County Deputy Sheriff Armando Montalvo.

It is Division's determination that clear and convincing evidence exists to demonstrate that Deputy Montalvo committed an act of serious misconduct as set forth in Penal Code Section 13510.8 on March 16th, 2024.

Specifically, the Division has determined that Deputy Montalvo committed the following acts of serious misconduct:

13510.8(a)(3), physical abuse to include excessive or unreasonable force.

In this presentation I will present a brief outline of the Division's finding of investigation in this matter.

Deputy Montalvo began his career with the Orange County Sheriff's Department on February 25th, 2022, as a deputy sheriff in training. Deputy Montalvo graduated from the academy and became a deputy sheriff on September 9th, 2022. Deputy Montalvo remains employed with the Orange County Sheriff's Department and Deputy Montalvo has obtained both a basic POST certificate and an intermediate POST certificate.

Deputy Montalvo has five other reports of serious

misconduct of record with POST related to claims of excessive or unreasonable force. Four of the five reports have all been determined to be unfounded or not sustained by the agency and have been closed with POST.

The fifth investigation, POST was notified on October 2nd, 2025, that that case was not sustained, but as not been investigated by POST at this point.

Orange County administrative investigation into this matter did not note any other forms of discipline imposed on Deputy Montalvo.

California Penal Code 13510.8 (b)(3) and California Regulation 1205(a)(3) defines physical abuse as including, but not limited to, the excessive and unreasonable use of force.

Next slide.

On March 16th, 2024, Deputy Armando Montalvo was involved in a use of force incident with an inmate at the Orange County Intake Release Center.

As part of his duties that day, Deputy Montalvo would oversee inmates going through the booking process.

Deputy Montalvo was escorting an inmate -- who I will refer during this presentation to as an inmate -- to the photo booth, when the inmate became resistive by turning towards and pulling away from Deputy Montalvo.

Deputy Montalvo and another deputy responded by

taking the inmate to the ground. During the use of force incident, Deputy Montalvo punched the inmate approximately 28 times in the face, head and upper body while three other deputies assisted and threw numerous punches.

The inmate was not assaultive towards deputies and was only showing passive resistance by not giving up his hands while pinned in a prone position on the ground.

At one point, after delivering the punches, Deputy Montalvo lifted the inmate's head and struck the inmate's face against the concrete floor while the inmate was pinned down by other deputies.

During his administrative interview, Deputy Montalvo stated he got tunnel vision after he believed the inmate had struck him in the face and had refused to follow commands and put his hands behind his back.

Deputy Montalvo stated he felt the inmate was trying to fight him at that point.

Deputy Montalvo explained that he used injuring force because while they were still standing up, he couldn't get inmate -- the inmate in control holds and didn't know what other force options to use.

Deputy Montalvo stated during the heat of the moment, he believed injuring force was the best option.

Deputy Montalvo acknowledged that looking back at the incident now, he probably should have used different tactics.

Deputy Montalvo admitted that grabbing the inmates's head by the side and striking it against the ground was not an approved use of force technique.

Next slide.

Deputy Montalvo was cooperative with the investigation and acknowledged that the use of force used during the incident was excessive. As a result of the administrative investigation, the Orange County Sheriff's Department sustained a finding that the force was not within policy.

As a result of the sustained finding, Deputy Montalvo received a 40-hour suspension.

The facts I've just recited support the Division's finding that Deputy Montalvo was involved in serious misconduct, specifically physical abuse to include excessive and unreasonable force.

The purpose of the Division's analysis, 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.

The Division recommends that Deputy Montalvo's POST

certification be either suspended or revoked. The Division's recommendation is based on the following factors:

Deputy Montalvo's actions constituted physical abuse when he used excessive force against the inmate by punching him 28 times and striking his head against the ground.

The involved inmate advised the sergeant investigating the incident that he did not have any injuries.

At the time the event took place, Deputy Montalvo had only approximately 15 months off training.

Deputy Montalvo initially believed his actions at the time were justified, as did his partners when the incident occurred, which identifies a possible training issue.

However, upon further review, Deputy Montalvo acknowledged that his actions did not comply with his agency's policies and he admitted that he used excessive force. He admitted he suffered from tunnel vision because he thought the inmate had struck or attempted to strike him in the head.

Deputy Montalvo admitted to the misconduct during the administrative investigation and did not make excuses for his conduct and appeared remorseful for his

actions.

When reviewing the incident during the administrative interview, Deputy Montalvo admitted that his actions would not look good if observed by the public because he threw too many punches and it did not allow the inmate time to respond and give up his hands.

Deputy Montalvo stated during the administrative investigation that he sought out additional training following the incident.

Deputy Montalvo accepted the proposed discipline issue by his agency and did not file an appeal.

Deputy Montalvo has no further discipline history. Deputy's Montalvo candor, acceptance of responsibility and action of seeking further training indicate he is willing to learn from the incident.

Next slide, please.

We're going to show a video of the use of force incident and following the video I'm happy to answer any questions that the Board may have.

(Video played.)

CHAIRPERSON DUDLEY: Okay. I have a couple questions.

Prior to this offense, were there five or four complaints about him using excessive force?

MR. GREGORY: Prior to this incident occurring,

there were three other reports.

CHAIRPERSON DUDLEY: Okay. So why has there been a number five and four thrown around?

I'm confused.

I thought five out of four.

MR. GREGORY: There is a total of five additional reports. Three occurred prior to this incident occurring. And two had occurred after that.

Four had been unfounded and cleared out by POST.

And the fifth case had not been cleared out by the Division. Or we did not receive any information that it had been cleared out until October 2nd of this year.

CHAIRPERSON DUDLEY: So all -- so of the five, is this one of the five?

MR. GREGORY: This case?

CHAIRPERSON DUDLEY: Yes.

MR. GREGORY: No.

CHAIRPERSON DUDLEY: Okay. So there five prior complaints of abuse, of excessive force. And we still don't know the findings of one of the five.

MR. GREGORY: We know that that was determined to be unfounded, not sustained, as of October 2nd of this year.

CHAIRPERSON DUDLEY: Okay. So there were five complaints of excessive force, not including this one.

MR. GREGORY: Correct.

CHAIRPERSON DUDLEY: Can you tell me anything about those other five.

MR. GREGORY: I can tell you that in four of those five did not have anything to do with punching the subject. Or Deputy Montalvo was not identified as punching that subject. And that all those cases did not even get to the level of going to internal affairs with Orange County Sheriff's Department.

CHAIRPERSON DUDLEY: So he didn't punch. What did he do? What's he alleged to have done?

MR. GREGORY: On some of them he was alleged to have used control holds, body weight.

CHAIRPERSON DUDLEY: Okay. So, it's very important to me that we break down those five instances.

So you're telling me that four of the -- that four of the five there was no punching.

What about the fifth?

MR. GREGORY: The fifth one indicates that he did punch in the case. It doesn't identify how many times. POST has not looked at that investigation yet.

CHAIRPERSON DUDLEY: Okay. So POST is still planning on looking at that investigation?

MR. GREGORY: It will have to be looked at at some point, yes.

CHAIRPERSON DUDLEY: Okay. Of the four that we know about, there was no punching.

But can you tell me anything besides the fact that he used incorrect holds that brought it to a level of a complaint? I understand they were all unfounded, but just what brought it to the complaint level?

MR. GREGORY: I believe that they were all inmate grievances or were pushed up to the command level to take a look at.

CHAIRPERSON DUDLEY: When you say, "pushed up to the command level," does that mean a fellow deputy made the report?

MR. GREGORY: No. All I can tell you is that a commander reviewed the findings, wherein some of the cases, they were cleared out with just the use of force report. It went from the sergeant to the lieutenant to the commander.

CHAIRPERSON DUDLEY: Okay. So of the one we don't know about, of the four we do know about, there was no punching, there was some allegation, we don't know by who, but it might have been an inmate in each of those other four?

MR. GREGORY: I believe they were all allegations from an inmate.

CHAIRPERSON DUDLEY: Okay. Do we know if they were

the same inmate or different inmates?

MR. GREGORY: I believe they were all different.

CHAIRPERSON DUDLEY: They were different, all four.

MR. GREGORY: Correct.

CHAIRPERSON DUDLEY: Okay. Questions.

MEMBER CLAVO: Question.

CHAIRPERSON DUDLEY: Hang on. Let's go to Sheriff Doyle and then to Dr. Clavo.

MEMBER DOYLE: Could you clarify, because in findings, "unfounded" means it didn't happen. "Not substantiated" means there's not enough information to say it happened or didn't happen.

MR. GREGORY: Correct. I'm just telling you the way the Orange County Sheriff's Department submitted it to us.

CHAIRPERSON DUDLEY: So we don't know to go with Sheriff Doyle's comment, don't know if it was unsubstantiated or unfounded, we just know that's the language they used.

MR. GREGORY: Yes. And some of the cases, obviously the force occurred, but they did not sustain any kind of complaint. They're submitting it to POST because they're required to submit any kind of complaint.

MEMBER DOYLE: Well, I guess I'm confused because

in our organization "unfounded" meant it didn't happen.

MR. GREGORY: Correct.

MEMBER DOYLE: So, okay. Thank you.

CHAIRPERSON DUDLEY: Looks like we don't have a definition of it.

MEMBER GLASER: Can I just comment on that point?

CHAIRPERSON DUDLEY: Let me just go with Dr. Clavo then you, Dr. Glaser.

MEMBER CLAVO: I kind of forgot my question. But he's trained in Jujitsu. Was that -- I heard in the interview? Was that correct?

MR. GREGORY: He was taking some training before the incident and then stated during his interview that he started taking more of it after the incident.

MEMBER CLAVO: How long had he been an officer at the time?

MR. GREGORY: Approximately 15 months he had been off training.

MEMBER CLAVO: And did the other instances have video? Or no video?

MR. GREGORY: I can't tell you because I did not investigate those cases.

MEMBER CLAVO: Okay. Thank you.

CHAIRPERSON DUDLEY: Dr. Glaser.

MEMBER GLASER: It is my understanding that the use

of "unfounded" varies from agency to agency. And that it's not consistently meaning there's an absence of --

CHAIRPERSON DUDLEY: I'm sorry, I misheard you.

MEMBER GLASER: It's not consistent across agencies that the "unfounded" designation means that there was -- that it's an exoneration.

CHAIRPERSON DUDLEY: That's correct.

MEMBER GLASER: And I would also want to know if we have any information about what their standard of evidence is for "unfounded" at that agency, because ours is clear and convincing.

MR. GREGORY: I don't know that.

CHAIRPERSON DUDLEY: Okay. And looking at the attorney, do you know that.

MR. HOFFMAN: I don't know that.

CHAIRPERSON DUDLEY: Okay.

MR. HOFFMAN: Not Orange County specifically.

CHAIRPERSON DUDLEY: Okay. Thank you.

Anything else, Dr. Glaser?

Hang on.

Dr. Glaser, anything else?

Okay. Then next Mr. Johnson and then Ms. Hartford.

MEMBER JOHNSON: Yes. So if I heard correct it was six incidents, three before this one, and two after this. He had been employed total time right now 15

months.

How close in proximity the first three incidents occurred before this particular incident?

CHAIRPERSON DUDLEY: I think you had a timeline in there.

MR. GREGORY: The first reported incident was May 9th, 2023; the second was June 4th, 2023; December 14th, 2023; the incident we're discussing today occurred on March 16th; and then there's March 21st, 2024; and September 20th, 2024.

CHAIRPERSON DUDLEY: Anything else, Mr. Johnson?

MEMBER JOHNSON: Yes. On those three priors, were the designation "unfounded"?

Or what was the designation of those?

MR. GREGORY: I have the first was one as "unfounded" by the agency, closed with POST.

On the second one, I have "unfounded and exonerated."

On the third, I have "unfounded" by the agency.

On -- not including our case, the next one was "unfounded."

And I have "not sustained" on the last one.

CHAIRPERSON DUDLEY: Was our -- was this case that's before this Board, was that found unfounded?

MR. GREGORY: No, that was sustained.

CHAIRPERSON DUDLEY: Okay.

MEMBER JOHNSON: Then the last part of my question, I think Dr. Clavo did ask, on all these incidents, there were no cameras involved? No video recording?

MR. GREGORY: I did not investigate those other cases.

MEMBER CRAWFORD: So I would say that your question's almost the same. So I'm trying to figure this one way. Six of them, you gave us the dates. They were within the six-month period from each one of the cases, total of six incidents, alleged incidents.

And you may have said this already.

Like I said, I'm trying to figure this out in my mind.

Of the six, the unfounded ones were by the agency or POST?

MR. GREGORY: Four of the other five cases have been closed out by POST as well.

MEMBER CRAWFORD: Closed out by POST. So they were investigated by POST?

MR. GREGORY: Correct.

MEMBER CRAWFORD: You mentioned -- so then the other two were unfounded by the agency.

So I'm trying to figure out which ones were by agency versus POST and their determination, basically is

what I'm trying to get at.

MR. GREGORY: The only case that has been submitted to POST that has been sustained by the agency is the one that we are discussing today.

MEMBER CRAWFORD: Okay.

CHAIRPERSON DUDLEY: As far as I understand it, there's another one that POST is not yet investigated. Okay? So there's this one --

MEMBER CRAWFORD: So two of them involved punching; correct? Or not -- hitting. I'm going to say "hitting." "Punching" sounds a little extreme.

MR. GREGORY: The final case that was submitted to POST on October 2nd, that we have not conducted the investigation on there indicated that Deputy Montalvo had used a punch.

MEMBER CRAWFORD: And then the other four did not involve any physical altercation or anything.

MR. GREGORY: I can't tell you about physical altercation. I can tell you that it -- none of the cases described any punching taking place by Deputy Montalvo.

CHAIRPERSON DUDLEY: And POST's evaluation, POST's standards for a finding is clear and convincing.

And just to be clear, POST doesn't exonerate; is that correct?

The four cases that POST considered, POST did not go further on the case because it didn't meet the standard of clear and convincing.

But POST does not exonerate.

I'm trying to make this clear for the Board.

MR. GREGORY: Correct.

CHAIRPERSON DUDLEY: Okay.

MEMBER GLASER: Can I get clarification on that point, which is the closures by POST, were those the result of an independent investigation by POST?

Or were those the result of the unfounded findings by the agency?

MR. GREGORY: Somebody would have looked at the cases here at POST.

CHAIRPERSON DUDLEY: And it would have to rise to the standard of clear and convincing in order for POST to proceed.

Other questions?

MEMBER CLAVO: I would be interested in knowing on the four that POST did close, whether there was video footage.

CHAIRPERSON DUDLEY: Do you happen to know that?

MEMBER CLAVO: He wouldn't know. He didn't investigate it.

CHAIRPERSON DUDLEY: Okay. Well, POST investigated

it.

MS. DEL MUGNAIO: Yes.

CHAIRPERSON DUDLEY: So let's see what the Assistant Executive Director says.

MS. DEL MUGNAIO: Right. So this goes back to those P3 closures that we talked about where there is an abbreviated review. If they are exonerated, unfounded, not sustained, we review the crux of the case, meaning the agency's internal affairs investigation. And look at the findings as to how they got to the point of not sustained, or exonerated, unfounded. So it doesn't require video review in all of those cases.

We go back and audit those cases, specifically if we've got instances where we have multiple cases involving the same officer, we will pull those cases for audit.

Whether or not this one came up from an audit perspective, I don't know because I don't have the audit sheet in front of me. Typically those cases that involve, like I said, multiple cases against the same officer would come up for a P3 audit.

In this particular case, I want to speak to something Dr. Glaser asked, is what was the burden of proof on the part of the agency.

In terms of them taking any kind of administrative

action, disciplinary action, it would be preponderance.

I think what Mr. Gregory was pointing out is some of these cases may not have been complaints, charges or allegations, but there are reports of use of force that get reviewed by the agency as potential excessive use of force.

Orange County submitted those cases to POST, even though they may not be an actual complaint.

Now, those that there's a grievance by an inmate, I would suggest those are complaints and they need to be forwarded to POST like any other complaints would be forwarded.

So just to keep in mind, I think Chair Dudley asked the question as well, what does it mean that they've gone through a review and a commander's refused it -- reviewed it.

Any incident of use of force, my experience in a jail or prison setting is going to require some review by the commander or the lieutenant in that particular housing unit to look at whether or not the use of force was justified, was it within policy, et cetera.

So some of that may have landed with POST based on that review and then there was a subsequent grievance. And so that's why we're reviewing the case.

CHAIRPERSON DUDLEY: Yes, Mr. Johnson?

MEMBER JOHNSON: So, his entire sheet for incidents, six, all were centered as an in-custody Deputy?

MR. GREGORY: Correct.

CHAIRPERSON DUDLEY: Other questions from the Board?

(No response.)

CHAIRPERSON DUDLEY: Okay. I will proceed. We can always come back to more questions.

At this time, does the subject officer and/or their counsel wish to make public comment?

If so, you will each be given five minutes to speak and the time limits will be strictly enforced, so please ensure that you complete your comments within the allotted time.

While committing -- excuse me. While commenting, keep in mind that the Board will only consider the facts as presented by the Division today, and will not consider any additional facts or defense at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate a high probability that serious misconduct as defined in Penal Code Section 13510.8 and Commission Regulation 1205 occurred?

With that said, is there anyone from the public who would like to address the Board at this time?

When it is your turn, you may state your name and organization, if you wish, and you will each be given five minutes to speak and the time limits will be strictly enforced so please ensure that you complete your comments within the allotted time.

So let me start first with is there an attorney or does --

MR. RUTKOWSKI: Yes, Madam Chair --

CHAIRPERSON DUDLEY: -- Deputy Montalvo want to --

MR. RUTKOWSKI: This is Brett Rutkowski attorney for Deputy Montalvo and Deputy Montalvo is with me as well.

CHAIRPERSON DUDLEY: Okay. And is Deputy Montalvo with you?

MR. RUTKOWSKI: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Please go on.

MR. RUTKOWSKI: Yes. Yes, ma'am. Like I said, good afternoon, members of Board.

My name is Brett Rutkowski and I represent Deputy Montalvo.

Just to begin with to discuss what was mentioned earlier regarding the six investigations or the six complaints. This incident here that we're here for

today is the only time my client has been interviewed in any capacity regarding any misconduct allegations into a use of force such as this.

The other items that were discussed, the other five, he was never interviewed on. And to be honest with you, I do not know the actual fact pattern behind any of though instances. But I can say that this incident here is the only time that my client was ever subject to an internal affairs investigation.

I'll continue on.

We are here today because the Orange County Sheriff's Department sustained an allegation of excessive use of force and consistent with SB 2 reported the matter to POST.

The department took that obligation seriously. They conducted an internal affairs investigation, reviewed all evidence and imposed the discipline, which was a four-day suspension.

And as you heard, Deputy Montalvo still works as a deputy with no restrictions in the department.

The department's evaluation of this case was not made lightly.

It was reviewed and signed by one assistant sheriff and a commander, who is now an assistant sheriff. These are law enforcement executives who understand the

gravity of excessive force and the public trust that goes with the badge.

There is nothing in this record, nothing suggesting that there was any minimizing of the conduct, ignoring -- ignoring Deputy Montalvo's obligations and duties or trying to quote, unquote, to sweep misconduct under the rug.

The reason why I bring that up because it has been suggested at times that the Board or the Commission is not beholden to any agency's discipline because of concerns that some agencies may try to do just that.

There's absolutely nothing in this record to support that here. There is no evidence, none, that anyone in OCSD's command was trying to do just that.

I want to make perfectly clear, the 40-hour suspension was the original, deliberate decision by OCSD leadership. It was not the result of a Skelly hearing or some backdoor deal or settlement agreement. This is what they felt.

And my concern with this case is that I believe it's important to understand why they came to that decision. Because at the end of the day, a decertification is a termination.

We -- I mean, we can use nice words, but at the end of the day it's a termination for Deputy Montalvo to not

operate as a peace officer within the State of California, and arguably, in the United States.

But an agency like the Orange County Sheriff's Department still employs him felt 40 hour was appropriate.

And why?

In my opinion, it's because it's a training issue. It is a training issue.

As you've already from the investigator on this case for POST, my client only had roughly about a year and a half or less as a peace officer. And from my understanding, he was just a few months removed from obtaining his basic certification with POST.

And this was brought up early on in an unrelated matter here at this hearing when all the -- when the presentation was shown regarding the statistics.

But something very interesting was mentioned by one of the Board members and I think it's pertinent here.

You need to consider if this is a pattern with Deputy Montalvo, specifically these excessive use of forces. And I'm concerned now that you're relying on the other five or six instances to factor into that judgment.

But the fact of the matter is, is those instances were never investigated, specifically as it concerns

accusing my client of misconduct. Otherwise, why was my client -- why was my client never interviewed?

The answer here is that this is not a repeated issue. This is a correctable issue.

And I believe that was mentioned earlier during the session when all the information was being shown that this is a correctable action. There's an opportunity to show actual correction from Deputy Montalvo.

And as you heard during the investigation and the presentation, my client admitted, he was not trying to run away, he believed he had tunnel vision. And for any of the law enforcement Board members on there, they know exactly what that means, especially being a young officer engaged in a use of force.

And that's exactly what happened here.

And to be to decertify him would negate the ability for Deputy Montalvo to be able to show that this is correctable.

Last part I'll say and I will be done. This is the most recent evaluation that was issued: "Armando, your performance reflects an untiring commitment to excellence, safety and service. Your leadership, integrity and dedication serve as a model for others and I'm proud to have you a representative of our department."

That was from the leadership of Orange County Sheriffs.

I thank you for your time.

If you have any questions, I'll be happy to answer them.

I know Deputy Montalvo was to add a few points, if that's possible.

CHAIRPERSON DUDLEY: Who signed the evaluation?

MR. RUTKOWSKI: This was signed by Lieutenant Ruffong, R-U-F-F-O-N-G. And then at the bottom it has an executive command signature, which I cannot read, it was dated 9-5-25, September 5th, 2025.

CHAIRPERSON DUDLEY: Okay. Thank you so much.

We may come back to you with more questions.

Do you have questions now for the attorney or would you like to hear from Mr. Montalvo.

Okay. Deputy Montalvo, please.

DEPUTY MONTALVO: Hello, everyone. Thank you for having me. I just have a brief statement.

I just want to sincerely apologize for my actions. As a young deputy, I know I made a mistakes, so -- based on my lack of training.

But I want all of you guys to know it was never my intention to cause any problems.

I had time to think about everything and I have

learned a lot from it, which I've taken it upon myself to continue training with my department and outside as work as well.

I truly care about my job and the people I work with. I'm asking for second chance to show I've grown and I will represent the badge the right way.

Thank you for your time.

CHAIRPERSON DUDLEY: Thank you.

Your comment about a lack of training.

Do you think that there's a lack of training in your decision to hit his head on the cement floor after the 28 punches? You think that --

DEPUTY MONTALVO: No.

CHAIRPERSON DUDLEY: Would you need someone to tell you after you punched someone 28 times and their hands are cuffed, or restrained, that one last pound on the floor was okay?

DEPUTY MONTALVO: No, I think it's just with the -- being very young in the department, and not being involved in situations like that, I think I just got tunnel vision. And I can't really explain what happened. It just -- when adrenaline's pumping, things happen.

CHAIRPERSON DUDLEY: I understand. I just want to be clear about that, that part, that you would need

someone to train you that that was unacceptable behavior.

DEPUTY MONTALVO: No.

CHAIRPERSON DUDLEY: Okay. Thank you.

Questions from other Board members?

Doctor?

MEMBER CLAVO: So I've heard it mentioned several times, "lack of training."

What are you referring to "lack of training"?

Because when chair woman Dudley just asked you, you mentioned just "tunnel vision" and I've heard that stated a few times, through the interviews and things of that nature.

So explain to me, do you feel that the academy you went through is not sufficient?

Or that you needed more on-the-job training after 14 months?

I'm trying to understand the lack of training.

DEPUTY MONTALVO: Obviously in the academy you do a lot of things. You do at lot of punching, striking, you do some arrest control techniques as well.

I think based on the -- my personal -- everybody's different -- I lacked the part of using arrest and control techniques.

Obviously I think that's why, at that time, I just

struck him so many times -- striked him so many times, sorry -- because I could not get his hands out and that was based on my lack of training because I didn't know how to pry his arms out.

Now, if you would ask me, I attempt to stay away from striking as much as possible.

I try to rely on my arrest and control techniques and obviously now I try to pause, think of what I'm doing, assess a situation and then reassess again. That's all the stuff I've been learning from my weekly trainings, as well as my outside trainings that I do.

MEMBER CLAVO: Follow-up question.

What -- you stated not punch or punch as least as possible.

So, what would define a reason for you to use punches?

DEPUTY MONTALVO: Someone that's obviously being assaultive towards me.

Not actively resisting, but being very assaultive.

MEMBER CLAVO: Thank you.

CHAIRPERSON DUDLEY: Yes.

MEMBER CRAWFORD: How are you doing, Deputy Montalvo?

My question is: We really couldn't see in the camera and so -- the camera is angled from behind.

And when the gentleman was going over to take the picture, what did he do that triggered you needing to pull -- I guess, assumingly -- I'm assuming you were pulling his hands back to handcuff him, I'm assuming.

DEPUTY MONTALVO: So normally during that procedure, they -- they're -- we call it, like, the intake process. So these guys are coming in drunk and high. Sometimes they don't speak the language.

So what I was doing, I clarified, like, "Hey, man, do you speak English?"

He's like, "No, I speak Spanish."

I was like, "Okay. I speak Spanish as well."

So I was like -- I gave him, like, "Hey, man, come on. Stand up. Walk this way. Walk this way."

He didn't understand. I grabbed him by the arm to try to guide him. And then he had told me like, "Hey, I don't speak English."

But then he said words, "Hey, don't grab me."

And then obviously he pulled away and from him pulling away, that's when I tried to put his hands behind his back and control him. But I failed to do so.

MEMBER CRAWFORD: Thank you.

CHAIRPERSON DUDLEY: Does any other Board member have a question?

MEMBER JOHNSON: Yes. Johnson.

CHAIRPERSON DUDLEY: Oh, thank you.

MEMBER JOHNSON: I'm curious to know, and I'm not sure if your representative will let you speak to it, but there were three prior incidents before this particular one. And two after this.

There was no -- to our knowledge, there was no video. To our knowledge, they were unfounded.

How did you happen to be in the proximity of those three incidents at the time they occurred?

DEPUTY MONTALVO: Normally, it's either they call over the radio, "Hey, additional deputies" or you're dealing with another inmate and something else happens and you respond. So based on the whole situation, I've been involved in a lot of situations when something's taking place and somebody goes out over the radio and I respond. I'm first, second one there, and I'm assisting. So I -- it's basically either call through the radio or you observing -- you responding and act upon it.

MEMBER JOHNSON: So, it -- it sounds as though you actually did put your hands on the individuals?

DEPUTY MONTALVO: Sorry.

MEMBER JOHNSON: You did actually put your hands on the individuals when you showed up to the scene for those three incidents prior to and the two afterwards?

DEPUTY MONTALVO: Yeah, normally if I'm on -- if we catch paper on a use of force, even if I wasn't involved in it, you putting hands on an inmate by placing handcuffs or grabbing his arm, or leg shackles or leg restraints, you're automatically tied to that report.

MR. RUTKOWSKI: And I just want to be clear also, we're not really familiar, the fact pattern behind these other use of forces, because he was never interviewed on these.

And, again, we don't have -- at least on our end, we don't have any documentation specifically on if he was just responding and just like Deputy Montalvo said, he may have put an arm on a suspect or the inmate and that was it. But because it was a use of force now he's implicated involved in it.

There's a lot of moving parts in these use of forces. I'm sure the other Board members, specifically the Sheriff himself, would be able to speak to that. Or at least provide a little guidance on that.

I'm not saying for here at this hearing, but there's a lot of moving parts when it comes to a use of force and who was present, who put hands on, who didn't.

CHAIRPERSON DUDLEY: Any other questions from Board members?

Sheriff?

MEMBER DOYLE: Yeah, I mean having -- and I'm sure it is the same now as when I worked in the jail, which was a long time ago, is that deputies are trained really to react very, very quickly to -- to any kind of discretion simply when -- and I noticed that there were other inmates out.

And so I'm assuming that jail deputies in Orange are trained similarly, that when something happens, you need to quickly resolve those things, especially when you have other inmates loose, to maintain control in jails, which are pretty unique places.

DEPUTY MONTALVO: Yes, sir. Obviously, we're trained, like, when an altercation breaks out, whatever it is, radio transmission, you observe it, respond quickly.

And it's matter of seconds where things can go wrong and, obviously, you only have a matters of seconds to break down what's going on.

Hey, what do I do? Do I go hands on? Do I go hands off?

Most of the time when you're in the jails you don't know the inmate, you don't know what their background is, you just go hands on. And after you discuss, like what happened, but obviously, yes. That's correct.

MEMBER DOYLE: Thank you.

DEPUTY MONTALVO: Thank you, sir.

CHAIRPERSON DUDLEY: Captain Lara, did you have anything?

MEMBER LARA: I do not.

CHAIRPERSON DUDLEY: Mr. Johnson, anything else?

MEMBER JOHNSON: Yes, another question.

So I understand you're in some form of training now.

DEPUTY MONTALVO: Yes, sir.

MEMBER JOHNSON: These incidents will occur around you, I'm sure, in the future.

How do you believe these trainings will help you not be caught up in a situation where you're under an investigation for excessive force?

DEPUTY MONTALVO: For example, this morning, I was at work, I'm actually dressed in uniform. I had training as well, I had risk control, which I attend -- try to attend every week, if not twice a week.

My instructor always says, "All right, you're here. You're on the floor with an inmate. Assess. What are you doing? Do you need to back off? Do you need to give him time to respond?"

Based on that, I've learned you know, time. Give him time. Not all inmates are going to respond quickly, especially if they're under the influence of alcohol or

drugs. You don't know. And you can't assume, right. Sometimes the language barrier. So you have to assess, give them time, back off.

And like I said, I trained Jujitsu outside of work too. It's not -- it's a self-defense mechanism. It's to defend yourself. It's not pre-tac, like boxing or striking. I'm trying to basically stay away from that, obviously, because I'm -- I got in trouble and I'm here now.

CHAIRPERSON DUDLEY: Dr. Glaser?

Anybody else?

Okay. Thank you.

Let's see if your counsel has something else he wants to say?

MR. RUTKOWSKI: No, Your Honor. I'm sorry, not -- a different forum.

CHAIRPERSON DUDLEY: I make my children call me that too.

MR. RUTKOWSKI: I'll call you that as well.

CHAIRPERSON DUDLEY: Anything else?

Okay. And there's no public comment in the room?

There is public comment in the room.

Come up, Ms. Johnson.

Does Ms. Johnson have a mic there?

Great.

BEATRICE JOHNSON: Yes. Good afternoon.

CHAIRPERSON DUDLEY: Good afternoon.

BEATRICE JOHNSON: I'm a citizen and I would be very uncomfortable knowing that that officer was back in the community. He mentioned, what is it when you get excited? Exhilaration? Adrenaline. That's how people get killed. Adrenaline.

A whole bunch of people have been killed by the police because of adrenaline.

I don't think that this is the occupation for him. We cannot take chances. We have too many people being killed by the police. And if this was your only incident, to me, I would see you as troublesome. Even if you didn't get -- they didn't find something. That's a whole lot for 18 months.

So, I would consider you troublesome. I would not feel safe if you was in the community.

You look like you smart. I feel like you should get another occupation. Because you -- these words you are using in training, training is training physical, too. But they also train to protect and serve.

And at no time, if you asked him, do he speak English or does he speak English? I felt like when I was looking in the video, I didn't see any aggression until you took aggression.

So if you can ask him does he speak English why didn't you ask him put hands behind his back. He might have just did it. That's protect and serve. Serve the public.

So I think that I would be very nervous and I know a lot of people would be very nervous. It would not be comfortable. And I feel sorry for the community you work in, because that person that you did assault, what's going to happen when he see you? You going to traumatize him for the rest of his life.

So yeah. Thank you.

CHAIRPERSON DUDLEY: Thank you, Ms. Johnson.

Any other comments, public comments?

Okay. Any further questions before we discuss this case?

Questions, comments?

Yes, Dr. Clavo?

MEMBER CLAVO: If my fellow Board members will entertain me, can we see the video one more time?

CHAIRPERSON DUDLEY: Sure. Of course.

MEMBER CLAVO: We can watch it in closed session. No worries. I have it on my laptop. On your laptop.

CHAIRPERSON DUDLEY: Let me just make sure.

It's up.

(Video played.)

MEMBER CLAVO: Okay.

CHAIRPERSON DUDLEY: Okay. Any other comments or questions?

(No response.)

CHAIRPERSON DUDLEY: Okay. Let's get into discussion.

Let me read something, please.

The meeting will adjourn into closed session for deliberations on this case.

The Board members will now exit the room and be back for regular session shortly.

Thank you, everyone.

(Time noted: 2:27 P.M.)

(Closed session held:

2:33 P.M. to 2:49 P.M.)

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(Time noted: 2:55 P.M.)

CHAIRPERSON DUDLEY: We'll now convene in regular session to take a vote on the Board recommendation in the matter of case POST 2402562, Armando R. Montalvo, who at the time of the events at issue in this case was and is still currently employed with the Orange County Sheriff's Department.

What comments does the Board have on this matter?

Dr. Glaser?

MEMBER GLASER: I would just move that we recommend revocation.

CHAIRPERSON DUDLEY: I'm sorry?

MEMBER GLASER: I move that we recommend revocation of certification.

CHAIRPERSON DUDLEY: Okay. Is there a second?

MEMBER CRAWFORD: Second.

CHAIRPERSON DUDLEY: Thank you.

Is there any discussion? Any further discussion? Questions? Comments?

Okay.

MEMBER DOYLE: Yeah, I do have a comment.

CHAIRPERSON DUDLEY: Please.

MEMBER DOYLE: I mean, having worked in jails and I know that it's a totally different environment. And even though the video doesn't look good, I don't think it rises to the level of ending the deputy's career.

CHAIRPERSON DUDLEY: Okay. Any other comments? Questions?

Thank you, Sheriff.

Yes?

MEMBER CRAWFORD: Well, the purpose of this committee is not to always go in and want to, you know, remove anyone's position. You never want to take anyone's position.

But coming from my experience, my community, and seeing some of the things I seen in that video, it was very disturbing.

And I know that we would be a disservice to allow the officer basically in training that eventually will be on the street, that will be patrolling the area, and that is very concerning, because the fact of it is, there are too many times there has been complaints filed about officers that were ignored, that were dismissed. And the community probably could tell you better than anyone else the probability of a officer pulling a gun and killing someone.

I would have rather him taking training, not in jujitsu, but probably in de-escalation and how to deal with the community.

So that's what was kind of disturbing for me.

CHAIRPERSON DUDLEY: Okay. Thank you, Ms. Hatcher-Crawford.

Any other comments? Okay.

Ms. Essex, will you take a roll call vote, please?

MS. ESSEX: Clavo.

MEMBER CLAVO: Aye.

MS. ESSEX: Clavo, aye.

Crawford.

MEMBER CRAWFORD: Aye.

MS. ESSEX: Crawford, aye.
Doyle.
MEMBER DOYLE: No.
MS. ESSEX: Doyle, no.
Dudley.
CHAIRPERSON DUDLEY: Yes.
MS. ESSEX: Dudley, aye.
Glaser.
MEMBER GLASER: Aye.
MS. ESSEX: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MS. ESSEX: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MS. ESSEX: Lara, aye.
There's six ayes. Motion passes.
CHAIRPERSON DUDLEY: Okay. Thank you.
As this was the last item on the agenda, do any of the members of the Board have any additional comments before we adjourn?
(No response.)
CHAIRPERSON DUDLEY: Seeing none, I'll need a motion to adjourn.
MEMBER DOYLE: So moved. Doyle.

CHAIRPERSON DUDLEY: And second?

MEMBER CLAVO: Second, Clavo

CHAIRPERSON DUDLEY: The meeting is adjourned.

I'm going to ask the Board to stick around for a scheduling issue.

Otherwise this meeting is over. Thank you.

(Proceedings concluded at 3:00 P.M.)

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CERTIFICATE OF REPORTER

I, CONNIE J. PARCHMAN, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Connie J. Parchman, Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of October 2025.



Connie J. Parchman, CSR
Certified Shorthand Reporter
License No. 6137

# E R R A T A  S H E E T

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POST Record of Proceedings
Transcription Cover Page

**Transcript of Proceedings**

Following is the record of an Peace Officer Standards Accountability Advisory Board (POSAAB) Hearing held on 11/6/2025. The hearing was recorded, and a true and correct copy of the recording is being maintained by POST. The Hearing was also transcribed by Zoom. This transcript was reviewed and prepared by Associate Govermental Program Analyst, Chandler T. Knapp, Executive Office.

Staff Present: Assistant Executive Director Annemarie Del Mugnio, Law Enforcement Consultant William Imboden, Professional Conduct Southern Bureau, Simone Renteria, Attorney IV, Legal Affairs Bureau, Chandler T. Knapp, AGPA, Executive Office.

Board Members Present: Dr. Nicole Clavo Psy.D, Regina Hatcher-Crawford, Robert Doyle, Joyce E. Dudley, Cephus Johnson, Captain Charles Lara, and Margaret Peña

Board Members Absent: Professor Jack Glaser

Other Parties Present: Christopher Beatty, Deputy Attorney General and Counsel to the POSAAB and Leslie Wilcox, Counsel for Luke Baxter Walden

***ON THE RECORD – MEETING CONVENED 10:03 AM***

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**Chairperson Dudley:** Good morning, everyone. Today is Thursday, November 6th and the time is 10:03 AM. Thank you for attending the Peace Officer Standards Accountability Advisory Board hearing.

Members of this body are participating remotely from their respective locations. Under provision set forth in the Bagley Keene-Open Meetings Act Members of an advisory body such as the board are allowed to participate remotely in public meetings of that body. That's Government Code section 11123.5.

The location of a member of the Advisory Board attending remotely need not be disclosed, and that location need not be accessible to the public. And that's according to Government Code Section 1123.5, Subdivision D.

The primary physical meeting location for this meeting, where members of the public may physically attend the meeting, observe and hear the meeting, and participate in the meeting is 860 Stillwater Road, West Sacramento, CA 95605.

Please note that this hearing is being live streamed and recorded. We will now call the roll the board members.

Mr. Knapp.

**Mr. Knapp:**
Thank you, Madam Chair, members of the body, if you would just unmute.

Member Clavo.

**Member Clavo:** Present.

**Mr. Knapp:** Clavo present. Member Crawford.

**Member Crawford:** Present.

**Mr. Knapp:** Crawford present. Member Doyle.

**Member Doyle:** Present.

**Mr. Knapp:** Doyle present. Chair Dudley.

**Chair Dudley:** Present

**Mr. Knapp:** Dudley present. Glacier. Glacier absent. Member Johnson.

**Member Johnson:** Present

**Mr. Knapp:** Johnson present. Member Laura.

**Member Laura:** Present.

**Mr. Knapp:** Laura present. And member Pena.

**Member Pena:** Present.

**Mr. Knapp:** Member Pena is present.

We have seven of eight members present.

**Chairperson Dudley:** Thank you.

Therefore, quorum has been established.

I would now like to introduce Board Council Christopher Beatty, who is appearing remotely and Post Assistant Executive Director Anne Marie Del Megado, who is present at the primary teleconference location post headquarters in West Sacramento.

This time is set aside for members of the public who wish to comment on items not on the agenda, but those within the Board's jurisdiction. Public comment on matters on the agenda will be heard after each item is presented. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such manner. Please be advised that the Board cannot take action on items not on the agenda and may discuss those matters only to the extent necessary to

determine whether any matter should be made an agenda item at a future meeting, to respond briefly to statements or questions posed, to request clarification, or to refer the item to staff.

Please remember that this meeting is being transcribed, so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comment can be correctly captured in the transcript. As the Board chair, I may ask members of the public to limit their remarks to no more than 3 minutes. Pursuing to exist in Board policy, I may conclude the public comment period. If multiple speakers are voicing repetitive or similar statements and the 15 minute public comment period has expired, you will be given 3 minutes to speak and the time limits will be strictly enforced, so Please ensure that you complete your thoughts within the allotted time.

Before I open comment on matters not on the agenda, please note that if you wish to comment on disciplinary matters scheduled to be heard today by the Board, you must wait until that matter is called to offer public opinion.

If you have a specific complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer’s employing agency. Staff can assist you in this manner. I would like to remind individuals making comments to not discuss pending complaints or pending disciplinary actions that may later come before the Board for recommendation. If the Board takes action on your complaint, you will have an ample opportunity to address the Board at that time. Following these rules is necessary to comply with the laws and to avoid compromising the Board's mission.

I will now yield to the Assistant Executive Director to manage and call for public comment.

**Assistant Executive Director Del Mugnaio:** Thank you, Madam Chair. Is there anyone here physically at the location that would like to make a public comment today?

Seeing none in the room, is there anyone online who wishes to come to make a public comment on matters not on the agenda today?

Madam Chair, I have no opening public comments.

**Chairperson Dudley:**
Thank you.

**Assistant Executive Director Del Mugnaio:**
Thank you, ma'am.

**Chairperson Dudley:** We now move to the next item on the agenda. We have only one case to hear today. We will only be reviewing the facts and evidence as presented by this division. This is not an evidentiary hearing. The rules of evidence do not apply here. Evidence is not formally admitted into the record. There is no need to make any objections, and objections will not be ruled upon under the Penal Code and applicable state regulations. This initial hearing will determine only if the matter proceeds forward for Commission review and then, should the Commission approve, for a full evidentiary hearing before an administrative law judge to determine whether the allegations are true and justify discipline for those commenting on each item. At this early stage, the Board must only consider the facts that the Division, after investigation, believes can be proven at a later evidentiary hearing. For that reason, today the Board will entertain arguments as to whether or not those facts, as presented by the Division, demonstrate clear and convincing evidence. In other words, a high probability that serious misconduct, as defined in Penal Code section 13510.8 and Commission Regulation 1205 occurred. Actions by the Board or the Commission prior to a full evidentiary hearing do not amount to a final determination that an officer did in fact engage in misconduct or that revocation or suspension is ordered. That would be determined after the evidentiary hearing. At the conclusion of the Law Enforcement Consultant's presentation, the Board will have an opportunity to ask questions, then public comment from the subject officer and or their counsel will be taken, followed by the members of the public. Further discussion by the board will be allowed If necessary. The Board may go into closed session deliberations after the case or wait and adjourn into closed session to deliberate on

all cases. But in this case, since there is only one case we would choose, if we chose to go into closed session, it would be on this case exclusively. After reconvening into regular session, votes will be taken on each case at this time.

I will now call upon law enforcement consultant William Imboden, Professional Conduct, Los Angeles County Bureau, and Simone Renteria, Attorney IV Legal Affairs Bureau, to provide a report on case POST2306324, Luke Baxter Walden, who at the time of the events at issues in this case, was employed by the Los Angeles Police Department.

**LEC Imboden:** Good morning, Madam Chair. Members of the Board, my name is William Imboden. I'm one of the law enforcement consultants assigned to the Professional Conduct Bureau for Southern California in the Peace Officer Standards Accountability Division. With me today is Simone Renteria, an attorney with our Legal Affairs Bureau.

I'm here today to present a supplemental report to case post 2306324 involving respondent Officer Luke Baxter Walden. This matter was previously heard by the Board on July 16th, 2025. Following the conclusion of that hearing, the Board voted to recommend revocation of respondent's certification. On September 10th, 2025, the Board's recommendation and the record before the Board were presented to the Commission for their consideration. At the conclusion of the hearing, the Commission returned the case to the Division with the direction to obtain additional documents and information to supplement the record and that this matter be scheduled for further hearing before the Board.

It is the Division's determination that clear and convincing evidence exists to demonstrate that respondent committed an act of serious misconduct as set forth in Penal Code section 13510.8. Specifically, the Division has determined that respondent committed the following acts of serious misconduct: Dishonesty relating to the reporting, investigation, or prosecution of a crime or relating to the reporting of or investigation of misconduct by a peace officer or a custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury and tampering with data recorded by a body worn camera or other recording device for the purposes of concealing misconduct and acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public as determined by the Commission.

I will present a brief outline of the Division's findings of investigation in this matter as presented to this Board on July 16th, 2025. On April 22nd, 2021, US Customs and Border Protection intercepted a suspicious package from China at the Los Angeles International Airport mail facility. The package, which was labeled "fuel filter" and addressed to respondent at his home address, actually contained an illegal firearm silencer. Upon

learning respondent was a current Los Angeles Police Department officer, the investigation was turned over to the LAPD Internal Affairs Bureau.

LAPD inspected the item and determined that it was a firearm silencer as defined by Penal Code section 17210. Further, an automotive expert determined it could not function as a fuel filter as it had no filtering properties.

LAPD conducted an audit of respondents Internet search history on department computers and discovered respondent had conducted numerous searches of websites selling firearm silencers advertised as fuel filters. The searches ended on March 15th, 2021. A search of respondent's personal PayPal account revealed a transaction on March 17th, 2021 for $45.96 for the purchase of a "Napa 4003 Wix 24003 1/2 x 28 5/8 x 24 fuel filter aluminum solvent trap 1/2 by 28 XH" from a vendor in China.

Respondent was arrested by LAPD, charged with a felony and at a pretrial hearing pled no contest to a misdemeanor. During the LAPD administrative investigation into respondents attempt to purchase a silencer, respondent was dishonest when he stated several times to the IA investigators that he did not try to buy- purchase a firearm silencer.

LAPD sustained the allegation of attempting to possess a firearm silencer and referred respondent to a Board of Rights with a recommendation for termination from employment. At the Board of Rights hearing, respondent continued to deny that he tried to buy a firearm silencer and repeated that he attempted to buy a fuel filter for a Toyota. However, the item seized would not only not fit a Toyota, but it would also be useless as a fuel filter because it had no filtering properties.

At the conclusion of that hearing, the Board of Rights unanimously agreed that respondent was guilty of the allegation that he, quote, attempted to obtain a firearm silencer, but reduced the penalty from termination to a 30-day suspension. At the conclusion of the presentation to this Board on July 16th, 2025, the Board deliberated unanimously recommended that respondents post certification be revoked and referred the matter to the POST Commission for consideration. On September 10th, 2025, during their regularly scheduled meeting, the Commission reviewed the recommendation of the Board.

At the conclusion of their presentation and discussion of this matter, the Commission directed the Division to supplement the record with the following documents and return the case to the Board for consideration for those documents. The entire LAPD Internal affairs investigation report CF21-001144, the LAPD administrative adjudication, known as the letter of transmittal, the Board of Rights decision rationales, the Board of Rights hearing transcripts.

Additionally, the Commission wanted an explanation from LAPD as to why an allegation of dishonesty had not been included in their findings and an understanding of whether respondent was demoted from a supervisory detective position to a non-supervisory position and whether that action was disciplinary in nature.

At the hearing before the Board on July 16th, 2025 and Commission hearing on September 10th, 2025, the Division presentation included documents in support of their investigation to include ATF bulletins regarding solvent traps and fuel filters, the LAPD criminalist report, criminal court documents, the Board of Rights rationale following the

guilt phase of their proceeding, and numerous pictures of the seized item, the packaging, and an actual fuel filter. Fuel filter respondent purchase through Amazon.

At the direction of the Commission, Division has attached to the supplemental investigative Summary and Findings additional documents for the Board to review and consider, including the entire Internal Affairs report as well as documents that were listed as addenda in that report. The LAPD's Letter of Transmittal and the Board of Rights decision, rationales and transcripts. With the exception of the Board of Rights transcripts, that were not yet available at the time of the that the notice of intent to revoke was served on respondent, and the Board of Rights Rationale on Penalty, The Division possessed these items at the time of its initial investigation and information from them was incorporated into the investigative summary and findings were relevant.

The additional records acquired failed to reveal any information that materially altered the Division's analysis and findings that Respondent engaged in serious misconduct, both acts that violate the law and dishonesty. Rather, the additional documentation strengthen the Division's allegations and provided clarity on why LAPD did not put forth an allegation of dishonesty in their IA report.

LAPD Professional Standards Unit (PSU) Captain David Wang notified the division that LAPD made the decision not to "stack" the allegations against respondent by including an allegation of dishonesty when an employee denies convening acts of misconduct. However, he clarified the lack of a formal allegation was in no way an indication that the department believed respondent's testimony to IA was truthful. In fact, the Board of Rights transcript make it clear LAPD was concerned with respondents lack of honesty, even if it wasn't framed in the form of an allegation.

The agency asserted during their closing arguments before the Board of Rights that respondent failed to take accountability for his actions every time the opportunity was presented. He was deceitful in providing false evidence and lacked personal integrity, stating "he displayed a series of evidence trying to either deceive or convince us that his actions were not what he was taking accountability for." With respect to the Respondent's reclassification from supervising detective to a non-supervising detective. According to the LAPD's PSU, the move was made as part of a management decision not tied to discipline and allowed for within LAPD Policy Section 3-763.55. However, the reclassification resulted in Respondent being placed into a lower pay grade, which took effect June 5, 2025. By policy, no specific reason for the reclassification was required or given.

While reviewing the Board of Rights transcripts, the following exchanges between Respondent and the LAPD Advocate were found to corroborate the Division's prior determination. Respondent is asked what training he has received related to firearm silencers. Respondent states, "zero." However, upon further questioning, respondent admits under oath that he fired firearms with silencers during an LAPD training day with vendors to test these weapons because LAPD was considering purchasing suppressed weapons. This contradicts Respondent's statements made during the July 16th, 2025, board hearing. While answering questions from the board, respondents stated, "I've never dealt with a suppressor. I've never seen one in real life."

Respondent offers that he did Google picture searches of suppressors or silencers and that as part of those searches, he looked at items marketed as fuel filters that were used as firearm silencers.

Respondent explained his research on silencers as the unit's firearm expert and stated he researched them so that he could identify them if his unit got one from a gang member.

However, Respondent made the argument at his July 16th, 2025, board hearing that he did not know, after doing months of research that included the Napa 4003 fuel filter as a pseudonym for a silencer, that Napa 4003 item he purchased using his PayPal account was a firearm silencer.

Respondent was specifically asked if he looked at items marketed as fuel filters that were used as firearm silencers. He responded with “yes”. He is then asked if he saw pictures of items marketed as solvent traps used as firearm silencers and he answered, “At some point I think that popped up.” Having seen those pictures prior to purchasing the purported fuel filter from China, he would have recognized the item he purchased as being an illegal silencer being marketed as a fuel filter. This is further supported by the testimony of LAPD Lieutenant Bixler who supervised Respondent when he worked in the gun unit. Lieutenant Bixler testified at the Board of Rights hearing that an individual who belongs to the LAPD Gun Unit would be able to discern a silencer if they saw it. Additionally, in response to the question, “would the feature of monolithic core be something that Luke Walden was familiar with from his time in the gun unit?”, Lieutenant Bixler responded yes. After it is established that “Napa 4003” is code for firearm silencers marketed as fuel filters, Respondent is asked, “so is there any reason you ordered a “Napa 4003” after repeatedly looking into Napa 4003 as part of your duties into suppressors in your job?” Respondent answered, “well, I ordered a fuel filter for my car. Whatever the code delineation for that part, I don't remember what it was.”

Finally, in reviewing the Board of Rights rationale for the penalty phase, the Board of Rights panel made it clear they unanimously found respondent guilty of purchasing A firearm silencer. However, they decided to reduce Respondent’s discipline due to his years of service and commendations received.

After reviewing the attached documents and the information gathered from LAPD for this supplemental investigation, coupled with the investigative summary and findings dated March 13th, 2025, the Division believes the evidence is clear and convincing Respondent was dishonest when he denied purchasing a firearm silencer and attempted to mislead investigators with the excuse of trying to buy a high performance fuel filter. Respondent continued his dishonest statements throughout the Board of Rights hearing denying he intentionally purchased a firearm silencer marketed as a fuel filter despite stating he had researched that very item for work related purposes, including seeing pictures of fuel filters and solvent traps marketed as firearm silencers prior to making his purchase. As indicated above, Respondent continued to be dishonest during the Board's July 16th, 2025, serious misconduct hearing.

Additionally, clear and convincing evidence exists to show respondents committed a felony when he purchased an illegal firearm silencer over the internet from a company in China and had it shipped to his home address. For the purposes of the Division's

analysis, 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.

The Division's recommendation, I'm sorry. The Division recommends that respondents POST certification be revoked or suspended as stated at the July 16th, 2025, Board hearing.

The Division's recommendation is based on the following:

Clear and convincing evidence exists to show respondent purposefully committed a felony after conducting research for months in advance and then purchased purchasing an item that was clearly intended to be used as a firearm silencer. This is in direct conflict with Respondents general duty to uphold the law and it's in fact the exact type of crime respondent was charged with preventing as part of the specialty unit he was assigned to.

This blatant dismissal of the law alone is egregious enough to warrant revocation of Respondent's peace officer certification. But in addition to violating the laws he was sworn to uphold, Respondent lied repeatedly to Internal Affairs and at his Board of Rights hearing when he was confronted with his behavior in an obvious attempt to keep his job through consistent denial despite the evidence of his guilt.

Respondent has broken the public trust through his actions and his words and cannot be entrusted to truthfully, honestly, and ethically uphold the law or respect the rights of members of the public.

With that, I'm happy to answer any questions the Board may have. Thank you.

**Chairperson Dudley:** I don't, I was looking for the hand raising I'm and I'm not seeing it on my computer. So let me ask the assistant director if you wouldn't mind calling on people so they can get asked their questions. So now what I'll be doing is asking the board members. Do any board members have any questions at this point?

**Assistant Executive Director Del Mugnaio:** Madam Chair, I don't see any hands raised or anyone wishing to speak.

**Chairperson Dudley:** Thank you.

At this time does the subject officer and/or their council wish to make a public comment? If so, you'll each be given 10 minutes to speak and the time limits will be strictly

enforced. So please ensure that you have that you complete your comments within the allotted time.

While commenting, the Board will only consider the facts as presented by the division today and will not consider any additional facts or defense at this time. The sole question before the Board today is the following: Does anything in the new material presented today warrant a new or different recommendation from the previous recommendation of the Board to revoke the officer's certification?

If the Board concludes that there was no longer clear and convincing evidence sufficient to support a finding that serious misconduct occurred or if the Board concludes that the evidence no longer warranted revocation and instead warranted suspension.

I will again yield to Assistant Director Del Mugnaio to manage the call for public comment.

**Assistant Executive Director Del Mugnaio:** Thank you, Madam Chair. I believe we have Leslie Wilcox who is representing Luke Walden. So I will turn the floor over to you, Leslie.

**Leslie Wilcox:** Thank you. Good morning, everyone.

Detective Walden intended to be here, but he was subpoenaed for testimony in an LA Superior Court case for today at 8:30 AM, so he could not join us. And I want to thank you all again for your time and seeing you remotely. My position after the amended investigation is that there is not clear and convincing evidence established that Detective Walden was dishonest in his testimony to the Board of Rights.

The Division appears mostly to be relying on closing argument in order to determine why LAPD believed that he was being dishonest. But there is no indication that LAPD, as the department or as the investigators that were most familiar with the case, believed that Detective Walden was being dishonest, or they would have framed an allegation of such, which they do frequently.

The standard in the LAPD investigations is preponderance of the evidence, which means more likely than not for POST, as you've heard, your standard is clear and convincing, which is a much higher probability that something occurred. It is not quite as high as beyond a reasonable doubt in Criminal Court. It's more in between those two, but it is significantly higher than a preponderance of the evidence, meaning it probably happened or it's more likely than not that it happened. I don't think that even with the board transcripts that you have that you have evidence that Detective Walden was intentionally lying or misleading about his purchase of the fuel filter. You do have an employee who was denying the allegations that the department brought against him, and I don't think that that on its own is enough for POST to add an allegation of dishonesty on these facts. I'm not disputing that POST has the ability to add allegations of whatever they want when they review an investigation. In this particular one - I don't think that it meets the standard for dishonesty. In particular, if you read the Board's rationale on fine on penalty, which is the second part of their rationale on the hearing, they specifically characterized Detective Walden's purchase of the fuel filter as a mistake. They did not say that they didn't believe him or that they thought he was lying. And the Board of Rights would have been in the best position to evaluate all of the witnesses' credibility and that's the determination that they ended up making.

I appreciate the investigation noting on page 11 that they're withdrawing their assertion that his second fuel filter purchased in August of 2021 was not-cannot be proven that he was doing that just for an alibi. I don't know if you read through all of the transcripts, but he indicated that since he didn't receive the first one, he had to order another one. And that was originally believed that he knew about this investigation from internal affairs and that was the reason that he made this additional purchase in August of '21 to sort of, I don't know, show that he was buying fuel filters all the time.

I'm not really sure what the assumption was, but it was determined in Mr. Imboden's investigation that in fact, Detective Walden was unaware of the investigation at that time.

Detective Walden accepted the Board's decision. He didn't take that further. He didn't appeal that further. He is asking at this point that the Commission, the Advisory Board,

reevaluate a recommendation for either revocation or suspension because the acts that violate the law are not a felony.

He pled no contest to a misdemeanor, but more importantly, the Penal Code that you are set up under 13510.8(C)(5) specifically requires that you consider their prior conduct, discipline and service record. There is no pattern of evidence for this. You heard from Mr. Imboden today that his rank of detective one was not disciplinary in nature, was the needs of the department. He has only one minor sustained complaint for a traffic collision from 2002. The dishonesty allegation- I don't believe if this ends up going all the way to an ALJ- is going to be able to be proven by a clear and convincing evidence standard based on merely his denials of the department's questions or actions about the purchase of the fuel filter.

If you do see on page 13 of the investigation, there's the back and forth questioning that Mr. Imboden was talking about. The end of Detective Walden's answer is very detailed about what he was anticipating finding on that fuel filter. This is not someone who doesn't know how to repair cars.

I would also just point out some common sense that while there are ATF Flyers and there is obviously evidence that some fuel filters are instead silencers or suppressors, that does not mean that all fuel filters are silencers or suppressors. I mean, anyone can go into an AutoZone and get a fuel filter and hopefully no one's going to be arrested for trying to buy a silencer.

I believe that a recommendation for suspension only for acts that violate the law, not for dishonesty, is more appropriate in this case. And I'll be happy to answer any of the advisory board's questions if you haven't.

**Chairperson Dudley:** Thank you. Let me ask, at this point, are there any board members that have any questions?

**Member Lara:** Yes.

**Assistant Executive Director De Mugnaio:** Thank you, Board member Laura.

**Member Lara:** OK, can you hear me?

**Chairperson Dudley:** Yes.

**Member Lara:** All right. So, I've been a police officer for 26 years and I can remember, with precision, every single time that I have fired a suppressed weapon.  one time and that-that happened a number of months ago. We have an indoor police range. We used suppressed AR-15s within the-within the indoor range because of the sound.

I'm curious that given the, the strict gun laws and then the high control of a suppressed weapon in the United States, and particularly so in California, that a gentleman who works in a gun unit and who fired suppressed weapons or silenced weapons, if you, if you will, during training could say credibly that he's never seen a suppressor or a silencer in real life.

**Leslie Wilcox:** I, I can't answer that for Detective Walden. I- I don't know about specifically about what training he's had.

**Chairperson Dudley:** Anything else? Mr. Lara? Sergeant, Captain?

**Member Lara:** No, I'm good. Thank you.

Chairperson Dudley: Thank you. I appreciate your comments and I appreciate your response. Is there any other board member who would, who has a question?

**Assistant Executive Director Del Mugnio:** Vice Chair Doyle.

**Vice Chair Doyle:** yeah, I have a question to the attorney. So-so does your sort of like your proposition that he didn't get what he ordered, so therefore all of the questions that he answered at the board sort of supported that? Is that- is that what your position is?

**Leslie Wilcox:** Do you mean that he ordered something different than what was shipped to him?

**Vice Chair Doyle:** Well- well, correct bec-because you seem to discount the answer to his questions at the board is being sort of irrelevant. And so I'm I'm just wondering if that's your position is that he ordered something else but got what was deemed to be a suppressor and illegal.

**Leslie Wilcox:** My understanding from being - I did not represent him at the board of rights. So I am reading the transcript like all of you did, but my understanding is that he was not intending to order something that was, one, wasn't going to work for his car, or two, that could be mistaken for a silencer. I-I don't know if what he clicked on was... I believe he intended to order whatever was sent to him. I think he didn't know that it was-n't an actual fuel filter if-if that makes sense.

**Vice Chair Doyle:** Thank you.

**Chairperson Dudley:** Are there any other board members who have any questions of the attorney?

**Assistant Executive Director Del Mugnio**: Madam Chair, I do not see any further questions.

**Chairperson Dudley:** Okay, thank you.

Is there anyone from the public who would like to address the board at this time? When it's your turn, you may state your name and organization if you wish. You will each be given 3 minutes to speak and the time limits will be strictly enforced. So, please ensure that you complete your comments within the allotted time. Assistant Director, I will again look to you.

**Assistant Executive Director Del Mugnio**: I don't see any public comments in the room and I do not believe we have any online. Madam Chair, if you will, I believe Ms. Renteria would like to address the board.

**Chairperson Dudley:** Okay.

**Simone Renteria:** Good morning, Board members.

I just want to take some time to address the dishonesty charges and the statements made by Council regarding LAPD not bringing allegations of dishonesty here versus the Board and the, sorry, the Division bringing the allegations of dishonesty. As you probably well know, the Legislature set forth in the statute that governs the actions of the Board and the Commission, the fact that the neither the Board nor the Commission are bound by decisions that are made either by law enforcement employee agencies or by determinations made as a result of appeals of those determinations. Moreover, the Legislature also charged the Board and the Commission with independently reviewing investigations that they received for grounds for the certification. Any of the 9 grounds in the statute, we're obligated to review investigation and investigative materials to determine whether or not there are grounds for that, and we must do that independently of any investigation or finding by employing agencies. The Division chose to do that, as laid out in Mr. Imboden's presentation, as well as the initial ISF as well as - investigative summary and findings- as well as the supplemental investigative summary and findings. The Division has laid out all of the circumstances in which Mr. Walden was found to have been dishonest, including in his answers to this board.Thank you.

**Chairperson Dudley:** Thank you very much. Are there any other comments from anybody? Any other comments or questions?

**Assistant Executive Director Del Mugnio**: Madam Chair, I do not see any other comments or questions.

**Chairperson Dudley:** Okay, so now I'll be directing this question to the Board members. At this time, does the board wish to adjourn into closed session breakout room for deliberations on this case or is the board ready to take a vote on reaffirming their recommendation, revocation, to the Commission in this case?

**Member Lara:** I don't need to retire.

**Member Clavo:** I don't either.

**Member Johnson:** Yes, Cephus Johnson, I do not need to retire also.

**Chairperson Dudley:** Is there anyone that feels any member of the board that feels the need to retire?

Okay, then we will not retire. In the matter of the case POST2306324, Luke Baxter Walden, who at the time of the events at issues in this case was employed with the Los Angeles Police Department.

Does the, does the Board have any comments to take on this matter?

**Assistant Executive Director Del Mugnio**: I don't see any further comment, Madam Chair.

**Chairperson Dudley:** Thank you.

Is there a motion to reaffirm the recommendation of revocation to the Commission?

**Vice Chair Doyle**: So Move Doyle.

**Chairperson Dudley:** is there a second?

**Member Lara:** Second.

**Chairperson Dudley:** And who is that?

**Member Lara:** I'm sorry, Charles.

**Chairperson Dudley:** Thank you. We will now take a roll call vote on the board's recommendation. Mr. Knapp, will you please take a roll call vote?

**Mr. Knapp:** Yes, Madam Chair. Thank you.
Clavo

**Member Clavo:** Aye

**Mr. Knapp:** Clavo Aye. Crawford.

**Member Crawford:** Aye.

**Mr. Knapp:** Crawford Aye. Doyle.

**Vice Chair Doyle:** Aye.

**Mr. Knapp:** Doyle Aye. Dudley

Chairperson Dudlley: Aye.

**Mr. Knapp:** Dudley Aye. Johnson.

**Member Johnson:** Aye.

**Mr. Knapp:** Johnson Aye. Lara.

**Member Lara:** Aye.

**Mr. Knapp:** Lara Aye. Pena.

**Member Pena:** Aye.

**Mr. Knapp:** Pena Aye. That's four "Ayes". Motion Carries. Sorry, seven- seven "Ayes!"

**Chairperson Dudley**: Yes, motion is passed. As this was the last item on the agenda, do any of the members of the board have any additional comments before we adjourn?

**Member Lara:** No, ma'am.

**Member Clavo:** No.

**Member Crawford:** None.

**Chairperson Dudley:** Seeing none and hearing none, I'll need a motion to adjourn. Is there a motion?

**Member Clavo:** I make a motion.

**Chairperson Dudley:** And a second?

**Member Johnson:** Johnson second.

**Chairperson Dudley:** Thank you. The meeting is now adjourned.

-

***Off the Record – Meeting Adjourned at 10:40 AM.***

**AGENDA ITEM REPORT**

**Title: POST2316280 - KHAMMOUANE KEVIN THAKHAM (POST ID: A45-Q53) LAST EMPLOYING AGENCY: FRESNO POLICE DEPARTMENT (CURRENT)**

**REPORT PROFILE**

| | | |
|---|---|---|
| **MEETING DATE**<br>02/05/2026 | **BUREAU SUBMITTING THE REPORT**<br>Professional Conduct Central Bureau | |
| **RESEARCHED BY**<br>Robert Tripp | | **REVIEWED BY**<br>Brian South |
| **REPORT DATE** | **APPROVED BY** | **DATE APPROVED** |
| **PURPOSE** | | **FINANCIAL IMPACT**<br>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 Fresno Police Department on August 16, 1994 as a Reserve Officer-Level 2, becoming a full-time Police Officer on November 4, 1996. At the time of the events at issue, Respondent was employed as Police Officer with the rank of Corporal in the Fresno Police Department and is currently a Police Officer with the same agency. At the time of this incident, Respondent held a peace officer position as defined under California Penal Code §830.2(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

In 2022, Respondent and a female acquaintance (hereinafter, "Victim 1") began a dating relationship and subsequently became cohabitants. In approximately July 2023, Victim 1 moved out of Respondent's residence and avoided communication with Respondent. In an effort to compel Victim 1 to resume communication, Respondent made three anonymous calls to the Fresno Police Department non-emergency number (one on August 10,2023 and two on August 11, 2023) and falsely reported an ongoing violent domestic disturbance at the apartment occupied by Victim 1 and her son (hereinafter "Victim 2"). On both dates, police responded to what they believed was a genuine emergency but

determined there was no disturbance. During the police response on August 11, 2023, Victim 1 and Victim 2 reported their suspicions that Respondent was responsible for the false reports. Fresno Police Department opened an internal affairs investigation and determined Respondent was in fact responsible for the three anonymous false reports. In an interview with Internal Affairs conducted on October 10, 2023, Respondent admitted he had placed the three anonymous calls; that the events he reported in the calls did not happen; and that he made those false reports to prompt an emergency police response to the residence of Victim 1 and Victim 2. Respondent stated he did this because he believed the disruption caused by the police response would prompt Victim 1 to reach out to him for advice and perhaps resume their relationship. Respondent repeated these admissions in an interview with POST conducted on November 6, 2025.

Following the conclusion of the internal affairs investigation, Respondent was proposed for dismissal. This discipline was reduced to a 160-hour suspension, demotion from the rank of Corporal, and a last-chance agreement imposed for the duration of Respondent's continued employment. Respondent served his suspension and remains employed as a Fresno Police Department Police Officer.

**Audio/Video Evidence Links:**

- **BR17 POST2316280 Thakham Kevin First Call Redacted 1**
- **BR18 POST2316280 Thakham Kevin Second Call Redacted**
- **BR19 POST2316280 Thakham Kevin Third Call Redacted**
- **BR20 POST2316280 Thakham Kevin Axon 2253 225252 225613 redacted**
- **BR21 POST2316280 Thakham Kevin Axon 2253 225947 225953 redacted**
- **BR22 POST2316280 Thakham Kevin Axon2253 231225 231246 redacted**
- **BR23 POST2316280 Thakham Kevin Axon2253 231346 231425 redacted**
- **BR24 POST2316280 Thakham Kevin Axon2254 225832 225842 redacted**
- **BR25 POST2316280 Thakham Kevin Axon2254 230728 230805 redacted**
- **BR26 POST2316280 Thakham Kevin Axon2254 231240 231432 redacted**
- **BR27 POST2316280 Thakham Kevin Axon2254 231528 221608 redacted**
- **BR28 POST2316280 Thakham Kevin Axon2356**

235816 235910 redacted

**ANALYSIS:**

Clear and convincing evidence substantiated that the Respondent violated California Penal Code §13510.8(b)(1) and Commission Regulation §1205(a)(1), Dishonesty. The Respondent knowingly and deliberately provided false information regarding the reporting of an ongoing violent disturbance to a Fresno Police Department dispatcher. The Respondent admitted to internal affairs and to POST that he had no knowledge of any crime or disturbance and that he dishonestly made the false report to pressure Victim 1 into resuming a romantic relationship with him.

Clear and convincing evidence also substantiated that the Respondent violated California Penal Code §13510.8(b)(6) and Commission Regulation §1205(a)(6), Acts that violate the law. California Penal Code §148.3(a) states that any individual reporting an "emergency" -- defined as a situation that could result in a response by a public official in an authorized emergency vehicle -- to a government entity knowing that the emergency does not exist is guilty of a misdemeanor. Although Respondent was not charged, he admitted to making a false report to the Fresno Police Department about an emergency knowing there would be an emergency response, thereby addressing the elements of California Penal Code §148.3(a). This illegal activity was repeated three times over a period of 41 hours and was egregious because Respondent deliberately placed his fellow officers, the victims, and the public at risk due to the inherent dangers of any emergency response. The Respondent's actions also represented a glaring contradiction with his obligation to uphold the law, in particular with respect to domestic violence and stalking.

**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_POST2316280_Thakham Kevin_ISF.pdf
BR02_POST2316280_Thakham Kevin_ExecReviewDivisionRec.pdf
BR03_POST2316280_Thakham Kevin_POST Profile_Redacted.pdf
BR04_POST2316280_Thakham Kevin_AgencyIA_Redacted.pdf

BR05_POST2316280_Thakham Kevin_FinalOrderDiscipline_Redacted.pdf
BR06_POST2316280_Thakham Kevin_FirstCallTranscript_Redacted.pdf
BR07_POST2316280_Thakham Kevin_SecondCallTranscript_Redacted.pdf
BR08_POST2316280_Thakham Kevin_ThirdCallTranscript_Redacted.pdf
BR09_POST2316280_Thakham Kevin_IncidentReport2308111305_Redacted.pdf
BR10_POST2316280_Thakham Kevin_EventLog2308100278_Redacted.pdf
BR11_POST2316280_Thakham Kevin_EventLog2308111305_Redacted.pdf
BR12_POST2316280_Thakham Kevin_IAInterviewTranscript_Redacted.pdf
BR13_POST2316280_Thakham Kevin_POSTInterviewTranscript_Redacted.pdf
BR14_POST2316280_Thakham Kevin_Domestic Violence Training Outline.pdf
BR15_POST2316280_Thakham Kevin_TextImage6477_Redacted.pdf
BR16_POST2316280_Thakham Kevin_FresnoPoliceNeighborhood Watch.pdf




# INVESTIGATIVE SUMMARY AND FINDINGS

**PEACE OFFICER NAME: Khammouane Kevin Thakham**

**POST ID NUMBER: A45-Q53**

**EMPLOYING AGENCY: Fresno Police Department**

**POST CASE NUMBER: POST2316280**

**WRITTEN BY: LEC Robert Tripp**

**DATE: 12/29/2025**

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## I. Executive Summary and Findings

On August 10, 2023 at 4:41 a.m., an anonymous male caller with a blocked number – who would be later identified as Fresno Police Department (FPD) Corporal Khammouane Kevin Thakham (hereinafter "Respondent") – contacted the FPD Communications Center non-emergency line to report an ongoing violent domestic disturbance. FPD officers responded to the address provided by the caller and made contact with a female resident (hereinafter "Victim 1") and her son (hereinafter "Victim 2"). The officers determined there was no disturbance.

On the following day at 10:08 p.m., the same caller again contacted the FPD Communications Center non-emergency line from a blocked number and reported another ongoing violent disturbance at the same address. At 10:26 p.m., the caller called back and reported he could now hear a male and female yelling and throwing things around, escalating the urgency of the situation. FPD officers responded, spoke with Victim 1 and Victim 2, canvassed other apartments for information, and determined there was no disturbance. Victim 1 and Victim 2 told responding officers they believed the calls were made by Respondent to harass them.

FPD opened an Internal Affairs (IA) investigation on August 16, 2023 and interviewed Respondent on October 10, 2023. Respondent admitted he was the anonymous caller, stating he placed the calls because Victim 1 had moved out of his residence without explanation and would not speak with him. He hoped the police response would prompt Victim 1 to "seek out to me for my opinions or my advice." Respondent confirmed none of the events he described in the call actually happened and stated he did not identify himself and blocked his number because he knew the call was not a legitimate call for service. The administrative investigation resulted in Respondent receiving a 160-hour suspension and demotion.

POST reviewed the FPD IA investigative report, Body Worn Camera (BWC) videos of the August 11, 2023 incident response, recordings of the three calls, and a recording of Respondent's interview with IA investigators. POST also interviewed the Respondent. This review confirmed that Respondent intentionally made a false report regarding an emergency which Respondent knew did not exist. In so doing, Respondent was dishonest and Respondent was in violation of California Penal Code Section 148.3(a).

## 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 FPD administrative investigation which included an interview of the subject officer. The investigation also included a review of the FPD response to the incidents on August 10 and 11, 2023, which documented contacts with the two victims.

POST analyzed the information obtained in this investigation 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 evidence that establishes the requisite facts and proves the serious misconduct charged by the clear and convincing evidence standard.

## III. Respondent's Background

### A. Respondent's Peace Officer Certificates and Employment

The table below sets forth Respondent's employment history:

| Dates | Rank | Agency |
|---|---|---|
| 08/16/1994 – 11/03/1996 | Reserve Officer Level II | Fresno Police Department |
| 11/04/1996 – Present | Police Officer | Fresno Police Department |

Respondent is assigned POST ID A45-Q53. He received the following peace officer certificates from POST:

| *Certificate Type* | *Certificate Number* | *Date Issued* |
|---|---|---|
| Basic | 92819 | 09/11/1998 |
| Intermediate | 87364 | 09/12/2006 |
| Advanced | 74701 | 09/12/2006 |

### B. Respondent's Service Record

When evaluating whether suspension or revocation is appropriate, California 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.

Respondent has worked for the Fresno Police Department for more than 30 years, first as a reserve officer and then, from 1996 forward, as a police officer. He has more than

19 years of service on SWAT, with experience responding to life-threatening emergencies. Following his graduation from the Peace Officer Basic Course in 1995, he received 14 hours of POST credit for attending four domestic violence training courses, including a two-hour “Domestic Violence Update” course conducted on April 27, 2022. This course included topics such as "Behaviors Batterers Use to Instill Fear and Control Over their Partner" and "Stalking."

Respondent had no previous misconduct complaints on file with POST and had no disciplinary history in the five years prior to this incident. On January 15, 2025, Respondent received a Letter of Reprimand for failing to activate his Body Worn Camera (BWC) while driving Code 3 during an emergency response in which Respondent collided with another vehicle.

## IV. Factual Background

Emergency Calls

On August 10, 2023 at 4:41 a.m., an anonymous male caller using a blocked number – later identified as the Respondent – contacted the FPD Communications Center non-emergency line to report a violent domestic disturbance. The caller provided the address and apartment number where the disturbance was taking place and described what appeared to be an unfolding assault requiring an urgent response:

> *I don’t want to get involved, but, uh, this female is screaming “Help me! Help me!” and there’s a lot of banging noise going on. And I know there’s a lot of – been a lot of traffic in and out. There should be a – a – a [Victim 1’s vehicle] parked in front of it. These people just moved in and there’s a lot of traffic, and now I hear screaming and yelling. A female yelling “Help me! Stop! Help me! Stop!”*[1]

The call lasted for 5 minutes and 51 seconds. As the call progressed, the caller indicated the situation remained dire. The caller stated, “Now she’s screaming again, ‘Help me!’”[2] The caller declined to provide his name or telephone number, expressing concern about “shady characters going to come back to me.”[3]

FPD dispatch designated the call as “Priority 0,” the highest priority call for service reserved for “emergencies with immediate need such as threat to life or crime in

[1] FPD Transcript of First Emergency Call, p. 1.
[2] FPD Transcript of First Emergency Call, p. 1.
[3] FPD Transcript of First Emergency Call, p. 2.

progress."[4] Eleven officers responded. At 4:55 a.m., officers made contact with the occupants of the apartment, Victim 1 and Victim 2, who had been asleep. Officers determined there was no disturbance. Officers asked Victim 2 if he knew who might have called the police. Victim 2 indicated the ex-boyfriend of Victim 1 might have made the call, but did not identify the ex-boyfriend by name.[5]

On the following day, the same anonymous male caller again called the FPD Communications Center non-emergency line from a blocked number. This call was placed at 10:08 p.m. and lasted 1 minute and 40 seconds. The caller described a situation similar to that reported on the previous day: a female was yelling for help during what appeared to be a domestic disturbance. The caller said the female was yelling "Stop!" multiple times.[6] The caller did not wish to provide his name.

Approximately 15 minutes later, at 10:26 p.m., the anonymous caller called the FPD a second time that evening. In this call, which lasted 1 minute and 33 seconds, the caller indicated that a male was now also screaming along with the female, and that they were "just throwing things around," including glass.[7] In response to the second call, the FPD raised the priority of the response from Priority 2 to Priority 1, the highest priority designation not requiring an immediate response, and the first units arrived at the apartment within 30 minutes. Responding units were informed by dispatch of the call on the previous day and were given criminal history check results for Victim 2 performed during that call.[8]

FPD Response and Victim Impact

The interaction between the victims and FPD was recorded on the BWC video of the responding officers. When officers arrived, Victim 2 was reluctant to allow officers access to the apartment as this was the second time officers knocked on his door at an unusual hour without apparent cause. In fact, FPD officers were at the door for more than three minutes before Victim 1 and Victim 2 allowed them inside the apartment.[9]

Victim 2 was concerned FPD officers knew the Respondent, who had been dating Victim 1 before breaking up the previous month. Victim 2 told officers he believed Respondent had directed the police to check on Victim 1 and thought "maybe you guys

[4] Fresno Police Neighborhood Watch, "When to call 911, Non-Emergency Police Line or use the FresGo App," https://www.makefresnosafer.org/blog/when-to-call-911-non-emergency-police-line-or-use-the-fresgo-app/#:~:text=The%20Fresno%20Police%20Department%20receives%20over% 20950%2C000,scene%2C%20this%20may%20be%20a%20two%20priority.

[5] IA Investigation Memo 2023-0056, p.p. 18-19; FPD Event Log 2308100278.

[6] FPD Transcript of Second Emergency Call, p. 1.

[7] FPD Transcript of Third Emergency Call, p. 1.

[8] FPD Event Log 2308111305; Final Order of Discipline, p. 2.

[9] Axon Body 3 Video 2023-08-11 2253 X60AA493V (Excerpt 2253-1), 22:52:52-22:56:13.

were friends, and trying to harass us."[10] Victim 2 expressed further concern about harassment from the Respondent. Victim 2 stated, "He call, like he send message threatening us. He come, he knock, he said he's gonna call the police and much more."[11]

Victims 1 and 2 provided FPD with additional justification for their suspicions that the Respondent was responsible for the calls for service. Regarding the call on the previous morning, Victim 2 stated Victim 1 attended a party on the prior evening and saw the Respondent at the same party. Victim 1 avoided Respondent and left the party around 1:00 in the morning. Approximately four hours later, the police came to their apartment, and one hour after they left, the Respondent called either Victim 1 or Victim 2. (Victim 2 stated, "he called," but did not specify whom.) Victim 2 regarded the timing of these events as more than coincidental and suspected the Respondent was responsible.[12]

Both victims also reported the Respondent had attempted to contact Victim 1 the evening before the current call for service. Victim 1 (using Victim 2 as a translator) told officers the Respondent had called her on the previous day and asked her to go out drinking with him. Victim 1 declined. Victim 1 stated four or five friends of the Respondent then called at the behest of the Respondent, also encouraging her to go out and spend time with the Respondent.[13] Again, based on the proximity of these interactions with the appearance of the FPD, both victims concluded Respondent was responsible for the present call for service as well.

Victim 2 provided additional examples of what he characterized as the Respondent's harassing behavior. Victim 2 stated the Respondent showed up at his apartment in the previous month and knocked on the door for approximately 30 minutes, until the neighbors came outside. While he was knocking, Respondent called Victim 2 approximately 20 times. When the FPD Officer asked Victim 2 why the Respondent was knocking and calling, Victim 2 stated:

> *Victim 2: Because, he already told us that if we don't go back – if she doesn't date him again, he's gonna do that…that's what I think.*
>
> *FPD Officer: That he's gonna do what?*

[10] Axon Body 3 Video 2023-08-11 2253 X60AA493V (Excerpt 2253-2), 22:59:47-22:59:53.
[11] Axon Body 3 Video 2023-08-11 2254 X60AA2296 (Excerpt 2254-1), 22:58:32-22:58:42.
[12] Axon Body 3 Video 2023-08-11 2254 X60AA2296 (Excerpt 2254-3), 23:12:40-23:14:32.
[13] Axon Body 3 Video 2023-08-11 2356 X60AA493V, 23:58:16 – 23:59:10 (Excerpt 2356-1); Axon Body 3 Video 2023-08-11 2253 X60AA493V (Excerpt 2253-3), 23:12:25 – 23:13:46.

*Victim 2: He's gonna, um, harass my mom back, like stalking, harassment, you know what I mean? Like, like uh, doesn't leave her alone, like harassment, [u/i] calling, stalking.*[14]

Victim 2 also showed responding officers a text message he received from Respondent on August 5, 2023, in which Respondent wrote, "Please I want you guys to come back to my life. I'll give you my house and everything I have. I'll do whatever it takes to take care of your mom and you guys. I'll sign all the paperwork to prove my commitment. I love your mom a lot. Im [*sic*] sorry for everything but please come back!!"[15] While describing the situation to the FPD officer, Victim 2's body language and tone of voice reflected discomfort: he moved from speaking to the officers in a relaxed tone with his arms crossed to gesticulating with both hands; his facial expression changed; and his voice changed in pitch and emphasis. Victim 2 stated "we don't even know why he want to give anything to us. I don't even know why, I just don't know why."[16]

Victim 1 stated through a telephone contact who was translating that she was very stressed out from the entire situation.[17]

The officers contacted six other neighbors in the apartment building and confirmed there had been no disturbance. The officers completed their investigation sometime after midnight and cleared the scene.[18]

Respondent Interviews

On October 10, 2023, FPD IA investigators interviewed Respondent and played recordings of the anonymous calls placed to the FPD Communications Center on August 10, 2023 and August 11, 2023. Respondent admitted he placed the calls. He stated Victim 1 broke off their relationship very suddenly without telling him why. When he saw her at social functions, she pretended everything was fine and that they were still in a relationship, but when he tried to call her, she refused to take his calls. The situation upset the Respondent. He said, "All I want to do is talk to her" and discuss their relationship.[19]

Respondent stated he had placed the calls to the Communications Center to elicit or provoke communication from Victim 1. He said, "that was my thought process, get her response and maybe again, seek out some, seek out to me for my opinions or my advice." He confirmed he hoped the victim would reach out to him to ask for help if the

[14] Axon Body 3 Video 2023-08-11 2254 X60AA493V (Excerpt 2254-2), 23:07:28-23:08:05.
[15] Text Image 6477.
[16] Axon Body 3 Video 2023-08-11 2254 X60AA2296 (Excerpt 2254-4), 23:15:28-22:16:08.
[17] Axon Body 3 Video 2023-08-11 2253 X60AA493V (Excerpt 2253-4), 23:13:46-23:14:25.
[18] FPD Event Log 2308111305.
[19] FPD IA Thakham Interview Transcript, p. 4.

police came to her apartment. Respondent understood the call he made would generate a police response. He confirmed none of the events he described in his call to the FPD had actually happened.[20]

Respondent stated that he did not identify himself during the calls because he knew people could call the police anonymously and he knew the calls were not legitimate. Respondent confirmed he blocked his phone number when he made the calls to hide his identity. Respondent also confirmed he knew his call would generate an emergency response, and that it was a crime to make a false report of an emergency.[21]

Respondent confirmed this account in an interview with POST conducted on November 6, 2025. Respondent stated he knowingly placed the calls to the FPD Communications Center to initiate a police response which he hoped would prompt Victim 1 to contact him; the situation he reported in the calls did not happen; and he knew placing such calls was wrong, which is why he deliberately blocked his caller-ID number to conceal his identity before placing the calls.[22]

Administrative Investigation and Discipline

Based on a review of the calls for service on August 10, 2023 and August 11, 2023, FPD opened an IA investigation on August 16, 2023. That investigation, completed on October 11, 2023, sustained two allegations against Respondent. First, in violation of FPD policy 341.2.5(aa), *Violating Any Misdemeanor Statute*, the IA investigative report noted "Thakham agreed that he was in violation of Penal Code 148.3(a) by falsely reporting an emergency" and sustained the allegation that he violated a misdemeanor statute. Second, in violation of FPD policy 341.2.5(ac), *Unbecoming Conduct On-Duty Or Off-Duty*, the investigation report noted "Thakham's decision to abuse emergency services for personal gain reflected poorly on the Department" and sustained the allegation that Thakham engaged in conduct unbecoming an officer.[23]

By letter dated November 13, 2023, Respondent was proposed for termination for violating the two aforementioned policies, as well as for violating Fresno Municipal Code Section 3-286(a), *Malfeasance, Misconduct, Incompetence, Inefficiency, or Failure to Perform Duties of the Position or Observe Established Rules and Regulations*; Fresno Municipal Code Section 3-286(b), *Malfeasance and Misconduct*; and Fresno Police Department Policy 341.1.2, *Integrity*.[24] On March 28, 2024, following a *Skelly* hearing conducted earlier that year, FPD imposed a 160 hour suspension and demoted Respondent from his Corporal assignment. FPD also imposed a Last Chance

[20] FPD IA Thakham Interview Transcript, p.p. 5, 8.
[21] FPD IA Thakham Interview Transcript, p.p. 5-6, 8.
[22] POST Thakham Interview Transcript, p.p. 9-10, 12, 15.
[23] IA Investigation Memo 2023-0056, p.p. 28-29.
[24] Final Order of Discipline, Attachment 1.

Agreement on Respondent which was effective for the duration of his employment. [25] Respondent signed the agreement and did not appeal this decision.

FPD notified POST of the serious misconduct allegation pertaining to these incidents on August 16, 2023. FPD provided the completed IA investigation memo to POST on February 6, 2025.

## V. Analysis and Findings

### A. Does the alleged conduct violate Penal Code section 13510.8(b)(1) and POST Regulation 1205(a)(1) – Dishonesty?

Penal code section 13510.8(b)(1) defines the serious misconduct of dishonesty as follows: *Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.*

POST Regulation 1205(a)(1) defines the serious misconduct of dishonesty as follows: *Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest, and will also consider whether the dishonesty appears to have been done willfully or intentionally, with the intent to deceive.*

That the Respondent placed the three anonymous calls is not in dispute. The Respondent's voice was captured in recordings of the calls made by the FPD; the victims suspected Respondent was the caller, based on other communications with the Respondent; and – most definitively – the Respondent admitted he was the anonymous caller during interviews with FPD IA investigators and with POST.

That the reports made by the Respondent in the three calls were false is also not in dispute. When FPD responded on the morning of August 10, 2023 to the location provided by the Respondent, they determined the residents at this location, Victim 1 and

[25] Final Order of Discipline, covering memo and p.p. 1-4.

Victim 2, had been sleeping and no disturbance had occurred.[26] When FPD responded on the evening of August 11, 2023, they again made contact with Victim 1 and Victim 2 as well as with other neighbors in the apartment complex, and again determined no disturbance had taken place.[27] Respondent subsequently admitted he was at his home when he placed the calls, had no knowledge of a domestic disturbance, and nothing he described in the calls was accurate. [28]

The inaccuracies in the three calls were not the result of accident or chance, but rather were deliberate falsehoods constructed by the Respondent for a self-serving purpose: to compel a former domestic partner into communicating with him and, he hoped, resume the relationship. The Respondent admitted this to FPD IA investigators and to POST. He stated he placed the calls to generate a police response that would be so problematic for Victim 1 that she would reach out to him and seek his help. As he stated to POST, Respondent intended for Victim 1 to "reach out and ask…for [Respondent's] advice and…hopefully…come back."[29]

The clear and convincing evidence establishes with high probability that the Respondent made false statements related to the reporting of a crime. This dishonesty was not incidental, but rather consisted of material and significant facts. Indeed, the entire substance of the three aforementioned telephone reports of a violent disturbance was fabricated. The dishonesty was also intentional, unfolding over the course of approximately 41 hours as part of a plan to deceive the FPD into an emergency response, thereby manipulating a former domestic partner into resuming a relationship with the Respondent. The Respondent made these false statements despite his knowledge that any emergency response entails a potential risk for responding officers and the public.[30] In light of these circumstances, the Respondent violated Penal Code section 13510.8(b)(1) and Commission Regulation 1205(a)(1), Dishonesty.

### B. Does the alleged conduct violate Penal Code section 13510.8(b)(6) and POST Regulation 1205(a)(6) – Acts that Violate the Law?

Penal Code section 13510.8(b)(6) defines the serious misconduct of Acts that Violate the Law as follows: *Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the commission.*

[26] FPD Event Log 2308100278.
[27] FPD Incident Report 2308111305.
[28] FPD IA Thakham Interview Transcript p. 5 and 7; POST Thakham Interview Transcript p. 9 and 11.
[29] FPD IA Thakham Interview Transcript, p. 5; POST Thakham Interview Transcript p. 10.
[30] FPD IA Thakham Interview Transcript, p. 6; POST Thakham Interview Transcript, p. 19.

POST Regulation 1205(a)(6) defines the serious misconduct of Acts that Violate the Law as follows: *Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission.*

As established above by clear and convincing evidence, the Respondent was responsible for making multiple false reports to the FPD regarding an ongoing domestic disturbance. During the calls, Respondent emphasized the urgent nature of a situation involving what he presented to the dispatcher as an ongoing violent assault. In the call placed on August 10, 2023, the caller stated "this female is screaming 'Help me! Help me!' and there's a lot of banging noise going on….now I hear screaming and yelling. A female yelling "Help me! Stop! Help me! Stop!"[31] In the first call placed on the following evening, the caller reiterated a woman was "screaming and yelling…saying something like 'stop.'"[32] The Respondent called FPD dispatch back approximately 15 minutes after the first call to emphasize the urgency. Now he claimed he could hear "things thrown around, like glass….It's bad."[33]

When he placed the three calls, Respondent had nearly 29 years of experience with the FPD, including approximately 19 years on the SWAT team where he gained extensive experience handling police emergencies. Respondent confirmed in his POST interview that he was familiar with Fresno emergency call prioritization, with "zero" calls representing the most urgent situations and higher number designations representing decreasingly urgent situations.[34] In discussing his anonymous reports, Respondent told POST he believed that FPD dispatch would designate the situation as a zero priority, prompting an emergency response from FPD officers.[35]

California Penal Code Section 148.3(a) states that any individual making a report "to any city, county, city and county, or state department, district, agency, division, commission, or board, that an 'emergency' exists, knowing that the report is false, is guilty of a misdemeanor…" California Penal Code Section 148.3(c) defines "emergency" as any condition that results in, or could result in, the response of a public official in an authorized emergency vehicle. The clear and convincing evidence affirms the Respondent knew he was calling a city department; that he knew his report was false; and that he knew the situation he described would be considered an emergency, resulting in a response by police to the victims' residence.

[31] FPD First Call Transcript, p. 1.
[32] FPD Second Call Transcript, p. 1.
[33] FPD Third Call Transcript, p. 1.
[34] POST Thakham Interview Transcript, p. 12.
[35] POST Thakham Interview Transcript, pp. 15-16.

In his interview with POST, the Respondent stated he did not know the legality of his actions at the time he placed the calls. These false reports were clear violations of law, however. The Respondent took deliberate actions to conceal his identity by blocking his caller ID when he placed the calls and by declining to give his name to the FPD dispatcher, and he stated he did so because he knew his actions were improper.[36]

A violation of California Penal Code Section 148.3(a) is a misdemeanor charge. Although criminal charges were not filed against the Respondent, his illegal acts were egregious because they were repeated and because he used his knowledge of the police response process to coerce a vulnerable member of the public. In addressing the urgent call for service placed by Respondent, the responding officers unwittingly participated in Respondent's scheme to compel Victim 1 to contact him and ultimately resume a relationship. While they were doing this, the officers were not available to assist the public with genuine calls for service. Moreover, as Respondent acknowledged in his POST interview, his actions were "a category of domestic violence or domestic harassment," and that Respondent would have conducted an investigation if he received a call for service involving a fact pattern similar to this incident.

The clear and convincing evidence – consisting of the Respondent's knowledge of police practices, California law, and his own statements – demonstrates with high probability that the Respondent committed acts that violate the law and were sufficiently egregious or repeated as to be inconsistent with his obligation to uphold the law and respect the rights of members of the public when he made false emergency reports three times in 41 hours, constituting serious misconduct in violation of California Penal Code Section 13510.8 (b)(6) and Title 11, California Code of Regulations Section 1205 (a)(6) – Acts that Violate the Law.

## VI. Supporting Evidence

| **Evidence** | **Attachment** |
|---|---|
| Executive Review and Division Recommendation | A |
| Respondent's EDI Profile | B |
| IA Investigation Memo 2023-0056 Excerpts | C |
| Final Order of Discipline | D |
| First Emergency Call | E |
| FPD First Emergency Call Transcript | F |
| Second Emergency Call | G |

[36] POST Thakham Interview Transcript, p. 12.

| Evidence | Attachment |
|---|---|
| FPD Second Emergency Call Transcript | H |
| Third Emergency Call | I |
| FPD Third Emergency Call Transcript | J |
| FPD Incident Report 2308111305 | K |
| FPD Event Log 2308100278 | L |
| FPD Event Log 2308111305 | M |
| FPD IA Thakham Interview Transcript Excepts | N |
| POST Thakham Interview Transcript Excerpts | O |
| FPD Domestic Violence Training Outline | P |
| Text Image 6477 | Q |
| Axon Body 3 Video 2023-08-11 2253 X60AA493V, Excerpt 2253-1 | R |
| Axon Body 3 Video 2023-08-11 2253 X60AA493V, Excerpt 2253-2 | S |
| Axon Body 3 Video 2023-08-11 2253 X60AA493V, Excerpt 2253-3 | T |
| Axon Body 3 Video 2023-08-11 2253 X60AA493V, Excerpt 2253-4 | U |
| Axon Body 3 Video 2023-08-11 2254 X60AA2296, Excerpt 2254-1 | V |
| Axon Body 3 Video 2023-08-11 2254 X60AA2296, Excerpt 2254-2 | W |
| Axon Body 3 Video 2023-08-11 2254 X60AA2296, Excerpt 2254-3 | X |
| Axon Body 3 Video 2023-08-11 2254 X60AA2296, Excerpt 2254-4 | Y |
| Axon Body 3 Video 2023-08-11 2356 X60AA493V, Excerpt 2356-1 | Z |
| Fresno Police Neighborhood Watch, “When to Call 911” | AA |

## VII. Findings

Based on POST’s investigation 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 Penal Code 13510.8.

**Commission on Peace Officer Standards and Training**
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

# EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

**DATE:** November 26, 2025

**CASE #:** POST2316280

**PEACE OFFICER:** Khammouane Kevin Thakham

**POST ID#:** A45-Q53

**AGENCY:** Fresno Police Department

**POST CONSULTANT / BC:** Robert Tripp / Brian South

**ALLEGATION(S):**

California Code of Regulations Title 11 § 1205(a)(1) -- Dishonesty

California Code of Regulations Title 11 § 1205(a)(6) -- Acts that Violate the Law

On August 10, 2023 at 4:41 a.m., Fresno Police Department (FPD) Corporal Khammouane Kevin Thakham called the FPD Communications Center and falsely reported a female victim was being assaulted in a domestic violence incident. Thakham stated the incident was happening at an apartment then occupied by his ex-girlfriend (Victim). To conceal his identity, Thakham made the call from a blocked number and declined to provide his name.

Thakham wanted to resume communications with Victim, who curtailed contact with him after their relationship ended approximately one month prior to the call. He believed Victim would call him if she had a problem with the police, and he believed his false report would prompt a police response to Victim's residence.

When Victim did not reach out to him after the first call, Thakham placed two additional calls on the following day at 10:08 p.m. and 10:26 p.m., again falsely reporting a female was being assaulted in a domestic violence incident. Responding officers determined no such incident took place and identified Thakham as the possible source of the false report. During the subsequent Internal Affairs investigation and POST serious misconduct investigation, Thakham admitted he made the three false reports.

Thakham was dishonest when he deliberately submitted a false report to the FPD. Thakham also violated the law, specifically California Penal Code § 148.3(a), which makes it a crime to report an "emergency" to a government agency, knowing that report is false.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent committed serious misconduct as defined in Penal Code § 13510.8(b)(1) and Title 11, California Code of Regulations 1205(a)(1) -- Dishonesty; and Penal Code § 13510.8(b)(6) and Title 11, California Code of Regulations 1205(a)(6) -- Acts that Violate the Law as a result of the three false emergency reports made to the Fresno Police Department on August 10, 2023 and August 11, 2023.

| | | |
|---|---|---|
| William Darden<br>Chief Legal Counsel | Signature | 11/25/25<br>Date |
| Annemarie Del Mugnaio<br>Assistant Executive Director | Signature | 11/26/2025<br>Date |
| Manny Alvarez<br>Executive Director | Signature | 12/01/2025<br>Date |

cc: Brian South

cc: Jason Morlock

cc: Chandler Knapp

**POST PROFILE NAME:**

THAKHAM, KHAMMOUANE KEVIN

CALIFORNIA COMMISSION ON **POST**

**Certification Status:** Active

**AKA:** N/A

**DATE:** 08/22/2025



## PERSONAL IDENTIFICATION

| POST I.D. | Agency | Birth Date | Gender | Race/Ethnicity |
|---|---|---|---|---|
| A45-Q53 | FRESNO PD | [redacted] | [redacted] | [redacted] |

## CERTIFICATES AWARDED

| Cert No. | Type | Awarded | Education | T | T+ | Comments |
|---|---|---|---|---|---|---|
| 92819 | B | 09/11/1998 | | 35.00 | 0.00 | |
| 87364 | I | 09/12/2006 | 54 | | | [redacted] |
| 74701 | A | 09/12/2006 | 54 | 30.00 | 8.00 | [redacted] |

**Total Number of Certificates:** 3

## EMPLOYMENT

| Hired From | To | R* | Rank | Rank Date | Agency | Agency Name | F/P | P/U | Seas |
|---|---|---|---|---|---|---|---|---|---|
| 08/16/1994 | 11/03/1996 | 1 | RII | 08/16/1994 | 10050 | FRESNO PD | P | U | |
| 11/04/1996 | | | PO | 11/04/1996 | 10050 | FRESNO PD | F | P | |

***Reason for Separation: 1 = Resigned**

## POST CERTIFIED TRAINING

| Comp Date | Cat | CCN | Hrs | Rmb | Cmp | Agency | School | * | Course Name |
|---|---|---|---|---|---|---|---|---|---|
| 05/03/1994 | O | 3550-80100-93-006 | 64 | | Y | 60000 | FRESNO C C | | ARREST & FIREARMS |
| 06/23/1994 | O | 3550-80420-93-003 | 96 | X | Y | 60000 | FRESNO C C | | RESERVE TRAINING MODULE B |
| 11/30/1995 | A | 3550-00110-94-001 | 709 | X | Y | 10050 | FRESNO C C | | BASIC COURSE-EXTENDED |
| 11/19/1996 | K | 1520-20310-96-001 | 16 | | Y | 10050 | FRESNO PD | | DRUG ALCOHOL RECOGNITION, UPD |
| 06/10/1998 | K | 8390-33680-97-028 | 8 | | Y | 10050 | UPRRPD | | TRAFFIC COLLISION-R/R CROSSING |
| 08/20/1998 | K | 1520-22415-98-001 | 20 | R | Y | 10050 | FRESNO PD | | OFFICER SAFETY/FIELD TACTICS |
| 09/30/1998 | K | 1520-30000-98-001 | 2 | X | Y | 10050 | FRESNO PD | | TELECOURSE |
| 10/20/1998 | K | 1520-29900-98-059 | 4 | | Y | 10050 | FRESNO PD | | S&K-EXPANDABLE BATON |
| 12/04/1998 | K | 9070-32345-98-019 | 8 | R | Y | 10050 | GTA | | DOMESTIC VIOLENCE/1ST RESPDR. |
| 12/17/1998 | K | 1520-25520-98-001 | 10 | X | Y | 10050 | FRESNO PD | | IVD-DRUG ID AND THE LAW |
| 01/26/1999 | K | 1520-29900-98-045 | 8 | | Y | 10050 | FRESNO PD | | S&K-AUTO THEFT UPDATE |
| 02/04/1999 | K | 1520-29900-98-046 | 4 | | Y | 10050 | FRESNO PD | | |
| 02/04/1999 | K | 1520-29900-98-047 | 4 | | Y | 10050 | FRESNO PD | | S&K-LATENT PRINT UPDATE |
| 02/23/1999 | K | 1520-29900-98-052 | 8 | | Y | 10050 | FRESNO PD | | S&K-DEFENSIVE TACTICS |
| 03/11/1999 | K | 1520-23820-98-004 | 32 | | Y | 10050 | FRESNO PD | | BICYCLE PATROL |
| 03/12/1999 | K | 1520-29900-98-069 | 8 | | Y | 10050 | FRESNO PD | | S&K-NEIGHBORHOOD P.O. UPDATE |
| 05/14/1999 | K | 3550-31445-98-001 | 16 | | Y | 10050 | FRESNO C C | | INTERVIEW & INTERROGATION TECH |
| 05/28/1999 | K | 1520-29900-98-102 | 4 | | Y | 10050 | FRESNO PD | | S&K-FIELD AUTOMATION UPDATE |
| 08/05/1999 | K | 1520-21185-99-020 | 10 | R | Y | 10050 | FRESNO PD | | USE OF FORCE UPDATE |
| 10/01/1999 | K | 1520-22430-99-002 | 40 | | Y | 10050 | FRESNO PD | | PROBLEM ORIENTED POLICING |
| 11/23/1999 | K | 1520-29900-99-018 | 4 | | Y | 10050 | FRESNO PD | | S&K-CROWD MANAGE./RIOT CONTROL |
| 03/10/2000 | K | 1520-21015-99-002 | 40 | | Y | 10050 | FRESNO PD | | DEFENSIVE TACTICS UPDATE |
| 04/19/2000 | K | 1520-29900-99-045 | 8 | | Y | 10050 | FRESNO PD | | S&K-SEARCH WARRANTS |
| 05/04/2000 | K | 1520-29900-99-037 | 3 | | Y | 10050 | FRESNO PD | | S&K-WORKPLACE CONDUCT |
| 09/07/2000 | K | 1520-22304-00-001 | 24 | | Y | 10050 | FRESNO PD | | COMMUNITY POLICING, ADV. |
| 09/14/2000 | K | 1520-33720-00-002 | 16 | | Y | 10050 | FRESNO PD | | VICE ENFORCEMENT FOR PATROL |
| 11/02/2000 | K | 1520-20801-00-004 | 40 | R | Y | 10050 | FRESNO PD | | CRISIS INTERVENTION |
| 11/30/2000 | K | 3550-31465-00-002 | 16 | | Y | 10050 | FRESNO C C | | INTERVIEW & INTERROGATION, ADV |
| 12/02/2000 | K | 1520-29900-00-019 | 10 | | Y | 10050 | FRESNO PD | | S&K-RAPID INTERVENTION |
| 04/17/2001 | K | 1520-32175-00-004 | 20 | R | Y | 10050 | FRESNO PD | | FIREARMS/TCTL RIFLE-1ST RESP. |
| 05/03/2001 | K | 1010-21115-00-006 | 24 | R | Y | 10050 | ALAMEDA SO | | DRIVER TRAINING UPDATE |
| 05/08/2001 | K | 4890-23272-00-200 | 8 | R | Y | 10050 | M TOLERNCE | | CULT. DIV.-TOOLS FOR TOLERANCE |

**POST CERTIFIED TRAINING** *continued*

| Comp Date | Cat | CCN | Hrs | Rmb | Cmp | Agency | School | * | Course Name |
|---|---|---|---|---|---|---|---|---|---|
| 05/31/2001 | K | 1520-30995-00-008 | 4 | | Y | 10050 | FRESNO PD | | LESS LETHAL WEAPONS |
| 06/22/2001 | K | 1520-29900-00-054 | 4 | | Y | 10050 | FRESNO PD | | S&K-SEXUAL HAASSMENT/HOST WORK |
| 06/22/2001 | K | 1520-29900-00-064 | 4 | | Y | 10050 | FRESNO PD | | S&K-LESS LETHAL WEAPON |
| 07/13/2001 | K | 1320-29900-01-002 | 5 | X | Y | 10050 | CLOVIS PD | | S&K-PURSUIT INTERVEN TECH |
| 01/08/2002 | K | 1520-29900-01-006 | 10 | | Y | 10050 | FRESNO PD | | S&K-SURVEILLANCE TECH |
| 08/27/2002 | K | 1520-20985-02-022 | 4 | | Y | 10050 | FRESNO PD | * | DRIVER TRAINING-SIMULATOR |
| 09/20/2002 | K | 4100-23000-02-001 | 80 | R | Y | 10050 | MONTEREY C | | SPECIAL WEAPONS & TACTICS |
| 05/12/2003 | K | 1520-29900-02-043 | 8 | | Y | 10050 | FRESNO PD | | S&K-FIELD AUTOMATION UPDATE |
| 06/06/2003 | K | 3550-40160-02-001 | 8 | | Y | 10050 | FRESNO C C | | ETHICAL DILEMMAS/PUBLIC SAFETY |
| 09/11/2003 | K | 1520-21165-03-003 | 8 | | Y | 10050 | FRESNO PD | | DRIVER TRNG (EVOC) UPD (PIT) |
| 11/28/2003 | K | 1520-21065-03-019 | 4 | | Y | 10050 | FRESNO PD | * | FORCE OPTION-SIMULATOR |
| 03/05/2004 | K | 9260-33020-03-006 | 36 | R | Y | 10050 | DOJ | | DIGNITARY SECURITY |
| 06/09/2004 | K | 1520-23282-03-027 | 5 | | Y | 10050 | FRESNO PD | | RACIAL PROFILING |
| 05/24/2005 | K | 3550-31767-04-016 | 16 | | Y | 10050 | FRESNO C C | | WMD/L.E. FIELD RESPONSE |
| 07/15/2005 | K | 1520-29706-05-002 | 24 | | Y | 10050 | FRESNO PD | * | PSP: FIRST AID/CPR/LEGAL UPD |
| 11/21/2005 | K | 1076-21920-05-001 | 16 | | Y | 10050 | NATRNGCON | | DIVERSIONARY DEVICES - INSTR. |
| 01/13/2006 | K | 3550-22085-05-001 | 16 | | Y | 10050 | FRESNO C C | | BATON INSTR.-EXPANDABLE |
| 04/10/2006 | K | 9680-23031-05-001 | 4 | | Y | 10050 | FBI-SACTO | | SWAT/MOBILE TACTICAL ASSAULT |
| 04/10/2006 | K | 9680-23032-05-001 | 4 | X | Y | 10050 | FBI-SACTO | | TACTICAL BUS ASSAULT-SWAT |
| 04/11/2006 | K | 9680-32065-05-001 | 8 | | Y | 10050 | FBI-SACTO | | FIREARMS/TCTL HANDGUN ADV(BF) |
| 10/27/2006 | K | 1520-31786-06-019 | 4 | X | Y | 10050 | FRESNO PD | | WMD/L.E. FIELD RESPONSE UPDATE |
| 10/27/2006 | K | 1520-20108-06-019 | 4 | X | Y | 10050 | FRESNO PD | | TERRORISM/LERT W/PREREQUISITE |
| 04/03/2007 | K | 1520-21771-06-010 | 4 | | Y | 10050 | FRESNO PD | | FIRST AID/CPR REFRESHER |
| 04/03/2007 | K | 1520-31786-06-029 | 4 | X | Y | 10050 | FRESNO PD | | WMD/L.E. FIELD RESPONSE UPDATE |
| 04/03/2007 | K | 1520-31583-06-010 | 2 | | Y | 10050 | FRESNO PD | | BLOODBORNE PATHOGENS |
| 04/04/2007 | K | 1520-21135-06-014 | 10 | | Y | 10050 | FRESNO PD | * | DRIVER AWARENESS UPDATE |
| 04/05/2007 | K | 1520-22111-06-010 | 2 | | Y | 10050 | FRESNO PD | | LEGAL UPDATE/PATROL |
| 04/05/2007 | K | 1520-22405-06-010 | 5 | | Y | 10050 | FRESNO PD | | OFCR. SAFETY/FIELD TACTICS UPD |
| 04/05/2007 | K | 1520-29505-06-010 | 2 | | Y | 10050 | FRESNO PD | * | INTCOM(PSP) |
| 04/06/2007 | K | 1520-32095-06-010 | 9 | | Y | 10050 | FRESNO PD | * | FIREARMS/TACTICAL HANDGUN |
| 06/30/2007 | K | 1520-29000-06-159 | 2 | X | Y | 10050 | FRESNO PD | | PURSUIT DRIVING UPDATE |
| 03/09/2009 | K | 1520-21135-08-007 | 4 | | Y | 10050 | FRESNO PD | * | DRIVER AWARENESS UPDATE |
| 03/11/2009 | K | 1520-20901-08-008 | 2 | X | Y | 10050 | FRESNO PD | | MENTAL ILLNESS AWARENESS REFRESHER |
| 03/11/2009 | K | 1520-22111-08-007 | 2 | X | Y | 10050 | FRESNO PD | | LEGAL UPDATE/PATROL |
| 03/11/2009 | K | 1520-32095-08-007 | 6 | | Y | 10050 | FRESNO PD | * | FIREARMS/TACTICAL HANDGUN |
| 03/12/2009 | K | 1520-22273-08-007 | 10 | | Y | 10050 | FRESNO PD | | SEARCH & SEIZURE UPD. |
| 03/13/2009 | K | 1520-23287-08-007 | 2 | X | Y | 10050 | FRESNO PD | | RACIAL PROFILING UPDATE |
| 03/13/2009 | K | 1520-21771-08-007 | 4 | X | Y | 10050 | FRESNO PD | | FIRST AID/CPR REFRESHER |
| 03/13/2009 | K | 1520-31583-08-024 | 2 | X | Y | 10050 | FRESNO PD | | BLOODBORNE PATHOGENS |
| 04/02/2009 | K | 9180-25554-08-276 | 2 | X | Y | 10050 | POST | * | COMMUNICATION: KEEPING YOUR EDGE (WEB) |
| 09/09/2009 | K | 1520-40132-09-019 | 4 | X | Y | 10050 | FRESNO PD | | ETHICS/CHARACTER & COMMUNICATION |
| 01/14/2010 | K | 1025-24015-09-001 | 36 | R | Y | 10050 | I.T.R. | | CANINE/SWAT DEPLOYMENT |
| 03/11/2010 | K | 1520-29504-09-014 | 2 | X | Y | 10050 | FRESNO PD | * | TACCOM(PSP) |
| 03/11/2010 | K | 1520-32343-09-015 | 2 | | Y | 10050 | FRESNO PD | | DOMESTIC VIOLENCE UPDATE |
| 03/11/2010 | K | 1520-21779-09-014 | 2 | | Y | 10050 | FRESNO PD | | CPR REFRESHER |
| 03/11/2010 | K | 1520-23090-09-016 | 4 | | Y | 10050 | FRESNO PD | | ELECTRONIC WEAPONS |
| 03/12/2010 | K | 1520-21025-09-027 | 5 | | Y | 10050 | FRESNO PD | * | ARREST/CONTROL TECHN UPD |
| 10/22/2010 | K | 1520-21185-10-021 | 6 | R | Y | 10050 | FRESNO PD | | USE OF FORCE UPDATE |
| 12/03/2010 | K | 9680-23011-10-001 | 24 | R | Y | 10050 | FBI-SACTO | | SPECIAL WEAPONS & TACTICS, UPD |

**POST CERTIFIED TRAINING** *continued*

| Comp Date | Cat | CCN | Hrs | Rmb | Cmp | Agency | School | * | Course Name |
|---|---|---|---|---|---|---|---|---|---|
| 03/15/2011 | K | 1520-21165-10-013 | 8 | R | Y | 10050 | FRESNO PD | | DRIVER TRNG (EVOC) UPD (PIT) |
| 03/25/2011 | K | 1199-20117-10-003 | 24 | X | Y | 10050 | SROHS | | TERRORISM LIAISON OFFICER (TLO) - INTERMEDIATE |
| 08/10/2011 | K | 1520-29509-11-003 | 16 | R | Y | 10050 | FRESNO PD | * | ARSTCTL/FIREARM/DRVTNG/TACCOM( |
| 08/11/2011 | K | 1520-21771-11-003 | 4 | X | Y | 10050 | FRESNO PD | | FIRST AID/CPR REFRESHER |
| 08/11/2011 | K | 1520-23287-11-003 | 2 | X | Y | 10050 | FRESNO PD | | RACIAL PROFILING UPDATE |
| 01/19/2012 | K | 1520-21165-11-015 | 8 | R | Y | 10050 | FRESNO PD | | DRIVER TRNG (EVOC) UPD (PIT) |
| 02/02/2012 | K | 1520-21185-11-003 | 9 | R | Y | 10050 | FRESNO PD | | USE OF FORCE UPDATE |
| 01/30/2013 | K | 1520-31480-12-001 | 24 | | Y | 10050 | FRESNO PD | | DETECTIVE SCHOOL |
| 02/21/2013 | K | 9590-31434-12-002 | 8 | X | Y | 10050 | BATI | | INTERVIEWING FOR FIRST RESPONDERS |
| 05/14/2013 | K | 1520-29502-12-023 | 8 | R | Y | 10050 | FRESNO PD | * | DRIVING(PSP) |
| 11/26/2013 | K | 1520-29509-13-028 | 16 | R | Y | 10050 | FRESNO PD | * | ARSTCTL/FIREARM/DRVTNG/TACCOM( |
| 11/27/2013 | K | 1520-22405-13-028 | 8 | | Y | 10050 | FRESNO PD | | OFFICER SAFETY/FIELD TACTICS UPDATE |
| 02/14/2014 | K | 7140-31445-13-006 | 40 | R | Y | 10050 | I&I INSTIT | * | INTERVIEW & INTERROGATION |
| 03/21/2014 | K | 1520-21185-13-008 | 9 | R | Y | 10050 | FRESNO PD | | USE OF FORCE UPDATE |
| 05/16/2014 | K | 1520-21165-13-010 | 8 | R | Y | 10050 | FRESNO PD | | DRIVER TRNG (EVOC) UPD (PIT) |
| 12/02/2014 | K | 1520-20901-14-002 | 4 | | Y | 10050 | FRESNO PD | | MENTAL ILLNESS AWARENESS REFRESHER |
| 10/01/2015 | K | 1520-29509-15-007 | 16 | R | Y | 10050 | FRESNO PD | * | ARSTCTL/FIREARM/DRVTNG/TACCOM( |
| 03/29/2016 | K | 1520-32343-15-024 | 2 | | Y | 10050 | FRESNO PD | | DOMESTIC VIOLENCE UPDATE |
| 03/29/2016 | K | 1520-22484-15-026 | 2 | | Y | 10050 | FRESNO PD | | COPPS UPDATE |
| 03/29/2016 | K | 1520-21955-15-024 | 2 | | Y | 10050 | FRESNO PD | | CROWD CONTROL UPDATE |
| 03/31/2016 | K | 1520-29000-15-260 | 2 | X | Y | 10050 | FRESNO PD | | BIAS BASED POLICING: REMAINING FAIR & IMPARTIAL |
| 05/24/2016 | K | 1520-21185-15-014 | 9 | R | Y | 10050 | FRESNO PD | | USE OF FORCE UPDATE |
| 03/31/2017 | K | 3550-21640-16-002 | 40 | R | Y | 10050 | FRESNO C C | | FIREARMS INSTRUCTOR |
| 07/11/2017 | K | 1520-21798-17-001 | 8 | R | Y | 10050 | FRESNO PD | | FIRST AID/CPR UPDATE |
| 07/13/2017 | K | 1520-29509-17-001 | 16 | | Y | 10050 | FRESNO PD | * | ARSTCTL/FIREARM/DRVTNG/TACCOM |
| 03/14/2018 | G | 9180-12514-17-002 | 7 | X | Y | 10050 | POST | | LEGAL ISSUES |
| 12/07/2018 | K | 3550-31725-18-003 | 40 | R | Y | 10050 | FRESNO C C | | FIELD TRAINING OFFICER |
| 05/15/2019 | K | 1520-23287-18-017 | 2 | X | Y | 10050 | FRESNO PD | | RACIAL PROFILING UPDATE |
| 06/04/2019 | K | 1520-21797-18-008 | 8 | X | Y | 10050 | FRESNO PD | | FIRST AID/CPR/AED REFRESHER |
| 06/06/2019 | K | 1520-29509-18-042 | 16 | R | Y | 10050 | FRESNO PD | * | ARSTCTL/FIREARM/DRVTNG/TACCOM |
| 07/01/2020 | K | 1520-29480-19-004 | 24 | R | Y | 10050 | FRESNO PD | * | FIREARMS-STRIKER FIRED TRANSITION COURSE |
| 09/03/2021 | K | 3550-31715-21-001 | 24 | R | Y | 10050 | FRESNO C C | | FIELD TRAINING OFFICER UPDATE |
| 10/27/2021 | K | 1368-20701-21-009 | 8 | R | Y | 10050 | WYSM | * | PROCEDURAL JUSTICE |
| 12/22/2021 | K | 1520-29571-21-022 | 16 | R | Y | 10050 | FRESNO PD | * | ARSTCTL/FIREARMS/STRATCOM/DRVTG( PSP) |
| 04/27/2022 | K | 1520-32343-21-001 | 2 | R | Y | 10050 | FRESNO PD | | DOMESTIC VIOLENCE UPDATE |
| 06/08/2022 | K | 1520-21797-21-043 | 8 | R | Y | 10050 | FRESNO PD | | FIRST AID/CPR/AED REFRESHER |
| 09/14/2022 | K | 1520-29580-22-006 | 8 | R | Y | 10050 | FRESNO PD | * | USE OF FORCE (PSP) |
| 05/08/2024 | K | 1520-21797-23-034 | 8 | | Y | 10050 | FRESNO PD | | FIRST AID/CPR/AED REFRESHER |
| 05/09/2024 | K | 1520-29571-23-032 | 16 | | Y | 10050 | FRESNO PD | * | ARSTCTL/FIREARMS/STRATCOM/DRVTG( PSP) |
| 05/10/2024 | K | 1520-29580-23-038 | 8 | | Y | 10050 | FRESNO PD | * | USE OF FORCE (PSP) |
| 03/05/2025 | K | 1520-23090-24-005 | 4 | | Y | 10050 | FRESNO PD | | ELECTRONIC WEAPONS |
| 07/30/2025 | K | 1520-20763-25-001 | 8 | | Y | 10050 | FRESNO PD | | CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO |

***Meets Perishable Skills**

**FOOTNOTES**

NO FOOTNOTE ON FILE.

**PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.**

# COMMISSION ON POST – PROFILE REPORT

**The Profile Report contains confidential information.**

## EXPLANATION SHEET

| PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system) | |
|---|---|
| **POST ID:** | Unique identification number assigned to subject by POST. |
| **Agency:** | Indicates the agency (or one of the agencies) where subject is currently employed.<br>An "*" indicates that the subject is employed in more than one position within the same agency. |
| **Birth Date/Gender:** | Self-explanatory. |
| **Race/Ethnicity:** | **A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other |

| CERTIFICATES AWARDED | |
|---|---|
| **Cert:** | Certificate serial number. |
| **Type:** | **B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive<br>**R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced) |
| **Awarded:** | Date certificate was issued. |
| **Education:** | Educational points or degree used for earning a certificate. |
| **T:** | Training points used for awarding the certificate. |
| **T+:** | Additional training points. |
| **Comments:** | Comments regarding training or institute(s) where subject received education. |
| **Total Number of Certificates:** | Number of certificates awarded to subject as indicated in POST database. |

| EMPLOYMENT: Subject's employment history as indicated in POST database | |
|---|---|
| **Hired From:** | Date subject was hired or sworn into the agency. |
| **To:** | Date subject left agency (if applicable). |
| **R*:** | Reason for separation as indicated by number in the Report description. |
| **Rank / Rank Date:** | Indicates rank as translated by POST database and date subject made rank. |
| **Agency / Agency Name:** | Agency code number and name where subject is currently working or previously worked. |
| **F/P:** | Time base: **F** = Full time **P** = Part time |
| **P/U:** | Wage status: **P** = Paid **U** = Unpaid |
| **Seas:** | Provisional or seasonal employment. |

| POST TRAINING: Courses attended or completed as indicated in POST database | |
|---|---|
| **Comp Date:** | Date course ended. |
| **Cat:** | General course category (for POST use only). |
| **CCN:** | Course Control Number. |
| **Hrs:** | Hours completed in course. |
| **Rmb:** | Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)*<br>**J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available |
| **Cmp:** | Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979 |
| **Agency:** | Agency where subject was employed at time of course enrollment. |
| **School:** | Training institute offering the course. |
| **Course Name:** | Course name as shown in POST database. |

| NON-CERTIFIED COURSES |
|---|
| This section will only appear if applicable. |

| FOOTNOTES |
|---|
| This section reserved for additional information. |

2308100278, one recorded by Hinojos and one by Jurado. There are five Axon body worn camera videos uploaded under case number 2308111305. Three were recorded by Rogers and two by Nolen. Although all videos are available for review, only portions of videos relevant to this investigation will be addressed in this memorandum.

While recordings obtained from video recorders provide an objective record of events, video recordings do not necessarily reflect the experience or state of mind of the individual members in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Specifically, it is understood the recording device will capture information that may not have been heard and/or observed by the involved member and that the involved member may see and hear information that may not be captured on video.

When the Department issued AXON body worn cameras are powered on, they remain in standby mode, or buffering mode, until the officer presses the button to activate the camera. During the buffering period, the camera temporarily retains 30 seconds of real-time footage until the officer activates the recording. Once the camera is activated, it captures the prior 30 seconds of footage without audio. The video recording with audio begins when the officer intentionally starts recording.

Event 2308100278:

Title: AXON Body 3 Video 2023-08-10 0451 X60AA2253
ID: 2308100278
Assigned to: Joseph Hinojos P1797
Serial: X60AA2253

Hinojos's video was 13 minutes and 36 seconds long. It began at 0451 hours as he pulled into the parking lot of the apartment complex. The lights were not on in [redacted] as Hinojos approached. He said to Jurado, "*I don't hear anything*."

Hinojos knocked and announced, "*Fresno PD*." A young Asian male adult opened the door and an Asian female adult stood behind him. Hinojos asked them to step outside and both walked away to get their shoes. Both subjects looked as if they had just awakened.

The male stepped outside first and confirmed that he and the female were the only people present in the apartment. He also confirmed the [redacted] parked in the parking lot was registered in his name. The male identified himself as [redacted].

Hinojos explained that they were responding to a call about "*a lot of banging*." [redacted] replied that there had been loud music being played somewhere behind their apartment. He confirmed that he and the female, whom he identified as his mother, had been asleep when the officers knocked on their door. They had not been arguing.

Hinojos told [redacted] the someone had called to report "*a lot of banging and screaming*." He asked if [redacted] might know who called police. [redacted] answered that he thought the person might be his mother's ex-boyfriend, who was trying to get back together with her. He denied that the ex-boyfriend had ever been inside the apartment, explaining that he and his mother only moved in a few days ago. He did not identify the ex-boyfriend. [redacted] added that he is a light sleeper and had not heard any noises.

Hinojos confirmed with dispatch that the reporting Party wanted to remain anonymous.

Hinojos met with Jurado, who was attempting to use a translator who spoke Hmong. Hinojos briefed Jurado about what he had learned from [redacted]. Hinojos asked [redacted] what language he and his mother speak, to which [redacted] responded, "*Lao. She can speak Thai*."

Hinojos told Jurado, "*So far it sounds unfounded*."

The officers got the female's identifying information and confirmed that neither needed medical attention. As they cleared the location, Hinojos said to Jurado, "*That was very weird*."

Event 2308111305:

Title: AXON Body 3 Video 2023-08-11 2253 X60AA493V
ID: 2308111305
Assigned to: Darrius Rogers P1937
Serial: X60AA493V

Rogers' first body worn camera video was 28 minutes and 32 seconds long, and began at 2253 hours. The video started as Rogers was approaching Apartment C. He knocked on the front door several times. The only ambient noise was nearby traffic. There were no indications of a disturbance in progress. At 01m35s, the door cracked open and [redacted] cautiously peered out. The front porch light turned on. Rogers asked [redacted] if everything was "*OK*."

He responded, "*It's been two times now*."

Rogers asked if he could come inside and [redacted] repeated the phrase. Rogers explained that the Department kept receiving calls about a disturbance at the apartment. When he asked again if he could come inside, [redacted] asked for Rogers' business card. He added that he would let the officers in after he took a photograph of it.

While Rogers looked for a business card, he asked for the subject's name. The subject identified himself as [redacted]. After Rogers provided [redacted] with a business card, he let the officers in. As he opened the door, his mother was visible

FOCUS OF THE INVESTIGATION:

1. Did Officer Kevin Thakham violate policy by violating a misdemeanor statute?

Policy 341.2.5(aa) is defined as, "*Violating any misdemeanor statute*."

Penal Code 148.3(a) states in part, "*Any individual who reports, or causes any report to be made, to any city, county, city and county, or state department, district, agency, division, commission, or board, that an "emergency" exists, knowing that the report is false, is guilty of a misdemeanor…"*

Penal Code 148.3(c) defines an emergency in part as, "*Any condition that results in, or could result in, the response of a public official in an authorized emergency vehicle*…"

On August 10, 2023, at 0441 hours, Officer Kevin Thakham placed an anonymous phone call from a blocked number to the Fresno Police Department Communications Center. He provided a description of a physical disturbance occurring at [redacted] that generated a 0 Priority call for service. Officers responded and found that no disturbance appeared to have occurred.

On August 11, 2023, at 2208 hours, Thakham placed another anonymous call to ComCen and provided a description of a physical disturbance occurring at [redacted]. Approximately 20 minutes later, he placed a second call, adding details that caused the priority of the call to be upgraded from a 2 to a 1. Officers responded and found that no disturbance had occurred.

In his interview with Internal Affairs, Thakham acknowledged that the events he described in all three phone calls had not happened, and he falsified the information with the intent of generating police calls for service to provoke his former girlfriend into contacting him. Thakham agreed that he was in violation of Penal Code 148.3(a) by falsely reporting an emergency. A preponderance of evidence in this investigation showed that Thakham violated a misdemeanor statute; therefore, the allegation is **sustained**.

2. Did Officer Kevin Thakham violate policy by engaging in conduct unbecoming an officer?

Policy 341.2.5(ac) is defined as,

> *Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency, or morale, or which tends to reflect unfavorably upon the Department or its members.*

On August 10 and 11, 2023, Officer Kevin Thakham placed a total of three anonymous phone calls from a blocked number to the Fresno Police Department Communication

Center. He made the calls with the intent of falsely reporting in-progress physical disturbances to generate police responses to [redacted]. In his interview with Internal Affairs, he explained that his estranged girlfriend had been refusing to take his calls and he hoped the police responses would cause her to contact him. By falsely reporting emergencies, Thakham occupied the time of multiple officers, causing them to be taken out of service and unable to respond to other calls for service. His conduct disrupted the good order and efficiency of Central Policing District patrol responses.

When officers responded on August 11th, apartment resident [redacted] was hesitant to open the door, believing that officers may have responded on Thakham's behalf. [redacted] demanded to know the identities of the officers before he would speak with them or let them into his home. He explained to officers that Thakham and his mother had recently broken off their relationship and he thought Thakham was sending police to their apartment to harass them. [redacted] was not sure if the officers were there for a legitimate call or if they were friends with Thakham. Ultimately, this investigation revealed that while the officers did not respond to [redacted] at Thakham's direct request, they did disturb not only the residents of Apartment [redacted], but all of the residents in the apartment complex based on false pretenses fabricated by Thakham. Furthermore, in his interview with Internal Affairs, Thakham acknowledged that a police response to a report of an in-progress disturbance at the apartment complex had the potential to result in injuries to residents or officers. A preponderance of evidence in this investigation shows Thakham's decision to abuse emergency services for personal gain reflected poorly on the Department; therefore, the allegation that Thakham engaged in conduct unbecoming an officer is **sustained**.

CONCLUSION:

1. The allegation that Officer Kevin Thakham violated a misdemeanor statute is SUSTAINED.

2. The allegation that Officer Kevin Thakham violated policy by engaging in conduct unbecoming an officer is SUSTAINED.

**FRESNO POLICE DEPARTMENT**
**INTERNAL AFFAIRS BUREAU**
**RECORD OF SERVICE**
**FINAL ORDER OF DISCIPLINE**

**IA #:** 2023-0056

I served **KEVIN THAKHAM** the attached **FINAL ORDER - LAST CHANCE AGREEMENT IN LIEU OF TERMINATION OF EMPLOYMENT, ONE HUNDRED SIXTY (160) HOUR SUSPENSION AND REMOVAL FROM CORPORAL ASSIGNMENT.**

by providing Recipient with a copy of the original document thereof at the Internal Affairs Bureau office located at 2326 Fresno Street, Fresno, CA 93721. I declare under penalty of perjury, that the foregoing is true and correct.

**Sworn Serving Member Print Name/Badge #:** Joshua Knapp 9236

**Sworn Serving Member Signature:**

**Date Served:** 3/28/2023

**IF RECIPIENT WAS SERVED A FINAL ORDER OF SUSPENSION:**

The Recipient of a final order of Suspension will be advised by their chain of command, the dates their suspension will take place.

It is the responsibility of the Recipient, to enter the OTTOs for suspension time off and to submit to their supervisor for approval.

## LAST CHANCE AGREEMENT IN LIEU OF TERMINATION OF EMPLOYMENT

## RECITALS

1. On December 14, 2023, OFFICER KEVIN THAKHAM (or, "Employee") was served with a Notice of Proposed Disciplinary Action – Termination of Employment ("Proposed") a copy of which is attached hereto and incorporated by reference as Attachment "1". The grounds for the Proposed Termination of Employment are stated in Attachment "1" and in Internal Affairs Case No. 2023-0056. It is the position of the City the incidents set forth in the Proposed Termination of Employment and in IA Case No. 2023-0056, justify and warrant OFFICER KEVIN THAKHAM's termination.
2. OFFICER KEVIN THAKHAM and his representative, Attorney Marshall Hodgkins, attended a *Skelly* meeting with Department representatives regarding the Proposed Termination of Employment on January 12, 2024.
3. The parties acknowledge that OFFICER KEVIN THAKHAM has voluntarily and without coercion made an admission of their violations of the rules and regulations detailed in the Proposed Termination of Employment (Attachment "1") and in IA Case No. 2023-0056.
4. This Last Chance Agreement In lieu of Termination of Employment ("Agreement") is being executed in connection with the resolution and settlement of the pending disciplinary action and issues between the parties described in paragraphs one (1), two (2) and three (3) above.

## PROMISES AND COVENANTS

The undersigned parties promise and agree as follows:

1. The above recitals are true.
2. It is understood and agreed the Proposed Termination of Employment shall be held in abeyance from the effective date of this Agreement and shall expire upon OFFICER KEVIN THAKHAM's separation from City service as the term "City service" is defined in Fresno Municipal Code §3-202(c)(1)(5).
3. OFFICER KEVIN THAKHAM agrees to a **One Hundred Sixty (160) Hour Suspension**. OFFICER KEVIN THAKHAM shall be notified through his chain of command, at least 24 hours in advance of the dates Employee's suspension will take place. This Order shall serve as notice to the Business Office to have the 160 hours deducted from Employee's account(s) following service of this Order.
4. OFFICER KEVIN THAKHAM agrees he shall be **removed from his Corporal assignment**.

OFFICER KEVIN THAKHAM understands and acknowledges the City is providing him with an opportunity to improve his work performance and to rectify the problems outlined in the Proposed Termination of Employment, and as an inducement has agreed to hold the Proposed Termination of Employment in abeyance from the effective date of this Agreement through the date of OFFICER KEVIN THAKHAM's separation from City service. It is understood and agreed during the term of this Agreement, should OFFICER KEVIN THAKHAM, be served with any disciplinary action involving any violation(s) similar to the matters as set forth in the Proposed Termination of Employment (Attachment "1"), or should

he violate any substantial policy, directive, rule or regulation of his position, including a violation of a major allegation as defined in Fresno Police Department Policy 1020, as determined by the City, OFFICER KEVIN THAKHAM shall automatically be served with an Order of Termination of Employment. OFFICER KEVIN THAKHAM has agreed to forfeit any appeal rights.

5. In consideration for the execution of this Agreement, OFFICER KEVIN THAKHAM waives his rights under Fresno Municipal Code § 3-280, 3-282, 3-283 and 3-284; §7.20 (Disciplinary Procedures) and §7.22 (Administrative Hearing Procedure) of the current Memorandum of Understanding between the City of Fresno and the Fresno Police Officers Association ("MOU"); and the California Government Code §§3300 et seq. (Public Safety Officers Procedural Bill of Rights Act), regarding the incidents as outlined in the Proposed Termination of Employment, which is the subject matter of this Agreement. OFFICER KEVIN THAKHAM agrees the allegations and statements of facts as outlined in the Notice of Proposed Termination of Employment (Attachment "1") are true and correct and may be utilized by the City in any future disciplinary or corrective actions by the City against OFFICER KEVIN THAKHAM.

6. OFFICER KEVIN THAKHAM hereby agrees they shall only have the right to request a hearing under Fresno Municipal Code § 3-282 to challenge the factual determination by City that they have failed to abide by the terms of this Agreement or have been properly served with a disciplinary action which violates the specified rules and regulations of the City. The parties agree once it is established OFFICER KEVIN THAKHAM in fact failed to abide by the terms of this Agreement or has violated any specified rules and regulations, the hearing body shall have no right, authority or jurisdiction to modify the Order of Termination of Employment that could be served under this Agreement. OFFICER KEVIN THAKHAM specifically and affirmatively acknowledges and agrees the waivers set forth in this paragraph means OFFICER KEVIN THAKHAM shall not have the right to request a meeting (i.e., also known as a *Skelly* meeting) or provide a written response to the charges prior to the final determination by the City of an Order of Termination of Employment as provided under Fresno Municipal Code §3-280 and/or *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194.

   OFFICER KEVIN THAKHAM represents they have not and agrees not to bring or maintain any claim, charge, action, or proceeding against the City of Fresno, its officers, elected officials, directors, employees, agents, accountants, attorneys, legal successors and assigns, and all others acting for, under or in concert with the City of Fresno, under any grievance or arbitration procedure, with any court or administrative agency, or in any forum whatsoever, by reason of any charge, claim, liability, or cause of action, against the City of Fresno based upon facts known or unknown which may have occurred on or before the effective date of this Agreement. It is understood that this waiver does not apply to workers' compensation claims, known or not known. OFFICER THAKHAM hereby waives all rights under the terms of California Civil Code Section 1542 which states:

   > *"A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party."*

7. It is agreed between the parties this Agreement constitutes a determination by the City and a mutual resolution based solely on the individual merits and facts presented in this case and shall not create any further obligation of the City to offer this option to this or any other

employee and shall not be used as precedent in other disciplinary action against any employee.

8. Each party signing this Agreement expressly represents the party signing has carefully read each provision of this Agreement, has consulted with counsel or representation, that each signing party knows and understands each of the provisions of this Agreement and its effect, and each party freely signs and executes this Agreement without any compulsion, coercion or undue influence whatsoever. There are no other agreements or understandings, whether written or oral, between the parties, and this Agreement embodies the complete and exclusive Agreement. All prior discussions, negotiations, commitments, or understandings are hereby superseded by this Agreement.

9. Should any provision of this Agreement be declared or be determined by any court or competent jurisdiction to be illegal, invalid, or unenforceable, the legality, validity, and ability to enforce the remaining parts, terms and provisions shall not be affected thereby, and said illegal, unenforceable, or invalid party, term or provision shall be deemed not to be a part of this Agreement.

10. This Agreement is entered into effect as of March 28, 2024, and shall expire upon OFFICER KEVIN THAKHAM's separation from City service.

**EMPLOYEE**

Dated: 3/14/24

EMPLOYEE SIGNATURE- KEVIN THAKHAM

**CITY**

Dated: 3/25/24

GEORGEANNE A. WHITE
City Manager/Designee
CITY OF FRESNO

Dated: 3.19.24

PACO BALDERRAMA
Chief of Police
CITY OF FRESNO POLICE DEPARTMENT

**APPROVED AS TO FORM:**

ANDREW JANZ
City Attorney

Dated: 3/15/2024

TINA R. GRIFFIN
Chief Assistant City Attorney
CITY OF FRESNO

Dated: 3/14/24

Marshall Hodgkins, ESQ.
Attorney for Employee,
OFFICER KEVIN THAKHAM

**APPROVED AS TO CONTENT:**

Dated: 3-25-24

SUMEET MALHI
Director of Personnel
CITY OF FRESNO PERSONNEL SERVICES DEPARTMENT

Attachment 1: Notice of Proposed Disciplinary Action-Termination of Employment

# ATTACHMENT 1

City of
FRESNO
POLICE DEPARTMENT

November 13, 2023

## NOTICE OF PROPOSED DISCIPLINARY ACTION

Officer Kevin Thakham, P807
Northwest Policing District
Patrol Division

RE: Internal Investigation 2023-0056

Under the provisions of Sections 3-280 and 3-282 of the Fresno Municipal Code, you are hereby notified of my intent to impose disciplinary action against you in the form of **Termination of Your Employment** with the City of Fresno. This action will be taken, unless you show good cause to the contrary, for your failure to comply with the rules and regulations of this Department and the City of Fresno.

## GROUNDS FOR PROPOSED DISCIPLINARY ACTION

The specific grounds for this termination are as follows:

**Fresno Municipal Code Section 3-286 (a):** *"Any employee holding a position in the classified service may be suspended without pay or removed from such position for malfeasance, misconduct, incompetence, inefficiency, or for failure to perform the duties of his position or to observe the established rules and regulations in relation thereto, or to cooperate reasonably with his superior or fellow employees"; and*

**Fresno Municipal Code Section 3-286 (b):** *Malfeasance and misconduct shall be deemed to include, for the purpose of this section, but shall not be construed to be limited to the following acts or omissions:*

**(4)** *"Conduct unbecoming an officer or employee of the city";*

**Fresno Police Department Policy 341.2.5(aa):** *"Violating any misdemeanor statute."*



KT

**Fresno Police Department Policy 341.2.5(ac)**: *"Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency, or morale, or which tends to reflect unfavorably upon the Department of its members."*

**Fresno Police Department Policy 341.1.2 Integrity**: **"***Members of this Department are entrusted by the public to perform their duties with the highest degree of integrity. We are held to this high standard in both our professional and personal lives. This trust empowers us to complete our mission. When this trust is eroded, we are no longer effective as police officers. Members shall demonstrate the highest degree of integrity at all times and avoid any act which bespeaks a lack of integrity or the mere appearance of a lack of integrity."*

## FACTUAL BACKGROUND

The factual basis for the cited violations is set forth in IA # 2023-0056 which is incorporated herein by this reference and available upon your request. The facts of your violations are summarized generally as follows:

On August 10, 2023, at 0441 hours, you placed an anonymous phone call from a blocked number to the Fresno Police Department Communications Center. You provided a description of a physical disturbance occurring at [redacted] that generated a 0 Priority call for service. Officers responded and found that no disturbance appeared to have occurred.

On August 11, 2023, at 2208 hours, you placed another anonymous call to ComCen and provided a description of a physical disturbance occurring at [redacted] Apartment [redacted] Approximately 20 minutes later, you placed a second call, adding details that caused the priority of the call to be upgraded from a 2 to a 1. Officers responded and found that no disturbance had occurred.

In your interview with Internal Affairs, you acknowledged that the events you described in all three phone calls had not happened, and you falsified the information with the intent of generating police calls for service to provoke your former girlfriend into contacting you. You agreed that you were in violation of Penal Code 148.3(a) by falsely reporting an emergency.

By falsely reporting emergencies, you occupied the time of multiple officers, causing them to be taken out of service and unable to respond to other calls for service. Your conduct disrupted the good order and efficiency of Central Policing District patrol responses.

When officers responded on August 11th, the apartment resident was hesitant to open the door, believing that officers may have responded on your behalf. The resident demanded to know the identities of the officers before he would speak with them or let them into his



KT E - KT

home. He explained to officers that you and his mother had recently broken off your relationship and he thought you were sending police to their apartment to harass them. He was not sure if the officers were there for a legitimate call or if they were friends with you. Ultimately, this investigation revealed that while the officers did not respond to [redacted] at your direct request, they did disturb not only the residents of Apartment [redacted] but all of the residents in the apartment complex based on false pretenses fabricated by you. Furthermore, in your interview with Internal Affairs, you acknowledged that a police response to a report of an in-progress disturbance at the apartment complex had the potential to result in injuries to residents or officers. Your decision to abuse emergency services for personal gain reflected poorly on the Department.

Although it is laudable that you were honest when speaking with Internal Affairs, your willingness to hold yourself accountable does not negate the fact that you demonstrated a lack of upright character when you placed the calls to ComCen. You lied to Fresno Police Department personnel, concealing your identity as you did so, not once but three times, for the purpose of manipulating another human being's behavior for your benefit. Your choice to participate in what amounted to criminal behavior placed the lives of officers and citizens at risk. You engaged in conduct that undermined the power entrusted to members of the Department by the public and showed a lack of integrity

Your conduct violates Fresno Police Department Policy 341.2.5(aa); Fresno Police Department Policy 341.2.5(ac); Fresno Police Department Policy 341.1.2; Fresno Municipal Code Section 3-286 (a); and Fresno Municipal Code Section 3-286 (b) (4).

**HISTORY:**

In determining the appropriate discipline to be imposed in this matter, the contents of your personnel file were taken into consideration regarding the matters relating to mitigation, aggravation, or extenuation. During the previous five (5) years you have not had sustained IA history.

**FIVE (5) YEAR OTHER OFFICER SUMMARY:**

Five (5) year officer disciplinary summary imposed upon other Fresno Police Department members who committed the policy violation identified above. It is recognized that the facts and circumstances of any particular policy violation may vary significantly, thus affecting the range of discipline imposed:

Please see Exhibit # 1 attached.



KT

**NOTICE TO EMPLOYEE**

You have seven (7) calendar days to respond, either orally or in writing, to the charges against you prior to the actual imposition of this proposed disciplinary action. If you desire, you and/or your representative may review the investigation material and all charges and allegations that led to this decision. The response shall be made within seven (7) calendar days from the date this notice is served and shall be to the Chief of Police. If you or your legal representative feel that you are unable to respond within the seven (7) calendar day time limit, you may request, in writing, an extension of time in which to answer. This request shall be directed to the Director of Personnel Services of the City of Fresno. The response should be in the manner specified in Section 3-280 of the Fresno Municipal Code.

DATE: 12-7-23

Paco Balderrama
Chief of Police
City of Fresno
Appointing Authority

APPROVED AS TO FORM:
Personnel Services Department

By: _____

APPROVED AS TO FORM:
City Attorney's Office

By: _____

Received:

_____ FOR KT
Employee Signature – Kevin Thakham

12/14/23
Date



FOR KT
KT

EXHIBIT 1

IA 2023-0056

**ALLEGATION – INTEGRITY**

OFFICER A – TERMINATION

OFFICER B – TERMINATION

OFFICER C – TERMINATION

OFFICER D – TERMINATION

OFFICER E – 160 HOUR SUSPENSION

OFFICER F – LAST CHANCE AGREEMENT/160 HOUR SUSPENSION

OFFICER G – 80 HOUR SUSPENSION

OFFICER H – TERMINATION



KT

2308100278

Call to 621-7000/ Call Taker (CT) Alexis Yandell

*Call 1 Call on Thursday August 10, 2023, 4:41 and 25 seconds AM*

CT Yandell: Fresno Police Department

Caller: Yeah, yeah I wanna report, um, I mean there's screaming and yelling in this apartment. It's at [redacted]

CT Yandell: [redacted] did you say [redacted]?

Caller: Yeah, [redacted].

CT Yandell: OK.

Caller: [redacted]. I don't want to get involved, but, uh, this female is screaming "Help me! Help me!" and there's a lot of banging noise going on. And I know there's a lot of – been a lot of traffic in and out. There should be a – a – a [redacted] parked in front of it. These people just moved in and there's a lot of traffic, and now I hear screaming and yelling. A female yelling "Help me! Stop! Help me! Stop!"

CT Yandell: You said there's a [redacted] parked in front of the apartment?

Caller: Yeah, [redacted]. Now she's screaming again, "Help me!" I wanna walk out there to check but I don't wanna – don't want them to see –

CT Yandell: Are they in the apartment or outside of the apartment?

Caller: They're – they're inside.

CT Yandell: OK.

Caller: Yeah. Its – now I hear banging, like something is being thrown around. I – I – I don't want to get involved in this. I –

CT Yandell: That's OK. I'm just updating the call –

Caller: It's non – I know – its non-stop since they move in; they just moved in not too long ago.

CT Yandell: And you're unsure of how many subjects are in the house?

Caller: Um, I know there's two for sure, a male and a female, but the female has a lot of – since they move in there a lot of traffic and I see different guys there all the time.

CT Yandell: OK, and then the, uh, female half? What does she look like? Is she like Mexican, Hispanic?

Caller: I know – I know they're Asian.

CT Yandell: OK.

Caller: Yeah, I don't – don't know – I think they're Laotians. I know the, um, um, I don't know I might be making assumptions, 'cause nobody drives that [redacted]. And they shouldn't (unintelligible), never seen it. Yeah, OK, there's – there's a lot of screaming going on in there.

CT Yandell: OK.

Caller: A lot of screaming.

CT Yandell: What is she saying?

Caller: Huh? She is saying "Help me! Help me!"

CT Yandell: OK, and what's the best phone number for you?

Caller: I'm not going to give my phone number. I don't want to get involved; you know? Its just – yeah, 'cause like I said, there's – there's some shady characters gonna come back to me. Yeah, I want to remain anonymous I can do that right?

CT Yandell: That's fine.

Caller: OK. OK, ma'am, thank you.

CT Yandell: Ok, thank you.

Caller: All right. Bye.

2308111305

First Call to 621-7000/ Call Taker (CT) Maria Santana

*Call 1 Call on Friday August 11, 2023, 10:08 and 39 seconds PM*

CT Santana: Fresno Police Department

Caller: Hey, yeah, I'm outside of [redacted] and I hear a lot of screaming and yelling from that apartment.

CT Santana: OK, and just to make sure, it is Apartment [redacted] as in [redacted] right?

Caller: [redacted] as in what? [redacted] as in [redacted]

CT Santana: Yeah, OK, and then do you have any visual at all?

Caller: No –

CT Santana: OK.

Caller: Not at all, I just hear a lot of screaming and yelling.

CT Santana: Now just to confirm, is it males, females that are screaming?

Caller: It's a female.

CT Santana: OK, can you make out what she's saying?

Caller: She's saying something like "stop."

CT Santana: OK, can you hear anybody else?

Caller: No, just "stop, stop, stop."

CT Santana: OK, are you still hearing it now?

Caller: Uh, it – it – I heard it like a minute ago.

CT Santana: OK, have you heard it again?

Caller: I'm listening. Yeah, I heard it again.

CT Santana: OK-

Caller: "Stop, stop."

CT Santana: OK, and just to make sure, um, do you know the person that lives there at all?

Caller: No, I, uh, they – they just moved in and I live in the apartment complex. And this is non-stop.

CT Santana: OK –

Caller: (unintelligible)

CT Santana: Do you know if she's white, black, Hispanic, Asian?

Caller: No, she's Asian. I know that there's a lot of traffic going on. And lately –

CT Santana: Do you know who else lives with her?

Caller: Um, I don't know, I mean I – you – a lot of people.

CT Santana: OK, and your name?

Caller: I wanna rem -rem – anonymous 'cause I don't wanna –

CT Santana: OK. I'll have an officer –

Caller: retaliate –

CT Santana: I'll have an officer do the area check, OK?

Caller: Yeah, but – OK – now I hear a lot of screaming now.

CT Santana: OK, all right, bye-bye.

230811305

Second Call to 621-7000/ Call Taker (CT) Jose Lopez

*Call 1 Call on Friday August 11, 2023, at 10:26 and 4 seconds PM*

CT Lopez: Fresno Police

Caller: Hey I call – I – I call on [redacted], sounds really bad, number [redacted]?

CT Lopez: I'm sorry, [redacted] what was the street name?

Caller: [redacted]? Number [redacted]? Now there's a male and female screaming, yelling. Just throwing things around.

CT Lopez: Uh, do you see them outside?

Caller: No, no, they – they inside – I – these people are just nonstop. Same thing happened last night. I hear things thrown around, like glass, something like that, I don't know. It – it – it – it – it – it – it's bad.

CT Lopez: Alrighty. I do have that call updated, officers are aware, OK?

Caller: OK, 'cause it (stumbling over words) to – to – stop because – yeah – a male and – there's a guy and a girl yelling and screaming and throwing things and I can hear like glass and something.

CT Lopez: Alrighty, no worries, I do have that call in, OK?

Caller: OK.

# Incident 2308111305

**CFS ID:** 2308111305

**Lead Detective:** – **Unit:** Domestic Violence **Officers:** Rogers, Darrius (P1937), Nolen, Thomas (P1986)

**Assigned District:** CE Patrol **District, Beat, Zone:** CE, 2D, 2257

**Case Status:** Closed **Internal Disposition:** Suspended (Waiting for New Developments or Evidence) **UCR Disposition:** None

**Arrestee:** – **Offense:** GICE CENTRAL

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# Incident Report 2308111305-1

**Primary Officer:** Rogers, Darrius (P1937) **Assisting Officer:** Nolen, Thomas (P1986)
**District:** CE Patrol **District, Beat, Zone:** CE,2D,2257 **Restriction Classification:** Sensitive Case, Domestic Violence
**ORI:** CA0100500

## Overview

### Incident Overview

**Report Purpose:** General Incident **Incident From Date:** 07/24/2023 **Incident From Time:** 07:00
**Incident To Date:** 08/11/2023 **Incident To Time:** 22:12 **Does Date Indicate Report Date?:** Yes **Zip Code:** 93703
**ARRC Indicator:** No **Identity Theft Indicator:** No
Case Factors
**Evidence:** Evidence.com Audio/Video Uploaded **Investigation:** Scene Processed by Officer
**Solvability Factors:** Camera/Video Footage, Physical Evidence Obtained, Suspect Can Be Identified, Witnesses Cont

## Offenses

### GICE - CENTRAL **Author:** Rogers, Darrius

**Offense:** GICE - CENTRAL **Code:** GI **Severity:** Not Applicable **Location:** [redacted]
**Location Category:** Single Family Home
Additional Details
**Offender is Suspected of Using?:** No **Was Criminal or Gang Activity Involved?:** No **Was Weapon/Force Involved?:** No
**Was Bias Motivation Involved?:** No

## Names

### Witness - [redacted] **Author:** Nolen, Thomas

Involvement
**Role:** Witness **Offense:** GICE - CENTRAL **Code:** GI

Identity
[redacted]

## Names (continued)

### Witness - [redacted] (continued)

**Author:** Nolen, Thomas

[redacted]

### Involved Party - [redacted]

**Author:** Rogers, Darrius

Involvement

**Role:** Involved Party **Offense:** GICE - CENTRAL **Code:** GI

Identity

[redacted]

### Other - [redacted]

**Author:** Rogers, Darrius

Involvement

[redacted]

Description

## Names (continued)

Other - [redacted] (continued) **Author:** Rogers, Darrius

[redacted]

## Vehicles

None reported.

## Property

None reported.

## Narrative by Nolen, Thomas — First Submitted: 08/12/2023 05:32

**Members Who Can Testify:**

Officer T. Nolen #1986 (author)

Corporal D. Rogers #1937

Sergeant E. Castillo #S267

**Source:**

On 08/11/2023 at approximately 2212 hours I was assigned to uniformed patrol operating a marked Fresno Police Department patrol vehicle assigned to the Central policing district as a solo-unit (2G31) when I was dispatched to a confidential location regarding a disturbance where a female was heard screaming. I was dispatched to this call for service at approximately 2242 hours.

**Investigation:**

The following is a synopsis of the notes in the call for service as provided to responding officers:

VERB DIST IN THIS APT .. FEM SCREAMING, POSS SAYING STOP.. RP DOES NOT KNOW RESD NAME, NO ONE ELSE HEARD JUST FEM, WILL BE AFA.. NFI/NFD .. AREA CK ONLY

## Narrative by Nolen, Thomas (continued) First Submitted: 08/12/2023 05:32

2308100278.. PREF CFS TO THAT LOC ALSO FROM AN ANON MALE/BLOCK# CALLED FOR FEM SCREAMING.. UNITS ARR AND MOM AND SON WERE [redacted]

RP ADVDS NOW THERE IS A MALE AND FEM SCREAMING AND YELLING AND POSS THROWING THINGS AROUND// ADVDS THIS IS A CONTINOUS ISSUE

PER THE RP FEM YELLING AND SOUNDS TO BE THROWING THINGS AND POSS GLASS// WILL RAISE PRI

Corporal Rogers and I arrived at the apartment complex at approximately 2250 hours where we knocked on the apartment identified by the male caller who refused to identify himself. A male adult answered the door and was hesitant to provide information to officers. The male requested a business card with the event number before he would allow officers to check the residence to ensure all occupants were uninjured. The male adult was provided with a business card with the event number and allowed officers to enter the residence to check the welfare of all occupants.

Inside of the residence officers observed an uninjured adult female. Corporal Rogers began speaking to the female as I spoke to the male who had answered the door. The male identified himself by California driver's license as [redacted] identified the adult female in the residence as his mother, Confidential Female (CF). Neither [redacted] nor CF had a visible signs of injury. Both [redacted] and CF seemed surprised to see officers at their residence.

[redacted] began saying this was the second time officers had come out to his residence before saying he believed officers were sent to the location by CF's ex-boyfriend who had been harassing and threatening them. [redacted] said his mother's ex-boyfriend was a police officer named Kevin. I asked [redacted] what the last name of the ex-boyfriend was. [redacted] identified the officer he was speaking about as Kevin Thakham. [redacted] did not know Thakham's date of birth, but did show officers a photograph of Thakham. The photograph [redacted] used to identify Thakham was submitted into the evidence section of this report via Axon Capture link.

Based on the information provided to me thus far in the investigation I requested [redacted] give me a few minutes to speak to my partner. I advised Corporal Rogers of the initial information provided to me and immediately contacted Sergeant E. Castillo #S267. I called Sergeant Castillo at approximately 2259 hours to make the necessary notifications. After advising Sergeant Castillo I returned to speaking to [redacted] to obtain more information. The following is a synopsis of the statements provided to me by [redacted].

[redacted] **Statements:**

[redacted] told me CF and Thakham were in a dating relationship for approximately 9 months. CF and Thakham were reported to have broken up in the beginning of July. Since the break-up, [redacted] had witnessed some alarming behavior from Thakham. [redacted] told me he was concerned because there had been continued attempts by Thakham to contact CF through [redacted] and CF's phones. [redacted] alleged there were threats made by Thakham to both him and CF.

[redacted] could not recall specifically what day the attempted contacts began, but was able to narrow down the date range from July 24 to July 28th as the start. On the date in question [redacted] said he was home alone when he heard non-stop knocking at the door to his temporary residence where officers had contacted him. [redacted] looked outside where he told me he saw Thakham knocking. While the knocking was on-going [redacted] said Thakham was also calling him non-stop. [redacted] estimated he received 20 calls from Thakham before he eventually left the apartment complex.

## Narrative by Nolen, Thomas (continued) First Submitted: 08/12/2023 05:32

[redacted] identified the second incident as occurring on July 31st. On this date in question Thakham reportedly left approximately 10 minutes worth of voice message texts on CF's phone. [redacted] had a video recording of the audio messages playing from CF's phone. [redacted] played the video for me. Due to Thakham speaking Laos I did not understand what was being said. [redacted] translated part of the messages that were left based on his understanding of them. [redacted] said Thakham was initially saying he loved CF and was apologizing for everything that had happened. Further into the audio messages left [redacted] said Thakham was saying he would get [redacted] business shut down if CF did not enter into a dating relationship with him again. [redacted] further relayed Thakham was saying he would do everything in his power to get [redacted] into trouble with law enforcement as soon as he could. [redacted] did not provide any further translation to me regarding what Thakham was saying in the audio messages.

The next incident relayed to me by [redacted] was from August 5th where [redacted] received approximately 15 to 20 phone calls from Thakham sometime after 1700 hours. [redacted] told me he knew it was sometime after 1700 hours because that is when he eats dinner every day.

The last incident related to me by [redacted] took place over the evening hours of August 9th to the early morning hours of August 10th. [redacted] said CF was at a party with her friends when she observed Thakham there. [redacted] said CF stayed away from Thakham while she was at the party and left as soon as her friend left. CF was described as returning to their temporary residence at approximately 0100 hours on August 10th. At approximately 0500 hours [redacted] was woken up by Fresno Police Department officers regarding a reported disturbance coming from their residence. [redacted] said approximately 1 hour after the police officers left, Thakham called him.

[redacted] said he was concerned about Thakham's behavior and just wanted it to stop. [redacted] did not provide me any further statement at this time.

**Investigation Continued:**

In order to do our due diligence in investigating this call for service we conducted a neighborhood canvass for any potential witnesses and reporting parties. I contacted several residences along the east side and west side of the primary building.

The first apartment I contacted shared a wall with the apartment we had been dispatched to and was identified with the letter '[redacted]" on the door. This apartment in question was one unit to the north of the primary and had a west facing front door. The resident of the apartment identified themselves as [redacted] who provided his phone number as [redacted]. [redacted] said he was unaware of any disturbances occurring in the apartment complex and had not call 911.

The second apartment I contacted was 2 units north of the primary apartment, had a west facing front door, and was identified with the letter '[redacted]" on the door. The resident identified themselves as [redacted] with phone number [redacted]. [redacted] said he was unaware of any disturbances in the apartment complex.

The third apartment I contacted was 1 unit north of the primary apartment, but on the east side of the building. This apartment had an east facing door and was identified by the letter '[redacted]" on the door. The resident identified themselves as [redacted]. [redacted] refused to provided any further identifying information, however, Dispatch located the phone number [redacted] for [redacted] [redacted] confirmed he did not call 911 and was unaware of any disturbances at the apartment complex.

The fourth apartment I contacted was directly east of the primary apartment, but on the east side of the building. This apartment had an east facing door and was identified by the letter '[redacted] A Hispanic male adult in their 40's answered the

## Narrative by Nolen, Thomas (continued) First Submitted: 08/12/2023 05:32

door. The unknown Hispanic male adult said he was unaware of any disturbances at the apartment complex and had been asleep. The unknown Hispanic male adult confirmed he did not call 911 and did not want to identify himself.

The fifth apartment I contacted was 1 unit south of the primary apartment, but on the east side of the building. This apartment had an east facing door and was identified by the letter '[redacted] I received no answer at the door, so I requested Dispatch check for any contact numbers for the resident to have them step out. Dispatch was unable to locate a phone number for the apartment.

The last apartment I contacted was 2 units south of the primary apartment, but on the east side of the building. This apartment had an east facing door and was identified by the letter '[redacted] I received no answer at the door, so I requested Dispatch check for any contact numbers for the resident to have them step out. Dispatch located the phone number [redacted] with the name of [redacted]. Dispatch did not receive an answer and the voice mail box was not set up for them to be able to leave a message.

Of all of the apartments where I received an answer, no one called 911 and no one heard any disturbances coming from the complex. I advised Sergeant Castillo and Corporal Rogers of my findings.

**Conclusions/Deductions:**

Officers responded to a 911 call alleging a possible male and female disturbance coming from within a confidential residence. The reporting party in that call for service refused to identify themselves and provided no further information. Corporal Rogers and I investigated this call for service where allegations were made requiring the notification of a supervisor. I contacted Sergeant Castillo and advised him of this call for service and the investigation done.

**Disposition:**

1. Axon body worn camera submitted to evidence.com.
2. Witness statement documented.
3. Neighborhood canvass conducted with no witnesses or reporting parties located who were aware of any disturbances taking place.
4. Sergeant Castillo was advised of this investigation and made further notifications as necessary.

## Narrative by Rogers, Darrius First Submitted: 08/12/2023 06:13

**Members Who Can Testify:**

Cpl. D. Rogers, P1937

Officer T. Nolen, P1986

**Source:**

On 08/11/2023, at approx. 2242 hrs, while working as a uniformed patrol officer in the Central Policing District, designated as 2D30, I responded to confidential location, for a possible domestic disturbance. The following is the synopsis the Reporting Party provided to call takers at 2212 hrs.:

VERB DIST IN THIS APT .. FEM SCREAMING, POSS SAYING STOP.. RP DOES NOT KNOW RESD NAME, NO ONE ELSE HEARD JUST FEM, WILL BE AFA.. NFI/NFD .. AREA CK ONLY

## Narrative by Rogers, Darrius (continued) First Submitted: 08/12/2023 06:13

The Reporting Party provided another update at 2226 hrs. as follows;

RP ADVDS NOW THERE IS A MALE AND FEM SCREAMING AND YELLING AND POSS THROWING THINGS AROUND// ADVDS THIS IS A CONTINOUS ISSUE

The Reporting Party then advised of the following at 2229 hrs ;

PER THE RP FEM YELLING AND SOUNDS TO BE THROWING THINGS AND POSS GLASS

This last update made the dispatchers raise the priority for the CFS from a 2 priority area check to a 1 priority response.

**Investigation:**

While en route to the call for service, Dispatch found an event that was handled in the early morning hours of 08/09/2023 where a male by the name [redacted]. No female party was checked in the previous call for service. The synopsis from event 2308100278 is what follows;

POSS DV DIST...FA SCREAMING HELP ME HELP ME...RP STS HE CAN BANGING ON THE WALLS AND FA YELLIING TO STOP AS WELL...RP STS [redacted] SHOULD BE PARKED INFRONT OF RESD

The disposition provided by the unit who handled the call stated he checked with a mother/son that were currently staying at this location. There was no prior disturbance and neither party had any information to provide that they had been the victim of any crimes. In both this call and the prior disturbance (2308100278), the RP refused to identify themselves and called the police department with a blocked number.

Officer Nolen and I arrived at approx. 2250 hrs and made contact at the residence. When the door opened, a male (later identified as [redacted] poked his head and upper torso into the space created. When looking over the males head, I could see a female in the room behind him (later identified as the confidential female (CF)). Neither party looked to be in obvious distress and I did not hear any sounds of an ongoing disturbance when we approached.

When I introduced myself to the male, he began saying "It's been two time now," and seemed to be frustrated by our presence. I explained that we were responding to a possible disturbance at this residence and noticed the CF's face showed visible confusion. When I asked the CF if she had been the victim of any crimes, she shook her head no before moving further into the residence.

[redacted] repeated that the problem he had with us being there was that it was the second time we had come out. We then explained that we are required by law to check on all instances of a disturbance when the call is made. I went further to explain that we would like to check the inside of the residence to help determine if there had been any signs of a crime.

[redacted] stated he understood but asked for my business card with the incident number before he would allow us into the residence. I complied with the request and provided him with what he asked. [redacted] then opened the door and allowed us to search the residence. The CF also moved with me through the apartment and opened the doors for me to check. I did not observe any signs that things had been broken throughout the property.

Once the residence was checked, I asked Officer Nolen to obtain a statement from [redacted] while I took the CF outside to obtain her statement. Unfortunately, the CF's primary language was Lao. I had dispatch broadcast city wide for any officers

## Narrative by Rogers, Darrius (continued) First Submitted: 08/12/2023 06:13

who could translate for me. When we found none, I attempted to find an official translator through the [redacted].

During the time I was attempting to find a translator, the CF would walk in and out of the apartment while talking to her family on the phone. I overheard the CF telling an unknown person about her beliefs that we had been sent by another member of the police department who was trying to harass them. At this same time, Officer Nolen came outside and informed me that [redacted] was making allegations that they were being harassed by Officer K. Thakham. He moved away from the residence and made a phone call to Sgt. Castillo before he returned to the residence and continued his investigation. See Officer Nolen's supplement for further information.

I was connected to a [redacted] operator who tried for approx. 7 minutes to find a certified Lao Speaker before they stated none were available. Because there were no other available translators, I asked the CF if she had someone who was not her son that could translate what she wished to talk about. The CF contacted [redacted] who was willing to translate for the CF. The following is a summary of statements taken from the CF. This conversation was captured in its entirety by my Axon Body Worn Camera. Please refer to the footage uploaded to Evidence.com for more information.

**Summary of Statements from the Confidential Female (translated by [redacted]):**

When the CF brought me her cell phone, she identified the party on the other line as [redacted] The female identified herself by name and DOB as [redacted]. She then clarified that she was [redacted], who she identified as K. Thakham. [redacted] did not have any issues at this point to translate what the CF said.

I asked [redacted] if the CF had been involved in a disturbance tonight. [redacted] asked my question and translated "Nothing happened, I came home at 7pm from my work and just finished eating." The CF then asked what was going on. I asked if there had been an earlier disturbance between the CF and Khonsavanh. Again [redacted] translated and the CF shook her head no before saying "We went to work together, came home together, finished eating and washing the dishes just before you guys knocked on the door."

Thinking back to the way the call for service began, I asked the CF if there was any reason why she believed that someone may be calling the police to harass her. [redacted] translated that the CF said "She was not fighting with anyone, no arguments with anybody, but she just recently broke up with Kevin."

With clarification, the CF elaborated that approx two weeks earlier she and K. Thakham separated from their nine month long dating relationship. When I asked if there were any issues between them since breaking up, the CF stated her ex had attempted several times to get her to go out with him again, both on dates and to functions where both their friends would be.

The CF then said several of her mutual friends with K. Thakham were asked by her ex to convince her to attend these functions as well. The CF told [redacted] that the pressure from their friends was beginning to make her feel stressed out because she doesn't like having her issues being so public. The CF doesn't normally have problems with anyone like this.

The CF agreed with [redacted] that because they had been contacted twice in the past two days by law enforcement officers in conjunction with phone calls from her ex-boyfriend, their logical conclusion was that K. Thakham was somehow involved. When asked if [redacted] could get any more specifics facts behind her beliefs, she stated CF could not provide any. [redacted] helped me confirm everything we had spoken of to this point.

## Narrative by Rogers, Darrius (continued) First Submitted: 08/12/2023 06:13

Since the investigation was becoming uncomfortable for [redacted] due to the [redacted], she asked that we find another translator to help if we needed to obtain any more information. I thanked [redacted] for her assistance before she disconnected.

Unfortunately there were no other uninvolved parties to contact for translation.

No other statement was obtained at this point from the CF.

**Investigation Continued:**

Sgt. Castillo arrived on scene and received a briefing on the situation from myself and Officer Nolen regarding what our involved parties had relayed. Together we then made the decision to try and contact the units surrounding the primary apartment at the confidential location to see if there were any other residents that overheard a disturbance.

**Contact at Unit [redacted]**

I contacted unit [redacted] which was located directly to the south of the confidential location with a front door that faces the west. [redacted] Because the older AFA did not speak English, I obtained a brief statement from the younger AFA. This female stated they had not heard any disturbances throughout the day coming from their neighbor to the north.

The younger AFA seemed to be experiencing hallucinations/delusions of other unrelated issues but remained adamant that neither she nor her mother had witnessed any disturbances from their neighbor to the north today or within the last few nights. The younger female stated they had not contacted the Fresno Police department and refused to identify both herself and her mother before asking officers to leave them alone.

**Contact at Unit [redacted]**

I then contacted unit [redacted] which is located two units to the south of the confidential location. This unit also has a front door that faces the west. I spoke to one [redacted], who had been home all day taking care of [redacted]. She had not heard of any disturbances nor had she made any calls to the police department. [redacted] made mention of disturbances with the occupants in Unit [redacted] but it had been months since the last time that had happened.

[redacted] also stated she did not hear any sounds of a disturbance coming from the neighborhood and she did not contact the police department.

**Investigation Continued:**

I attempted to contact Unit [redacted] on the east side of the apartment building that was adjoined to the confidential location but was unsuccessful in making contact with the resident who lived there.

I was then directed by Sgt. Castillo to make sure the video/audio files [redacted] had mentioned to Officer Nolen during their conversations were uploaded to evidence.com before we left the area. I provided [redacted] with a citizen portal link to evidence.com where he uploaded eleven photos which contained conversations he had with K. Thakham that were in English as well conversations the CF has with Thakham in Lao. There were also screenshots from the CF's phone with the dates/times that K. Thakham left several voice chats in a text message thread between them.

## Narrative by Rogers, Darrius (continued) First Submitted: 08/12/2023 06:13

There were several screenshots from both the CF's and [redacted] phones where K. Thakham had called them numerous times on various days. Two videos were also uploaded where a male voice is speaking in Lao who they idenified as K. Thakham. Lastly, [redacted] provided two photographs they had of the male involved in this incident who they identified as K. Thakham.

After receiving all the above information and evidence, Officer Nolen and I responded to the CE Station to document this incident per Sgt. Castillo.

Per LT. Dewey, this report will remain a GICE-Central Case.

**Conclusions/Deductions:**

On 08/11/2023, at approx 2242 hrs, I responded to a confidential location for a possible physical domestic disturbance. When I arrived with Officer Nolen at approx 2250 hrs, we made contact with [redacted] and his mother, the Confidential Female. Both parties stated there was no disturbance but believed they were being harassed by the CF's ex-boyfriend, whom they identified as FPD Officer K. Thakham.

After both statements were obtained, Officer Nolen and I contacted as many neighbors as possible to see if any had made the phone call to the police department. Finding none, Officer Nolen and I obtained evidence of harassment from [redacted] which was uploaded directly to evidence.com. We were then ordered to respond to the CE Policing District Station to complete this report.

Per LT. Dewey, this report will remain a GICE - Central Case.

**Disposition:**

1. Evidence uploaded to Evidence.com via a Citizen Portal Link.
2. This report will remain a GICE case but the involved female has been made confidential.

| Name | Description | Type |
|---|---|---|

**Fresno Police Dept - CA**
**2323 MARIPOSA ST.**
**Fresno, CA 93721**
**US**

**Event ID 2308100278**

## Metadata

| | |
|---|---|
| Event ID | **2308100278** |
| Created By | **CT20 - Yandell, A (D3214) (20)** |
| Date Created | **08/10/23 04:43:22** |
| Date Closed | **08/10/23 05:26:44** |
| Status | **CLOSED** |
| Dispatch Area | **CE** |
| Beat, Juris, Zone, Corner | [redacted] |
| Location | [redacted] |
| Location Details | **NA** |
| Type | **1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED** |
| Priority | **0 - Emergency / Presumed Life Threatening** |
| Source | **NEM - NON-EMERGENCY** |
| Synopsis | **POSS DV DIST...FA SCREAMING HELP ME HELP ME...RP STS HE CAN BANGING ON THE WALLS AND FA YELLIING TO STOP AS WELL...RP STS [redacted] SHOULD BE PARKED INFRONT OF RESD** |

## Narrative

SE - Lilly, L (D3150) 08/10/23 04:43:33
BC

NW - Vang, N (D3137) 08/10/23 04:43:37
BC

NE - Her, N (D3060) 08/10/23 04:43:43
BC

SW - Lanik, S (D3175) 08/10/23 04:43:46
BC

CT20 - Yandell, A (D3214) 08/10/23 04:44:47
<NOTIFIED> RP STS HE CAN HEAR BANGING ON THE WALLS AGAIN, AND THIS HAS BEEN NON STOP SINCE THEY HAVE MOVED IN...POSS 2 SUBJS IN APT NOW

CT20 - Yandell, A (D3214) 08/10/23 04:46:20
<NOTIFIED> RP STS FA HALF IS POSS ASIAN...NOW ALOT OF SCREAMING IN THE APT

CT20 - Yandell, A (D3214) 08/10/23 04:46:41
<NOTIFIED> FA IS STILL SCREAMING HELP ME

CT20 - Yandell, A (D3214) 08/10/23 04:49:34
<NOTIFIED> CT NO LONGER ON LL W RP...RP CALLED ON ANON, AND IS REFUSING TO GIVE ANY OF HIS INFO OR PHONE #...WOULD LIKE TO REMAIN ANON

CE - Sonderegger, M (D011) 08/10/23 04:50:22
DIST COMING FROM APT [redacted]

CE - Sonderegger, M (D011) 08/10/23 04:55:14
[2F31] MAKING CONTACT

CE - Sonderegger, M (D011) 08/10/23 04:56:09
ANY AVAIL HMONG SPEAKING OFFICER

NW - Vang, N (D3137) 08/10/23 04:56:29
BC HMONG

SW - Lanik, S (D3175) 08/10/23 04:56:41
BC HMONG

SE - Lilly, L (D3150) 08/10/23 04:56:43
BC HMONG

2F31 - Jurado, K (P2106) 08/10/23 05:26:44
CONTACTED MOTHER/SON PARTY ADVISED NO ONE WAS IN ANY DISTRESS AND DID NOT NEED PD. NO INJURIES OR SIGN OF A DISTURBANCE. RP REFUSED TO CONTACT POLICE OR PROVIDE FURTHER INFORMATION.

## Units

Previously Assigned

| | |
|---|---|
| Unit ID | **2C31** |
| Badge Number | **P2002** |
| Responder Name | **Castellanos, Kristopher** |
| Badge Number | **P2001** |
| Responder Name | **Avila, Sarah** |

| | |
|---|---|
| Unit ID | **2D31** |
| Badge Number | **P2050** |
| Responder Name | **Feijo, Mikala** |
| Badge Number | **P2045** |
| Responder Name | **Rodarte, Matthew** |

| | |
|---|---|
| Unit ID | **2F31** |
| Badge Number | **P2106** |
| Responder Name | **Jurado, Kameron** |

| | |
|---|---|
| Unit ID | **2G32** |
| Badge Number | **P1797** |
| Responder Name | **Hinojos, Joseph** |

| | |
|---|---|
| Badge Number | **P2228** |
| Responder Name | **Lopez, Isaak** |

| | |
|---|---|
| Unit ID | **2X31** |
| Badge Number | **P2043** |
| Responder Name | **Tinoco, Vincent** |
| Badge Number | **P2044** |
| Responder Name | **Ruiz III, Ignacio** |

| | |
|---|---|
| Unit ID | **TWR1** |
| Badge Number | **P2053** |
| Responder Name | **Brown, Isaiah** |
| Badge Number | **P2119** |
| Responder Name | **Harris, Jalen** |

## RP (1)

| | |
|---|---|
| Name | **ANON** |
| Phone Number | **REFUSED!** |

## Event History

| | |
|---|---|
| Date Created | **08/10/23 04:43:22** |
| Date Closed | **08/10/23 05:26:44** |
| Disposition | **O - OK** |
| Unit Responsible | **2F31** |
| First Dispatched | **08/10/23 04:47:17** |
| First En Route | **08/10/23 04:45:23** |
| First On Scene | **08/10/23 04:50:53** |

| Time | ID - Name | Action | Details |
|---|---|---|---|
| 08/10/23 04:43:22 | CT20 - Yandell, A (D3214) | CREATE | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - DISPATCH AREA: [redacted] LOCATION: [redacted] - SOURCE: NEM - SYNOPSIS: POSS DV DIST...FA SCREAMING HELP ME HELP ME...RP STS HE CAN BANGING ON THE WALLS AND FA YELLIING TO STOP AS WELL...RP STS [redacted] SHOULD BE PARKED INFRONT OF RESD - ANI/ALI POSITION: 20 |
| 08/10/23 04:43:33 | SE - Lilly, L (D3150) | ADDCOM | BC |
| 08/10/23 04:43:37 | NW - Vang, N (D3137) | ADDCOM | BC |
| 08/10/23 04:43:43 | NE - Her, N (D3060) | ADDCOM | BC |
| 08/10/23 04:43:46 | SW - Lanik, S (D3175) | ADDCOM | BC |
| 08/10/23 04:44:47 | CT20 - Yandell, A (D3214) | ADDCOM | <NOTIFIED> RP STS HE CAN HEAR BANGING ON THE WALLS AGAIN, AND THIS HAS BEEN NON STOP SINCE THEY HAVE MOVED IN...POSS 2 SUBJS IN APT NOW |
| 08/10/23 04:45:23 | CE - Sonderegger, M (D011) | PRIMARY | UNIT: 2F31 |
| 08/10/23 04:45:23 | CE - Sonderegger, M (D011) | ENROUTE | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2F31 - LOCATION: [redacted] |
| 08/10/23 04:45:24 | CE - Sonderegger, M (D011) | UPDTL | UNIT: 2F31 - LOCATION: [redacted] |
| 08/10/23 04:46:16 | CE - Sonderegger, M (D011) | ENROUTE | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2C31 - LOCATION: [redacted] |
| 08/10/23 04:46:17 | CE - Sonderegger, M (D011) | UPDTL | UNIT: 2C31 - LOCATION: [redacted] |
| 08/10/23 04:46:20 | CT20 - Yandell, A (D3214) | ADDCOM | <NOTIFIED> RP STS FA HALF IS POSS ASIAN...NOW ALOT OF SCREAMING IN THE APT |
| 08/10/23 04:46:28 | CE - Sonderegger, M (D011) | CLEAR | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2C31 |
| 08/10/23 04:46:41 | CT20 - Yandell, A (D3214) | ADDCOM | <NOTIFIED> FA IS STILL SCREAMING HELP ME |
| 08/10/23 04:47:01 | CT20 - Yandell, A (D3214) | ADDRP | RP NAME: ANON - RP PHONE NUMBER: REFUSED! |
| 08/10/23 04:47:17 | CE - Sonderegger, M (D011) | DISPATCH | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2G32 - LOCATION: [redacted] |
| 08/10/23 04:47:18 | CE - Sonderegger, M (D011) | UPDTL | UNIT: 2G32 - LOCATION: [redacted] |
| 08/10/23 04:47:22 | 2G32 - Hinojos, J (P1797) | ENROUTE | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2G32 - LOCATION: [redacted] |

| | | | |
|---|---|---|---|
| 08/10/23 04:49:34 | CT20 - Yandell, A (D3214) | ADDCOM | <NOTIFIED> CT NO LONGER ON LL W RP...RP CALLED ON ANON, AND IS REFUSING TO GIVE ANY OF HIS INFO OR PHONE #...WOULD LIKE TO REMAIN ANON |
| 08/10/23 04:50:22 | CE - Sonderegger, M (D011) | ADDCOM | DIST COMING FROM APT [redacted] |
| 08/10/23 04:50:53 | 2F31 - Jurado, K (P2106) | ONSCENE | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2F31 - LOCATION: [redacted] |
| 08/10/23 04:50:56 | 2G32 - Hinojos, J (P1797) | ONSCENE | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2G32 - LOCATION: [redacted] |
| 08/10/23 04:55:14 | CE - Sonderegger, M (D011) | ADDCOM | [2F31] MAKING CONTACT |
| 08/10/23 04:56:09 | CE - Sonderegger, M (D011) | ADDCOM | ANY AVAIL HMONG SPEAKING OFFICER |
| 08/10/23 04:56:29 | NW - Vang, N (D3137) | ADDCOM | BC HMONG |
| 08/10/23 04:56:37 | CE - Sonderegger, M (D011) | QUERY | UNIT: 2G32 - [redacted] |
| 08/10/23 04:56:41 | SW - Lanik, S (D3175) | ADDCOM | BC HMONG |
| 08/10/23 04:56:43 | SE - Lilly, L (D3150) | ADDCOM | BC HMONG |
| 08/10/23 04:57:02 | CE - Sonderegger, M (D011) | QUERY | UNIT: 2G32 - [redacted] |
| 08/10/23 05:07:50 | CE - Sonderegger, M (D011) | UPDTL | UNIT: 2X31 - LOCATION: [redacted] |
| 08/10/23 05:07:50 | CE - Sonderegger, M (D011) | DISPATCH | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2X31 - LOCATION: [redacted] |
| 08/10/23 05:07:50 | CE - Sonderegger, M (D011) | DISPATCH | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2F31 - LOCATION: [redacted] |
| 08/10/23 05:07:54 | 2F31 - Jurado, K (P2106) | ENROUTE | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2F31 - LOCATION: [redacted] |
| 08/10/23 05:08:12 | 2X31 - Ruiz III, I (P2044) | CODE3 | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2X31 - LOCATION: [redacted] |
| 08/10/23 05:08:16 | CE - Sonderegger, M (D011) | UPDTL | UNIT: 2D31 - LOCATION: [redacted] |
| 08/10/23 05:08:16 | CE - Sonderegger, M (D011) | DISPATCH | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2D31 - LOCATION: [redacted] |

| | | | |
|---|---|---|---|
| 08/10/23 05:08:17 | CE - Sonderegger, M (D011) | ONSCENE | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2D31 - LOCATION: [redacted] |
| 08/10/23 05:08:22 | CE - Sonderegger, M (D011) | UPDTL | UNIT: TWR1 - LOCATION: [redacted] |
| 08/10/23 05:08:22 | CE - Sonderegger, M (D011) | ONSCENE | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: TWR1 - LOCATION: [redacted] |
| 08/10/23 05:08:23 | 2X31 - Ruiz III, I (P2044) | ENROUTE | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2X31 - LOCATION: [redacted] |
| 08/10/23 05:08:26 | 2X31 - Ruiz III, I (P2044) | CODE3 | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2X31 - LOCATION: [redacted] |
| 08/10/23 05:08:28 | CE - Sonderegger, M (D011) | UPDTL | UNIT: TWR1 - LOCATION: CLINTON EAST OF COLLEGE |
| 08/10/23 05:09:15 | CE - Sonderegger, M (D011) | CLEAR | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2D31 |
| 08/10/23 05:09:18 | CE - Sonderegger, M (D011) | CLEAR | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: TWR1 |
| 08/10/23 05:11:14 | CE - Sonderegger, M (D011) | CLEAR | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2X31 |
| 08/10/23 05:12:24 | CE - Sonderegger, M (D011) | CLEAR | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2F31 |
| 08/10/23 05:16:28 | CE - Sonderegger, M (D011) | CLEAR | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2G32 |
| 08/10/23 05:16:28 | CE - Sonderegger, M (D011) | NEEDDSPO | |
| 08/10/23 05:16:28 | CE - Sonderegger, M (D011) | STACKED | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2F31 |
| 08/10/23 05:26:44 | 2F31 - Jurado, K (P2106) | CLEAR | PRIORITY: 0 - TYPE: 1E7 - DISTURBANCE / DOMESTIC VIOLENCE RELATED - UNIT: 2F31 |
| 08/10/23 05:26:44 | 2F31 - Jurado, K (P2106) | DISPO | CODE: O - REMARK: CONTACTED MOTHER/SON PARTY ADVISED NO ONE WAS IN ANY DISTRESS AND DID NOT NEED PD. NO INJURIES OR SIGN OF A DISTURBANCE. RP REFUSED TO CONTACT POLICE OR PROVIDE FURTHER INFORMATION. |
| 08/10/23 05:26:44 | 2F31 - Jurado, K (P2106) | CLOSED | |

**Fresno Police Dept - CA**
**2323 MARIPOSA ST.**
**Fresno, CA 93721**
**US**

**Event ID 2308111305**

## Metadata

| | |
|---|---|
| Event ID | **2308111305** |
| Created By | **CT06 - Santana, M (D3142) (06)** |
| Date Created | **08/11/23 22:12:36** |
| Date Closed | **08/12/23 03:28:28** |
| Status | **CLOSED** |
| Dispatch Area | [redacted] |
| Beat, Juris, Zone, Corner | [redacted] |
| Location | [redacted] |
| Location Details | **NA** |
| Type | **1E3 - DISTURBANCE / VERBAL** |
| Priority | **1 - Urgent / Non-Life Threatening, Property Crimes in Progress** |
| Source | **NEM - NON-EMERGENCY** |
| Synopsis | **VERB DIST IN THIS APT .. FEM SCREAMING, POSS SAYING STOP.. RP DOES NOT KNOW RESD NAME, NO ONE ELSE HEARD JUST FEM, WILL BE AFA.. NFI/NFD .. AREA CK ONLY** |

## Narrative

CT06 - Santana, M (D3142) 08/11/23 22:16:00

2308100278.. PREF CFS TO THAT LOC ALSO FROM AN ANON MALE/BLOCK# CALLED FOR FEM SCREAMING.. UNITS ARR AND MOM AND SON WERE[redacted]

CT24 - Lopez, J (D3199) 08/11/23 22:26:52

RP ADVDS NOW THERE IS A MALE AND FEM SCREAMING AND YELLING AND POSS THROWING THINGS AROUND// ADVDS THIS IS A CONTINOUS ISSUE

CT24 - Lopez, J (D3199) 08/11/23 22:29:42

<NOTIFIED> PER THE RP FEM YELLING AND SOUNDS TO BE THROWING THINGS AND POSS GLASS// WILL RAISE PRI

CE - Scott, E (D3140) 08/11/23 22:30:38

PRIOR CFS MALE [redacted]

CE - Scott, E (D3140) 08/11/23 22:30:53

[redacted]

CE - Scott, E (D3140) 08/11/23 22:31:41

BC

CE - Scott, E (D3140) 08/11/23 22:35:31

[redacted] ( UNK IF SAME SUBJ TODAY)

CE - Scott, E (D3140) 08/11/23 22:36:44

RE BC

CE - Scott, E (D3140) 08/11/23 22:42:11
UNITS FOR [redacted]

CE - Scott, E (D3140) 08/11/23 22:50:22
HMONG SPEAKING OFFICER ? MIGHT BE HMONG SPEAKING HERE

SW - Partida, M (D3160) 08/11/23 22:50:39
BC HMONG - NO ANSWER

SE - Hackney, M (D3192) 08/11/23 22:50:58
BC HMONG

MT - Vasquez, N (D3108) 08/11/23 22:50:59
BC HMONG

CT07 / NW - Miller, S (D3041) 08/11/23 22:51:46
BC HMONG

NE - Yandell, A (D3214) 08/11/23 22:52:23
BC HMONG

CE - Scott, E (D3140) 08/11/23 22:57:22
[2D30] CANCEL HMONG , ITS LAO

CE - Scott, E (D3140) 08/11/23 23:03:36
BC LAO SPEAKER ? 2D30

CT07 / NW - Miller, S (D3041) 08/11/23 23:04:00
BC LAO

CE - Scott, E (D3140) 08/11/23 23:04:07
[2D30] TRIED THE TRANSLATION LINE AND CANT FIND ANYONE EITHER

NE - Yandell, A (D3214) 08/11/23 23:05:23
BC LAO

CE - Scott, E (D3140) 08/11/23 23:07:31
ANY LAO SPEAKING UNIT FOR THIS CALL ?

CE - Scott, E (D3140) 08/11/23 23:36:06
ANY CAMBODIAN SPEAKING OFFICER ? 2D30

SW - Santana, M (D3142) 08/11/23 23:36:22
BC CAMB SPKR

CE - Scott, E (D3140) 08/11/23 23:51:30
2D30 ... ATC [redacted] HAVE THEM COME OUT FOR UNIT ..

CE - Muro, A (D3155) 08/11/23 23:57:37
ATC RESD AT [redacted] AND HAVE THEM STEP OUT PLS.2G31

UT1 - Mendoza-Jones, M (D3143) 08/11/23 23:59:28
[redacted] RP STS THAT HE CANT COME TO THE DOOR HIS LEGS ARENT WORKING ..PATCH

CE - Muro, A (D3155) 08/12/23 00:00:03
PATCH 2G31

UT1 - Mendoza-Jones, M (D3143) 08/12/23 00:00:57
[redacted] PATCHED TO 2G31

CE - Muro, A (D3155) 08/12/23 00:04:05
CAN YOU ADD [redacted] TO THE CALL PLZ

UT1 - Partida, M (D3160) 08/12/23 00:04:34
[redacted]

UT1 - Partida, M (D3160) 08/12/23 00:08:30
CT23 DOING ATC FOR [redacted]

CE - Muro, A (D3155) 08/12/23 00:10:53
[redacted] WAS FROM APT [redacted] ANY OTHER NUMBS/SUBJS FOR APT [redacted] AT [redacted]? IF SO CAN THEY STEP OUT PLZ.. 2G31

CT23 - Garvey, N (D3056) 08/12/23 00:14:41
<NOTIFIED> UTL PH# FOR [redacted]

UT1 - Partida, M (D3160) 08/12/23 00:16:07
<NOTIFIED> ATTEMPTED TO REACH RESD OF [redacted]- NO ANSWER- [redacted]- NOT AVAIL AT THIS TIME UNABLE TO LEAVE VM.

## Units

Previously Assigned

| | |
|---|---|
| Unit ID | **209S** |
| Badge Number | **S267** |
| Responder Name | **Castillo, Erik** |

| | |
|---|---|
| Unit ID | **2D30** |
| Badge Number | **P1937** |
| Responder Name | **Rogers, Darrius** |

| | |
|---|---|
| Unit ID | **2G31** |
| Badge Number | **P1986** |
| Responder Name | **Nolen, Thomas** |

## RP (2)

| | |
|---|---|
| Name | **MALE REFD** |
| Phone Number | **BLOCKED** |

| | |
|---|---|
| Name | [redacted] |
| Phone Number | [redacted] |

## Event History

| | |
|---|---|
| Date Created | **08/11/23 22:12:36** |
| Date Closed | **08/12/23 03:28:28** |
| Disposition | **C - CASE** |
| Unit Responsible | **2D30 Rogers, D** |
| First Dispatched | **08/11/23 22:42:31** |
| First En Route | **08/11/23 22:42:34** |
| First On Scene | **08/11/23 22:50:29** |

| Time | ID - Name | Action | Details |
|---|---|---|---|
| 08/11/23 22:12:36 | CT06 - Santana, M (D3142) | CREATE | PRIORITY: 2 - TYPE: 1E3 - DISTURBANCE / VERBAL - DISPATCH AREA: CE - LOCATION: [redacted] - SOURCE: NEM - SYNOPSIS: VERB DIST IN THIS APT .. FEM SCREAMING, POSS SAYING STOP.. RP DOES NOT KNOW RESD NAME, NO ONE ELSE HEARD JUST FEM, WILL BE AFA.. NFI/NFD .. AREA CK ONLY - ANI/ALI POSITION: 06 |
| 08/11/23 22:12:36 | CT06 - Santana, M (D3142) | ADDRP | RP NAME: MALE REFD - RP PHONE NUMBER: BLOCKED |
| 08/11/23 22:16:00 | CT06 - Santana, M (D3142) | ADDCOM | 2308100278.. PREF CFS TO THAT LOC ALSO FROM AN ANON MALE/BLOCK# CALLED FOR FEM SCREAMING.. UNITS ARR AND MOM AND SON WERE [redacted] |
| 08/11/23 22:26:52 | CT24 - Lopez, J (D3199) | ADDCOM | RP ADVDS NOW THERE IS A MALE AND FEM SCREAMING AND YELLING AND POSS THROWING THINGS AROUND// ADVDS THIS IS A CONTINOUS ISSUE |
| 08/11/23 22:29:42 | CT24 - Lopez, J (D3199) | ADDCOM | <NOTIFIED> PER THE RP FEM YELLING AND SOUNDS TO BE THROWING THINGS AND POSS GLASS// WILL RAISE PRI |
| 08/11/23 22:29:44 | CT24 - Lopez, J (D3199) | MODIFY | PRIORITY: 1 |
| 08/11/23 22:30:38 | CE - Scott, E (D3140) | ADDCOM | PRIOR CFS [redacted] |
| 08/11/23 22:30:53 | CE - Scott, E (D3140) | ADDCOM | [redacted] |
| 08/11/23 22:31:41 | CE - Scott, E (D3140) | ADDCOM | BC |
| 08/11/23 22:32:04 | CE - Scott, E (D3140) | QUERY | [redacted] |
| 08/11/23 22:35:31 | CE - Scott, E (D3140) | ADDCOM | [redacted] |
| 08/11/23 22:36:44 | CE - Scott, E (D3140) | ADDCOM | RE BC |
| 08/11/23 22:42:11 | CE - Scott, E (D3140) | ADDCOM | UNITS FOR [redacted] |
| 08/11/23 22:42:31 | CE - Scott, E (D3140) | UPDTL | UNIT: 2G31 - LOCATION: [redacted] |
| 08/11/23 22:42:31 | CE - Scott, E (D3140) | PRIMARY | UNIT: 2G31 |
| 08/11/23 22:42:31 | CE - Scott, E (D3140) | DISPATCH | PRIORITY: 1 - TYPE: 1E3 - DISTURBANCE / VERBAL - UNIT: 2G31 - LOCATION: [redacted] |
| 08/11/23 22:42:34 | 2G31 - Nolen, T (P1986) | ENROUTE | PRIORITY: 1 - TYPE: 1E3 - DISTURBANCE / VERBAL - UNIT: 2G31 - LOCATION: [redacted] |
| 08/11/23 22:42:53 | CE - Scott, E (D3140) | UPDTL | UNIT: 2D30 - LOCATION: [redacted] |

| | | | |
|---|---|---|---|
| 08/11/23 22:42:53 | CE - Scott, E (D3140) | DISPATCH | PRIORITY: 1 - TYPE: 1E3 - DISTURBANCE / VERBAL - UNIT: 2D30 - LOCATION: [redacted] |
| 08/11/23 22:43:40 | 2D30 - Rogers, D (P1937) | ENROUTE | PRIORITY: 1 - TYPE: 1E3 - DISTURBANCE / VERBAL - UNIT: 2D30 - LOCATION: [redacted] |
| 08/11/23 22:50:22 | CE - Scott, E (D3140) | ADDCOM | HMONG SPEAKING OFFICER ? MIGHT BE HMONG SPEAKING HERE |
| 08/11/23 22:50:29 | 2D30 - Rogers, D (P1937) | ONSCENE | PRIORITY: 1 - TYPE: 1E3 - DISTURBANCE / VERBAL - UNIT: 2D30 - LOCATION: [redacted] |
| 08/11/23 22:50:39 | SW - Partida, M (D3160) | ADDCOM | BC HMONG - NO ANSWER |
| 08/11/23 22:50:46 | 2G31 - Nolen, T (P1986) | ONSCENE | PRIORITY: 1 - TYPE: 1E3 - DISTURBANCE / VERBAL - UNIT: 2G31 - LOCATION: [redacted] |
| 08/11/23 22:50:58 | SE - Hackney, M (D3192) | ADDCOM | BC HMONG |
| 08/11/23 22:50:59 | MT - Vasquez, N (D3108) | ADDCOM | BC HMONG |
| 08/11/23 22:51:46 | CT07 / NW - Miller, S (D3041) | ADDCOM | BC HMONG |
| 08/11/23 22:52:23 | NE - Yandell, A (D3214) | ADDCOM | BC HMONG |
| 08/11/23 22:57:22 | CE - Scott, E (D3140) | ADDCOM | [2D30] CANCEL HMONG , ITS LAO |
| 08/11/23 23:02:08 | CE - Scott, E (D3140) | PRIMARY | UNIT: 2D30 - NAME: ROGERS, D |
| 08/11/23 23:03:36 | CE - Scott, E (D3140) | ADDCOM | BC LAO SPEAKER ? 2D30 |
| 08/11/23 23:04:00 | CT07 / NW - Miller, S (D3041) | ADDCOM | BC LAO |
| 08/11/23 23:04:07 | CE - Scott, E (D3140) | ADDCOM | [2D30] TRIED THE TRANSLATION LINE AND CANT FIND ANYONE EITHER |
| 08/11/23 23:05:23 | NE - Yandell, A (D3214) | ADDCOM | BC LAO |
| 08/11/23 23:07:31 | CE - Scott, E (D3140) | ADDCOM | ANY LAO SPEAKING UNIT FOR THIS CALL ? |
| 08/11/23 23:12:15 | CE - Scott, E (D3140) | UPDTL | UNIT: 209S - LOCATION: [redacted] |
| 08/11/23 23:12:15 | CE - Scott, E (D3140) | DISPATCH | PRIORITY: 1 - TYPE: 1E3 - DISTURBANCE / VERBAL - UNIT: 209S - LOCATION: [redacted] |
| 08/11/23 23:12:32 | 209S - Castillo, E (S267) | ENROUTE | PRIORITY: 1 - TYPE: 1E3 - DISTURBANCE / VERBAL - UNIT: 209S - LOCATION: [redacted] |
| 08/11/23 23:14:02 | 209S - Castillo, E (S267) | ONSCENE | PRIORITY: 1 - TYPE: 1E3 - DISTURBANCE / VERBAL - UNIT: 209S - LOCATION: [redacted] |

| | | | |
|---|---|---|---|
| 08/11/23 23:36:06 | CE - Scott, E (D3140) | ADDCOM | ANY CAMBODIAN SPEAKING OFFICER ? 2D30 |
| 08/11/23 23:36:22 | SW - Santana, M (D3142) | ADDCOM | BC CAMB SPKR |
| 08/11/23 23:51:30 | CE - Scott, E (D3140) | ADDCOM | 2D30 ... ATC [redacted] HAVE THEM COME OUT FOR UNIT .. |
| 08/11/23 23:57:37 | CE - Muro, A (D3155) | ADDCOM | ATC RESD AT [redacted] AND HAVE THEM STEP OUT PLS.2G31 |
| 08/11/23 23:59:28 | UT1 - Mendoza-Jones, M (D3143) | ADDCOM | [redacted] ..RP STS THAT HE CANT COME TO THE DOOR HIS LEGS ARENT WORKING ..PATCH |
| 08/12/23 00:00:03 | CE - Muro, A (D3155) | ADDCOM | PATCH 2G31 |
| 08/12/23 00:00:57 | UT1 - Mendoza-Jones, M (D3143) | ADDCOM | [redacted] PATCHED TO 2G31 |
| 08/12/23 00:04:05 | CE - Muro, A (D3155) | ADDCOM | CAN YOU ADD [redacted] TO THE CALL PLZ |
| 08/12/23 00:04:34 | UT1 - Partida, M (D3160) | ADDCOM | [redacted] |
| 08/12/23 00:04:48 | UT1 - Partida, M (D3160) | ADDRP | RP NAME: [redacted] |
| 08/12/23 00:08:30 | UT1 - Partida, M (D3160) | ADDCOM | CT23 DOING ATC FOR APT [redacted] |
| 08/12/23 00:10:46 | 209S - Castillo, E (S267) | UPDTL | UNIT: 209S - LOCATION: HQ |
| 08/12/23 00:10:53 | CE - Muro, A (D3155) | ADDCOM | [redacted] WAS FROM APT [redacted] ANY OTHER NUMBS/SUBJS FOR APT [redacted] AT [redacted] ? IF SO CAN THEY STEP OUT PLZ.. 2G31 |
| 08/12/23 00:14:41 | CT23 - Garvey, N (D3056) | ADDCOM | <NOTIFIED> UTL PH# FOR [redacted] |
| 08/12/23 00:16:07 | UT1 - Partida, M (D3160) | ADDCOM | <NOTIFIED> ATTEMPTED TO REACH RESD OF [redacted] - NO ANSWER- [redacted] - NOT AVAIL AT THIS TIME UNABLE TO LEAVE VM. |
| 08/12/23 00:26:01 | 2D30 - Rogers, D (P1937) | DISPO | CODE: C - ASSIGNEE: 2D30 - ROGERS, D (P1937) |
| 08/12/23 02:04:23 | 2D30 - Rogers, D (P1937) | CLEAR | PRIORITY: 1 - TYPE: 1E3 - DISTURBANCE / VERBAL - UNIT: 2D30 |
| 08/12/23 02:10:27 | 2G31 - Nolen, T (P1986) | CLEAR | PRIORITY: 1 - TYPE: 1E3 - DISTURBANCE / VERBAL - UNIT: 2G31 |
| 08/12/23 03:28:28 | 209S - Castillo, E (S267) | CLEAR | PRIORITY: 1 - TYPE: 1E3 - DISTURBANCE / VERBAL - UNIT: 209S |
| 08/12/23 03:28:28 | 209S - Castillo, E (S267) | CLOSED | |

**Speaker 2** *Yeah. And additional things such as policies and everything else that goes with patrol function and our department.*

**Speaker 1** *Okay. Um, what sort of response does a call of an in progress incident that may pose an imminent risk or, I'm sorry, an I imminent threat to life or great bodily injury? Receive,*

**Speaker 2** *I'm sorry.*

**Speaker 1** *What sort of response does an in progress call with a threat to life or great bodily injury? How do we respond to that?*

**Speaker 2** *Uh, as a zero priority emergency, zero ones priority is emergency situation.*

**Speaker 1** *Okay. Um, who is* [redacted] *Who is she to you?*

**Speaker 2** *She, um, <laugh>,* [redacted].

**Speaker 1** [redacted]

**Speaker 2** [redacted]

**Speaker 1** *Okay. And then* [redacted]

**Speaker 2** *Very good. That was, uh, that's her son.*

**Speaker 1** *Okay. And then how long have you dated uh,* [redacted]

**Speaker 2** *Uh, over, well we broke up maybe a month, month and a half, I'm not sure. But, uh, over a year.*

**Speaker 1** *Okay. And then when did your relationship, um, I guess end* [redacted]

**Speaker 2** *Um, I want to say the end of July.*

**Speaker 1** *Okay. I wanna play a nine one one call from August 10th.*

**Speaker 3** *Okay.*

**Speaker 4** *On call on Thursday, August 10th, 2020 3, 4 41 and 25 seconds AM*

**Speaker 3** *Press department.*

**Speaker 4** *Yeah. Yeah. I want a report. Um, I mean there's screaming and yelling at this apartment. It at* [redacted]*. Is it? Did he say* [redacted] *Yeah,* [redacted] *Okay. He Logan number* [redacted] *I don't want to get involved. This female is screaming help me out. Me and there's a lot of banging noise going on and I know there's a lot of getting a lot of traffic in and out. There should be a a a a* [redacted] *parking front of it that these people just moved in and there's a lot of traffic. And now I hear screaming me and yelling, a female yelling and help me stop, help me how to stop.*

**Speaker 3** *What, what*

**Speaker 4** *Day you took it at The White House Police Department. The apartment? Yeah. I need to take* [redacted] *She's screaming again, help me. I wanna walk out there to check, but I don't wanna, I don't want them to. Are they in the apartment or outside the apartment? They're, they're inside. Okay. Yeah. Now hear banging like something's been throwing around.*

**Speaker 3** *Okay.*

Speaker 4 *I, I I don't, I don't want to get involved in this. I That's okay. And you're unsure of how many subjects are all? Um, I know that there's two for sure a male and a female, but a female had lazy, a lot of traffic. I see different guys all the time.*

Speaker 3 *Okay.*

Speaker 4 *And then the, uh, <inaudible>, what did she look like? Did she like Mexican skin? Hispanic? I, I know, I know the Asians. Okay. Yeah, I don't, I don't know. And I think they, I know the, um, um, I don't know. I'm not saying make any assumption because nobody but* [redacted] *left <inaudible> from said better, you know, never seen it. Okay. There, there, there's a lot of screaming going on in there. Okay. Lot of screaming. What did she say? Huh? She said Help me, help me.*

Speaker 3 *Okay.*

Speaker 4 *What's a good phone number for you? I I, I'm not gonna give my phone number. I don't wanna do both and I don't, this is, yeah, because like I said there, this is shady character is gonna come back to me. Yeah. I I I I want to remain anonymous. I can do that. Go ahead. That's fine. Okay. Okay, ma'am. Thank you. Okay. Thank you. Alright, bye.*

Speaker 3 *Okay. Why did you make that phone call?*

Speaker 2 *The reason I made it 'cause um, when she left, um, um, well I should see when she left, when her son got an apartment that she told me, I'll be right back. I'm gonna move in or I'm gonna help my son unpack. And uh, my mom's very close to her and then every day my, she goes to work or leaves or am on anyways leaves. My mom's always opens the door for her to follow her and they get along very well. And when she left, she said I'll be back after I, uh, helped my son unpack and then, uh, she never came back. Um, I call her, she does a pickup and um, I just want some answers and I want, uh, um, the response, just gimme something. And, um, that's what I wanted. Um, then we, uh, sometime in between there and then we, um, we saw each other at some mutual friend's house, um, which is said normally, you know, um, when I say normal it is more like boyfriend girlfriend relationship, hugs and kisses in front of everybody and, you know, sit on my lap and just said, oh, okay. You know, I, um,*

Speaker 2 *And when we leave at the, uh, ed event, um, again talk and she would say, call me. Um, I remember one time she said, call me tomorrow at 11. And then I called her no response. And during the conversation, you know, um, I just wanted to know why, you know, why did you leave and why there was no explanation. And my,*

Speaker 3 *I was that August 23rd, what date that call was on August 10th. I'm sorry.*

Speaker 1 *Take as long as you need.*

Speaker 2 *I just feel bad for my mom. My mom's got* [redacted] *but yet my mom left her see her wedding around asking, looking for her. It, it hurts. So anyways, um, again, during that time, the period, um, I said, well, mutual friends call me, Hey, come over for dinner. Not knowing, there's no communication there with Emma and I, uh, knowing she's gonna be there and I show up and she's there. And again, everything that normal call me, you know, I call, call me the next day when I call no answer. All I want to do is talk to her, just give the explanation and then where we're gonna go. You know, why did you say you're gonna come back? And then, um, you didn't and then you, you wouldn't respond to my calls. No explanation,*

Speaker 3 *<affirmative>.*

Speaker 2 *So that's the reason why I wanted to get a response.*

Speaker 1 *So did her son move to the apartment at* [redacted] *Yes. And when she left your place to help him move, she essentially moved in there and just never came back?*

Speaker 2 *Yes.*

Speaker 1 *And then, am I, am I correct in when you would see her out socially mm-hmm. <affirmative>. It was as if nothing was wrong, <laugh>*

Speaker 2 *Yes.*

Speaker 1 *But when she would leave that social situation after telling you to call her, she would pretty much ghost you?*

Speaker 2 *Yeah. No. No response. No answer.*

Speaker 1 *Okay. So did you think placing this call would generate a response from her?*

Speaker 2 *Yes. That, that's, that was my thought process, get her response and maybe again, seek out some, seek out to me for my opinions or my advice.*

Speaker 1 *Okay.*

Speaker 2 *Yeah, that's that*

Speaker 3 *Wass.*

Speaker 5 *So you were hoping she would call you to ask why the police, about the police go into*

Speaker 2 *Her house and*

Speaker 1 *Stuff like, what do I do? How do I handle this? Right. So*

Speaker 5 *You're trying to prompt a response.*

Speaker 2 *Right. Right, right, right.*

Speaker 1 *Okay. So you believed placing that call would generate a police response?*

Speaker 2 *Yes.*

Speaker 1 *Um, were the events you described in the call actually happening?*

Speaker 2 *No.*

Speaker 1 *Um, were you present?*

Speaker 2 *No.*

Speaker 1 *And why didn't, why didn't you identify yourself to Compson?*

Speaker 3 *I*

Speaker 1 *Is it because you knew it wasn't a legitimate call?*

Speaker 2 *Well, yeah, that too, but it's just more of, I know that people can call in for un honestly or anything and, and don't, you know, give, give them information.*

Speaker 1 *Right. But you're an officer with the department.*

Speaker 2 *I understand.*

Speaker 1 *Um, did you call the non-emergency line because you believed your phone number couldn't be identified?*

Speaker 2 *My phone number? Yeah. Um, I blocked it.*

Speaker 1 *So is that why you didn't call 9 1 1? You called the six one 7,000?*

Speaker 2 *Um, I'm not sure what numbers I called, to be honest with you. I don't, I don't know if I called 9 1 1 or I blocked. I don't know that how that works, but I know I, I blocked my number when I called.*

Speaker 3 *Okay.*

Speaker 1 *So based on the details that you provided to Compson, what sort of response would you expect from patrol?*

Speaker 2 *Uh, the emergency response or re respond to a call for service.*

Speaker 1 *Okay. Um, was there a potential for the residence or responding officers to be injured, responding to the call?*

Speaker 2 *Uh, anything's a possibility, yes.*

Speaker 1 *And you were willing to risk that?*

Speaker 2 *Um, you know, at the time I was, I mean, I mean it go through my mind.*

Speaker 3 *Okay.*

Speaker 1 *What was significant about the white Tesla?*

Speaker 2 *'cause I know what she, that she drives.*

Speaker 1 *That's the car that she drives? Mm-hmm. <affirmative>. Okay. And how do you know it was parked out front?*

Speaker 2 *'cause that's where she parks it.*

Speaker 1 *So you're just kind of gambling that she's there?*

Speaker 2 *Yeah, the* [redacted] *there. She's there.*

Speaker 1 *Okay. Um, the call was placed at zero 40 or I'm sorry, 0 4 4 1 hours. Were you on your way to work?*

Speaker 3 *Um,*

Speaker 2 *That's August 10th.*

Speaker 1 *Let's see, August 10th was eight.*

Speaker 5 *Do you go to work that early in the morning?*

Speaker 2 *No.*

Speaker 1 *How was it? Thursday?*

Speaker 2 *Um,*

Speaker 1 *Are you off Thursday, Friday?*

Speaker 2 *No, I'm off Monday, Tuesday. Okay. Um, yeah. Um, August 10th. Yeah. Yeah, I'll be working. I was working that day. Okay.*

Speaker 5 *But this call wasn't made. Was this call made on your way to work?*

Speaker 2 *No, I, I work at, I'm at Fruit and Herndon and Northwest's Shaw Marks.*

Speaker 1 *Okay.*

Speaker 2 [redacted].

Speaker 1 *So you didn't detour to this location, make the call?*

Speaker 2 *No, it wasn't home.*

Speaker 1 *Okay. Um, and we have another call, actually two more calls on August 11th*

Speaker 4 *And call on Friday, August 11th, 2020 3, 10 0 8 30 9:00 PM*

Speaker 4 *Fresno Police Department. Hey. Yeah, I, I'm at a* [redacted] *and I'm hear a lot of screaming and yelling to their apartment. Okay. And just to make sure it is to the apartment,* [redacted] *You asking what day it was? Do you have any visual at all? No, not at all. I could hear a lot of screaming and yelling. Yeah. Just to confirm, is it male females that are screaming? It? It's a female. Okay. Can you make out what she's saying? Yeah, she said something. I stopped. Okay. Do you hear anybody else? No. It just stop, pop stop. Okay. Are you still hearing it now? Uh, it it, well I heard it like a minute ago. Okay. And have you heard it again? Uh, I'm listening. Yeah, I heard again. Okay, stop, stop. Okay. And then just to make sure, uh, do you know the person that lived there at all?*

Speaker 4 *No, I, they did? Yeah, they just moved in and I lived in an apartment complex and it, it, this is nonstop. Okay. And then do you, do you know if it's white, black, Hispanic, Asian? No, she's Asian. I know that there's a lot of traffic going on. And do you lives in there? Um, I don't know. I mean, I've seen a lot of people. Okay. And your name? I, uh, I want, uh, anonymous 'cause I don't want, okay. I'll have an officer. I'll have an officer do the area check. Yeah. Okay. Now you hear law screen now. Okay. Alright. Bye-Bye.*

Speaker 3 *So*

Speaker 4 *Why did you*

Speaker 3 *Make that call?*

Speaker 2 *Um, same answer again, I just want to prompt her to respond back so I can have some sort of communication to respond response from her.*

Speaker 3 *Okay.*

Speaker 1 *So these events again, were not actually occurring?*

Speaker 3 *No.*

Speaker 1 *Um,*

Speaker 3 *Then*

Speaker 1 *20 minutes later you placed another call*

Speaker 4 *On call on Friday, August 11th, 2023. 10 26, 4:00 PM Present? Yeah. I, I call, I, I I call on* [redacted] *It sounds really bad.* [redacted] *But now the male and female screaming, yelling, just throwing things around. Uh, do you see them outside? No. No. They, they inside I, I I, these people are just nonstop. It, same thing happened last night. I hear things going around like glass something, but I don't know, like, it, it, it, it, it, it, it, it, it, it bad. All righty. I do have that call and I'll go ahead and update that way my officers*

*are aware. Okay. Okay. If they needed to to talk because yeah. A male and there's a guy and a girl and yelling and screaming things and I can hear I or something all.*

Speaker 1 *Did you place the second call because you didn't get the response that you wanted from the first call*

Speaker 2 *From her? Yes. Or her and her son? I see it just, yeah, she never, she never replied or responded.*

Speaker 1 *And when you made the second call, were you aware the first call was still holding?*

Speaker 3 *No.*

Speaker 1 *Did she ever call you as a result of these two calls that you made or these three calls?*

Speaker 2 *She didn't call me, but I don't know. It was a during, again, throughout the social gathering or at Mutual? Um, be honest, I don't know if she mentioned it to me or not, or to anybody. I don't, I don't know that. Yeah. But as far as phone calls, no.*

Speaker 1 *Okay. Are you aware that it's a crime to make a false report of an emergency?*

Speaker 2 *Yes, I do.*

Speaker 3 *Okay.*

Speaker 1 *Um, do you have any questions about that part of it?*

Speaker 5 *Um, had you been drinking or anything when you were making these phone calls?*

Speaker 2 *Obviously there early morning though. Um, that was at 10 o'clock at night. What was the first*

Speaker 5 *4 41 in the morning?*

Speaker 1 *Yeah, the second one was, um, like 10 30 at night.*

Speaker 3 *Okay. Yeah.*

Speaker 2 *Yeah, that probably was*

Speaker 1 *Both times or the second one.*

Speaker 2 *This at 10 o'clock one? Yeah. No, not the early morning, but to work.*

Speaker 5 *Would you say that this would be, um, normal behavior for yourself?*

Speaker 2 *No.*

Speaker 5 *Would you say this would be maybe a lapse in judgment or you weren't thinking clearly at the time?*

Speaker 2 *Um, yes.*

Speaker 1 *So did you call both* [redacted] *and her son repeatedly after your relationship ended? I think you kind of touched on it a little bit.*

Speaker 2 *Yes.*

Speaker 1 *Um, for and for what purpose was it? Is it because she kept telling you to call her?*

POST Administrative Interview
Advisement and Transcription Cover Page

**POST CASE NUMBER:** POST2316280
**SUBJECT OFFICER NAME: Khammouane Kevin Thakham**

**Administrative Interview Advisement**

Following is the record of an Administrative Interview conducted by the Professional Conduct Central Bureau on 11/6/2025 with Officer Khammouane Kevin Thakham, who is the subject of this investigation. The interview was recorded and a true and correct copy of the recording is being maintained by the Professional Conduct Central Bureau. The recording reflects all relevant statements and conversations occurring during the course of the interview. The interview was also transcribed by AXON Auto-Transcribe. This transcript was prepared by Associate Govermental Program Analyst Elise Madison, Professional Conduct Central Bureau.

Parties Present:
Law Enforcement Consultant Robert Tripp, Professional Conduct Central Bureau, Primary Investigator
Law Enforcement Consultant Phil Caporale, Professional Conduct Central Bureau, Secondary Investigator
Officer Khammouane Kevin Thakham, Fresno Police Department, Subject
Sergeant Jeff La Blue, Fresno Police Department, Representative for subject officer
Sergeant Mark Anderson, Fresno Police Department, Representative for subject officer

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LEC Tripp: Alright, so good morning everyone. The date is, uh, November 6th. The time is approximately 10:43 AM. This is an administrative inquiry concerning Officer Kevin Thakham of the is, am I pronouncing that right? Thakham? Thakham of the Fresno Police Department. This interview is being conducted and recorded at the CHP Fresno

*Audible Date/Time Stamp: Call one. Call on Thursday, August 10th, 2023. 4:41 and 25 seconds AM.*

*Dispatch: Fresno Police Department*

*Caller: Yeah, hey I wanna report, um, I mean, there's screaming and yelling at this apartment. It's at* [redacted].

*Dispatch:* [redacted]*, is it, did you say* [redacted]

*Caller: Yeah,* [redacted]*. I don't wanna get involved. This female is screaming, help me, help me. And there's a lot of banging noise going on and I know there's a lot of getting a lot of traffic in and out. There should be a, a, a, a, a* [redacted] *parked in front of it. These people just moved in and there's a lot of traffic. And now I hear screaming and yelling. A female yelling. "Help me. Stop. Help me. Stop."*

*Dispatch: You said there is a* [redacted] *that is parked in front of the apartment?*

*Caller: Yeah,* [redacted]*. She is screaming again, "Help me." I want to walk out there to check but I don't want to, I don't want them to–*

*Dispatch: "Are they in the apartment or outside the apartment?"*

*Caller: Yeah they are inside. Now I hear banging and something being thrown around. I don't want to get involved in this. I, I—*

*Dispatch: That's okay.*

*Caller: It's non— I know, it's been not-stop since they move in. They moved in not too long ago.*

*Dispatch: And you're unsure of how many subjects are in the house?*

*Caller: Um, I know there are two for sure. A male and a female, but the female, I have, lately, uh, since they move in, a lot of traffic, I see different guys there all the time.*

*Dispatch: Okay. And then the female half. What does she look like? Is she Mexican Hispanic?*

*Caller: I know, I know they Asians, I don't know. I, I think they Laotian. I know the, um, um, I don't know, I'm not making assumptions. Nobody*

*drives a [redacted] [u/i]. Never seen it. Okay, okay, there is a lot of screaming going on in there, lot of screaming.*

*Dispatch: What is she saying?*

*Caller: Hah? She is saying "Help me, help me."*

*Dispatch: Okay. What is a good phone number for you?*

*Caller: I'm not going to give my phone number. I don't want to get involved. And uh, this is, yeah cause, like I said, very, very shady, shady characters are going to come back to me. I, uh, I, I, I, I want to remain anonymous. I can do that, right?*

*Dispatch: That's fine.*

*Caller: Okay, ma'am. Thank you.*

*Dispatch: Okay. Thank you.*

*Caller: Alright.*

LEC Tripp: First question. That was you placing that call? Correct?

Officer Thakham: Yes, sir.

LEC Tripp: Okay. Um, was any of the situation that you described was, um, what was accurate in that situation?

Officer Thakham: There's nothing accurate.

LEC Tripp: Okay. You, you fabricated the situation?

Officer Thakham: Yes.

LEC Tripp: Okay.

LEC Tripp: Um, why? Why did you place the call?

Officer Thakham: I placed a call because at the time that, uh, she left, um, there was no sort of communication. And I wanted to know, I was inquiring about some answers about why she's not coming back but she said she was. On top of that, my emotion was very high due to the fact that my mom, she suffers [redacted]. And, um, you know I was raised by my grandmother and mom is the last child of, of my grandmother when we came here from Laos or Thailand. And mom was very attached to, her name is [redacted] we call her [redacted] very attached to her. And, um, day to day get up

to feed her, take care of her and every day mom would ask her where she would go and, oh, I'll be back mom. And my emotion was very high. I notice, mom's at the door, and I'm going to work, mom's at the door and I'm at home, mom's at the door, asking for her. And I didn't get any, any answer or any, um, response from her. And I just, I did that selfishly, to, to— Again, I wasn't, I wasn't thinking and I want some type of response perhaps that, um, um, um, you know, I don't know, consult with me or something, question me about the calls or something to get her response. Mm-hmm. That's why I did it.

LEC Tripp: So, so what did you think would happen, after you placed that call?

Officer Thakham: That she would reach out and ask what, um, uh, for my advice and what can I do to help her, let her, you know, hopefully, you know, um, or come back, you know. That's all.

LEC Tripp: Okay. Um, I, I think that's good information for the commission to know. Um, would it be fair to say you weren't trying to inflict pain or punish. You were trying to get information.

Officer Thakham: No sir I had no intention malicely or intentionally to— none of that.

LEC Tripp: Okay. Um, so the, was— There are two people at the residence, um, [redacted]. Was the call really directed at her, not him; him, not her; or both; or neither?

Officer Thakham: It was more of, um, directed—the occupants. It was, it was a more of, because I want her response, it's more, yes, it's more directed at her as far as, a reply or something, to trigger that response to me, response to me. So that's, again, He, He wasn't anything more specific that, I just, I just want some answers.

LEC Tripp: Okay.

Officer Thakham: And, and that's, that's a major part of it. I want some answers or some type of communication from her.

LEC Caporale: Where were you when you made this call?

Officer Thakham: I was at home, sir.

LEC Tripp: Okay. Well, Phil just anticipated my next, my next question. Um, were you, were you somehow monitoring, um, the apartment? Did you, you know, how did you know what was going on?

Officer Thakham: I,

LEC Tripp: Or, or, or you didn't?

Officer Thakham: No, I didn't know, I didn’t know what was going on.

LEC Caporale: You were not in close physical proximity when you made that call.

Officer Thakham: No sir, I was at home sir.

LEC Caporale: How far apart is that? Approximately?

Officer Thakham: At least five miles at least, from my house to her apartment.

LEC Tripp: Did you, um, have a plan for figuring out what the impact of this call was? Did you have any way of monitoring what was unfolding?

Officer Thakham: No, sir.

LEC Tripp: So, um, you, you placed the call, you essentially fired the shot downrange and, um, that was, that.

Officer Thakham: Well, uh, the plan for me was hopefully I get a response back.

LEC Tripp: I got it. I got it. That, um, that makes sense. So you, um, you didn't check with dispatch, you didn't do any searches.

Officer Thakham: No sir.

LEC Tripp: Okay. Um, now this call was placed to the communication center. It wasn't just dialing 9 1 1. Is that your recollection?

Officer Thakham: Yes, sir. It went through the communication center, yes.

LEC Tripp: Okay. So in other words, you dialed a, um, a seven digit number or you did dial 9 1 1?

Officer Thakham: I don't recall. I believe it was non – emergency. But again I don’t….

LEC Tripp: Okay well the reason I'm asking, I realize that we are two years after the fact and um, so there is a little bit of a distance of time, is um why you, was there any particular reason why you chose the non-emergency number?

Officer Thakham: No, sir. I just…no, I, I don't, I have no reason for that.

LEC Tripp: Um, one fact that I'll offer, and if this is not accurate, please let me know, is that I believe your number was blocked? Is that your recollection?

Officer Thakham: I do remember dialing a six-seven number.

LEC Tripp: Okay. Yeah.

Officer Thakham: Before, to block it

LEC Tripp: And that blocks the caller ID?

Officer Thakham: Yes, sir.

LEC Tripp: Um, why, why did you do that?

Officer Thakham: Again, it, it's to, um, hide my number and my identity.

LEC Tripp: Okay. Um, and that's because you knew what you were doing was improper?

Officer Thakham: Yes.

LEC Tripp: Okay. Were you aware of the legality of it?

Officer Thakham: Not at the time, sir, but I, I do now and after the fact, yes, sir.

LEC Tripp: Okay.

LEC Tripp: Um, but at the time you were just concerned that it was just not a proper thing to do?

Thakahm: Again, at the time when I, that took place, I, I was not thinking rationally. I was not, like, I wasn't thinking at all, until after the fact, the consequences, what I'm facing with our, with our department and that.

LEC Tripp: Okay. Um, now when you describe, when you walk me through your career, you clearly have a lot of, um, street law enforcement experience. Um, what do you know about how, um, Fresno prioritizes calls for service?

Officer Thakham: Uh, in-progress calls, emergency calls, and um especially uh disturbances and uh and it goes through a zero priority again as emergency, um number one priority and uh then it goes to two, which is a suspect, potential suspect, or you know, verbal argument, and it goes to three, telephonic cold calls, um, burglaries and civil issues and stuff like that. As far as nothing in progress, nothing immediate, nobody in danger, it goes down to four and they call that telephonic.

LEC Tripp: Okay. Zero being urgent. Um, one…less urgent?

Officer Thakham: Yes, sir. One, one and above, and it’s a high-priority risk.

LEC Tripp: Okay.

LEC Tripp: Um, what prioritization do you think that call would've generated?

Officer Thakham: It would be a Zero.

LEC Tripp: It would be a zero. Okay. It would be a zero. Okay.

LEC Tripp: Uh, so I'm going to sort of repeat myself a little bit. Um, you said you made no attempt to see what the impact was. Your goal was to get her to call you, and that was your, kind of, your measure of success. Did, um, the next day after that, um, was that still your measure of success or did you do any, um, investigation of your own to see, um, how that call unfolded?

Officer Thakham: I did not.

LEC Tripp: Uh, okay.

LEC Tripp: Um, did you make any attempt, not through an anonymous call to the police department, but directly after you placed this call within 24 hours, let's say, um, to contact [redacted] directly?

Officer Thakham: There were several text messages, messages from the day she left and, and I don't know exact date, sir, as far as, but I, I know I attempted to, uh, text her.

LEC Tripp: Okay. Um, if I can clarify, I'm talking, after you placed this call, you placed the call to the police department anonymously. Did you then reach out to her or her son? And if you don't remember, that's fine.

Officer Thakham: I don't recall that sir.

LEC Tripp: Okay. Um, any other questions on that?

LEC Caporale: I had a couple follow up questions if I may. Um, you had mentioned that you were living together for about a year, and then about a month prior to this first call she had, she and her son had moved out. Is that correct?

Officer Thakham: Yes, sir.

LEC Caporale: During, from that approximate one month timeframe, at any time did she reach out to contact you or was it you reaching out via text, phone call, or some other medium to contact her?

Officer Thakham: I, I, I, I did reach out and, again, sir, I don't recall was there, there was any exchange of text messages. I don't recall on that, between her and I, um, during that, during that time, um, yeah I don't recall that, sir.

LEC Caporale: Okay.

LEC Tripp: So, um, that was on the 10th at, um, a little after 10:00 PM. Um, another call— Oh, correction: that was actually early in the morning. That was at 4:00 AM. Um, you placed another anonymous call to the police department. These calls are shorter um, but I would like to play them so we'll play the first call, which was on the evening of the 11th. If I can start it. [Plays recorded call, set off below in italics.]

> *Audible Date/Time Stamp: Call one. Call on Friday, August 11th, 2023, 10:08 and 39 seconds PM.*
>
> *Dispatch: Fresno Police Department.*
>
> *Caller: Hey, yeah, I, I'm at [redacted] and I hear a lot of screaming and yelling to that apartment.*
>
> *Dispatch: Okay, and just to be sure, it is to the apartment [redacted] as in [redacted] right?*
>
> *Caller: [redacted] as in what? [redacted] as in [redacted]*
>
> *Dispatch: Yes, okay. And then do you have any visual at all?*
>
> *Caller: No.*
>
> *Dispatch: Okay.*
>
> *Caller: Not at all. I just hear a lot of screaming and yelling.*
>
> *Dispatch: Now, just to confirm, is it male, female that are screaming?*
>
> *Caller: It's a female.*
>
> *Dispatch: Okay. Can you make out what she's saying?*
>
> *Caller: Uh, she said something like, stop.*
>
> *Dispatch – Okay. Did you hear anybody else? No, she's yelling stop, stop, stop.*
>
> *Dispatch: Okay. Are you still hearing it now?*
>
> *Caller: Uh, well, I heard it like a minute ago.*
>
> *Dispatch: Okay. And have you heard it again?*

*Caller: Uh, I'm listening. Yeah, I heard again. Stop, stop.*

*Dispatch: Okay. And then just to make sure, um, do you know the person that lives there at all?*

*Caller: No, I, they, they, yeah, they just moved in and I live in the apartment complex and it is nonstop.*

*Dispatch: Okay. And then do you know White, Black, Hispanic, Asian?*

*Caller: No, she's Asian. I know that there's a lot of traffic going on and um—*

*Dispatch: Do you know who else lives with her there?*

*Caller: Um I don't know I mean, I've seen a lot of people.*

*Dispatch: Okay. And your name?*

*Caller: A lot of…I, uh, I wanna, uh, anonymous because I don't wanna…*

*Dispatch: Okay. I'll have an officer, I'll have an officer do the area check.*

*Caller: Okay, now I hear a lot of screaming now.*

*Dispatch: Okay, alright bye-bye.*

LEC Tripp: Okay, so this is the following day, of the call we heard before. Why did you place this call?

Officer Thakham: Again um I didn't receive any response. And I was hoping to have some sort of communication with her.

LEC Tripp: Okay. And, and again, um, I, I know it's difficult to talk about, but, um, I just, we'll, we'll get through this. Um, so you didn't hear back from her. What did you expect was going to happen with that second call? That there would be a response?

Officer Thakham: That she would yeah, she would reach out to me and, uh, gain some, excuse me, gain sort of communication as to— I wanna know why, and that's, that's what I was thinking of. Why. Why.

LEC Tripp: Okay. So, um, not to make you repeat yourself, but you, it was the same reason why you made the call on the previous day. Um, prioritization. Do you think that call would receive that same zero prioritization?

Officer Thakham: Yes, sir.

LEC Tripp: Okay. And what would that lead to?

Officer Thakham: An emergency response to the uh, on-duty officers.

LEC Tripp: Okay, um, now last, the last call—

LEC Caporale: Before we go on that, Bob. Um, similar line of questioning, sir. Uh, if you recall, where were you when that second call was made? Were you at home?

Officer Thakham: Yes, sir.

LEC Caporale: At that one as well?

Officer Thakham: Yes, sir.

LEC Caporale: Okay.

LEC Tripp: And, and I guess to, um, to complete the line of questioning, there was no emergency, correct?

Officer Thakham: That's correct.

LEC Tripp: Okay.

LEC Caporale: And that was you on the phone call?

Officer Thakham: Yes, sir. Okay.

LEC Caporale: At, at any time during this, uh, two-day timeframe, did she ever affirmatively contact you?

Officer Thakham: No Sir.

LEC Caporale: No phone call, no text?

Officer Thakham: No sir.

LEC Caporale: No drop by?

Officer Thakham: No sir

LEC Caporale: Okay. Thank you for that.

repeating to myself in my head, not only to make myself better, but I need to move on. I need to move on. And essentially that's what happened, and I went on from there.

LEC Tripp: Um, if I could re rephrase, um, sort of paraphrase what you said. So you, you, after that third call, you came to terms with the situation?

Officer Thakham: Yes, sir.

LEC Tripp: Okay.

LEC Caporale: At any point after these three calls, did she affirmatively reach out to you either via text, phone call, visit, or some other way to communicate?

Officer Thakham: Again, I don't recall that, sir. However, um, we do have mutual friends and families. Within our community that we have gatherings. Um, we would see each other, um, after the incident. And, um, I don't— it was more of, um, friends at that time, I would say.

LEC Caporale: Well, let me ask it a different way. Did she ever talk to you about these calls and ask, uh, your input or anything to achieve your objective of reconnecting in some way?

Officer Thakham: No, sir.

LEC Tripp: Um, what impact did those calls have on her?

Officer Thakham: I don't know. We, she never discussed any uh, any of this incident with me.

LEC Tripp: Um, did you discuss it with her son, [redacted]?

Officer Thakham: Um, no, no, sir. It was through, it was through my cousin, um, that, um, she had reached out to my cousin for a translation and then, uh, and, uh, which was cut short because my cousin did not want to be involved.

LEC Tripp: Okay. So you don't know what impact it had on her.

Officer Thakham: No sir.

LEC Tripp: Do you know if it had an impact, the calls, had an impact on anybody else, the public or your department?

Officer Thakham: Yes, I do and that's um, resources, um, um, and um we essentially put my peers, my coworkers, citizens, in danger. Um, and, it had, yes sir, it had a lot of impact on a lot of people.

LEC Tripp: Members of the public?

Officer Thakham: Yes sir, they pay, they pay our salary, yes sir. And within the public, including the, uh, people who lived here in the apartment complex.

LEC Tripp: And, uh, you said you never discussed the calls with [redacted] or [redacted]. Did they, do you think they know you made those calls or no?

Officer Thakham: Um, I don't know, because we never, we didn't discuss it.

LEC Tripp: Hm. And you said— Please, please.

Officer Thakham: Uh, um, and they, they do, or they did because the internal affairs in our department reach out to them, and, and, I was the perpetrator.

LEC Tripp: Okay, so they, they are aware. Did you say you, you resumed your [redacted]

Officer Thakham: Yes, sir.

LEC Tripp: Okay.

LEC Caporale: Are you currently in a [redacted]?

Officer Thakham: Yes, sir

LEC Caporale: And how long has that been sir?

Officer Thakham: About, again— please don't quote me on this date and time but maybe a month or two, maybe three months, shortly after the incident.

LEC Caporale: Are you cohabitating currently?

Officer Thakham: Um, yes. Yes sir.

LEC Caporale: And that began about, I don't want to put words in your mouth, I'm trying to establish the timeline of, so these events occurred clearly, there was a break. At what point did you reconnect and get back together?

Officer Thakham: Again I want to say maybe two, three months after.

LEC Caporale: These events?

Officer Thakham: Yes sir.

LEC Caporale: And you began cohabitating again?

Officer Thakham: Yes.

Rep. Anderson: Um, and she was supposed to be visiting and his brother just kind of left mom with Kevin. Um, and Kevin was under a lot of stress, um, when all this was taking place. So, um, I just want to say that Kevin is a very honorable person. Um, he's a good friend of mine. Um, definitely, uh, he was one of my mentors, um, because he was, um, known throughout the agency as far as, uh, handling, uh, calls for service and everything in a responsible way. So I just don't want you guys to think that, uh, the call that you guys heard that represents Kevin because that was just a short period, um, you know, in his life.

LEC Tripp: Very good. Thank you all. Alright. We will go off record. It is 11:48 AM.

[End Recording]

**I have used all reasonable diligence in reviewing this transcription and to the best of my knowledge the information contained herein is true and complete.**



**Investigator** **Date** **12/24/2025**

Presenter: FRESNO POLICE DEPARTMENT (1520)
DOMESTIC VIOLENCE UPDATE
CCN: 32343 | POST Certification: II | Reimbursement Plan: IV | 2 Hours
For Cycle 2021/2022 | Revised 03/15//2022

## COURSE GOAL

This course will provide in-service patrol officers with training that meets the requirements of PC 13519(g). Students will receive instruction on legal updates including strangulation, stalking, protection orders, and gun violence restraining orders. They will learn about the cycle of violence and the impact on the family, as well as the importance and availability of community resources to foster and cultivate trust with victims.

## EXPANDED COURSE OUTLINE

I. CYCLE OF VIOLENCE AND IMPACT ON THE FAMILY

A. Behaviors Batterers Use to Instill Fear and Control Over Their Partner
    1. What do peace officers encounter on calls for service?
    2. Purpose these behaviors serve – the end goal
    3. Discuss the group activity
B. Victim Characteristics and Behaviors
    1. fMRI emotional regulation
    2. National Domestic Violence Hotline Study
    3. PTSD vs Battered Women's Syndrome
C. Impacts on a Child at Time of Law Enforcement Intervention
    1. Still Face baby video (the good, the bad, the ugly)
    2. Review study of childhood neglect and brain development
    3. Review attachment theories and love mapping
D. Illustrate How Communities of Color are Impacted by Incarceration and Violence
    1. Fresno PD grant statistics on victims
    2. Root causes of domestic violence in Black communities

II. LEGAL UPDATES

A. Recent Changes to Penal Code and Legal Mandates
    1. Lethality assessment program (2018 SB 1331)
    2. Strangulation advisement (2017 SB 40)
    3. Statute of limitation change to PC 273.5(a) (2019 SB 273 Rubio)

B. Strangulation
    1. Differentiate Between PC 273.5(d) and PC 245(a)(4)
    2. Recognize the elements
    3. Understanding GBI as part of the criminal statute
    4. Understanding exposure ((2,3,4) vs (2,3,4) + (3,4,5 with a strike and 50k)

C. Stalking
    1. Demonstrate the probable cause threshold for stalking (PC 646.9)
    2. Recognize the elements
    3. Laying out a conduct of behavior pattern
    4. Understanding exposure and prior felony conviction

D. Protection Orders
    1. Discuss and differentiate between PC 273.6(a) and PC 166(c)(1)
    2. PC 166(c)(4) vs PC 273.6(d) felony
    3. Recognize the elements
    4. Out of town or out of state protection orders
    5. Cite and release per PC 1270.1

E. PC 591.5 vs PC 136.1(b)(1)
    1. Recognize the elements
    2. Forfeiture by wrongdoing – express waiver of 5th Amendment right cross examination

F. Review Legal Mandates
    1. Identify legal sections where mandates are located (PC, FC, GC, SB)
    2. When you “shall” vs. “may” make an arrest
    3. Dominant aggressor and Dual Arrests
    4. Discuss immunity vs qualified immunity
    5. Civil suit potential

III. COMMUNITY RESOURCES

A. Victim Trust
    1. Continue to foster and cultivate trust with victims, especially underserved populations
    2. Know what resources are available to achieve the goal of protecting the victim
    3. Trauma informed interviewing techniques to promote victim physical and emotional safety

B. Local Resources and What They Offer
    1. Marjaree Mason Center and services
    2. Crime Victim Assistance and qualifying services
    3. Centro La Familia and services
    4. Breaking the Chains and services
    5. Fresno Economic Opportunities Commission and services
    6. U-Visa program

IV. GUN VIOLENCE RESTRAINING ORDERS

A. Proactively Address Future Firearm Violence
B. PC 18125
    1. Review and discuss elements
    2. EPO 002
    3. Legal authority (PC 18145)
    4. Legal procedure (PC 18140)
C. Field Application
    1. Check the box for immediate surrender
    2. Anticipatory warrant or Georgia vs Randolph
    3. Applicable citations
D. Explaining Conditions Met to Judge/Commissioner
    1. Immediate and present danger to self or others (PC 18155, PC 18150(b)(1), PC 18150(b)(2)
    2. 21-day order unless extension authorized
    3. Firearm use is NOT required

V. LEARNING ACTIVITES

A. Learning Activity 1
    1. Students will collaborate in small groups to identify and develop their own power and control wheel
        a. Behaviors of abusers
        b. Behaviors of victims
        c. Mechanisms of control or coercion and criminal conduct that does not require intimate partner relationships defined in penal code as an element to complete the criminal violation.

B. Learning Activity 2
    1. Students will participate in facilitated discussion after reviewing a victim statement at a 2018 Congressional Session
        a. Whether or not the behavior described rises to the level of a crime
        b. Documentation, Report Writing and evidence collection teach back
        c. Identify those who were impacted by the violence
        d. Public perception of abuse

C. Learning Activity 3
    1. Students will collaborate in small groups to identify legal mandates all peace officers shall abide by. Groups will complete the following tasks:
        a. Identify legal mandates that “shall” be done per Penal Code
        b. Identify legal mandates that “shall” be done per Family Code
    c. Identify legal mandates outlined in the Government Code
    d. Determine what actions are found in the POST Guidelines for Domestic Violence as factors that shall NOT be considered
    e. Determine actions that are beneficial but not required

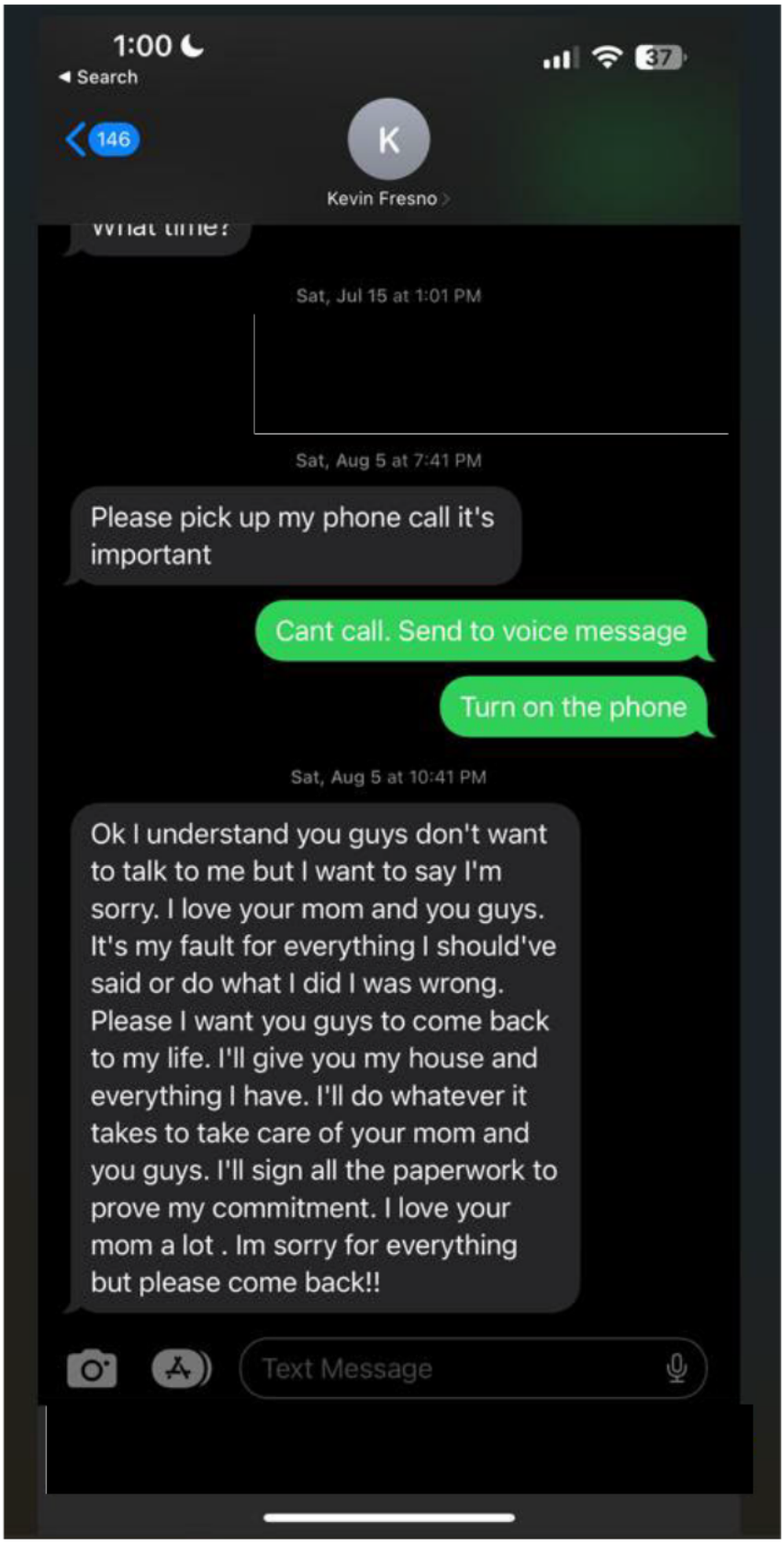



*Figure 1: IMG_6477.png*

Internet site:

https://www.makefresnosafer.org/blog/when-to-call-911-non-emergency-police-line-or-use-the-fresgo-app/#:~:text=The%20Fresno%20Police%20Department%20receives%20over%%2020950%2C000,scene%2C%20this%20may%20be%20a%20two%20priority.

Accessed: December 29, 2025

BLOG

# When to call 911, Non-Emergency Police Line or Use The FresGo App

Posted by fresnoneighbor On December 7, 2023 0

What Happens When I Call Police Dispatch?

When you call the Fresno Police Non-Emergency line at 559-621-7000 or 9-1-1 during an emergency, you speak with one of a handful of dispatchers for the Fresno Police Department tasked with the enormous and underrated job of answering almost one million calls for service per year in the City of Fresno. Our emergency services dispatchers, who were added to the ranks of First Responders on September 11, 2020, under Assembly Bill 1945, were officially recognized by the State of California with this distinction. These dispatchers are broken up into groups with specific duties of receiving and relaying information to the appropriate parties.

When you make a non-emergency call for an issue, your issue is given a call priority based on the situation and several variables. **Zero priority** is reserved for emergencies with immediate need such as a threat to life or a crime in progress.

The next stage is a **one-priority,** meaning it is not an immediate emergency, however it is a high-priority call. These calls are responded to after all zero-priority calls have been handled. Your situation might be the worst thing that has happened to you and will be handled as soon as possible. However, it may not fit the one or zero-priority criteria at the time of your call.

For instance, if someone broke your car window and took something but has already left the scene and there is no immediate danger, this may be a **two priority**.

Do not be deterred from calling because you feel that it will take too long or not be handled. You can guarantee that the problem will surely not be handled if you never call. The Fresno Police Department relies on citizens to report crime in their neighborhoods, and we all must work together to make Fresno safer!

## Why Does it Take So Long for Dispatch to Answer?

The current dispatch team is short approximately fifteen positions and despite their valiant efforts, the team works from a relatively small room in the basement of Police headquarters. The good news is the city is hiring more dispatchers and they were recently approved to receive higher pay. In addition, a new state-of-the-art dispatch center is in the works.

## What if I Call From My Cell Phone?

A few years ago, calling from your cell phone would have connected you with CHP (California Highway Patrol) but now the technology has adapted to work differently based on your location. If you do happen to get connected to CHP, they are able to quickly transfer you to a Fresno PD dispatcher if needed.

Resources
Crime Prevention
Find a Group
Start a Group
Join The Mailing List

RECENT POSTS

Building Safety Through Connection
Captain's Corner: How to Prevent Mail Theft and Keep Your Mail Safe
Roz Clark Legacy Award: Raj Sodhi Layne
Roz Clark Legacy Award: Janice Clem
Captain's Corner: Prevention Strategies for Vehicles

"Fresno PD communications center personnel strive to serve the citizens of Fresno daily with a professional and caring demeanor, as they process on average over 950,000 incoming emergency and non-emergency calls per year. Our Emergency Services Dispatchers work tirelessly to ensure the safety of the citizens and officers they serve in the City of Fresno, as the unseen First Responders at the Fresno Police Department." – Lt. Larry Bowlan

Newer
December 13th Holiday Event

Older
Save the Date: Embrace the Legacy 2024 Dinner & Fundraiser



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**AGENDA ITEM REPORT**

**Title: POST2402838 - ELLIOTT LOPEZ (POST ID: C15-H32) LAST EMPLOYING AGENCY: CALIFORNIA HIGHWAY PATROL**

**REPORT PROFILE**

| | | |
|---|---|---|
| **MEETING DATE**<br>02/05/2026 | **BUREAU SUBMITTING THE REPORT**<br>Professional Conduct Northern Bureau | |
| **RESEARCHED BY**<br>Raymond Bechler | | **REVIEWED BY**<br>Robert Guyton |
| **REPORT DATE** | **APPROVED BY** | **DATE APPROVED** |
| **PURPOSE** | | **FINANCIAL IMPACT**<br>No |

**ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION**

**ISSUE:**

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

**BACKGROUND:**

Respondent began his employment with the California Highway Patrol (CHP) on June 18, 2004, as a full-time Officer. At the time of the events at issue, Respondent was employed as an Officer with CHP. The Respondent is not currently employed as a peace officer in the state of California.

At the time of this incident, the Respondent held a peace officer position as defined under California Penal Code 830.2(a) and is required to be certified pursuant to California Penal Code 13510.1(a).

On March 24, 2024, Respondent was visiting Las Vegas, Nevada for a non-work related event with Victim. Victim and Respondent had been in a relationship for over 10 years. After a night of drinking, Respondent and Victim returned to their hotel room. At approximately 4:15 a.m. Respondent physically assaulted Victim by punching her numerous times in the face, head, arms and torso. Officers from the Las Vegas Metro Police Department arrested Respondent.

As a result of Respondent’s attack, Victim sustained two swollen and blackened eyes, swollen forehead, bruises to her legs, arms, and shoulders, and complained of pain to her jaw and head. She was taken to a local hospital for her injuries

and later released.

The Clark County District Attorney's Office prosecuted Respondent for Nevada Revised Statutes 33.018 and 200.485 and (domestic violence). Respondent pled nolo contendere to the charge of misdemeanor domestic violence on July 9, 2024, and was ordered to complete agreed upon terms of diversion. On December 17, 2024, Respondent met the requirements of diversion, and the charge was subsequently dismissed.

Respondent resigned from the CHP on April 15, 2024, prior to being interviewed by Internal Affairs.

**ANALYSIS:**

Clear and convincing evidence substantiated that Respondent violated California Penal Code §13510.8(b)(6) and Commission Regulation 1205(a)(6) regarding acts that violate the law; in that Respondent engaged in domestic violence when Respondent physically assaulted the Victim, whom he was in a relationship with, while on a trip in Las Vegas that caused severe injuries to her face, head, arms, and torso. Respondent's actions are sufficiently egregious as to be inconsistent with the Respondent's obligation to uphold the law or respect the rights of members of the public.

**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_POST2402838_Lopez_Elliott_ISF_Redacted.pdf
BR02_POST2302838_Lopez_Elliott_ExecReviewDivisionRec_Redacted.pdf
BR03_POST2302838_Lopez_Elliott_ProfileReport_Redacted.pdf
BR04_POST2402838_Lopez_Elliott_CHP_IA_Summary_Redacted.pdf
BR05_POST2302838_Lopez_Elliott_Attachment_A-Hotel_Sec_Rpt_Redacted.pdf
BR06_POST2302838_Lopez_Elliott_Attachment_B-Crime_Report_Redacted.pdf
BR07_POST2302838_Lopez_Elliott_Attachment C photos_Redacted.pdf
BR08_POST2302838_Lopez_Elliott_Attachment_D-Arrest_Report__1__Redacted.pdf
BR09_POST2402838_Lopez_Elliott_Attachment_E_ Abbrev Vic IA Trans_Redacted.pdf
BR10_POST2302838_Lopez_Elliott_Attachment F_Redacted.pdf

BR11_POST2402838_Lopez_Elliott_Attach G_ Abbrev_Witness_1_IA Abbrev Trans_Redacted.pdf
BR12_POST2302838_Lopez_Elliott_Attachment_H-Court_Doc_s_Redacted.pdf
BR13_POST2302838_Lopez_Elliott_Attachment I_LEC-Res Interview Transcribed_Redacted.pdf
BR14_POST2402838_Lopez_Elliot_NRS.pdf




# INVESTIGATIVE SUMMARY AND FINDINGS

**PEACE OFFICER NAME: Elliott Lopez**

**POST ID NUMBER: C15-H32**

**EMPLOYING AGENCY: California Highway Patrol**

**POST CASE NUMBER: POST2402838**

**WRITTEN BY: Raymond Bechler, LEC**

**DATE: 1/13/2026**

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## I. Executive Summary

On March 24, 2024, Officer Elliott Lopez of the California Highway Patrol (CHP) travelled to Las Vegas, Nevada for a non-work-related event with his wife and several friends. After a night of drinking and socializing, Lopez and his [redacted] (hereafter referred to as "Victim") retired to their hotel room. At approximately 4:15am, Lopez physically assaulted Victim by punching her numerous times in the face, head, arms, and torso.

Officers from the Las Vegas Metropolitan Police Department (LVMPD) were called to the scene and ultimately arrested Lopez for misdemeanor domestic violence. Lopez was transported and booked into the Clark County Detention Facility.

As a result of Lopez's attack, Victim sustained two swollen and blackened eyes, swollen forehead, bruises to her legs, arms, and shoulders, and complained of pain to her jaw and head. She was taken to a local hospital for her injuries and later released.

The Clark County District Attorney's Office prosecuted Lopez for Nevada Revised Statute 33.018 (domestic violence). Lopez pled nolo contendere to the charge on July 9, 2024, and was ordered to complete agreed upon terms of diversion. On December 17, 2024, Lopez met the requirements of diversion, and the charge was subsequently dismissed.

Lopez resigned from the CHP on April 15, 2024, prior to being interviewed by Internal Affairs.

## II. Background Information

### a. Identity of Respondent

At the time of the events at issue, Elliott Lopez (hereafter referred to as the "Respondent") was employed as a Police Officer with the California Highway Patrol.

### b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

The Respondent began his employment with the California Highway Patrol on June 18, 2004, as a full-time Police Officer.

The Respondent had three past annual performance evaluations for 2024, 2023, and 2022. Respondent was rated either proficient or excellent in all categories.

The Respondent was an active member of the Peer Support Team. There were no prior complaints of misconduct submitted with this case.

According to his POST profile, the Respondent was provided training on Domestic Violence on the following dates: 12/20/2018, 12/30/2019, and 12/21/2023.

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.

## c. Prior Employment History

The Respondent has no additional law enforcement appointments in California.

## d. Peace Officer Certification

The Respondent is assigned POST ID C15-H32. He received the following Peace Officer certificates from the Commission on Peace Officer Standards and Training (POST):

- Basic 03/18/2009

### e. The Present Allegations of Serious Misconduct

On March 24, 2024, the CHP became aware of the Respondent's misconduct following his arrest in Las Vegas, Nevada for domestic violence committed against [redacted].

The CHP completed their Administrative Investigation and sustained allegations of misconduct against the Respondent. The Respondent resigned from his employment prior to being interviewed by Internal Affairs and discipline being imposed.

On October 15, 2024, CHP reported this case to POST.

## III. 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 POST. The investigation included a review of the California Highway Patrol's administrative investigation which included criminal police reports, photographs, and interviews of several witnesses including the Respondent.

All of the documentation and information obtained 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 I believe establishes the requisite facts, and proves the serious misconduct charged by clear and convincing evidence.

## IV. Factual Summary

In March 2024, the Respondent and Victim traveled to Las Vegas, Nevada for an annual trip with friends. The Respondent, Victim, and friends checked into the Westgate Hotel on Thursday March 21, 2024, and planned to stay for several days to attend a popular cigar conference. The next three days were spent with friends and seemed to go as planned as they enjoyed the conference and Las Vegas festivities at night.

However, on Saturday March 23, 2024, the Victim, Respondent, and their friends visited Fremont Street to dance and enjoy music. As the night came to a close, the Respondent and Victim returned to their hotel for the evening. At approximately 4:15 in the morning, the Respondent physically attacked the Victim by punching her in the face, head, arms, and upper torso multiple times causing significant injuries.

Hotel Security received numerous calls from nearby guests regarding screaming and yelling emanating from the Respondent's room. They were directed to the Respondent's room (22-132) where the yelling was coming from and contacted the Respondent. According to Security, they made entry into the room and saw the Respondent holding a trash can and had vomited. He also had blood on his finger. Security asked the Respondent where [redacted] was and eventually called her on a cell phone. The Victim answered the phone and alerted them she was on the 25th floor. Security contacted her and called 9-1-1 for police and medical assistance. They detained the Respondent in handcuffs and escorted him down to the security office awaiting police response. **(Attachment A -Security Officer Report)**

LVMPD Officers Mayer and Nguyen arrived at the hotel. Mayer contacted the Respondent who was being detained in the Security Office while Nguyen checked on the Victim who was in an office on the 25th floor.

According to the LVMPD crime report (verified by Body Worn Camera footage), the Victim told Officer Nguyen that she and the Respondent had been drinking at the Fremont Street Experience. The Respondent drank too much, fell to the ground, and blacked out. Friends had to call an Uber to get the Respondent back to the hotel. They were staying in room (22-132). Their friends had to help walk the Respondent to their room and then place him on the bed.

When the Victim tried to go to sleep, it was difficult for her to get into bed as the Respondent was taking up most of the bedspace. The Victim made numerous attempts to wake the Respondent in order to have him move over so she could sleep. The Victim stated the Respondent suddenly woke up, looked around the room, and began "wailing" on her. The Victim described wailing as throwing punches to her face. She fell off the bed onto the floor, curled up in a fetal position, and screamed for the Respondent to stop, as he continued to repeatedly punch her. The Respondent stopped his attack momentarily which allowed the Victim to grab a cell phone off the table and run out of the room. **(Attachment B – Crime Report #LLV240300089696)**

Officer Nguyen took numerous photographs of the Victims injuries which are attached to this report. **(Attachment C – Victim Injuries at Scene)**

LVMPD Officer Mayer contacted the Respondent who said he had been out drinking with [redacted] on Fremont Street. They had an argument and then took an Uber back to their hotel where he passed out. The next thing the Respondent recalled was security waking him up. The Respondent said he didn't remember the incident. The Respondent said he and [redacted] had been having [redacted] troubles but were working on their [redacted].

Officer Mayer arrested and booked the Respondent at the Clark County Detention Facility on a misdemeanor domestic violence charge. **(Attachment D – Arrest / Booking Report)**

The Victim was transported by ambulance to the local hospital where she was treated for her injuries and released.

On March 28, 2024, the Victim filed for and was granted a Domestic Violence Restraining Order in Tuolumne County (residence of Victim and Respondent) against the Respondent.

On March 28, 2024, the California Highway Patrol (CHP) Internal Affairs Investigators contacted the Victim regarding this incident. In the interview with IA, the Victim said, "Yeah….so there's been back-to-back incidents (referring to the Respondent) for two years, since March, and that was the shooting. He got injured. His mom died, his brother just recently passed away, and through all of that he's just completely shut down to me. And especially over the last two months, and now I know why, because he has been having an affair. So, he didn't want to go this weekend, but he felt guilty about going because our friends had spent so much money on the hotel rooms... So, he still went, obviously. And the whole time, he was -- he was okay. He wasn't that bad. Just being quiet. He was still very quiet. But Saturday night he was okay, he wasn't drinking until midnight. So, we went out and had pizza, and so he was eating dinner. He had a couple of Cokes with dinner. And then we went over to Fremont Street and our friends left, and he just started drinking then, but it was only four drinks between midnight and 2:00. And I was listening to music, and dancing with friends and everything else. And then as it was about 2:15, I looked over because I heard some thing, and it was him hysterically crying. And even when his partner passed away when he was barely off probation he never cried like that. I have never seen him cry like that, in that guttural like just hysterically sobbing. So, he had to be taken out of Fremont

Street, carried out, which is completely unusual as well. He never -- if he -- he is always very careful in public when he drinks, and never ever gets to that point where he's even like stumbling or you can even kind of tell that he's a little bit intoxicated by like his walk if he's out in public. He only, like he'll have drinks like that, like what he was, but at houses, like where he knows that he's in a safe environment and nothing's going to happen. So, it was very, very, very strange. And so, I called the Uber. I came back around the corner because it's a drop-off and pick-up spot. And when I came back around the corner, that's when I noticed that he was on the ground, he had puked… they were able, with the help of strangers, to pick him up because he was just completely out of it. And they had to pick him up, and they were able to, and then take him to the Uber. We got him up to the hotel room, and they flopped him on the bed, and that's when he was diagonal across the bed. So, I went and got my pajamas on. And I had a feeling something was going on because he was using WhatsApp, …. And so, I looked through his phone and that's when I found all the messages. And that's when I confirmed that he was having an affair. So, I went down with pajamas on, and he was laying across the bed, so there was no room for me. So, I'm like, hey, wake up, hey, wake up, and like trying to get him awake, and I couldn't. And I finally was like shaking him, and he was kind of like in the whole like, ugh, like grogginess, And he finally woke up, and he was in and out of it a little bit more, but not to the point that I could be like, hey move over, and for him to understand what I mean by like move over in the bed. And he's a big guy. And I finally said, you know what, who's XX? And he woke up and he looked at me and he just started swinging. And the first swing was him laying down, sitting up, and then coming across. And I backed up into the corner, lost my balance, fell, and then he just jumped over me like an MMA fighter going for the knockout. And he's just on me just back and forth, back and forth. So, I was calling him to, you know, get away as best as I could. And I was on my back, and so I kind of like Rabbit punched him in his shoulder because I know his shoulders are bad, and tried to do anything to just get him away. And so, I kicked him, and when I kicked him, he fell backwards, and that was when I was able to run out of the room. And I grabbed a

phone, I thought it was my phone, but it was his phone. And I grabbed the phone and just tried to go up to Witness 2's and Witness 3's room (on the 25th Floor) to get their attention and something. So, they weren't answering the door, so I called everybody that I could. And I called [redacted] and he came up, and as soon as his elevator door opened and he comes over and he looks at my face, the other elevator opened up and it was security and they're like, are you [redacted]? I'm like, yeah. They're like, we've been looking for you. And then they whisked me away and had Metro come, did the interviews with him, had the EMTs come." **Victim transcript, Pages 3-9]**

The IA Investigators asked the Victim about how many alcoholic drinks the Respondent consumed. She replied that he was drinking pineapple and Malibu rum 12-ounce glasses and saw him drink (4) of them. The Victim said the Respondent didn't have his first drink until a little after midnight. She said it was not out of the ordinary for the Respondent to consume (4) alcoholic drinks. The Victim added at around 2:00am she saw the Respondent crying hysterically and wouldn't tell anyone why. She said after 10 or 15 minutes of crying, his friends helped carry him to wait for the Uber. At approximately 2:45am, the Uber arrived to take them back to their hotel. The Respondent was completely passed out during the ride and was helped by his friends to the hotel room. **[Victim transcript, Pages 36-40]**

Investigators asked the Victim to describe what happened in their hotel room and the Victim said, around 3:15 or 3:30 the Respondent was finally in bed and she was able to spend a little time looking through his phone. In doing so, the Victim saw messages to and from another woman which were graphic, nude, and sexually explicit. Crying and disappointed, the Victim tried to go to sleep and climbs into bed. In doing so, the Respondent was taking up most of the bed, and the Victim kept yelling for him to move over. After about 2 minutes of the Respondent not reacting, the Victim asked "Who's XX" He wakes up. The Victim further stated that the name triggered him because she read in the messages XX kept asking him to wipe his phone so the Victim

wouldn't find out. The Victim said at that point the Respondent opened his eyes, sat up, looked around the room, looked at me with anger and struck her for the first time. The Victim fell off the bed onto the floor in the corner of the room. He was able to hop off the bed and stand over me and start punching. The Victim said she started screaming, "Elliott stop, stop, you're hurting me. His face showed anger and he was like a raging bull." The Victim couldn't recall how many time the Respondent punched her but he used his closed fists and was punching with both hands. The Victim was able to kick the Respondent causing him to lose his balance. The Victim was able to quickly get to her feet, grab her cell phone, and flee the hotel room. **[Victim transcript, Pages 52-69]**

The Victim said she called Witness who met her up on the 25th floor where he and his wife were staying. Security Officers arrived thereafter.

IA Investigators took photographs of the Victim's injuries that were sustained at the hands of the Respondent just 5 days prior (March 23, 2024). **(Attachment E – Photographs of Victim's Injuries).**

On April 4, 2024, IA Investigators contacted and interviewed Witness 1. Witness 1 said he recently retired from the CHP and had been friends with the Respondent since 2009. Witness 1 said he met the Respondent and Victim in Las Vegas and stayed at the Westgate Hotel for the cigar convention. Witness 1 said he and his wife spent the day hanging out with the Respondent and Victim on Saturday March 23, 20204 (day of incident) and spent most of the day at the cigar convention. Once the convention was over they all ate dinner and then went down to Fremont Street with some other friends. Witness 1 said he noticed the Respondent did not have any alcoholic drinks like the rest of the group. Witness 1 thought it was due to the Respondent being a diabetic and was being tame (not drinking).

In the interview, Witness 1 was asked when he bought the Respondent his first drink

and he said, “I'd say -- because we had been there for quite some time, so like maybe midnight, 1:00-ish, somewhere in that vicinity, because it was closer to the end of the night like thing. So, I was getting ready to go -- go up there to buy a drink, and I was like, hey, you want something or whatever? And he's like, no, no. I'm like, are you sure? And he's like, ah, screw it, just get me a tequila and pineapple. Like, all right, done. So that's what I did. So yeah, maybe midnight, 1:00, somewhere around there**.”** **[Witness 1Transcript, Pages 16-17]**

In the interview, Witness 1 was asked how many drinks he saw the Respondent consume? Witness 1 said**, “**Yeah, that's all I -- yeah. I know -- I know I purchased two for him, and then I think Witness 3 or somebody after might have given him one more afterwards.” **[Witness 1 Transcript, Page 19].**

Witness 1 said they were ready to leave Fremont Street at about 3:00am. Witness 1mentioned he watched the bartender prepare the drinks and he seemed to pour them heavy. He told investigators, **“**Yeah, definitely a little -- a little bit. And I remember thinking about, you know, like watching him pour them, and yeah, he pours them heavy, but I didn't -- It didn't -- things didn't seem to fit. Like, it wasn't -- you know, something seemed a little bit off, for sure.” **[ transcript, Page 26]**

IA investigators asked Witness 1 about the Respondents intoxication level and he said**, “**And I think we were getting ready to go, to get, catch the Ubers or whatever. So, I went in and used the restroom or whatever. So that timeframe would be maybe 3:00-ish, is when we're getting ready to leave. So 2:30, 2:00 -- yeah, 2:30, 3:00 is when we're about to -- you know, I go in there and use the bathroom, come out, I see him, him and Witness 2 are talking, he's crying, he's very emotional and like completely over the top as far as like intoxication. Like it went from -- it was like a switch. Like it went from fine to like he's had too much, you know? Like it didn't make -- it didn't -- I was like, wow, how'd that happen? Like, because I've never seen him to that extent ever. And I've hung out with him quite a bit. And he could -- he could put alcohol away. And

that was not -- that was not indicative of what he had been doing that night. And it didn't -- those two things weren't jiving in my brain." **Witness 1 Transcript, Pages 30, 31].**

Witness 1 explained that it was then that he and another friend helped escort the Respondent to an Uber, "And we – Witness 2 (friend of Respondent), which I didn't realize at the time, was pretty intoxicated. He had fallen; him and Respondent had fallen. Respondent's, you know, 240, 50 pounds or whatever. And I thought he had it and he didn't. So, I helped him, everybody get up, and then we went to the Ubers." **[Witness 1 Transcript, Pages 34, 35]**

Once at the Hotel, investigators asked if the Respondent was talking on the way up to the hotel room**, "**I want to say he tried to mumble like, I'm sorry or something like that, you know, because he felt like he was like -- but that would have been about it, you know? I know he said maybe in the elevator that he hurt or whatever, cause Witness 1 was like, hey, don't worry, we're going to take care of you. You know, we're going to get you the help you need, kind of thing. **[Witness 1 transcript, Page 38]. "**And like, when we (Witness 3- friend) laid him on the bed, there was no help from him. We just basically kind of plopped him on the bed and picked his legs up and slid him on there and left him**." [Witness 1 Transcript, Page 38]**

Witness 1 explained that he left the Respondent's hotel room at 3:23am because his wife had just texted him as he left the room. Witness1 told IA investigators approximately 30 minutes later he received a cell phone call from the Victim and said, "I was like, hello? And Victim was like, Respondent just beat the shit out of me, I need your help. And I was like, okay, where are you? And she said she was on -- she was outside of Witness 2's and Witness 3's room on the 25th floor in the other tower. I was like, "I'll be right there." **[Witness transcript, Page 61].**

The IA investigators asked Witness 1 what he saw upon seeing the Victim and he said**, "**Oh, no. I was very taken back by her injuries, and I was -- I was very surprised. Like I did not -- like that's not what I expected to see." **[Witness 1 transcript, Page 63]**

Witness 1 further added, "She's got a pretty good lump on her -- above her right eye, and her, like her -- her cheeks were -- and her -- like the cheekbones were like a little swollen up. I didn't see any like black and blue or anything yet. But yeah, she definitely looked like she'd been punched a few times." **[Witness 1 transcript, Page 68]**

Witness 1 said Hotel Security was attending to the Victim and he went to the Respondent's room to check on Respondent. He other members of Hotel Security detaining the Respondent.

Note: The Respondent was detained by security at approximately 5:00 in the morning. The Respondent was able to walk with little help of two security officers to the security office on the 1st floor. Once in the security holding area, he was contacted by Officers from the LVMPD and was able to answer basic questions reflecting his awareness and lucidness, as seen on their body worn cameras. This was approximately 30-40 minutes after the incident. **(Attachment F – BWC Video Respondent)**

The Victim said she has been [redacted] the Respondent for (11) years and have no children together. There have been no other acts of violence towards her from the Respondent.

The Clark County District Attorney's Office prosecuted the Respondent after amending the initial misdemeanor domestic violence charge to a felony due to the substantial bodily harm to the Victim. The Respondent ultimately pled Nolo Contendere to a misdemeanor domestic battery charge and accepted terms of his sentence for violations of

Nevada Revised Statute 38.018 and 200.485. **(Attachment G – Court Documents)**

On July 30, 2025, personnel from the Clark County Division office interviewed the Victim. The Victim's statement was consistent with both the LVMPD and the CHP IA Investigators. She added that in her experience, the Respondent typically does not get affected by alcohol consumption. She had not previously seen his mood or demeanor change when drinking and alcohol does not trigger anger or cause him to have violent behavior. She further added that the amount the Respondent drank on the night she was assaulted was "nothing major," or out of the ordinary and he has never acted violent towards her in the past. Victim, Respondent and other witnesses all reported that they were unsure whether or not Respondent's drink may have been altered or spiked.

On August 4, 2025, personnel from the Clark County Division office interviewed the Respondent. Respondent was consistent with what he told the responding LVMPD Officers by saying he didn't remember physically assaulting the Victim. Specifically, he did not recall anything about getting into an Uber, being escorted to his hotel room by his friends, or anything that occurred inside his hotel room. The Respondent said the only thing he does remember is being awoken by Hotel Security who contacted him in his room.

The Respondent said he started drinking heavily around midnight. He thought he had four (32) ounce alcoholic drinks which consisted of pineapple juice and Tequilla.

The Respondent doesn't believe he assaulted the Victim and claimed she may have hurt herself in an effort to destroy the Respondent's career. Respondent stated he and the Victim had been having [redacted] problems and talked about [redacted] about a month prior to the incident occurring in Las Vegas.

## Analysis and Findings

### a. Does the alleged conduct violate Penal Code section 13510.8(b)(6) and California Regulation 1205(a)(4) – Acts that Violate Law, specifically Nevada Revised Statute Section (NRS) 33.018 – Domestic Violence?

According to Penal Code section 13510.8(b)(6) and Title 12 of the California Code Regulation 1205(a)(6), serious misconduct includes, "Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the POST Commission."

On March 24, 2024, the Respondent engaged in egregious acts that violate the law when he severely battered the Victim during a trip with friends to Las Vegas. At the time of the incident Respondent was [redacted] to Victim and battered her in their hotel room. LVMPD responded to the incident and arrested for violating Nevada Revised Statute 33.018, domestic violence.

NRS 33.018 defines the acts which constitute domestic violence as:

"*Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:*

*(a) A battery.*"

**(Attachment H – NRS Definition)**

Respondent's actions resulted in significant injuries to the Victim's face, head, arms, and torso constituting domestic violence in violation of Nevada State Law (NRS) 33.018. On July 9, 2024, the Respondent pled nolo contendre to a misdemeanor violation of domestic violence in Clark County, Nevada. The Division further believes the Respondent's actions and resulting serious injuries to the Victim fall within the definition of egregious acts that violate the law as serious misconduct.

The Division based its conclusion on the following facts:

- The LVMPD Crime Report which clearly documents statements made by both the Victim and Respondent. After a thorough investigation, Officers on scene determined there was sufficient probable cause to arrest the Respondent for domestic violence upon his [redacted].
- The Respondent violated Nevada State Law NRS 33.018 – Domestic violence upon a [redacted] **(Attachment G – NRS 33.018 Definition)**
- The Victim's statements made to the Internal Affairs investigators as well as to Officers on scene were consistent and told of being physically attacked by the Respondent.

- The Hotel Security Officer's statement who immediately rendered aid to the Victim and noted her injuries. Hotel Security then contacted the Respondent in his room who did not recall what happened. **(Attachment A – Security Report).**
- BWC footage reflecting the Victim's statement and displays her injuries.
- The Respondent's Statement of not being able to recall attacking his [redacted] or anything that occurred during this incident.
- The Arrest Report

- The Photos of Victim's injuries to her face, head, arms, and legs. **(Attachment- B).**

As summarized above, it is irrefutable that the Respondent, an officer who was sworn to serve and protect the public, inflicted grave and serious injuries on his [redacted] His actions, while under the influence of alcohol, resulted in serious physical injuries. Respondent also continues to fail to take responsibility for his actions or demonstrate a desire to be accountable for his conduct, even going as far as to state he believed the Victim may have caused herself injuries to damage his career. Respondent's arrest and ultimate conviction for domestic violence shows that he lacked the ability to responsibly wield the powers of a peace officer. For the above-stated reasons, the Division finds Respondent's repeat offenses particularly egregious and inconsistent with his obligation to uphold the law and respect the rights of members of the public.

## V. Supporting Evidence and Documentation

- Attachment A – Security Officers Report
- Attachment B – Crime Report LLV 240300089696
- Attachment C – Photos of Victim's Injuries
- Attachment D – LVMPD Arrest Report
- Attachment E – BWC Video Respondent
- Attachment F – Court Documents / Plea agreement
- Attachment G – NRS 33.018 - Definition of Domestic Violence

## VI. Findings

After thorough analysis, the Division has concluded that Respondent engaged in acts that violate the law which are sufficiently egregious or repeated and in conflict with his obligation to uphold the law. As a peace officer, the ability to follow the laws they have sworn to uphold is paramount. Peace officers are held to a higher standard of conduct. A peace officer's failure to follow the law required of all members of society destroys the trust between that officer's agency and the community the agency serves. In addition to violating his agency's policies to follow the law, clear and convincing evidence exists to show that Respondent violated Penal Code section 13510.8(b)(6) and Title 12 of the California Code Regulation 1205(a)(6), "Acts that Violate the Law and are Sufficiently Egregious or Repeated. Therefore, reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of disciplinary action of Respondent's POST certification.

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

GAVIN NEWSOM, *Governor*
ROB BONTA, *Attorney General*

**Commission on Peace Officer Standards and Training**
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

# EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

**DATE:** 09/23/2025

**CASE #:** POST2402838

**PEACE OFFICER:** Elliott Lopez

**POST ID#:** C15-H32

**AGENCY:** California Highway Patrol

**POST CONSULTANT / BC:** LEC - Raymond Bechler / BC - Rob Guyton

**ALLEGATION(S):**

Commission Regulation 1205(a)(6) - Acts That Violate the Law

On March 24, 2024, Officer Elliott Lopez of the California Highway Patrol (CHP) travelled to Las Vegas, Nevada for a non-work-related event with his wife and several friends. After a night of drinking and socializing, Lopez and [redacted], (hereafter referred to as "Victim") retired to their hotel room. At approximately 4:15am, Lopez physically assaulted Victim by punching her numerous times in the face, head, arms, and torso.

Officers from the Las Vegas Metropolitan Police Department (LVMPD) were called to the scene and ultimately arrested Lopez for misdemeanor domestic violence. Lopez was transported and booked into the Clark County Detention Facility.

As a result of Lopez's attack, the Victim sustained two swollen and blackened eyes, swollen forehead, bruises to her legs, arms, and shoulders, and complained of pain to her jaw and head. She was taken to a local hospital for her injuries and later released.

The Clark County District Attorney's Office prosecuted Lopez for Nevada Revised Statute 33.018 (domestic violence). Lopez pled nolo contendere to the charge on July 9, 2024, and was ordered to complete agreed upon terms of diversion. On December 17, 2024, Lopez met the requirements of diversion, and the charge was subsequently dismissed.

Lopez resigned from the CHP on April 15, 2024, prior to being interviewed by Internal Affairs

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent violated the law when he committed domestic battery upon [redacted]. This act was sufficiently egregious to warrant revocation of peace officer certification pursuant to 13510.8(b)(6)

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

| | | |
|---|---|---|
| William Darden<br>Chief Legal Counsel | Signature | 9/25/25<br>Date |
| Annemarie Del Mugnaio<br>Assistant Executive Director | Signature | 9/24/2025<br>Date |
| Manny Alvarez<br>Executive Director | Signature | 09/29/2025<br>Date |

*cc: Bureau Chief* Rob Guyton

cc: Jason Morlock

cc: Chandler Knapp

cc:

**POST PROFILE NAME:**

LOPEZ, ELLIOTT

**AKA:** N/A

**DATE:** 06/06/2025

CALIFORNIA COMMISSION ON **POST**

**Certification Status: Temporary Suspension**



## PERSONAL IDENTIFICATION

| POST I.D. | Agency | Birth Date | Gender | Race/Ethnicity |
|---|---|---|---|---|
| C15-H32 | | [redacted] | | [redacted] |

## CERTIFICATES AWARDED

| Cert No. | Type | Awarded | Education | T | T+ | Comments |
|---|---|---|---|---|---|---|
| 135895 | B | 03/18/2009 | 0 | 63.00 | 0.00 | **Invalid** |

**Total Number of Certificates:** 1

## EMPLOYMENT

| Hired From | To | R* | Rank | Rank Date | Agency | Agency Name | F/P | P/U | Seas |
|---|---|---|---|---|---|---|---|---|---|
| 06/18/2007 | 12/21/2007 | 6 | TRN | 06/18/2007 | 34890 | CA HIGHWAY PATROL | F | P | |
| 12/21/2007 | 04/15/2024 | 1 | PO | 12/21/2007 | 34890 | CA HIGHWAY PATROL | F | P | |

***Reason for Separation: 1 = Resigned, 6 = Other**

## POST CERTIFIED TRAINING

| Comp Date | Cat | CCN | Hrs | Rmb | Cmp | Agency | School | * | Course Name |
|---|---|---|---|---|---|---|---|---|---|
| 12/21/2007 | A | 1270-00100-06-004 | 1262 | | Y | 34890 | CHP | | BASIC COURSE-INTENSIVE |
| 02/19/2008 | K | 1820-20301-07-020 | 4 | X | Y | 34890 | LASD | | BREATH ALCOHOL TESTING DEVICE |
| 03/31/2008 | K | 1270-21779-07-001 | 4 | X | Y | 34890 | CHP | | CPR REFRESHER |
| 06/30/2008 | K | 1270-22811-07-001 | 2 | X | Y | 34890 | CHP | | CIVIL DISOBEDIENCE TAC CONTROL |
| 06/30/2008 | K | 1270-29501-07-003 | 4 | X | Y | 34890 | CHP | * | FIREARM(PSP) |
| 06/30/2008 | K | 1270-23781-07-001 | 2 | X | Y | 34890 | CHP | | OFFICER UPDATE |
| 09/30/2008 | K | 1270-31082-08-001 | 6 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |
| 11/06/2008 | K | 1270-23300-08-018 | 24 | X | Y | 34890 | CHP | | RADAR OPERATOR |
| 11/07/2008 | K | 1270-27281-08-038 | 2 | X | Y | 34890 | CHP | | EMERGENCY OPERATIONS PLANNING |
| 11/07/2008 | K | 1270-29502-08-082 | 4 | X | Y | 34890 | CHP | * | DRIVING(PSP) |
| 11/07/2008 | K | 1270-29504-08-131 | 2 | X | Y | 34890 | CHP | * | TACCOM(PSP) |
| 12/31/2008 | K | 1270-29503-08-031 | 4 | X | Y | 34890 | CHP | * | ARSTCTL(PSP) |
| 01/30/2009 | K | 1270-31725-08-008 | 40 | X | Y | 34890 | CHP | | FIELD TRAINING OFFICER |
| 02/28/2009 | K | 1270-22030-08-001 | 40 | | Y | 34890 | CHP | | CHILD PASSENGER SAFETY TECHN |
| 03/02/2009 | K | 1270-21516-08-262 | 3 | X | Y | 34890 | CHP | | HUMAN TRAFFICKING |
| 03/12/2009 | K | 1270-21516-08-030 | 3 | X | Y | 34890 | CHP | | HUMAN TRAFFICKING |
| 05/20/2009 | K | 1270-20010-08-255 | 2 | X | Y | 34890 | CHP | | LEGISLATIVE UPDATE |
| 05/20/2009 | K | 1270-21779-08-249 | 4 | X | Y | 34890 | CHP | | CPR REFRESHER |
| 10/12/2009 | K | 1270-29503-09-179 | 4 | X | Y | 34890 | CHP | * | ARSTCTL(PSP) |
| 10/12/2009 | K | 1270-27281-09-164 | 2 | X | Y | 34890 | CHP | | EMERGENCY OPERATIONS PLANNING |
| 10/12/2009 | K | 1270-29504-09-174 | 2 | X | Y | 34890 | CHP | * | TACCOM(PSP) |
| 01/28/2010 | K | 1270-21779-09-099 | 4 | X | Y | 34890 | CHP | | CPR REFRESHER |
| 01/28/2010 | K | 1270-20010-09-079 | 2 | X | Y | 34890 | CHP | | LEGISLATIVE UPDATE |
| 01/28/2010 | K | 1270-23781-09-085 | 2 | X | Y | 34890 | CHP | | OFFICER UPDATE |
| 04/08/2010 | K | 1270-22811-09-041 | 2 | X | Y | 34890 | CHP | | CIVIL DISOBEDIENCE TAC CONTROL |
| 04/08/2010 | K | 1270-21516-09-066 | 2 | X | Y | 34890 | CHP | | HUMAN TRAFFICKING |
| 04/08/2010 | K | 1270-29501-09-046 | 4 | X | Y | 34890 | CHP | * | FIREARM(PSP) |
| 08/26/2010 | K | 1270-31082-10-148 | 6 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |
| 08/26/2010 | K | 1270-27401-10-138 | 2 | X | Y | 34890 | CHP | | SPECIAL RELATIONSHIPS |
| 10/29/2010 | K | 1270-29503-10-099 | 4 | X | Y | 34890 | CHP | * | ARSTCTL(PSP) |
| 10/29/2010 | K | 1270-27281-10-113 | 2 | X | Y | 34890 | CHP | | EMERGENCY OPERATIONS PLANNING |
| 10/29/2010 | K | 1270-29504-10-106 | 2 | X | Y | 34890 | CHP | * | TACCOM(PSP) |
| 11/04/2010 | K | 1270-23300-10-031 | 24 | X | Y | 34890 | CHP | | RADAR OPERATOR |
| 02/14/2011 | K | 1270-21779-10-121 | 4 | X | Y | 34890 | CHP | | CPR REFRESHER |
| 02/14/2011 | K | 1270-20010-10-131 | 2 | X | Y | 34890 | CHP | | LEGISLATIVE UPDATE |

**POST CERTIFIED TRAINING** *continued*

| Comp Date | Cat | CCN | Hrs | Rmb | Cmp | Agency | School | * | Course Name |
|---|---|---|---|---|---|---|---|---|---|
| 02/14/2011 | K | 1270-23781-10-143 | 2 | X | Y | 34890 | CHP | | OFFICER UPDATE |
| 05/09/2011 | K | 1270-22811-10-111 | 2 | X | Y | 34890 | CHP | | CIVIL DISOBEDIENCE TAC CONTROL |
| 05/09/2011 | K | 1270-29501-10-116 | 4 | X | Y | 34890 | CHP | * | FIREARM(PSP) |
| 05/09/2011 | K | 1270-21516-10-113 | 2 | X | Y | 34890 | CHP | | HUMAN TRAFFICKING |
| 05/19/2011 | K | 1270-31714-10-012 | 8 | X | Y | 34890 | CHP | | FIELD TRAINING OFFCR UPD-MOD 3 |
| 08/15/2011 | K | 1270-27401-11-134 | 2 | X | Y | 34890 | CHP | | SPECIAL RELATIONSHIPS |
| 08/15/2011 | K | 1270-31082-11-106 | 6 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |
| 08/18/2011 | K | 1270-23320-11-006 | 8 | X | Y | 34890 | CHP | | RADAR-LASER OPERATOR (LIDAR) |
| 10/10/2011 | K | 1270-29503-11-172 | 4 | X | Y | 34890 | CHP | * | ARSTCTL(PSP) |
| 10/10/2011 | K | 1270-27281-11-159 | 2 | X | Y | 34890 | CHP | | EMERGENCY OPERATIONS PLANNING |
| 10/10/2011 | K | 1270-29504-11-169 | 2 | X | Y | 34890 | CHP | * | TACCOM(PSP) |
| 01/26/2012 | K | 1270-21779-11-153 | 4 | X | Y | 34890 | CHP | | CPR REFRESHER |
| 01/26/2012 | K | 1270-23781-11-138 | 2 | X | Y | 34890 | CHP | | OFFICER UPDATE |
| 01/26/2012 | K | 1270-20010-11-148 | 2 | X | Y | 34890 | CHP | | LEGISLATIVE UPDATE |
| 04/04/2012 | K | 1270-20272-11-027 | 16 | | Y | 34890 | CHP | | ADVANCED ROADSIDE IMPAIRED DRIVER ENFORCEMENT |
| 05/28/2012 | K | 1270-27401-11-374 | 2 | X | Y | 34890 | CHP | | SPECIAL RELATIONSHIPS |
| 02/06/2013 | K | 1270-20010-12-035 | 2 | X | Y | 34890 | CHP | | LEGISLATIVE UPDATE |
| 08/14/2013 | K | 1270-31082-13-051 | 6 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |
| 08/14/2013 | K | 1270-27281-13-055 | 2 | X | Y | 34890 | CHP | | EMERGENCY OPERATIONS PLANNING |
| 02/12/2014 | K | 1270-21779-13-071 | 4 | X | Y | 34890 | CHP | | CPR REFRESHER |
| 02/12/2014 | K | 1270-20010-13-080 | 2 | X | Y | 34890 | CHP | | LEGISLATIVE UPDATE |
| 02/12/2014 | K | 1270-23781-13-191 | 2 | X | Y | 34890 | CHP | | OFFICER UPDATE |
| 03/18/2014 | K | 1270-20801-13-226 | 8 | X | Y | 34890 | CHP | | CRISIS INTERVENTION |
| 05/13/2015 | K | 1270-29502-14-100 | 4 | X | Y | 34890 | CHP | * | DRIVING(PSP) |
| 08/05/2015 | K | 1270-31082-15-022 | 6 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |
| 10/07/2015 | K | 1270-29502-15-043 | 4 | X | Y | 34890 | CHP | * | DRIVING(PSP) |
| 04/28/2016 | K | 1270-20010-15-039 | 2 | X | Y | 34890 | CHP | | LEGISLATIVE UPDATE |
| 04/28/2016 | K | 1270-22811-15-025 | 2 | X | Y | 34890 | CHP | | CIVIL DISOBEDIENCE TAC CONTROL |
| 06/16/2016 | K | 1270-29501-15-462 | 4 | X | Y | 34890 | CHP | * | FIREARM(PSP) |
| 06/16/2016 | K | 1270-29501-15-130 | 4 | X | Y | 34890 | CHP | * | FIREARM(PSP) |
| 07/13/2016 | K | 9180-25554-16-013 | 2 | X | Y | 34890 | POST | * | COMMUNICATION: KEEPING YOUR EDGE (WEB) |
| 07/14/2016 | K | 9180-25583-16-014 | 2 | X | Y | 34890 | POST | | DOMESTIC VIOLENCE RESPONSE (WEB) |
| 08/25/2016 | K | 1270-31082-16-109 | 4 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |
| 08/25/2016 | K | 1270-29503-16-144 | 4 | X | Y | 34890 | CHP | * | ARSTCTL(PSP) |
| 09/07/2016 | K | 1270-20911-16-124 | 20 | X | Y | 34890 | CHP | | MENTAL HEALTH INTERVENTION TRAINING |
| 01/25/2017 | K | 1270-20010-16-030 | 2 | X | Y | 34890 | CHP | | LEGISLATIVE UPDATE |
| 04/05/2017 | K | 1270-29502-16-375 | 4 | X | Y | 34890 | CHP | * | DRIVING(PSP) |
| 04/12/2017 | K | 1270-20272-16-091 | 16 | X | Y | 34890 | CHP | | ADVANCED ROADSIDE IMPAIRED DRIVER ENFORCEMENT |
| 08/23/2017 | K | 1270-31082-17-040 | 4 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |
| 11/07/2017 | K | 9180-25554-17-130 | 2 | X | Y | 34890 | POST | * | COMMUNICATION: KEEPING YOUR EDGE (WEB) |
| 03/07/2018 | K | 9180-25586-17-250 | 8 | X | Y | 34890 | POST | | FIRST AID/CPR/AED (WEB) |
| 03/07/2018 | K | 2950-24203-17-032 | 2 | X | Y | 34890 | BUTTE CTR | | CRITICAL INCIDENT FOR PATROL |
| 05/09/2018 | K | 1270-29501-17-126 | 4 | X | Y | 34890 | CHP | * | FIREARM(PSP) |
| 09/19/2018 | K | 1270-29503-18-100 | 4 | X | Y | 34890 | CHP | * | ARSTCTL(PSP) |
| 09/19/2018 | K | 1270-31082-18-103 | 4 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |

**POST PROFILE NAME:**

LOPEZ, ELLIOTT

CALIFORNIA COMMISSION ON **POST**

**Certification Status: Temporary Suspension**

**AKA:** N/A

**DATE:** 06/06/2025



**POST CERTIFIED TRAINING** *continued*

| Comp Date | Cat | CCN | Hrs | Rmb | Cmp | Agency | School | * | Course Name |
|---|---|---|---|---|---|---|---|---|---|
| 12/20/2018 | K | 9180-25583-18-173 | 2 | X | Y | 34890 | POST | | DOMESTIC VIOLENCE RESPONSE (WEB) |
| 04/24/2019 | K | 1270-29502-18-145 | 4 | X | Y | 34890 | CHP | * | DRIVING(PSP) |
| 07/17/2019 | K | 1270-22306-19-033 | 8 | X | Y | 34890 | CHP | * | ACTIVE SHOOTER RESPONSE |
| 07/24/2019 | K | 1270-31082-19-144 | 4 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |
| 09/24/2019 | K | 9180-25585-19-086 | 2 | X | Y | 34890 | POST | * | TACTICAL COMMUNICATION (WEB) |
| 12/13/2019 | K | 1270-20989-19-002 | 80 | X | Y | 34890 | CHP | * | ARREST & CONTROL, BATON, ELEC WEAPONS INSTR. |
| 12/30/2019 | K | 9180-25589-19-183 | 2 | X | Y | 34890 | POST | | DV RESPONSE & LETHALITY ASSESSMENT (WEB) |
| 02/21/2020 | K | 1270-29503-19-034 | 8 | | Y | 34890 | CHP | * | ARSTCTL(PSP) |
| 03/11/2020 | K | 1270-29503-19-070 | 8 | | Y | 34890 | CHP | * | ARSTCTL(PSP) |
| 12/27/2020 | K | 9180-25586-20-180 | 8 | X | Y | 34890 | POST | | FIRST AID/CPR/AED (WEB) |
| 04/21/2021 | K | 1270-29502-20-368 | 4 | X | Y | 34890 | CHP | * | DRIVING(PSP) |
| 06/10/2021 | K | 9180-25585-20-345 | 2 | X | Y | 34890 | POST | * | TACTICAL COMMUNICATION (WEB) |
| 09/15/2021 | K | 1270-29501-21-242 | 4 | X | Y | 34890 | CHP | * | FIREARM(PSP) |
| 09/15/2021 | K | 1270-31082-21-123 | 4 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |
| 04/08/2022 | K | 1270-29582-21-363 | 8 | X | Y | 34890 | CHP | * | ARSTCTL/USE OF FORCE (PSP) |
| 08/20/2022 | K | 9180-25595-22-051 | 4 | X | Y | 34890 | POST | | BEYOND BIAS:RACIAL & ID PROFILING UPD- SELF PACED |
| 12/09/2022 | K | 9180-25599-22-162 | 4 | X | Y | 34890 | POST | * | PSP: STRATEGIC COMMUNICATIONS-SELF PACED |
| 12/20/2022 | K | 1270-22306-22-134 | 8 | X | Y | 34890 | CHP | | ACTIVE SHOOTER RESPONSE |
| 02/05/2023 | K | 9180-25597-22-220 | 1 | X | Y | 34890 | POST | | LEGAL UPDATE: POSITIONAL ASPHYXIA-SELF PACED |
| 05/10/2023 | K | 1270-29502-22-219 | 4 | X | Y | 34890 | CHP | * | DRIVING(PSP) |
| 12/21/2023 | K | 9181-25505-23-174 | 2 | X | Y | 34890 | CAPLP | | DOMESTIC VIOLENCE RESPONSE UPDATE |
| 12/27/2023 | K | 1270-29501-23-604 | 4 | X | Y | 34890 | CHP | * | FIREARM(PSP) |

***Meets Perishable Skills**

**FOOTNOTES**

NO FOOTNOTE ON FILE.

**PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.**

# COMMISSION ON POST – PROFILE REPORT

**The Profile Report contains confidential information.**

## EXPLANATION SHEET

| PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system) | |
|---|---|
| **POST ID:** | Unique identification number assigned to subject by POST. |
| **Agency:** | Indicates the agency (or one of the agencies) where subject is currently employed.<br>An "*" indicates that the subject is employed in more than one position within the same agency. |
| **Birth Date/Gender:** | Self-explanatory. |
| **Race/Ethnicity:** | **A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other |

| CERTIFICATES AWARDED | |
|---|---|
| **Cert:** | Certificate serial number. |
| **Type:** | **B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive<br>**R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced) |
| **Awarded:** | Date certificate was issued. |
| **Education:** | Educational points or degree used for earning a certificate. |
| **T:** | Training points used for awarding the certificate. |
| **T+:** | Additional training points. |
| **Comments:** | Comments regarding training or institute(s) where subject received education. |
| **Total Number of Certificates:** | Number of certificates awarded to subject as indicated in POST database. |

| EMPLOYMENT: Subject's employment history as indicated in POST database | |
|---|---|
| **Hired From:** | Date subject was hired or sworn into the agency. |
| **To:** | Date subject left agency (if applicable). |
| **R*:** | Reason for separation as indicated by number in the Report description. |
| **Rank / Rank Date:** | Indicates rank as translated by POST database and date subject made rank. |
| **Agency / Agency Name:** | Agency code number and name where subject is currently working or previously worked. |
| **F/P:** | Time base: **F** = Full time **P** = Part time |
| **P/U:** | Wage status: **P** = Paid **U** = Unpaid |
| **Seas:** | Provisional or seasonal employment. |

| POST TRAINING: Courses attended or completed as indicated in POST database | |
|---|---|
| **Comp Date:** | Date course ended. |
| **Cat:** | General course category (for POST use only). |
| **CCN:** | Course Control Number. |
| **Hrs:** | Hours completed in course. |
| **Rmb:** | Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)*<br>**J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available |
| **Cmp:** | Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979 |
| **Agency:** | Agency where subject was employed at time of course enrollment. |
| **School:** | Training institute offering the course. |
| **Course Name:** | Course name as shown in POST database. |

| NON-CERTIFIED COURSES |
|---|
| This section will only appear if applicable. |

| FOOTNOTES |
|---|
| This section reserved for additional information. |

## Investigative Summary

On March 24, 2024, Officer [redacted], ID 18822, was off-duty and travelling with his [redacted] Mrs. [redacted] in Las Vegas, Nevada and staying at the Westgate Resort. At approximately 0450 hours, while in their hotel room (22-132), Officer Lopez physically assaulted [redacted] by punching her face, head, and body multiple times and causing visible injury, a misdemeanor violation of Nevada Revised Statute (NRS) Section:

- NRS 200.485.IA – Domestic Battery (Pursuant to NRS 33.018 – Acts Which Constitute Domestic Violence and NRS 200.481 – Battery).

On March 24, 2024, at approximately 0450 hours, hotel security began receiving multiple calls from guests reporting screaming and yelling [redacted] fled the hotel room and ran to the 25th floor to the room of their friend, retired California Highway Patrol (CHP) Officer [redacted] to receive help). Soon after, hotel security located [redacted] on the 25th floor of the hotel with visible bruises and swelling to her face and arms. She reported to them that Officer Lopez physically assaulted her. Hotel security immediately responded to room 22-132 where Officer Lopez was found, visibly intoxicated. Hotel security detained him, searched his wallet, and located his departmental Identification Card.

Las Vegas Metro Police Department (LVMPD) received a 911 call[1] from Westgate Resort personnel regarding this incident at 0506 hours. LVMPD Officers responded to investigate, and hotel security provided the officers with Officer Lopez' departmental identification. Officer Lopez was arrested by LVMPD Officer Mayer, ID 15229, for misdemeanor Domestic Battery. Officer Lopez was transported to the Clark County Detention Center and booked on this charge.

On March 24, 2024, [redacted] contacted the Superior Court of California, County of Tuolumne, and requested an EPO-001, Emergency Protective Order (EPO) prohibiting Officer Lopez from having any contact with [redacted] On March 24, 2024, Officer Lopez was served with this EPO[2]. The protective order stated Officer Lopez, *". . . MUST NOT own, possess, purchase, receive, or attempt to purchase or receive any firearm or ammunition."*

***Investigator's Note: The EPO was set to expire on March 29, 2024. On March 28, 2024, [redacted] filed a Temporary Restraining Order (TRO)[3] with the Superior Court of California, County of Tuolumne, which was set to expire on April 18, 2024. The TRO continued to prohibit Officer Lopez from any contact with [redacted] or possessing any firearms. A California Law Enforcement***

[1] Exhibit 31
[2] Exhibit 17
[3] Exhibit 19

***Telecommunications System (CLETS) inquiry[4] conducted on May 17, 2024, on Officer Lopez revealed the TRO was extended until May 30, 2024.***

On March 24, 2024, at 0700 hours, LVMPD Lieutenant Matt Rowe, ID 13114, called Lieutenant Tafoya informing her Officer Lopez had been arrested for misdemeanor domestic battery on his [redacted]

On March 24, 2024, Lieutenant Tafoya made notification to Central Division, Chief Rodney Ellison, ID 14355, and an internal investigation was initiated. Office of Internal Affairs, Assistant Chief Levi Miller, ID 16022, assigned Office of Internal Affairs, Sergeant Jeff Carlisle, ID 17191, as the primary investigator, and Office of Equal Employment Opportunity, Sergeant Chad Wood, ID 18730, as the secondary investigator.

On March 25, 2024, Officer Lopez was released from custody and travelled to Clovis, CA. Lieutenant Tafoya and Sergeant Richard Percey, ID 18605, drove to Clovis where they served Officer Lopez with a CHP 51, *Confidential Memorandum, Notice of Administrative Time-Off with Pay* which included his Removal of Peace Officer Powers[5].

The specific allegation(s) from this investigation are:

1. Officer Lopez willfully and unlawfully committed domestic battery upon his [redacted] by punching her face, head, and body multiple times and causing visible injury.

## Findings

1. Officer Lopez willfully and unlawfully committed domestic battery upon [redacted] by punching her face, head, and body multiple times and causing visible injury. - **Founded**

The determination that the allegation was founded was based upon the following:

- LVMPD Officer Mayer's Domestic Violence Report #LLV240300089696[6] documented that Officer Lopez committed misdemeanor domestic battery, a violation of NRS 200.485 as Officer Lopez, *"did batter, by punching, his [redacted] of eleven years with whom he resides, [redacted] in the face and head multiple times, pursuant to NRS 33.018."*

[4] Exhibit 41
[5] Exhibit 32
[6] Exhibit 13

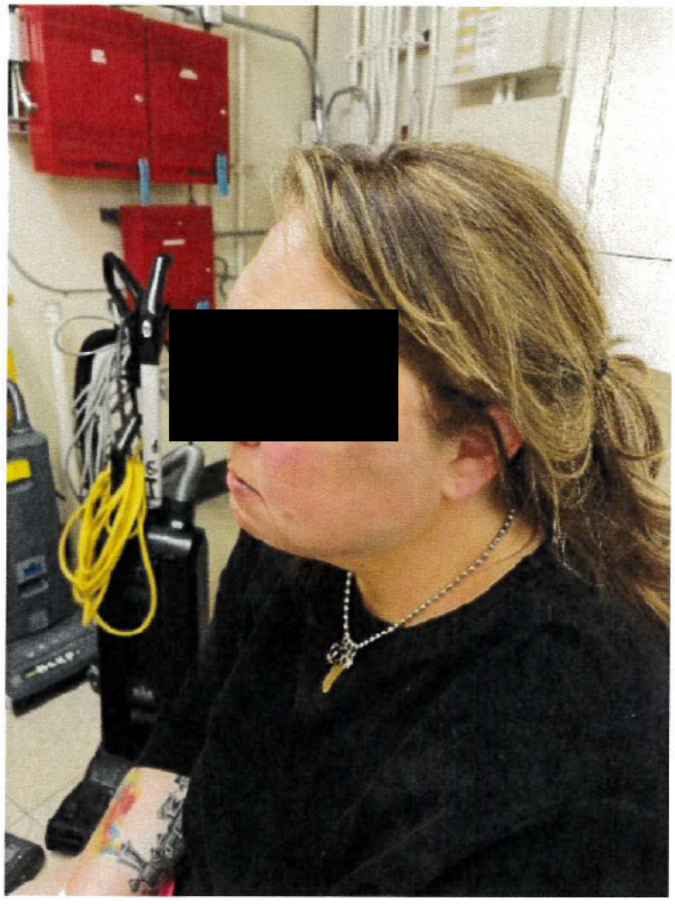
- Officer Mayer documented in his report that [redacted] sustained injuries which consisted of:
  - Several bruises on her face
  - Both eyes were black
  - Knots on her head

- Due to these injuries, [redacted] was transported by ambulance from the Westgate Resort to Sunrise Medical Center. She was treated in the emergency room and released.

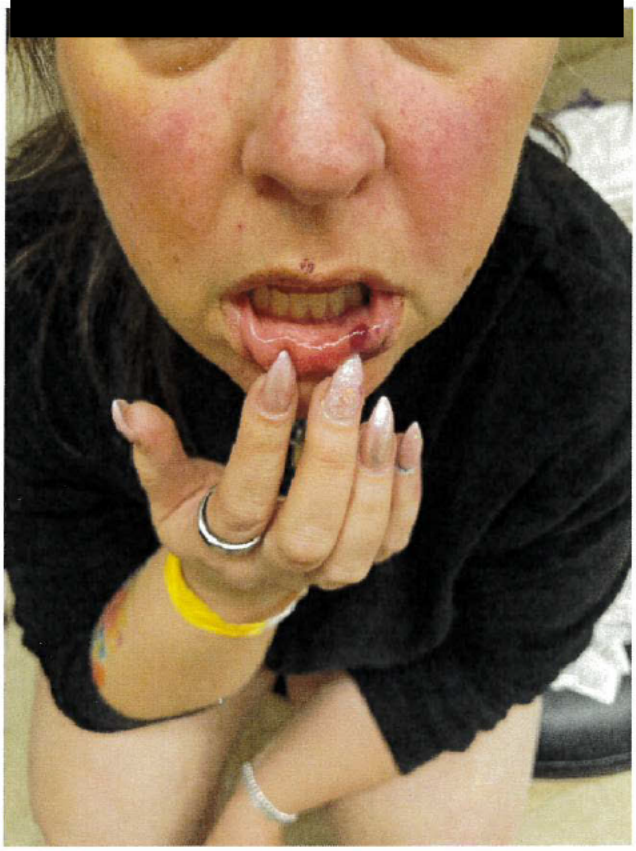
- LVMPD Officer Mayer documented in his report Officer Nguyen's interview with [redacted] who told him Officer Lopez *"finally woke up . . . and began wailing on her by throwing blows to her face.* (She) *was eventually at the corner of the room, in the fetal position, asking* (Officer Lopez) *to stop."*

- Images[7] of [redacted] taken by LVMPD Officer Nguyen on March 24, 2024, at 0546 hours depicting [redacted] injuries:





[7] Exhibit 14






- LVMPD Officer Mayer documented in his report his interview with Westgate Resort security manager [redacted] who told him he responded to room 22-132 and "*made contact with Elliott Lopez who was extremely intoxicated and had no recollection of what happened.*" Mr. Gonzales "*observed* [redacted] *had several bruises on her face, both eyes were black, and knots on her head.*" Mr. Gonzales requested medical aid for [redacted] and detained Officer Lopez for LVMPD. Mr. Gonzales also provided Officer Mayer a voluntary written statement[8].

- LVMPD Officer Mayer documented in his report his interview with Officer Lopez after he was detained by hotel security. Officer Lopez related, he didn't remember any of the incident but had been out wit[redacted] down on Fremont earlier in the evening and they were both drinking. They had an argument on Fremont and, after taking a share ride service back to the Westgate, he passed out. The next thing he knew security was waking him up.

- LVMPD Officer Mayer's body-worn camera video footage[9] documenting his interaction with Officer Lopez at approximately 0540 hours. When asked about what had occurred,

[8] Exhibit 21
[9] Exhibit 33, video 417-14

Officer Lopez replied: "*I have no idea. I know me and [redacted] got into an argument earlier, but I don't know what happened after I got back to the hotel.*" Officer Lopez asked Officer Mayer, "*Quick question … is she hurt*?" Officer Mayer also interviewed Mr. Gonzales, who stated: "*we had 5-6 different calls, heard screaming, a lot of people were complaining about it,* (Officer Lopez*) was by himself in the room … he was sitting down passed out with a trash can over himself, we noticed blood on his finger, but we didn't know where it came from.*"

- LVMPD Officer Mayer's body-worn camera video footage[10] documenting his interaction with Officer Lopez at approximately 0552 hours. Officer Mayer told Officer Lopez he was under arrest for "*misdemeanor domestic battery charge*." Officer Lopez responded: "*I get it. It is what it is. I get it*." Officer Lopez then asked, "*Is she semi-Ok*?" Officer Mayer responded, "*Nothing too bad. You knocked her up pretty bad … like … it's nothing substantial. It don't look good!*" Officer Lopez responded, "*I know … I get it … so am I being charged with a Felony or a Misdemeanor?*"

- LVMPD Officer Nguyen's body-worn camera footage[11] documenting his interaction with Officer Lopez at approximately 0637 hours. Officer Nguyen told him, *"I'm sorry this happened."* Officer Lopez responded with: "*No I get it you guys are doing your job. I literally don't know what happened, so … the only question I have is, is [redacted]emi-OK? … misdemeanor or felony*?"

- LVMPD Officer Nguyen's body-worn camera footage[12] documenting his interaction with Officer Lopez at approximately 0651 hours. Officer Lopez asked: "*Can you tell me if it's going to be a felony or a misdemeanor? How bad are her injuries? Literally I don't remember what happened. If I could ask how bad are her injuries or what happened*?" Officer Nguyen said, "*Bruising*" to which Officer Lopez asked, "*I'm assuming I somehow hit her*?"

- LVMPD Officer Nguyen's body-worn camera footage[13] documenting his interaction with [redacted] at approximately 0612 hours. When asked how many times she was punched [redacted] replied, "*He threw so many blows … it was just one after another I can't count how many there were.*"

- Sergeant Carlisle's interview[14] of [redacted] on March 28, 2024, in Sonora, CA. She related on the morning of March 24, 2024, her and Officer Lopez were in their hotel room after a night of drinking. Officer Lopez was "*passed-out*" on their bed. [redacted] began going through his personal phone and found evidence of Officer Lopez having an affair with a girl named, [redacted]

[10] Exhibit 33, video 417-18
[11] Exhibit 33, video 417-6
[12] Exhibit 33, video 417-12
[13] Exhibit 33, video 417-16
[14] Exhibit 34

[redacted] decided to "*deal with this in the morning*" and go to bed, but Officer Lopez was sleeping in a diagonal position which did not allow her space to lie down. She asked Officer Lopez to move over and began pushing him saying, "*Move over*," multiple times for 2-3 minutes without a response from him. [redacted] then stated, [redacted] "*And that's when he woke up.*" She described how the incident unfolded:

> "*The nam[redacted] triggered, most definitely ... so by me saying the name, I know that's what woke him up, and that was the oh shit moment of she knows her name. That's when he sat up, and then that's the first blow, he was sitting up on the bed and then that's when I fell backwards into the corner of the room ... after I said, well who's [redacted] .. he opened his eyes and he's looking around the room like, what the hell is going on? And then he looked at me and it was just anger. And you could tell it was anger, I could tell. His jaw was clenched. He was just glaring at me, and then that's when the first blow came.*"

[redacted] described how this blow caused her to fall backwards onto the floor, and Officer Lopez immediately got up, stood over her, and continued punching her:

> "*I was screaming, Elliott, stop, stop you're hurting me ... the best way I can explain it is like an MMA fighter getting ready to knock out when they're—when the other person has fallen, and they're just back and forth, back and forth, back and forth.*"

***(Investigator's Note: [redacted] swung both her closed fists towards an imaginary target as she said these words).***

[redacted] drew a diagram[15] of the hotel room noting the location of furniture and where she was located when Officer Lopez attacked her. She related at the time of the attack she was wearing eyeglasses, which Officer Lopez "*broke*" and they landed on the floor. She further described how one of the "*studs*" in her ears "*was ripped out*." When asked what she was feeling during the incident, [redacted] replied:

> "*Holy shit, I'm going to die. Like, he's not going to stop. And I was thinking, I was trying to remember like everything that I could try to do some kind of self-defense and like get away. So I was trying to cover my hands, and then I was trying to claw at him ... I have bruises on my back, right here on my butt, and then I have them on my legs ... my shoulders are pretty bruised too.*"

[15] Exhibit 22

- Images[16] of Mrs. Lopez taken by Sergeant Carlisle on March 28, 2024, at 1203 hours:

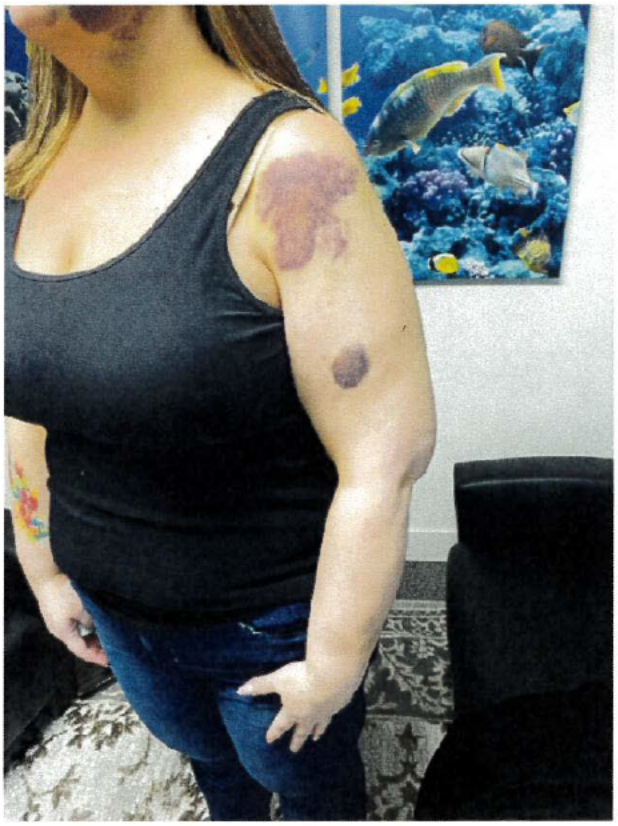




[16] Exhibit 16









1
2

- Sergeant Carlisle interviewed[17] [redacted] on April 4, 2024 [redacted] related in essence the following information:

  On March 23, 2024, a large group of friends were all drinking alcohol and listening to music on "*Fremont Street*" in Las Vegas for several hours and into the morning of March 24, 2024. At approximately 0330 hours, Officer Lopez began crying uncontrollably and acting very drunk. The group headed to the "*Uber*" pick-up location and Officer Lopez could barely walk and had to be supported by [redacted] and another friend, [redacted]. They got to the Westgate Resort and [redacted] and [redacted] followed [redacted] into their room and dropped Officer Lopez onto their bed where he passed-out and [redacted] returned to his room. Approximately 45 minutes after leaving the Lopez' hotel room, [redacted] called him and said, "*Elliott just beat the shit out of me.*" A few minutes later, he met her outside his room and she "*looked like she had been punched.*" [redacted] ensured [redacted] was meeting with hotel security and then he went downstairs to the Lopez' hotel room and saw hotel security detaining Officer Lopez. [redacted] called Lieutenant Tafoya and let her know what had occurred.

Prior progressive discipline and training included the following:

- On December 21, 2023, Officer Lopez completed California Peace Officer Standards and Training (POST) Domestic Violence training[19].

[17] Exhibit 35
[18] Exhibit 15
[19] Exhibit 7

## Chronological Summary

1. On March 24, 2024, at 0500 hours, Sonora Area commander Lieutenant Destiny Tafoya, ID 17687, received a call from retired [redacted] related he was in Las Vegas on a trip with Sonora Area Officer Elliott Lopez, ID 18822, and Elliott's [redacted] He further related Officer Lopez had allegedly struck [redacted] and she had visible injuries.

    - Lieutenant Tafoya received a phone call from Las Vegas Metro Police Department Lieutenant Matt Rowe, ID 13114, informing her Officer Lopez was arrested for "*Battery Domestic*" on [redacted]

    - Lieutenant Tafoya received a phone call from Tuolumne County Sheriff (TCSO) David Vasquez informing her that [redacted] had requested an Emergency Protective Order (EPO).

    - Lieutenant Tafoya accessed the Clark County Detention Center website and confirmed Officer Lopez had been booked into the Clark County Jail for misdemeanor domestic battery (Inmate #07138196, Case 24-CR-025145).

    - Lieutenant Tafoya made notification to Central Division Chief Ellison, ID 14355.

2. On March 25, 2024, Lieutenant Tafoya contacted TCSO and confirmed the EPO[20] had been issued and both Officer Lopez and [redacted] were provided copies.

    - Assistant Chief Levi Miller, ID 16022, met with Sergeant Jeff Carlisle, ID 17191, both assigned to the Office of Internal Affairs. Assistant Chief Miller informed Sergeant Carlisle of the alleged misconduct by Officer Lopez and assigned him as lead investigator. Office of Equal Employment Opportunity Sergeant Chad Wood, ID 18730, was assigned as the secondary investigator.

    - Sergeant Carlisle spoke with Lieutenant Tafoya over the phone and discussed the alleged misconduct.

    - Lieutenant Tafoya received a phone call from Officer Lopez, who confirmed he had been released from the Clark County Detention Center and was travelling home to stay with family in Clovis, CA.

[20] Exhibit 17

3. On March 26, 2024, Lieutenant Tafoya and Sergeant Richard Percey, ID 18605, drove to Clovis where they served Officer Lopez with a CHP 51, *Notice of Administrative Time-Off with Pay,* which included his Removal of Peace Officer Powers[21].

   - Sergeant Carlisle called "*Westlake Resort*" located at 3000 Paradise Rd., Las Vegas, NV (702-732-5111) and spoke with Communications Manager [redacted] who declined to provide his last name. He advised the request for video of the incident and the request to interview Westlake Resort employee [redacted] will be forwarded to security manage[redacted] who was unavailable at that time.

   - Sergeant Carlisle researched and printed applicable Nevada criminal statutes[22] investigated in this incident.

   - Sergeant Carlisle received a voicemail from [redacted] Westgate Resort. Sergeant Carlisle called him back and they discussed this incident. Sergeant Carlisle prepared a memorandum summarizing this conversation[23].

4. On March 27, 2024, Sergeant Carlisle developed interview questions fo[redacted] and other involved witnesses.

   - Sergeant Carlisle emailed Sergeant Randy Matyshock, ID 15735, of the Sonora Area requesting documents from Officer Lopez' personnel file.

   - Lieutenant Tafoya and Sergeant Carlisle discussed the case. Lieutenant Tafoya scheduled witness interviews of [redacted] to be conducted on March 28, 2024, at the [redacted] Sonora, CA.

[21] Exhibit 32
[22] Exhibits 8-10
[23] Exhibit 24

5. On March 28, 2024, Sergeant Carlisle and Sergeant Wood conducted three separate witness interviews with [redacted] These interviews were audio recorded. Sergeant Wood sent the audio files of these interviews to Transcription Services. [redacted] drew a diagram[27] of the hotel room locating where she was when the attack occurred. Sergeant Carlisle took 14 digital photos[28] of [redacted] documenting her injuries.

   - [redacted] filed a Temporary Restraining Order (TRO)[29] with the Superior Court of California, County of Tuolumne, which was set to expire on April 18, 2024. The TRO prohibited Officer Lopez from contact with [redacted] or possessing any firearms.

6. On March 29, 2024, Sergeant Carlisle called and left a voicemail for Westlake Resort Security Director [redacted] to request an interview Westlake Resort employee [redacted]

   - Sergeant Wood contacted the Las Vegas Metropolitan Police Department (LVMPD) and requested a copy of their arrest report and associated evidence from their investigation.

7. On April 1, 2024, Sergeant Wood received a copy of the LVMPD arrest report for Officer Lopez[30].

8. On April 2, 2024, Sergeant Carlisle called witness [redacted] and left a voicemail asking for his call back.

   - Sergeant Carlisle called witness [redacted] and obtained her statement over the phone. A memorandum summarizing this interview was written by Sergeant Carlisle[31] (The recorder malfunctioned, and this interview was not recorded).

   - Sergeant Carlisle called witness [redacted] and left a voicemail asking for his call back.

[24] Exhibit 36
[25] Exhibit 37
[26] Exhibit 34
[27] Exhibit 22
[28] Exhibit 16
[29] Exhibits 18-19
[30] Exhibits 13, 21
[31] Exhibit 25

- Sergeant Carlisle called witness [redacted] and left a voicemail asking for her call back.

- Sergeant Carlisle called witness [redacted] and left a voicemail asking for his call back.

- Sergeant Carlisle called witness [redacted] and scheduled a telephone interview on April 3, 2024, at 0800 hours. She also advised her husband [redacted] would be available for a telephone interview on April 3, 2024, at 1245 hours.

- Sergeant Carlisle received a return call from witness [redacted] and obtained his recorded statement over the phone. A memorandum summarizing this interview was written by Sergeant Carlisle[32].

- Sergeant Carlisle spoke with witness [redacted] and obtained her recorded statement over the phone. A memorandum summarizing this interview was written by Sergeant Carlisle[33].

- Sergeant Wood received, from LVMPD, the audio recording from the 911 call regarding this incident and a copy of the Computer Aided Dispatch (CAD) Log for the call[34].

9. On April 3, 2024, Sergeant Carlisle called witness [redacted] and obtained her recorded statement over the phone. A memorandum summarizing this interview was written by Sergeant Carlisle[35].

- Sergeant Wood received an email link from the LVMPD records department to evidence.com which provided the body-worn camera video[36] and photographs[37] regarding this incident.

- Sergeant Carlisle requested investigative assistance from OIA Officer Smeja, ID 18872, in obtaining a personal cell phone for Westgate Resort security manager [redacted]

[32] Exhibit 27
[33] Exhibit 26
[34] Exhibit 31
[35] Exhibit 28
[36] Exhibit 33
[37] Exhibit 14

- Sergeant Carlisle called witness [redacted] and obtained his recorded statement over the phone. A memorandum summarizing this interview was written by Sergeant Carlisle[38].

- Sergeant Carlisle received a voicemail from witness [redacted] advised he was out of the country traveling, but would call back on April 4, 2024, to provide his statement. Sergeant Carlisle called him back and left another voicemail confirming the telephonic appointment and requesting [redacted] for an interview as well.

10. On April 4, 2024, Sergeant Carlisle received a call from witness [redacted] and obtained his recorded statement over the phone which was subsequently transcribed[39].

- Sergeant Carlisle received a call from witness [redacted] and obtained her recorded statement over the phone. A memorandum summarizing this interview was written by Sergeant Carlisle[40].

- Sergeant Carlisle obtained potential phone numbers for witnes [redacted] through confidential investigative resources. Sergeant Carlisle determined none of these phone numbers belonged to [redacted]

- Sergeant Carlisle called Westgate Resort Security manager [redacted] and left a second voicemail requesting an interview with [redacted]

- Sergeant Carlisle reviewed LVMPD body-worn camera footage.

11. On April 5, 2024, Sergeant Carlisle continued to review LVMPD body-worn camera footage.

- Sergeant Carlisle called the Clark County District Attorney's Office. The court clerk confirmed Officer Lopez' criminal case had been accepted by the District Attorney's Office and they were moving forward with a single charge of misdemeanor domestic battery (Case #24-CR-025145). The next scheduled court appearance is a scheduled arraignment on May 16, 2024, at 0830 hours.

[38] Exhibit 29
[39] Exhibit 35
[40] Exhibit 30

- Sergeant Randy Matyshock, ID 15735, provided Sergeant Carlisle copies of relevant documents located in Officer Lopez' personnel file. These documents were uploaded to the case file[41].

- Lieutenant Tafoya contacted Sergeant Carlisle and confirmed the [redacted] had a court hearing on April 18, 2024, to determine the status of the Temporary Protective Order.

12. On April 8, 2024, Sergeant Carlisle prepared summary memorandums of witnesses' interviews so far conducted.

    - Sergeant Carlisle prepared a CHP 51, *Notice of Administrative Interrogation* for Officer Lopez. The notice was sent to Lieutenant Tafoya for review and service.

13. On April 9, 2024, Sergeant Carlisle called [redacted] and conducted a second interview. A copy of this audio interview was subsequently transcribed[42].

- Sergeant Carlisle began formulating interrogation questions for Officer Lopez, printed associated Department polices[43] applicable to this incident, and printed Officer Lopez' Automated Time Sheet (ATS) for March 24, 2024, confirming he was on a Regular Day Off (RDO)[44].

- On April 9, 2024, [redacted] emailed Sergeant Carlisle a copy of a digital photograph[45]. She said it was a photograph she took with her cell phone of [redacted] and [redacted] helping Officer Lopez walk as they left Fremont Street on the morning of March 24, 2024.

14. On April 10, 2024, Sergeant Carlisle continued formulating interrogation questions for Officer Lopez.

***15.*** On April 11, 2024, Sergeant Carlisle called witness [redacted] Westgate Hotel Security Manager for the third time and left a voicemail requesting his call back.

***<u>Investigator's Note:</u> [redacted] failed to return any calls despite numerous attempts by investigators to obtain his statement.***

[41] Exhibits 6, 7, and 11
[42] Exhibit 38
[43] Exhibits 1-5
[44] Exhibit 12
[45] Exhibit 15

- Lieutenant Tafoya served Officer Lopez with a CHP 51, *Notice of Administrative Interrogation* for April 17, 2024[46].
- Sergeant Carlisle reviewed LVMPD body-worn camera footage and organized video footage on a Word document timeline table[47].

16. On April 12, 2024, Sergeant Carlisle continued reviewing LVMPD body-worn camera footage and organizing video footage on a Word document timeline table.

17. On April 13, 2024, [redacted] emailed Sergeant Carlisle a DV-120, *Response to Request for Domestic Violence Restraining Order* which was submitted to the Tuolumne County Court ahead of their April 18, 2024, court hearing. A copy of this form was placed in the exhibit file[48].

18. On April 15, 2024, Officer Lopez submitted his resignation effective April 15, 2024, via memorandum to Lieutenant Tafoya. A copy of the memorandum was placed in the investigative file[49].

19. On April 18, 2024, the TRO issued by the Superior Court of California, County of Tuolumne, to Officer Lopez, prohibiting contact with [redacted] or possessing any firearms, was extended to May 30, 2024.

20. On May 16, 2024, Sergeant Carlisle accessed the Clark County, Nevada criminal case court calendar and noted an arraignment hearing for Officer Lopez' criminal case was completed on May 16, 2024. The case was continued to May 21, 2024, for "*Negotiations*."

21. On May 17, 2024, Sergeant Carlisle conducted a California Law Enforcement Telecommunications System (CLETS) inquiry[50] on Officer Lopez confirming he had a TRO with firearm restrictions in place from April 18, 2024, to May 30, 2024.

22. On May 21, 2024, Sergeant Carlisle accessed the Clark County, Nevada criminal case court calendar and noted a court hearing for Officer Lopez' criminal case occurred on May 21, 2024. The case was set for pre-trail conference on July 8, 2024, and jury trial was scheduled for July 16, 2024.

[46] Exhibit 39
[47] Exhibit 23
[48] Exhibit 20
[49] Exhibit 40
[50] Exhibit 41

23. On May 21, 2024, Sergeant Carlisle booked the administrative evidence into the OIA evidence locker (E2024-0013-031[51]).

## Exhibits

1. General Order (G.O.) 0.1., *Departmental Mission Statement and Organizational Values.*
2. General Order (G.O.) 0.8., *Professional Values* signed by Officer Lopez.
3. CHP 51, Memorandum signed by Officer Lopez documenting his *"Annual Review of HPM 10.2 and G.O. 0.8."*
4. General Order (G.O.) 0.13., *Oath of Allegiance, Code of Honor, and Code of Ethics.*
5. Highway Patrol Manual (HPM) 10.3, Chapter 14, *Incompatible and Inconsistent Activities,* Annex B.
6. CHP 18, *Annual Internal Investigation Policy Review* signed by Officer Lopez.
7. Officer Lopez' Employee Training Records Report documenting his POST Domestic Violence training on December 21, 2023.
8. NRS 200.485, Battery which Constitutes Domestic Violence.
9. NRS 33.018, Acts which Constitute Domestic Violence.
10. NRS 200.481, Battery Definitions.
11. CHP 118, Performance Appraisal—Officer, for Officer Lopez from 12/21/2021 to 12/20/2023.
12. Copy of Officer Lopez' March 24, 2024, ATS entry documenting he was on a Regular Day Off (RDO).
13. LVMPD's criminal domestic violence report # LLV240300089696
14. Copies of 10 digital photos taken by LVMPD Officer Nguyen on March 24, 2024, of injuries sustained by [redacted]

[51] Exhibit 42

15. Copy of digital photo taken by [redacted] of Officer Lopez on Fremont Street on March 24, 2024.

16. Copies of 14 digital photos taken by Sergeant Carlisle on March 28, 2024, of injuries sustained by [redacted]

17. EPO-001, *Emergency Protective Order* (EPO) issued by Superior Court of California, County of Tuolumne, served to Officer Lopez.

18. DV-109, *Notice of Court Hearing* issued by Superior Court of California, County of Tuolumne, served to Officer Lopez on March 28, 2024.

19. DV-110, *Temporary Restraining Order* issued by Superior Court of California, County of Tuolumne, served to Officer Lopez on March 28, 2024.

20. DV-120, *Response to Request for Domestic Violence Restraining Order* provided to Sergeant Carlisle by [redacted] The DV-120 is Officer Lopez' response filed with Superior Court of California, County of Tuolumne, on April 12, 2024.

21. *Voluntary Statement* form completed by Westgate Resort security manager [redacted] to LVMPD on March 24, 2024.

22. Diagram of hotel room drawn by [redacted] on March 28, 2024.

23. LVMPD body-worn camera video table created by Sergeant Carlisle.

24. CHP 51, *Memorandum*, of Westgate security director [redacted] interview dated March 26, 2024.

25. CHP 51, *Memorandum*, of [redacted] interview dated April 2, 2024.

26. CHP 51, *Memorandum*, of [redacted] interview dated April 2, 2024.

27. CHP 51, *Memorandum*, of [redacted] interview dated April 2, 2024.

28. CHP 51, *Memorandum*, of [redacted] interview dated April 3, 2024.

29. CHP 51, *Memorandum*, of [redacted] interview dated April 3, 2024.

30. CHP 51, *Memorandum*, of [redacted] interview dated April 4, 2024.

31. Copy of LVMPD dispatch log and audio recording of 911 call.

32. CHP 51, *Memorandum, Notice of Administrative Time-Off with Pay,* issued to Officer Lopez, which included his Removal of Peace Officer Powers

33. Twenty (20) LVMPD Body-worn camera videos associated with the arrest of Officer Lopez supplied to the Department by the LVMPD.

34. Transcription and digital media audio recording o[redacted] first interview dated March 28, 2024.

35. Transcription and digital media audio recording [redacted] interview dated April 4, 2024.

36. Transcription and digital media audio recording of [redacted] interview dated March 28, 2024.

37. Transcription and digital media audio recording o[redacted] interview dated March 28, 2024.

38. Transcription and digital media audio recording of [redacted] second interview dated April 9, 2024.

39. CHP 51, *Memorandum, Notice of Administrative Interrogation,* issued to Officer Lopez.

40. CHP 51, *Memorandum*, completed and signed by Officer Lopez, documenting his voluntary resignation as an Officer, California Highway Patrol, effective immediately as of April 15, 2024.

41. California Law Enforcement Telecommunications System (CLETS) inquiry on May 17, 2024, revealing Officer Lopez has a TRO with firearm restrictions in place from April 18, 2024, to May 30, 2024.

42. CHP 36, *Property Receipt,* evidence #E2024-0013-031.

*I have used all reasonable diligence in preparing this investigation. To the best of my knowledge, the information contained herein is a true and complete representation of my investigative efforts and includes all information.*

J. CARLISLE, Sergeant

6/25/24
Date

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
# VOLUNTARY STATEMENT

Event # LLV240300069690

## THIS PORTION TO BE COMPLETED BY OFFICER

| Specific Crime | Date Occurred | Time Occurred |
|---|---|---|
| ASSAULT | 3/24/24 | 05:03 AM |
| **Location of Occurrence** | **Sector/Beat** | ☑ City ☒ County |
| ROOM 22-132 | | |

| Your Name (Last / First / Middle) | Date of Birth | Social Security # |
|---|---|---|
| GONZALES, JASPER, ORPUS | [redacted] | [redacted] |

| [redacted] | Work Schdl. (Hours) | (Days Off) | Business / School |
|---|---|---|---|
| | 9:30PM-6AM | WED/THR | WEST GATE |

| Residence Address: (Number & Street) | Bldg./Apt.# | City | State | Zip Code | Res. Phone: |
|---|---|---|---|---|---|
| | | | | | Bus. Phone: 702 732 5911 |

| Bus. (Local) Address: (Number & Street) | Bldg./Apt.# | City | State | Zip Code | Occupation | Depart Date (If visitor) |
|---|---|---|---|---|---|---|
| 3000 PARADISE ROAD | | LAS VEGAS | NV | 89109 | SECURITY MANAGER | |

| Best *place* to contact you during the day | Best *time* to contact you during the day | Can You Identify the Suspect? |
|---|---|---|
| DAY TIME | 11 AM | ☒ Yes ☐ No |

**DETAILS** ON 3/24/2024 AT 05:03 HOUR, I SECURITY MANAGER RESPONDED TO A CALL REGARDING A PHYSICAL DOMESTIC, UPON MY ARRIVAL AT ROOM 22-132, I MADE CONTACT WITH ELLIOTT LOPEZ, WHO HAS NO IDEA WHAT IS GOING ON, HE IS INTOXICATED AND ONLY ABLE TO FIND [redacted] CELL PHONE AND NOT HIS OWN. I CALL LOPEZ CELL PHONE AND [redacted] ANSWER THE PHONE & STATES SHE IS ON THE 25TH FLOOR, I MAKE [redacted] ON 25th FLOOR AND OBSERVE SEVERAL KNOTS ON HER FACE AS WELL AS SEVERAL BRUISES AND SWOLLEN LEFT CHEEK. I HAVE [redacted] SIT IN HOUSEKEEPING QUARTER ON 25TH FLOOR FOR SAFETY CONCERN AND HAE PARAMEDICS POLLED TO SCENE, MYSELF AND SECURITY OFFICERS RETURN TO ROOM 22-132 AND PLACE LOPEZ IN MECHANICAL

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) WEST GATE
ON THE 24TH DAY OF MARCH 2024 AT 6:39 (AM) / PM).

Witness/Officer: _____ (SIGNATURE)

Witness/Officer: I.S. MARK (PRINTED) P# 15229

_____ SIGNATURE OF PERSON GIVING STATEMENT

Dissemination is restricted to CHP, Internal Affairs ONLY. Secondary dissemination is PROHIBITED. [redacted] Las Vegas Metropolitan Police Department
By: D7528F
INTERNAL AFFAIRS BUREAU

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

# VOLUNTARY STATEMENT CONTINUATION



Event #: LLV24030008916916

RESTRAINTS AND TAKE LOPEZ TO THE HOLDING ROOM

Witness: B. MAYER 15229

SIGNATURE OF PERSON GIVING STATEMENT

Dissemination is restricted to CHP, Internal Affairs ONLY.
Secondary dissemination is PROHIBITED.
Released to: Sgt. Chad Woods
On: 04/01/2024
Las Vegas Metropolitan Police Department
By: D7528E
INTERNAL AFFAIRS BUREAU

# Las Vegas Metropolitan Police Department
## Domestic Violence Report

Event# LLV240300089696

| Specific Crimes | Jurisdiction | Crime Category | Sector/Beat |
|---|---|---|---|
| Domestic Battery, (1st)(M)-NRS 200.485.1A | Clark County | | M1 |

| Location of Incident: (Number & Street) | City, ST Zip |
|---|---|
| 3000 Paradise Rd | LV, NV 89109 |

| | Date/Time | Day | | Date/Time | Connecting Report |
|---|---|---|---|---|---|
| Occurred | 3/24/2024 4:50:02 AM | Sunday | Report Taken | 3/24/2024 5:06:16 AM | Arrest Report<br>Body Camera Video<br>Declaration of Arrest<br>Domestic Violence Information Card<br>Domestic Violence Rpt<br>Photo Attached<br>Temporary Custody Record<br>Victim Information Guide<br>Witness List |

| | | | | Reporting Officer | Squad | Follow-Up |
|---|---|---|---|---|---|---|
| Was there a witness? | | Is there physical evidence present? (i.e., visible injury, weapons, etc.) | | 15229 - Mayer, Benedetto | CC14B | |
| | | | | Supervisor Approving | | Follow-Up |
| Has victim requested temporary housing? | | Is there a T.P.O. in effect? T# | | 07949 - Garces, Michael | | |

**Assisting Officers**

| | |
|---|---|
| T19311N - Nguyen, Tommy | Officer |

**Persons (List Victims First)**

Victims

| Name (Last, First Middle) | Non English Speaking | Language |
|---|---|---|
| [redacted] | No | |

| Date of Birth | SSN | Race | Ethnicity | Sex | Ht. | Wt. | Hair | Eyes | DV Card |
|---|---|---|---|---|---|---|---|---|---|
| [redacted] | | [redacted] | [redacted] | | | | | | Yes |

| Address Type | Address | CSZ | Country |
|---|---|---|---|
| Residence | [redacted] | | United States |

| Phone Type | Phone Number |
|---|---|
| Cellular | [redacted] |

| Victim / Suspect Relationship | [redacted] | Victim Demeanor | In Pain |
|---|---|---|---|
| Voluntary Statement | | Drugs / Alcohol | Alcohol |
| | | Photographs | Digital Photos |

Victim Injuries

| Injury Location | Injury Type | Injury Description |
|---|---|---|
| Head | Black Eye | both eyes are black, bruised face, knot on fore head |

Children Present

| Name | Age | Location | Witness | Statement |
|---|---|---|---|---|

# DV Auxiliary LAP Questionaire

| Alcohol/Drugs Involved | Alcohol |
|---|---|
| | |
| Relationship of Aggressor to Victim | [redacted] |
| Notes: | |

If any of the questions below are answered "YES", victim is in HIGH RISK/DANGER
Officer is to call an agency listed below and mark the HIGH RISK/DANGER check box.

| | | |
|---|---|---|
| 1 | No | Has your partner (or whoever the aggressor is) ever used a weapon against you or threatened you with a weapon |
| 2 | No | Has he/she ever threatened to kill you or your children? |
| 3 | Yes | Do you think he/she might try to kill you? |

If any three of the questions below are answered "YES", victim is in HIGH RISK/DANGER
Officer is to call an agency listed below and mark the HIGH RISK/DANGER check box.

| | | |
|---|---|---|
| 4 | Yes | Does he/she have a gun or can he/she get one easily? |

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Las Vegas Metropolitan Police Department
By: D7528F
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# Las Vegas Metropolitan Police Department
## Domestic Violence Report

Event# LLV240300089696

| | | |
|---|---|---|
| 5 | No | Has he/she ever tried to strangle you? |
| 6 | Yes | Is he/she violently or consistently jealous or do they control most or all of your daily activities? |
| 7 | No | Have you left him/her or separated after living together or being married? |
| 8 | No | Is he/she unemployed? |
| 9 | No | Has he/she ever tried to kill himself/herself? |
| 10 | No | Do you have a blended family (step children)? |
| 11 | No | Does he/she follow or spy on you or leave threatening messages? |
| 12 | No | HIGH RISK/DANGER |

| | | | |
|---|---|---|---|
| SafeNest - 646-4981 | | Call Completed | No |
| Victim Refused Call | Yes | Busy/No Answer | No |

Any Additional Comments

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# Las Vegas Metropolitan Police Department
## Domestic Violence Report

Event# LLV240300089696

**Arrestees**

| Name (Last, First Middle) | Non English Speaking | Language |
|---|---|---|
| Lopez, Elliott | No | |

| Date of Birth | SSN | Race | Ethnicity | Sex | Ht. | Wt. | Hair | Eyes | DV Card |
|---|---|---|---|---|---|---|---|---|---|
| [redacted] | | [redacted] | | | | | | | |

Addresses

| Address Type | Address | CSZ | Country |
|---|---|---|---|
| Residence | [redacted] | | United States |

| Phone Type | Phone Number |
|---|---|
| Cellular | [redacted] |

| Voluntary Statement | | Drugs / Alcohol | Yes | Photographs | No-Photos Not Taken | Arrestee Demeanor | Apologetic Calm |
|---|---|---|---|---|---|---|---|
| Primary Aggressor | | Yes | | TPO In Effect | | No | |

Arrestee Injuries

| Injury Location | Injury Type | Injury Description |
|---|---|---|

**Witnesses**

| Received | Dispatched | Arrived | Caller |
|---|---|---|---|
| | | | |
| Primary Aggressor | Mitigating Factors | Arrested Both Parties | Medical Release |
| | | | |
| Background Noise on Arrival | | Medical Attention | |

| Responding Agencies | Unit Number |
|---|---|

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**BWC Available**

**Suspect:**
**Lopez, Elliot**
**DOB:** [redacted]

**Victim:**
[redacted]
**DOB:** [redacted]

On 3/24/2024 at approximately 0506 hours I Officer B. Mayer P#15229 operating as marked patrol unit 1M40 and Officer T. Nguyen P#19311 operating as marked patrol unit 1M35TV responded to a call of a domestic disturbance at the Westgate Hotel located at 3000 Paradise Rd., LVN, 89109. The reporting party was Westgate security who had the male and female half separated.

Upon our arrival we made contact with Westgate security manager Jasper Gozales (DOB [redacted]) who told me the following, he responded to a call of a domestic at room 22-132. At room 22-132 they made contact with Elliot Lopez who was extremely intoxicated and had no recollection of what happened. Elliot provided Gonzales with [redacted] cellphone, Gonzales used the phone to call Elliot's phone and [redacted], Elliots [redacted] answered, she was on the 25th floor. Gonzales went up to the 25th floor and observed [redacted] had several bruises on her face, both eyes where black, and knots on her head. Gonzales called medical to the scene to have [redacted] checked out, before going and detaining Elliot.

I then went to the security office and made contact with Elliot Lopez (DOB [redacted], who had been detained by security. Elliot stated the following, he didn't remember any of the incident but had been out with [redacted] down on Freemont earlier in the evening and they where both drinking. They had an argument on Freemont and ended up taking an uber back to the
Westgate where he passed out, the next thing he knew was security was waking him up. Elliot said that he and [redacted] have bee[redacted] for eleven years but have recently gone through [redacted] troubles and separated last month but had been working on repairing their [redacted]

Officer Nguyen contacted [redacted] and she stated the following. Her and he[redacted] Elliot, of 11 years, but have been together for approximately 18 years, were drinking at Fremont Street Experience. [redacted] stated Elliot had a bit too much to drink and that the alcohol hit him fast and hard, to the point where he fell to the ground and blacked out. Elliot's friend had called him and [redacted] an uber back to the Westgate, room #22-132. When [redacted] arrived in the hotel room with Elliot, she stated Elliot was passed out in the middle of the bed, positioning himself diagonally across the bed, making it difficult for [redacted] to lay on the bed. [redacted] then stated she attempted to wake Elliot up and move him so that she could sleep in the bed as well. [redacted] then stated when Elliot finally woke up, he began "wailing" out on her. I asked [redacted] to elaborate on what "wailing" means and she stated Elliot began to throw blows to her face.

[redacted] stated she was eventually at the corner of the room, in the fetal position, asking Elliot to stop [redacted] then stated she did not know why Elliot stopped but he just randomly stopped and that is when [redacted] grabbed a phone off the table and ran out of the room. [redacted] then ran to Elliot's friends' room and told them what happened.

Elliot was arrested and transported to Clark County Detention Center where he was booked for Domestic Battery NRS 200.485.1A due to the fact that he did batter, by punching [redacted] of eleven years with whom he resides, [redacted] in the face and head multiple times, pursuant to NRS 33.018.

I, Officer 15229 - Mayer, Benedetto of the Las Vegas Metropolitan Police Department for _____, declare, subject to (penalty of perjury, that the above information is true and correct to the best of my knowledge or information and belief as identified. The above described information gives me probable cause to believe that on 3/24/2024 4:50:02 AM, _____ (name @ booking) also known as _____ (true name per SCOPE), committed the crimes(s) of:

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**Las Vegas Metropolitan Police Department**
**Domestic Violence Report**

Event# **LLV240300089696**

In the location of **3000 Paradise Rd,. LV, NV 89109** within **Clark County**. Declarant prays that your Honorable Magistrate finds that probable cause exists to hold the above-named person to answer such charge(s).

Dated this **24** Day of **March** , **2024**

Declarant (Sign and Print)

Officers Preferred Court Time

M ☐ T ☐ W ☐ T ☐ F ☐ ☐ a.m. ☐ p.m.

Connecting Documents ☐ Vol. St. ☐ ☐ Other

Secondary Event # Evid./Veh. _____

Supervisor Name (Sign and Print)
(Must be signed by Supervisor if Felony)

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ATH MAT 6




BATH MAT 6



LAS VEGAS METROPOLITAN POLICE DEPARTMENT
400 S. Martin Luther King Blvd.
Las Vegas, NV 89106

Arrest / Detective Report

Case Report No.: **LLV240300089696**

## Administrative

Location **3000 Paradise Rd LV, NV 89109** Sector /Beat **M1**
Occurred On (Date / Time) **Sunday 03/24/2024 4:50:02 AM** Or Between (Date / Time)
Reporting Officer **15229 - Mayer, Benedetto** Reported On **03/24/2024**
Entered By **15229 - Mayer, Benedetto** Entered On **03/24/2024 6:39:08 AM**
Supervisor **07949 - Garces, Michael** Follow Up Pro Squad **CC 14 Bike** Follow Up
Jurisdiction **Clark County** Report Type Disposition **Arrest**
Route To: Related Cases
Connecting Reports **Arrest Report**
**Body Camera Video**
**Declaration of Arrest**
**Domestic Violence Information Card**
**Domestic Violence Rpt**
**Photo Attached**
**Temporary Custody Record**
**Victim Information Guide**
**Witness List**

**Assisting Officers:**
**T19311N - Nguyen, Tommy** **Officer**

## Offenses

**Domestic Battery, (1st)(M)-NRS 200.485.1A**
Completed **Yes** Hate/Bias **None (No Bias)** Domestic Violence **Yes**
Entry Premises Entered Type Security Tools
Weapons **Personal Weapons (Hands, Feet, Teeth, etc.)** Location Type **Hotel/Motel/Etc.**
Criminal Activities **None/Unknown**

## Victims

**Name:** [redacted]

Victim Type **Individual** Written Statement **Refused** Can ID Suspect
Victim of **50235 - Domestic Battery, (1st)(M)-NRS 200.485.1A - IBR 13B** Domestic Battery **Yes**
SSN [redacted] DOB [redacted] Age [redacted] Sex [redacted] Race [redacted] Ethnicity [redacted]
Height [redacted] Weight [redacted] Hair Color [redacted] Eye Color [redacted]
Employer/School
Occupation/Grade Work Schedule
DLN [redacted] DL State **California** DL Country **United States**
Resident **Nonresident** Tourist Departure Date
Injury **Apparent Minor Injury** Injury Weapons **Personal Weapons (Hands, Feet, Teeth, etc.)**

**Addresses**
**Residence** [redacted]

**Phones**
**Cellular** [redacted]

**Email**

**Offender Relationships**
**A - Lopez, Elliott** [redacted]

**Domestic Violence Information**
Relationship to Suspect [redacted]
Intimate Relationship **Yes**
Voluntary Statement
Injury Severity **Minor**
Photos Taken **Digital Photos**
Primary Aggressor Determined **Yes**
Drug/Alcohol Involvement **Alcohol**
DV Information Provided **Yes**
Medical Attention **First Aid**

**Notes:**

## Arrestees

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**Arrestee Name:** Lopez, Elliott

Written Stmt. **No** Alerts Non-English **No** Language

Scope ID **0** DOB [redacted] Age [redacted] SSN [redacted]
Race [redacted] Ethnicity Build **Heavy** Handedness [redacted]
Sex [redacted] Height [redacted] Weight [redacted] Hair Color [redacted] Eye Color
Employer/School Occupation/Grade
Hair Length **Medium** Hair Style **Straight** Eyes
Complexion Facial hair Teeth
Appearance Injury/Condition
Speech manner Speech Characteristics
DLN [redacted] DL State **California** DL Country **United States**
Resident **Nonresident** Tourist Departure Place of Birth
Habitual Offender Status MO Factors

Primary Means of Attack/Weapon **Personal Weapons (Hands, Feet, Teeth, etc.)** Weapon Features

Employer/School Occupation/Grade

**Scars, Marks and Tattoos**

**Addresses**
**Residence** [redacted]

**Phones**
**Cellular** [redacted]

**Domestic Violence Information**

| | | | | | |
|---|---|---|---|---|---|
| TPO in Effect | **No** | Drug/Alcohol Involvement | **Yes** | Voluntary Statement | |
| Injury Severity | **No Visible** | Medical Attention | **None** | DV Info provided | **Yes** |
| Photos Taken | **No-Photos Not Taken** | Arrestee Demeanor | **Apologetic Calm** | | |

**Notes:**

## Witnesses

## Other Entities

**Name:** **Person Reporting/Complainant** Gonzales, Jasper

Written Statement **Yes** Can ID Suspect **Yes**

SSN [redacted] DOB [redacted] Age **42** Race [redacted] Ethnicity [redacted]
Sex [redacted] Height [redacted] Weight [redacted] Hair Color [redacted] Eye Color [redacted]
Employer/School **Westgate** Occupation/Grade **Security manager**
Tourist **Resident** Departure Date
DLN DL State DL Country

**Addresses**
**Business** [redacted]
**Phones**
**Business/Work** [redacted]

**Missing Person / Runaway**

Physical Appearance
Skin Complexion
Hair Length
Speech Characteristics
Injury or Condition
Medical Info
Headwear Color
Disappearance Type
Responsible Adult
Last seen by
Last seen wearing
Footprints Available
Photo Attached

Physical Build
Eye Description
Hair Style
Speech Manner
Distinctive Jewelry
Probable Destination
Missing Before
Relationship to MP
Last seen where
X-rays Available
Corrected Vision

Headwear Color
Teeth Description
Facial Hair
Dominate Hand
Blood Type
How long at present address
POB
Last seen Date/Time
Fingerprints Available
Dental Available
Circumcised

**Scars, Marks, Tattoos:**

## Dead Body Report Information

Coroner/Physician Coroner/Physician Name

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Coroner Case #
Case of Death
Public Administrator
Facility Name
Photos Taken

Coroner Seal #
Date/Time Pronounced
Hospital/Mortuary
Attendant Name

**Synopsis**

**Investigation**

**Scene**

**Body**

**Evidence at Scene**

**Notes:**

## Properties

## Solvability

## Modus Operandi

**MO General**
Occupied? **Yes**
General Premise **Hotel/Motel**

Surrounding Area **Middle of Block**
Specific Premise **Room**

**MO Against Property**
Entry Point
Entry/Attempt Method
Safe Entry
Victim Location **Out of Town**
Maid

Exit Point
Entry Tool
Suspect Actions
Electronic Locks **Yes**
Inspectress

Entry Location
Vehicle Entry
Additional Factors
Video Surveillance **No**

**MO Against People**
Victim-Suspect Relationship
Victim Condition **Intoxicated/UICS**
Suspect Pretended to Be
Sexual Acts

Pre-Incident Contact **Sleeping**
Suspect Solicited/Offered
Suspect Actions
Vehicle Involvement

## Narrative

**BWC Available**

**Suspect:**
**Lopez, Elliot**
**DOB:** [redacted]

**Victim:**
[redacted]

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Westgate where he passed out, the next thing he knew was security was waking him up. Elliot said that he and [redacted] have been [redacted] but have recently gone through [redacted] troubles and separated last month but had been working on repairing their [redacted]

Officer Nguyen contacted [redacted] and she stated the following. Her and [redacted] Elliot, of 11 years, but have been together for approximately 18 years, were drinking at Fremont Street Experience. [redacted] stated Elliot had a bit too much to drink and that the alcohol hit him fast and hard, to the point where he fell to the ground and blacked out. Elliot's friend had called him and [redacted] an uber back to the Westgate, room #22-132. When [redacted] arrived in the hotel room with Elliot, she stated Elliot was passed out in the middle of the bed, positioning himself diagonally across the bed, making it difficult for [redacted] to lay on the bed. [redacted] then stated she attempted to wake Elliot up and move him so that she could sleep in the bed as well. [redacted] then stated when Elliot finally woke up, he began "wailing" out on her. I asked [redacted] to elaborate on what "wailing" means and she stated Elliot began to throw blows to her face.

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Elliot was arrested and transported to Clark County Detention Center where he was booked for Domestic Battery NRS 200.485.1A due to the fact that he did batter, by punching, [redacted] eleven years with whom he resides, [redacted], in the face and head multiple times, pursuant to NRS 33.018.

## Patrol Follow-Up

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**Victim IA Interview Abbreviated Transcript**

Pages 3-9:

**WOOD:** Sounds busy.

[redacted]**:** Yeah. All of the stuff besides kids is my job, so.

**CARLISLE:** Okay. So as I had said before, we do have some points that we'd like to cover about the incident and what happened. But I'm just going to ask you, where would you like to start?

[redacted]**:** I honestly don't know how far back you want me to go, or what -- just for that weekend or what?

**CARLISLE:** Well, we were interested in what happened this weekend, but I'd say it's -- there's also an interest in what's happened before if it's kind of pertinent --

[redacted] It is.

**CARLISLE:** -- pursuant to what happened this weekend.

[redacted] Yeah. So since his shooting two years ago in March, I've been asking him to get help for -- there's three times specifically, and every -- every time would be just a blow off of no, I'm fine, whatever. And then the last time I asked him to go get help was about eight months ago, and I got the name of one of the therapists down in Turlock and said, hey, just take your motorcycle down. It's an hour drive. Just go down get help. And he just, he wouldn't make the appointment. He obviously knows how to, and being a peer support for as long as he has. And so I was like, well, you know what, if he's not going to go get help, then I'm

going to get myself help and I'm going to hopefully lead by example. And if he sees that I'm getting help, maybe he'll go get the help that he needs. So there's been back-to-back incidents for two years, since March, and that was the shooting. He got injured. His mom died, his brother just recently passed away, and through all of that he's just completely shut down to me. And especially over the last two months, and now I know why, because he has been having an affair. So he didn't want to go this weekend, but he felt guilty about going because [redacted] and [redacted] had spent so much money on the hotel rooms through the business and going. So he still went, obviously. And the whole time he was -- he was okay. He wasn't that bad. Just being quiet. He was still very quiet. But Saturday night he was okay, he wasn't drinking until midnight. So we went out and had pizza, and so he was eating dinner. He had a couple of Cokes with dinner. And then we went over to Fremont Street and our friends left, and he just started drinking then, but it was only four drinks between midnight and 2:00. And I was listening to the music and dancing with the friends and everything else. And then as it was about 2:15, I looked over because I heard something, and it was him hysterically crying. And even when his partner passed away when he was barely off probation he never cried like that. I have never seen him ever cry like that, in that guttural like just hysterically sobbing. So he had to be taken out of Fremont Street, carried out, which is completely unusual as well. He never -- if he -- he is always very careful in public when he drinks, and never ever gets to that point where he's even like

stumbling or you can even kind of tell that he's a little bit intoxicated by like his walk if he's out in public. He only, like he'll have drinks like that, like what he was, but at houses, like where he knows that he's in a safe environment and nothing's going to happen. So it was very, very, very strange. And so I went and called the Uber. I came back around the corner because it's a drop-off and pick-up spot. And when I came back around the corner, that's when I noticed that he was on the ground, he had puked, other friends were on the ground, and then people were starting to videotape around him. So he -- I went over, and that's when [redacted] got up and was trying to push people out of the way and things like that. And then [redacted] got her arm bit. And then they were able, with the help of strangers, to pick him up because he was just completely out of it, unconscious. And they had to pick him up, and they were able to., and then take him to the Uber. We got him up to the hotel room, and they flopped him on the bed, and that's when he was diagonal across the bed. So I went and got my pajamas on. And I had a feeling something was going on because he was using WhatsApp, and they only use that up here for overtime details. And I'm like, well, that's really strange because you have, you know, Academy time after we get back and then you're on RDO. So why are you looking at overtime details? And so I looked through his phone and that's when I found all the messages. And that's when I confirmed it that he was having an affair. So I went down with pajamas on, and he was laying across the bed, so there was no room for me. So I'm like, hey, wake up, hey, wake up, and like trying to get

him awake, and I couldn't. And I finally was like shaking him, and he was kind of like in the whole like, ugh, like grogginess, And he finally woke up, and he was in and out of it a little bit more, but not to the point that I could be like, hey move over, and for him to understand what I mean by like move over in the bed. And he's a big guy. And I finally said, you know what, who's [redacted]? And he woke up and he looked at me and he just started swinging. And the first swing was him laying down, sitting up, and then coming across. And I backed up into the corner, lost my balance, fell, and then he just jumped over me like an MMA fighter going for the knockout. And he's just on me just back and forth, back and forth. So I was calling him to, you know, get away as best as I could. And I was on my back, and so I kind of like rabbit punched him in his shoulder because I know his shoulders are bad, and tried to do anything to just get him away. And so I kicked him, and when I kicked him he fell backwards, and that was when I was able to run out of the room. And I grabbed a phone, I thought it was my phone, but it was his phone. And I grabbed the phone and just tried to go up to [redacted] and [redacted] room to get their attention and something. So they weren't answering the door, so I called everybody that I could. And I called [redacted] and he came up, and as soon as his elevator door opened and he comes over and he looks at my face, the other elevator opened up and it was security and they're like, are you [redacted]? I'm like, yeah. They're like, we've been looking for you. And then they whisked me away and had Metro come, did the interviews with him, had the EMTs come. At first I said I didn't want the EMTs, I wasn't

going to get transported, but Metro was like, no, you need to get transported. So then I went to the ER, so.

**CARLISLE:** Why don't we focus a bit on just the weekend.

[redacted] Uh-huh.

**CARLISLE:** And then we can kind of touch on some -- touch bases with some other stuff too. Let me ask you this, how long have you been in a relationship with [redacted]?

[redacted]**:** Nineteen years. We've been [redacted] since 2010.

**CARLISLE:** How did you guys meet?

[redacted]**:** I was his boss at the convention center that we both worked at. I was an event manager, so I did all of the events from the manager point of view, the move in, move out.

**CARLISLE:** Where was this at?

Pages 36-40:

Okay.

[redacted]: Yeah.

**CARLISLE:** Okay, so that was normal for him to start --

[redacted]: Yeah.

**CARLISLE:** -- drinking this?

[redacted]: Yeah.

**CARLISLE:** Okay. And how many drinks did he have?

[redacted]: I saw him have four.

**CARLISLE:** Do you think he might have had more that we didn't see? But you're with him.

[redacted]: No, uh-uh.

**CARLISLE:** I don't know the dynamics of hanging out, if --

[redacted]: No, I was pretty -- I'm not like super close, like right here, but I was within eyeshot to see him go up to the bar, and I know he paid for a couple of rounds and that was it. And yeah, I counted a four for him, so.

**CARLISLE:** Okay.

[redacted]: Yeah.

**CARLISLE:** Okay.

**WOOD:** Is he buying -- I'm sorry.

**CARLISLE:** No, go ahead.

**WOOD:** Was he buying drinks cash, or paying with a card, or?

[redacted]**:** Cash, uh-huh. As far as I know.

**CARLISLE:** And the time, we'll say a little bit after midnight, started drinking.

[redacted]**:** Uh-huh.

**CARLISLE:** Enjoying a cigar as well with the drinks.

[redacted]**:** Yep, uh-huh.

**CARLISLE:** And then until he finished maybe drinking those four, about how much time had passed?

[redacted]**:** Until about right about last call, so 1:45, 1:30, 1:45. That's the last time I saw him have a drink in his hand, was that last call.

**CARLISLE:** You mentioned earlier he's not really a public drinker.

[redacted]**:** Right.

**CARLISLE:** For him to have the four, were you taking that's out of the ordinary?

[redacted]**:** Absolutely not. Normal, totally normal.

**CARLISLE:** Okay.

[redacted]**:** Yep.

**CARLISLE:** So last call happens.

[redacted]**:** Uh-huh.

**CARLISLE:** Anything -- what was the next kind of (inaudible)?

[redacted]**:** So last call happens, I'm still drinking my drink and I look over, he has one, I'm like cool, whatever, and we're just hanging out, the band's still playing. So it's another, a couple songs go by, and I look over again and then that's when I see that the lights are turned on, it's now past 2:00. He's on the wall and he's hysterically crying.

**CARLISLE:** Okay. Any idea why he was crying?

[redacted]**:** No, I don't. [redacted] had the conversation with him, so I don't know what was said. I asked [redacted] later on, he doesn't know either. So I don't know what spawned that conversation for him to cry like that.

**CARLISLE:** Okay. And then earlier you would say it was a guttural --

[redacted]**:** Yeah.

**CARLISLE:** -- I think is the word you had used.

[redacted]**:** Yeah.

**CARLISLE:** Not normal for him?

[redacted]**:** Oh God, no. No.

**CARLISLE:** Okay.

[redacted]**:** I have never seen him cry like that, ever. Ever. I mean, his -- when his partner passed away and was killed, he never cried like that. And, yeah, it was very, very, very out of the ordinary.

**CARLISLE:** How long did that episode last?

[redacted] About ten, 15 minutes before they were carrying him out.

**CARLISLE:** And when you had seen him drinking the four drinks, any -- any change in his demeanor, his ability to carry himself?

[redacted]**:** No, totally happy. He was happy that[redacted] and[redacted] were around him. He was joking and laughing with them. He and[redacted] have like a brother-sister relationship. She's a fire captain, so it was all just like, you know, punchy, you know, that kind of stuff, and joking and things like that, so.

**CARLISLE:** Were you close enough to hear him talking?

[redacted] No.

**CARLISLE:** Okay.

[redacted]**:** No.

**CARLISLE:** Okay.

[redacted]**:** Not with the music and the band.

**CARLISLE:** Right. I guess what I'm getting at is, as far as like his speech becoming a little slurred or anything like that, as far as you know, you couldn't hear it?

[redacted]**:** As far as I know, right before he was crying, he was totally fine. I could hear him just joking and laughing. So nothing weird.

**CARLISLE:** Okay. And he started getting upset, that lasted for a few minutes.

[redacted]**:** Uh-huh.

**CARLISLE:** You said about ten or 15?

[redacted]**:** Right.

**CARLISLE:** Okay. Which is kind of a while.

[redacted]**:** It is.

**CARLISLE:** Yeah.

[redacted]**:** And it was.

**CARLISLE:** Okay.

[redacted]**:** Yeah. It was -- it was to the point that I'm like, okay, let's go. And that's when I called the Uber and I went over, and I -- you have to walk and go around a corner, and that's when I walked and then they started carrying him out, so.

**CARLISLE:** Okay.

[redacted] Yeah.

**CARLISLE:** At this point you're not involved as far as why he's crying or like that?

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They could have been doubles. We know the bartender really well, and he normally makes them however Elliot would like him to make them. We've known him for years. So I don't think they were anything more than a double.

**CARLISLE:** Does he drink Malibu rum at home?

[redacted]**:** He used to. That used to be his drink years and years and years ago, and he hasn't had that in a while. So not -- it's not un -- it's not, you know, it's normal because that's what he used to always drink. Normally he would drink like a tequila or something like that, but that would normally be his drink of choice if he just wanted something lighter, not something super heavy like a shot of tequila or something. Yeah.

**CARLISLE:** So do you get to the hotel room. What happens then?

[redacted]**:** So they throw him, literally they throw him on the bed, and he's sitting diagonally, and I'm like, well, I've got to go pee. So I went and used the

restroom, changed into my pajamas, I'm like, you know what, something's wrong, something's going on. And so that's when I decided to go through his phone.

**CARLISLE:** And about what time is this, that he gets dropped off, you're changing clothes?

[redacted] 3:15, 3:20, 3:30, somewhere in there.

**CARLISLE:** Okay.

[redacted]**:** Uh-huh. Yeah. And I spent a little bit of time looking through his phone, so.

**CARLISLE:** How much time do you think you spent?

[redacted]**:** About 20 minutes.

**CARLISLE:** Okay.

[redacted]**:** Yeah. I was going back through the messages and reading them all, so.

**CARLISLE:** And how were you feeling? What was happening at that point?

[redacted]**Z:** I was crying and disappointed. And disappointed that he was doing it again, so. Yeah.

**CARLISLE:** When you get in his phone, what are you finding?

[redacted]**:** I went back as far as I could in the WhatsApp, and it gave me a conversation from March 1st up until this whole weekend of him and another woman. And then there were things, graphic, nudes on her

side, nothing from him on his side, but sexually explicit messages, so.

I; And so at some point you try waking him up?

[redacted]: Uh-huh. So I'm like, you know what, I'm done. I'm done reading this. I already -- I'm done. Like, so I put the phone on the ledge in between the bathroom and the bedroom portion, and I go and I try to wake him up and I'm pushing him. I'm like, hey, move over so I can get -- just move over. And he wasn't, and he just was out of it, completely out of it. And I'm like, hey, move over, move over, move over. I got loud then just to -- I'm like, well, maybe he just -- he's just so out of it that he can't hear me. So I'm like, hey, move over, move over. And he's just not waking up. And then finally I was like, you know what? Who's [redacted]? And that's when he woke up.

**CARLISLE:** How long do you think you had been telling him to move over?

[redacted]: Probably two or three minutes.

**CARLISLE:** Okay.

[redacted] Yeah.

**CARLISLE:** And you think it's -- at this point are you -- you're yelling loudly?

[redacted]: Uh-huh.

**CARLISLE:** Okay.

[redacted]: Yeah. And we know at some point that there were, you know, calls down to the 911 or security, like hey, there's some yelling going on.

[redacted]: Right.

**CARLISLE:** Do you think that that might have initiated someone calling in? Was it that loud? I don't know.

[redacted]**:** That might have woken people up if they were asleep, but I don't think that that's something that they would call over. I think that they heard me screaming, Elliot, stop, you're hurting me.

**CARLISLE:** Okay.

[redacted]**:** Yeah.

**CARLISLE:** Okay. For two or three minutes you're trying, and he's just not --

[redacted]**Z:** Yeah.

**CARLISLE:** Yeah, okay.

[redacted]**:** Yeah.

**CARLISLE:** In your mind was he -- was he faking it? Was he just like, I just don't know, it's not worth my time to move over? Or was he truly like out?

[redacted]**:** He was truly out.

**CARLISLE:** Okay.

[redacted]**:** Out, out, yeah.

**CARLISLE:** But then you say to him --

**L**[redacted]**:** Who's [redacted]?

**CARLISLE:** Okay.

[redacted] And that's when he wakes up.

**CARLISLE:** So that's why I'm kind of -- I mean, what do you -- you were there. If he's truly out of it, by him, you mentioning that name or asking that question, and then he snaps out of it?

[redacted]: He wakes up.

**CARLISLE:** He wakes up?

[redacted] Yeah. So he was laying, he was laying like this, you know, kind of like diagonally like this, and he's just out. And I'm trying, I'm, you know, pushing him and moving him, and that's when I said, who's [redacted]? And he's all -- and he's does like this, like where am I? Kind of like blinking. And then he finally focuses on me, and then that's when he started swinging.

**CARLISLE:** Why do you think he was able to wake up right at that point where you said, you know, who's [redacted] i?

[redacted]: Because I mentioned her name.

**CARLISLE:** Do you think it was maybe just coincidental that you were putting -- wake up, wake up, wake up, and he's slowly coming to?

[redacted]: He probably slowly was.

**CARLISLE:** Coincidentally occurring as you mentioned this name, or do you think that name triggered something?

[redacted]: The name triggered, most definitely.

**CARLISLE:** Why do you say most definitely?

[redacted]: Because he didn't know that I knew, and that was the first time that he

knew I -- that I would have known. Like he -- so During the messages he -- she was telling him to wipe his phone and to do everything so I wouldn't find out. and so by me saying the name, I know that's what woke him up, and that was the oh shit moment of she knows her name. holy shit.

**CARLISLE:** what happened next?

[redacted] That's when he sat up, and then that's the first blow, was he was sitting up on the bed and then that's when I fell backwards into the corner of the room.

**CARLISLE:** When he's coming to -- you know, because this whole time you basically explained that that Elliot has had this reaction to probably the alcohol, or for whatever reason he's in this, I don't know, what word you would use, but he seems very -- he's not with it.

[redacted] Uh-uh.

**CARLISLE:** Like he's very, very, very drunk.

[redacted] Right.

**CARLISLE:** And to the point where he's passed out and not responding to anybody.

[redacted] Uh-huh.

**CARLISLE:** Making grown men carry him to his room.

[redacted]**:** Right.

**CARLISLE:** Not moving over for you.

[redacted]: Uh-huh.

**CARLISLE:** But then suddenly he's now able to wake up immediately and start attacking somebody with full control of his body?

[redacted] As far as I remember. Yeah, yeah. I mean, he was able to hop out of bed after I fell backwards and stand over me and start punching. And that's when I was screaming, Elliot, stop, stop you're hurting me.

**CARLISLE:** You described his face earlier too when he was kind of waking up. So was his -- were his eyes closed when you were telling him to move over?

[redacted] Uh-huh, they were.

**CARLISLE:** Okay.

[redacted]: Yeah.

**CARLISLE:** Snoring or anything like that?

[redacted] Just like groggy, just, urgh, urgh, you know.

**CARLISLE:** Yeah.

[redacted] Just like not -- not words. Not using any kind of words or anything like that, just completely groggy, and kind of normal for him when he would get like that kind of drunk. And just, you know, that was that was normal, that part, and just like kind of the norm.

**CARLISLE:** Okay, still normal for a very drunk Elliot?

[redacted]: Uh-huh. Yeah.

**CARLISLE:** Okay. And even in previous instances where he's drunk like that, were -- was there any -- was he able to kind of snap out of it?

[redacted]: Yeah.

**CARLISLE:** Okay.

[redacted] Uh-huh.

**CARLISLE:** So, [redacted]s name is mentioned.

[redacted]: Uh-huh.

**CARLISLE:** And then you say his face kind of changed, and he --

[redacted]: His face completely changed.

**CARLISLE:** Okay.

[redacted]: And his eyes changed, and I could tell that he was angry. And I could just, I could absolutely just see it. It was like raging bull.

**CARLISLE:** So what else made you -- if you -- I wasn't there, and it was almost like you were kind of painting a picture for us, or as if you're a director painting a, you know, a movie here. If you don't mind being a little more descriptive as what you saw and heard. What else made you think like he's a raging bull before he started striking you?

[redacted]: He was just, he was glaring, like when he woke up and he locked eyes with me after he focused on what was going on in the room and I -- after I said, well who's [redacted]? And he's kind of -- he opened his eyes and he's looking around the room like, what the hell is going on? And then he looked at me and it was just anger. And you could tell it was

anger, I could tell. His jaw was clenched. It was just glaring at me, and then that's when the first blow came.

**CARLISLE:** Before the first blow came and he's glaring at you like that, did you think, oh no, something's about to happen?

[redacted]**:** Uh-huh. I didn't think oh no, something is about to happen; I was like, oh, shit, he's going to like start screaming at me. But I didn't think that he was going to do that.

**CARLISLE:** Had that -- had you seen that face before?

[redacted]**:** Yeah. Uh-huh.

**CARLISLE:** How often does he get that way?

[redacted] Probably once every six, seven months, if not longer. He's usually not an angry person like that at all. I've seen it come out a couple times, but not -- not like that.

**CARLISLE:** Okay.

[redacted]**:** Yeah. I haven't seen that come out like that in a very long time.

**CARLISLE:** So he's diagonal on the bed, and you're off to the side.

[redacted]**:** Uh-huh.

**CARLISLE:** Where his head is? Standing or sitting or?

[redacted]**:** So he was laying like this way, so the bed is here, and so he's laying this way, and I'm moving him so he's more on his side of the bed. And then that's when I'm on the bed like trying to move him. And then

he -- that's when he wakes up and punches me, and I fall backwards.

**CARLISLE:** Would you mind -- actually, I have a piece of paper here. Could you just sort of like draw the room?

[redacted]**:** Uh-huh.

**CARLISLE:** And be -- where furniture is.

**L**[redacted]**:** Okay.

**CARLISLE:** And I'll let you just take a minute and kind of --

[redacted] There you go.

**CARLISLE:** Okay. And then -- oh, actually, if you don't mind holding on to it.

[redacted]**:** Okay.

**CARLISLE:** Yeah. And so, and you can use the pen or whatever. But describe, like maybe like pinpoint where were you sitting or standing, and where was Elliot?

[redacted]**:** Okay. So when we came in to the room here, they put him down, so he was laying like that.

**CARLISLE:** And the pillows would be --

[redacted]**:** And the pillow -- yeah, the pillows are right here and everything, yeah.

**CARLISLE:** Yeah. Yeah.

[redacted]**:** So he was laying right here, and then there's a tiny little console, like --

**CARLISLE:** And where's his head?

[redacted]: His head is right here.

**CARLISLE:** Okay.

[redacted]: Yeah. And so I came out of the bathroom, and I'm like -- and I come over to this side, and this was my side, and I'm like trying to move him, wake him up, so I can like get into bed. And then I'm on the bed here when he pops up and wakes up, and that's when he does the first blow and I fall.

**CARLISLE:** And you're seated next to him?

[redacted]: No, I'm like -- I'm kind of like over him, like not --

**CARLISLE:** Still trying?

[redacted]: Yeah, trying -- just trying to get him up.

**CARLISLE:** Okay.

[redacted]: And then that's when I fall backwards and then I -- I land.

**CARLISLE:** So your feet were on the ground but your hands were on the bed next to it?

[redacted]: Right.

**CARLISLE:** Okay.

[redacted]: Right, yep.

**CARLISLE:** So he wakes up, and how many seconds passes where he's looking at you with this angry -- you said he comes to you and --

[redacted]: Maybe it was like ten seconds.

**CARLISLE:** Okay.

[redacted]**:** It was really fast.

**CARLISLE:** Which honestly, I'll say ten seconds is kind of a long time as far as like he wakes up and then he's -- you know, for someone to stare at you for ten seconds --

**L[redacted]:** Yeah, probably a little bit shorter.

**CARLISLE:** Okay. Okay.

[redacted]**:** I mean, it was pretty short.

**CARLISLE:** Okay.

[redacted] Yeah.

**CARLISLE:** It wasn't like -- like staring, like, you know.

**CARLISLE:** Right, right.

[redacted]**:** It was really short.

**CARLISLE:** Okay.

[redacted]**:** Yeah.

**CARLISLE:** But did not expect anything physical at all?

[redacted]**:** No, no.

**CARLISLE:** Okay.

[redacted]**:** Uh-uh-huh.

**CARLISLE:** And so describe to me the -- what happened next.

[redacted]: So after the first blow, and I fall backwards, because I have like one leg on the bed here and I'm trying to like wake him up, and then so I fall backwards. I fall this way by the TV. So this room you could tell was supposed to be like a two queen room, because there was enough room on this side for another bed. So there's a lot of room in there. And so I fall backwards and I'm over in this corner right here. And then that's where I stumble and fall.

**CARLISLE:** How did he strike you? Did he use a left hand or right hand or a closed fist, or?

[redacted]: Both hands, closed fists.

**CARLISLE:** So like, just specifically, if you don't mind me kind of -- I know you've already gone through this with Las Vegas Metro, but I'm just trying to get a picture of how the attack went down.

[redacted]: Yeah. So I'm laying on -- so when I fall backwards here, the walls, the other room was here, so --

**CARLISLE:** I can just take this from you now.

[redacted]: Yeah, yeah. So I'm laying like this, and it's -- I know he's going at me like this. Like it's -- the best way I can explain it is like an MMA fighter getting ready to knock out when they're -- when the other person has fallen, and they're just back and forth, back and forth, back and forth, back and forth.

**CARLISLE:** Did you see the first blow even come?

**L[redacted]Z:** No.

**CARLISLE:** Or did you just feel it?

**[redacted]:** No, I felt it.

**CARLISLE:** Okay.

**[redacted]:** Yeah.

**CARLISLE:** So are you even sure if it was his left or right hand?

**[redacted]:** I'm not sure at that point.

**CARLISLE:** Okay.

**[redacted]:** But when he -- when I was on the floor, I could tell that it was both.

**CARLISLE:** Where did the first strike hit you?

**[redacted]:** Right here.

**CARLISLE:** Okay.

**[redacted]:** Yeah. So he sat up and then he came around the corner at me like that.

**CARLISLE:** Okay. And then that caused you to go into the ground?

**[redacted]:** Uh-huh.

**CARLISLE:** And maybe we'll just put this right here, so you can both see it. But you go to the ground.

**[redacted]:** Uh-huh.

**CARLISLE:** And then what was this right here?

[redacted]: That's me.

**CARLISLE:** Okay.

[redacted]**Z:** That's the, like the area that I'm in, yeah.

**CARLISLE:** Okay, that's the little picture?

[redacted]: That's the, like the area I'm in, yeah.

**CARLISLE:** Okay.

[redacted]: In the fetal position.

**CARLISLE:** Okay. And so are you up against the wall, or just in the middle of the floor?

[redacted]: I'm probably about this far away from the wall.

**CARLISLE:** Okay.

[redacted]: So I'm not completely like up against it.

**CARLISLE:** And you had your eyeglasses on during it?

[redacted]: I did.

**CARLISLE:** Okay, do you wear them all the time?

[redacted]: I do.

**CARLISLE:** Okay.

[redacted]: Well, yeah, I wear either glasses or contacts.

**CARLISLE:** Okay.

[redacted] But it was nighttime, getting ready for bed, so I had my glasses on.

**CARLISLE:** Okay.

[redacted]**:** Yeah. And he -- so he broke them. I normally have studs in as well, and one of those was ripped out. So he's over me, punch, punch, punch, punch, and I'm screaming, Elliot, stop hurting me, stop hurting me. And finally he's crouched down enough, he's not on the floor like sitting and punching me, but he's crouched down to where I can like rabbit kick him and kick him that way. And that way he can lose his balance. And he did, and he fell a little bit backwards. And that's when I ran out of the room.

**CARLISLE:** When he's crouched over you, so he's not like sitting on you or anything like --

[redacted]**:** Uh-uh.

**CARLISLE:** When you say MMA style, it was just closed fists.

[redacted]**:** Uh-huh. Like standing over and just like this.

**CARLISLE:** Were both of his legs on either side of you, as if -- if he wanted to sit down, would he be sitting on you? Or was he off to the side?

[redacted]**:** Off to the side.

**CARLISLE:** Okay.

[redacted] As best I can remember. Yeah, off to the side.

**CARLISLE:** Now, when you're in your fetal position, are you facing the wall or facing the room?

[redacted] My back is facing the wall, so I'm facing











**Witness 1- IA Interview Abbreviated Transcript**

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[redacted] Uh-huh, yeah.

**CARLISLE:** -- and everyone's having a good time, so I'm assuming that means everyone in the group is drinking except Elliot?

[redacted] Yeah.

**CARLISLE:** Initially?

[redacted] At that point.

**CARLISLE:** Okay.

[redacted] Initially, yes.

**CARLISLE:** Okay. And so then, again hypothetically 10:00 p.m., about what time do you think you bought him his first drink?

[redacted] I'd say -- because we had been there for quite some time, so like maybe midnight, 1:00-ish, somewhere in that vicinity, because it was closer to the end of the night like thing. So I was getting ready to go -- go up there to buy a drink, and I was like, hey, you want something or whatever? And he's like, no, no. I'm like, are you sure? And he's like, ah, screw it, just get me a tequila and pineapple. Like, all right, done. So that's what I did. So yeah, maybe midnight, 1:00, somewhere around there.

**CARLISLE:** Okay. So he had that drink and then obviously, you know, I'm interested in his alcohol consumption, as well as anything, any

interactions he had with people or of note. How did that develop with regards to his drinking?

[redacted] Like I said, I only saw him have the one I got him, I got him one more, and then I think he had one other one after that. So I only saw three drinks. I didn't see him with anything prior to and I don't recall him with anything afterwards either. And, you know, I mean, like I -- like I gave it to him and I don't know if he gets a refill and I don't -- I don't see it, but I didn't -- I only saw three.

**CARLISLE:** Would you, from your observations, fairly confident at least, you know, that he didn't have anything to drink prior to you giving him his first one?

[redacted] Yeah, I'm very confident of that, yeah.

Okay.

[redacted] Yes. When I went up there I watched him make the drinks.

**CARLISLE:** And what I'm getting at is, is do you think it's plausible, just your own observations of being there, that either the bartender or someone else would have been able to add something extra to the drinks?

[redacted] I mean, I guess anything is possible. Like once you walk away from there, the amount of people that are in there, and if you're not holding your drink directly in front of you, or if it's down by your side yeah, someone could throw something in that. But I mean, I didn't see anything as far as the bartender aspect. No, I didn't see anything from him, but --

**CARLISLE:** Okay. And the one to three drink -- actually, you said -- you'll say pretty confidently that you saw Elliot have three drinks from that bar?

[redacted] Yeah, that's all I -- yeah. I know -- I know I purchased two for him, and then I think [redacted] or somebody after might have given him one more afterwards.

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.....we had a brief conversation as far as what had transpired during the night.

**CARLISLE:** Okay.

[redacted] Because she didn't -- you know, she was sick, had gotten sick, and had basically passed out, so.

**CARLISLE:** Okay.

[redacted] And, you know, in my mind as well, like Elliot, he seemed to be way -- like, he got very emotional. I don't know, I know we're probably going to get into that, but he got way more emotional, and it didn't -- it didn't seem right in comparison to what I had observed him drinking and what everybody else -- like everyone seemed a little bit more intoxicated than most. And it wasn't like out of a norm as far as what our drinks were. That's, I guess -- you know what I mean, I'm saying?

**CARLISLE:** Okay.

[redacted] Like it didn't seem like we were having more, we were consuming more alcohol, but it seemed like people were more intoxicated than what should have been.

**CARLISLE:** Okay, okay. So you're saying that you are a

little kind of suspicious about what exactly was put in those drinks?

[redacted] Yeah, definitely a little -- a little bit. And I remember thinking about, you know, like watching him pour them, and yeah, he pours them heavy, but I didn't -- It didn't -- things didn't seem to fit. Like, it

wasn't -- you know, something seemed a little bit off, for sure.

**CARLISLE:** Okay. But he was pouring from labeled bottles, you know --

[redacted] Yes.

**CARLISLE:** -- with normal brands on them.

[redacted] From what I saw, yes.

**CARLISLE:** Okay, okay.

[redacted] Yes, uh-huh.

**CARLISLE:** So yeah, moving on to, you know, your observations of Elliot. It seemed at some point here, you know, you'd been there for a few hours, he's had maybe three drinks. Is it possible that he had more than that? Or were you kind of nearby him or hanging out with him? Like I know it's a group and there's music, and I'm just, you know, with a big group, I think you guys were like.....

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that's when I believe I buy him his first drink. And then he has another one after that that I purchased. I think I purchased them both actually. And then he -- I think I saw him with one more later on. So from the time they left to the time -- because the place was -- everything was kind of shutting down and being done. And I think we were getting ready to go to get, catch the Ubers or whatever. So I went in and used the restroom or whatever. So that timeframe would be maybe 3:00-ish, is when we're getting ready to leave. So 2:30, 2:00 -- yeah, 2:30, 3:00 is when we're about to -- you know, I go in there and use the bathroom, come out, I see him, him and [redacted] are talking, he's crying, he's very emotional and like completely over the top as far as like intoxication. Like it went from -- it was like a switch. Like it went from fine to like he's had too much, you know? Like it didn't make -- it didn't -- I was like, wow, how'd that happen? Like, because I've never seen him to that extent ever. And I've hung out with him quite a bit. And he could -- he could put alcohol away. And that was not -- that was not indicative of what he had been doing that night. And it didn't -- those two things weren't jiving in my brain.

**CARLISLE:** Okay. So he's emotional. What does that look like?

[redacted] Like he's a guy that doesn't cry, and he was very -- crying. He was crying a lot, like, like deep. Like to hear him the way he was, it hurt. Like that's how -- that's how hard he was letting emotions out, and I could -- I could feel it. And he just -- he just said he's -- he really hurt

inside, and that's pretty much all he could do. He couldn't really stand up on his own. And then [redacted] and I basically, you know, arm over each of our shoulders and walked him, tried to get him to walk back to where the Ubers were. So it was a slow stagger for him. Like he could barely function. Like his feet weren't -- weren't moving right. He was -- he was pretty much dead weight, you know, at that point, you know. (Inaudible.)

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Okay.

[redacted] And basically it's just a little -- it's just basically a little bit of liquid. I don't recall any chunks or anything like that.

**CARLISLE:** Okay.

[redacted] A couple guys like came up and were like, ah Vegas, you know, yelling, and they put their cameras filming him, and right front of his face. I'm like, hey, man, get back or whatever. [redacted] was kind of like, kind of out front, kind of like, hey, come on, guys just, you know, be whatever. One of the guys basically like slapped her arm real hard or whatever. And at that point I asked [redacted], I was like, you got him? So I walked over there to kind of handle the altercation with some of those guys. And then they took off. And we -- [redacted] which I didn't realize at the time, was pretty intoxicated. He had fallen, him and Elliot had fallen. Elliot's, you know, 240, 50 pounds or whatever. And I thought he had it and he didn't. So I helped him, everybody get up, and then we went to the Ubers.

**CARLISLE:** Did you see them fall, or you just turned around and they were on the ground?

[redacted]**:** I didn't -- yeah, I just turned around and I saw them on the ground. I didn't see them fall.

**CARLISLE:** Okay.

[redacted] Because I asked, I was like, you got him? He's like, yeah, I got him. You know, and that's -- I kind of went on from there.

**CARLISLE:** When you were helping him up, did anyone say that they were hurt? Did it look like anybody had got hurt?

[redacted] No. No one had said anything. I mean, Elliot couldn't really -- he was very, like couldn't really talk much anyway. But no, uh-uh, he didn't -- nobody really said anything.

**CARLISLE:** Okay. I think you guys get into the Uber next.

[redacted] Yeah, we get in the Uber. Half of us get in the Uber, so I think it was it was [redacted], myself, Elliot, [redacted] and [redacted]. Actually, [redacted] I don't even know if was in the Uber with us. I don't remember if she was in there or not. But I know [redacted].....

not -- he couldn't -- there's no way he would have been able to walk in there on his own. He needed -- he needed help to get into the room.

**CARLISLE:** Okay.

[redacted] And like, when we laid him on the bed, there was no help from him. We just basically kind of plopped him on the bed and picked his legs up and slid him on there and left him.

**CARLISLE:** Was he -- was he talking at all at any point in time as you were making your way up to the hotel room?

[redacted]**:** I want to say he tried to mumble like, I'm sorry or something like that, you know, because he felt like he was like -- but that would have been about it, you know? I know he said maybe in the elevator that he hurt or whatever, cause [redacted] was like, hey, don't worry, we're going to take care of you. You know, we're going to get you the help you need, kind of thing.

**CARLISLE:** Okay, okay. And then, you know, I'll be a little more specific as to when you put him on the bed, can you describe like, you know.....

surprised that Elliot's calling. And again, I'll kind of ask the question, you know, was there any way that Elliot could have been calling you based on the condition you left him in the room?

[redacted]: No way. That's why I was so surprised.

**CARLISLE:** Okay, okay.

[redacted] That it was even going to be -- that it was him, but it wasn't him when I answered.

**CARLISLE:** Right. And so you answer the phone, and what is -- who's on the phone and what happens?

[redacted] I was like, hello? And [redacted] was like, Elliot just beat the shit out of me, I need your help. And I was like, okay, where are you? And she said she was on -- she was outside of [redacted] and [redacted]'s room on the 25th floor in the other tower. I was like, I'll be right there. So I put my clothes back on and went to her and she, as soon as I got off the elevator, cause I didn't realize this at the time, but I could have walked on the 25th floor. There was a walkway that went all the way to the other tower, I didn't know that. So, I went down the.....

time.

**CARLISLE:** And then when you saw her, what was your -- is that about kind of what you expected to see as far as injuries or?

[redacted] Oh, no. I was very taken back by her injuries, and I was -- I was very surprised. Like I did not -- like that's not what I expected to see.

**CARLISLE:** What were you expecting to see?

[redacted] I wasn't -- I wasn't -- I don't know if I even had an expectation, but that like -- that was a total surprise to me. Like I didn't -- I didn't -- that's not something I would have ever imagined between those two. I would have never -- Elliot has never, I've never seen him be like angry like that. Like that seemed like -- it just seemed -- it did not seem right. Still doesn't seem right. Like it was, it was very -- I was very taken back by it.

**CARLISLE:** And what you -- were you taking it back more or -- I guess it seems like there might be two things going on. One, there's your expectation or your knowledge of Elliot's personality and him as a person and his.....

She's got a pretty good lump on her -- above her right eye, and her, like her -- her cheeks were -- and her -- like the cheekbones were like a little swollen up. I didn't see any like black and blue or anything yet. But yeah, she definitely looked like she'd been punched a few times.

**CARLISLE:** Okay. Was she talking okay, or is any swelling or anything like that affecting her speech?

[redacted]**:** She was talking. She said it hurt. Like her -- she said her jaw hurt a little bit when she was trying to talk. And I specifically asked her, I was like, has he ever touched you before? And she said no. And I was like, has he ever done -- I think I said, has he ever done this before? She said, no, absolutely not. I was like, okay. So then I try -- I think the security guys showed up right around that same time. And I got on the phone trying to call [redacted], and I was knocking on her door at the same time. And then I heard [redacted] say, [redacted] and I turned around and they were -- they kind of took her off and they put her in like a.....

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

LAS VEGAS JUSTICE COURT
FILE IN OPEN COURT
MAY 28 2024
BY: MM

THE STATE OF NEVADA,

Plaintiff,

-vs-

ELLIOTT LOPEZ #7138196,

Defendant.

JC CASE NO: 24CR025145

7

DA CASE NO: 202413587C

AMENDED
CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE (Category B Felony - NRS 200.481; 200.485; 33.018 - NOC 61677), in the manner following, to wit: That the said Defendant, on or about the 24th day of March, 2024, at and within the County of Clark, State of Nevada, did willfully and unlawfully use force or violence against or upon the person of his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child, to wit: [redacted] by striking the said [redacted] on the head and/or face, resulting in substantial bodily harm.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

*/s/ Sarah Overly*
05/22/24

24CR025145/ed - DVU
LVMPD EV# LLV240300089696
(TK03)

24 - CR - 025145
ACRM
Amended Criminal Complaint
17141185

# *Justice Court, Las Vegas Township*

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

- vs. -

Elliot H Lopez
Defendant.

CASE NO.: ~~Elliot~~ 24CR025145

DEPT. NO.: 7

**BATTERY CONSTITUTING DOMESTIC VIOLENCE ADMONISHMENT OF RIGHTS**
(For offenses occurring **on or after** JANUARY 1, 2022)

I am the Defendant in this case. I understand I am being charged with battery constituting domestic violence in having willfully and unlawfully committed an act of force or violence upon: (1) my spouse or former spouse; (2) a person I am dating or have dated; (3) a person with whom I have a child in common; (4) a person related to me by blood or marriage [except siblings and cousins with whom I am NOT in a custodial or guardian relationship]; (5) the minor child of any of the above; and/or (6) a person who has been appointed the custodian or legal guardian of my minor child (in violation of Nevada Revised Statutes 33.018/200.485).

**I AM AWARE THAT BY PLEADING GUILTY OR NOLO CONTENDERE I AM ADMITTING THE STATE COULD FACTUALLY PROVE THE CHARGE(S) AGAINST ME.**

**I AM AWARE THAT I HAVE EACH OF THE FOLLOWING RIGHTS AND THAT I WILL BE GIVING UP THESE RIGHTS IF I PLEAD GUILTY OR NOLO CONTENDERE:**

1. The right to a speedy trial;
2. The right to require the State to prove the charge(s) against me beyond a reasonable doubt;
3. The right to confront and question all witnesses against me;
4. The right to subpoena witnesses on my behalf and compel their attendance;
5. The right to remain silent and not be compelled to testify if there were a trial; and
6. The right to appeal my conviction except on constitutional or jurisdictional grounds.

**I AM ALSO AWARE THAT MY PLEA OF GUILTY OR NOLO CONTENDERE MAY HAVE THE FOLLOWING CONSEQUENCES:**

1. The State can use this conviction, and any other conviction from this or any other State which prohibits the same or similar conduct, to enhance the penalty for any subsequent offense;

2. I may be removed, deported, or excluded from entry into the United States or denied naturalization if I am not a citizen of the United States (in addition to other consequences provided by law).

3. If I am convicted of a misdemeanor or felony that constitutes domestic violence pursuant to NRS 200.485, or the same or substantially similar conduct in another jurisdiction, committed against or upon certain persons, owning or possessing or having in my custody or control any firearm will constitute a felony pursuant to NRS 202.360 and I will be ordered to permanently surrender, sell, or transfer any firearm that I own or that is in my possession or under my custody or control in the manner set forth in NRS 202.361.

   A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to 200.485 concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be fined up to $5,000.00.

24-CR-025145
DVAD
Admonishment of Rights – BDV
17284730

**DEFENDANT'S INITIALS:** EL

**DEFENDANT'S ATTORNEY'S INITIALS (if applicable):** MGO

4. If I am convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) (which requires "the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim"), possessing, shipping, transporting or receiving a firearm or ammunition will constitute a felony pursuant to federal law.

CONSEQUENCES FOR ALL OFFENSES:

Sentencing is entirely up to the Court and the range of penalties outlined will apply (unless a greater penalty is provided pursuant to NRS 200.481, 200.485(2)-(5)).

In addition to any other penalty, the Court may order me to participate in an alcohol or drug treatment program; and the Court may refer a child under the age of 18 years to an agency which provides protective services if it appears the child may need counseling as a result of the commission of a battery which constitutes domestic violence.

"PRIOR" OFFENSES WITHIN 7 YEARS:

An offense constitutes a prior offense if it occurs within seven years of the instant offense, regardless of the sequence of offenses and convictions. An offense also constitutes a prior offense if the offense was dismissed in connection with successful completion of a diversionary program or specialty court program, or if the offense was conditionally dismissed pursuant to NRS 176A.290.

PENALTIES FOR A FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR)

At least 2 days in jail but not more than 6 months; at least 48 hours, but not more than 120 hours, of community service; a fine of not less than $200, but not more than $1,000; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, at a certified agency, at my expense.

PENALTIES FOR A SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR)

At least 20 days in jail but not more than 6 months; at least 100 hours, but not more than 200 hours, of community service; a fine of not less than $500, but not more than $1,000; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at a certified agency, at my expense.

PENALTIES FOR A THIRD OFFENSE WITHIN 7 YEARS (FELONY)

A category B felony punishable by a sentence of imprisonment for at least 1 year but not more than 6 years; and a fine of at least $1,000 but not more than $5,000. A defendant is NOT eligible for probation for a third offense.

OFFENSES SUBSEQUENT TO FELONY OFFENSE(S) (FELONY):

Any violation of NRS 200.485, at any time after July 1, 2019, subsequent to any felony conviction for battery constituting domestic violence under NRS 33.018, or the laws of any other State prohibiting similar conduct, is a Category B felony, punishable by a sentence of imprisonment for at least 2 years, but not more than 15 years, and a mandatory fine of at least $2,000 but not more than $5,000. A defendant is NOT eligible for probation for offenses under this section. An offense is "subsequent to a felony offense" when a Defendant has a conviction for a felony battery constituting domestic violence regardless of whether the "prior" offense(s) occurred within 7 years and regardless of the sequence of offenses and convictions.

**INITIAL #1 or #2 BELOW (Please do NOT initial both)**

✓ 1. I am represented by an attorney in this case. My attorney has fully discussed these matters with me and advised me about my legal rights. My attorney is: Mat Pilato for Mike Micel, or

2. I have declined to have an attorney represent me and I have chosen to represent myself.

| | [redacted] | 7-9-24 |
|---|---|---|
| **DEFENDANT'S SIGNATURE** | **DATE OF BIRTH** | **DATE** |

**I HAVE REVIEWED THIS ADMONISHMENT WITH MY CLIENT AND HE/SHE UNDERSTANDS THE RIGHTS HE/SHE IS WAIVING AND THE CONSEQUENCES OF HIS/HER PLEA OF GUILTY/NOLO CONTENDERE TO THE BATTERY CONSTITUTING DOMESTIC VIOLENCE CHARGE(S).**

| | 15083 |
|---|---|
| **DEFENDANT'S ATTORNEY (if applicable)** | **BAR NUMBER** |

# Justice Court, Las Vegas Township
# Clark County, Nevada

Department: PC

## Court Minutes




**24-PC-025145** **State of Nevada vs. LOPEZ, ELLIOTT**

**3/25/2024 9:00:00 AM Initial Appearance Justice Court (PC Review)** Result: Matter Heard

| | | |
|---|---|---|
| **PARTIES PRESENT:** | State Of Nevada | Jobe, Michelle |
| | Defendant | LOPEZ, ELLIOTT |
| **Judge:** | Saxe, Rebecca | |
| **Court Reporter:** | Nelson, Bill | |
| **Court Clerk:** | Treadwell, Wendy | |

**PROCEEDINGS**

**Events:** **Probable Cause Found**

**72-Hour Hearing Completed**

**DA Denial** Review Date: 4/24/2024

**Released from Custody - DA Denial**

**Plea/Disp:** **999: Domestic battery, first offense [50235]**
Disposition: DA Denial

# Justice Court, Las Vegas Township
# Clark County, Nevada

Department: 07

## Court Minutes




**24-CR-025145** **State of Nevada vs. LOPEZ, ELLIOTT** Lead Atty: Osvaldo E Fumo

**5/16/2024 8:30:00 AM Arraignment (No Bail Posted)** Result: Matter Heard

| | | |
|---|---|---|
| **PARTIES PRESENT:** | State Of Nevada<br>Attorney | Lombardo, Morgan<br>Stone, Kendall Suzanne |
| **Judge:** | Wilson, Amy | |
| **Court Reporter:** | Grime, Joanie | |
| **Court Clerk:** | Murray, Mikayla | |

**PROCEEDINGS**

**Attorneys:** **Stone, Kendall Suzanne** LOPEZ, ELLIOTT — Added

**Hearings:** 5/21/2024 8:30:00 AM: Negotiations — Added

**Events:**

**Arraignment Completed**

*Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint*

**Counsel Confirms as Attorney of Record**

*K. Stone, Esq. for O. Fumo, Esq.*

**Discovery Given to Counsel in Open Court**

**Early offer received in open court**

**Continued For Negotiations**

# Justice Court, Las Vegas Township
# Clark County, Nevada

Department: 07

## Court Minutes




**24-CR-025145** **State of Nevada vs. LOPEZ, ELLIOTT** Lead Atty: Osvaldo E Fumo

**5/21/2024 8:30:00 AM Negotiations (No Bail Posted)** Result: Matter Heard

| | | |
|---|---|---|
| **PARTIES PRESENT:** | State Of Nevada | Rose, Laura |
| | Attorney | Miceli, Michael J., ESQ |
| **Judge:** | Wilson, Amy | |
| **Court Reporter:** | Tavaglione, Dana | |
| **Court Clerk:** | Powers, Rissa | |

**PROCEEDINGS**

| | | |
|---|---|---|
| **Attorneys:** | **Miceli, Michael J., ESQ** LOPEZ, ELLIOTT | Added |
| **Hearings:** | 7/16/2024 10:30:00 AM: Jury Trial | Added |
| | 7/8/2024 10:30:00 AM: Pretrial Conference | Added |
| **Events:** | **Court Continuance** | |
| | *Matter set for Pretrial conference and Jury Trial* | |

# Justice Court, Las Vegas Township
# Clark County, Nevada

Department: 07

## Court Minutes

L017141903

**24-CR-025145** **State of Nevada vs. LOPEZ, ELLIOTT** Lead Atty: Osvaldo E Fumo

**5/28/2024 8:30:00 AM Motion (No Bail Posted)** Result: Matter Heard

| | | |
|---|---|---|
| **PARTIES PRESENT:** | State Of Nevada | Reeves, Taylor Renee |
| | Attorney | Miceli, Michael J., ESQ |

**Judge:** Pro Tempore, Judge
**Court Reporter:** Grime, Joanie
**Pro Tempore:** Stoberski, Holly S.
**Court Clerk:** Murray, Mikayla

**PROCEEDINGS**

**Hearings:**

| | |
|---|---|
| 7/16/2024 10:30:00 AM: Jury Trial | Canceled |
| 7/9/2024 10:30:00 AM: Preliminary Hearing | Added |
| 7/8/2024 10:30:00 AM: Pretrial Conference | Canceled |

**Events:**

**Motion**

*by State to Amend Criminal Complaint - Motion Granted*

**Amended Criminal Complaint**

*Filed in Open Court*

**Future Court Date Vacated**

*07/08/2024 10:30 AM*
*07/16/2024 1:30 PM*

**Plea entered by Counsel**

**Charges:**

| | |
|---|---|
| **Amended: 001: Battery which constitutes domestic violence with substantial bodily harm** | Amended Complaint Filed |

**Plea/Disp:**

**002: Domestic battery, first offense [50235]**
Disposition: Dismissed

# Justice Court, Las Vegas Township
# Clark County, Nevada

Department: 07

## Court Minutes

L017284742

**24-CR-025145** **State of Nevada vs. LOPEZ, ELLIOTT** Lead Atty: Osvaldo E Fumo

**7/9/2024 10:30:00 AM Preliminary Hearing (No Bail Posted)** Result: Matter Heard

| | | |
|---|---|---|
| **PARTIES PRESENT:** | State Of Nevada | Overly, Sarah |
| | Attorney | Pitaro, Nicholas D. |
| | Defendant | LOPEZ, ELLIOTT |

**Judge:** Wilson, Amy
**Court Reporter:** Grime, Joanie
**Court Clerk:** Murray, Mikayla

**PROCEEDINGS**

**Attorneys:** **Pitaro, Nicholas D.** LOPEZ, ELLIOTT — Added

**Hearings:** 8/6/2024 8:30:00 AM: Status Check on Requirements — Added

**Events:**

**Per Negotiations, State Amends Charge(s) to Misdemeanor**

**Defendant Waives the Right to Trial**

**Defendant Waives Right to Jury Trial**

**Admonishment of Rights - BDV**

*Filed in open Court*

**Domestic Violence Counseling Referral Form**

*Provided to Defendant in Open Court*

**Status Check on Requirements**

*Defendant to have 4 classes completed and mental health evaluation at least scheduled by the first status check date.*

**Presence Waived**

*of defendant if compliant with requirements.*

**Charges:** **Amended: 001: Domestic battery, first offense** — Per Negotiations

**Plea/Disp:** **001: Domestic battery, first offense [50235]**

Plea: Nolo Contendere

Disposition: Adjudication Deferred

Sentence: Interim Sentence - Final Disposition Pending

| | | |
|---|---|---|
| Suspended Jail Sentence | 7/9/2024 - | Active (7/9/2024) |
| *120 Days* | | |
| Stay Out of Trouble | 7/9/2024 - | Active (7/9/2024) |
| Anger Management Counseling | 7/9/2024 - | Active (7/9/2024) |
| *13 Classes* | | |
| Community Service Mandatory Hours DV1 | 7/9/2024 - | Closed (7/9/2024) |

*Credit for time served - 48 hours*

| | | |
|---|---|---|
| Defendant Sentenced to 2 Days Jail | 7/9/2024 - | Closed (7/9/2024) |
| *with 2 Days Credit for Time Served* | | |
| No Contact With Victim | 7/9/2024 - | Active (7/9/2024) |
| [redacted] | | |
| Mental Health Evaluation | 7/9/2024 - | Active (7/9/2024) |
| *To follow recommendations.* | | |
| If so, to be dismissed | 7/9/2024 - | Active (7/9/2024) |

**Imposed Fees**

| | |
|---|---|
| Cash Bond Criminal Deferred Disposition Fee | $345.00 |
| **Fee Totals:** | **$345.00** |

Comment: Defendant received credit for time served on Mandatory Community Service Hours and Cash Bond.

# Justice Court, Las Vegas Township
# Clark County, Nevada

Department: 07

## Court Minutes




**24-CR-025145** **State of Nevada vs. LOPEZ, ELLIOTT** Lead Atty: Osvaldo E Fumo

**8/6/2024 8:30:00 AM Status Check on Requirements (No bail posted)** Result: Matter Heard

| | | |
|---|---|---|
| **PARTIES PRESENT:** | State Of Nevada | Reeves, Taylor Renee |
| | Attorney | Miceli, Michael J., ESQ |
| **Judge:** | Wilson, Amy | |
| **Court Reporter:** | Grime, Joanie | |
| **Court Clerk:** | Murray, Mikayla | |

**PROCEEDINGS**

**Hearings:** 11/5/2024 8:30:00 AM: Status Check on Requirements — Added

**Events:**

**Defendant Stayed Out of Trouble**

**Court Continuance**

**Status Check on Requirements**

*Defendant to provide proof of thereapy by the next statuts check date.*

**Requirements Status Note**

*4 classes completed.*

[redacted] 3:59
Oh no.

**Bechler, Raymond@POST** 4:01
OK.
All right, let's go ahead and begin now.
All the administrative stuff is stated…OK.

[redacted] 4:04
Yeah. OK.

**Bechler, Raymond@POST** 4:08
So Elliot, you were arrested on March the 23rd of 2024 for domestic violence while in Las Vegas.
Can you tell me what happened that day?

[redacted] 4:19
The only thing that I remember if we start about midnight is we were on Fremont Street.
We were hanging out with a bunch of friends. I wasn't having any alcohol whatsoever.
Sorry, I wasn't actively drinking.
I'd had like one or two drinks earlier in the evening.
I haven't really had anything after midnight and then one of our friends left.
Somebody handed me.
A.
Tequila and pineapple.
Drink a very large like drink.
It wasn't like a just a glass.
I was actually very large.

**Bechler, Raymond@POST** 4:55
OK.

[redacted] 4:56
I requested not to have it, you know? Like. Nope. Take it. Enjoy yourself.
I'm like, OK.
I'll do one just one.
Next thing I know, one turns into two and then I said hey, I just said one, but like I was told to buy this for you. Take it.
And they lowered hand it to me.

And then the third one and 4th one. I kind of remember don't really remember.
Next thing I remember, we're hanging out with some kid that's kind of like trying to make a couple bucks on Fremont Street. And one of those circle things, and we're just talking to him or shooting the **** we're trying to give him money. And that's the last thing.
I remember.
And then after that, I wake up in my room and security's talking to me.
They're OK.
There's been an incident.
Multiple people have called.
You need to come with us.
And I'm like, OK.
So it's very hard, I'm extremely intoxicated.
Actually kind of throw up on myself at one point.
They stand me up and they're like, hey, where you need to put your handcuffs. And I say, hey, I have a really bad shoulders.
Can you poop in, too, but like, absolutely.
So they put me in two sets of handcuffs, end up walking me down stairs where I sit and like, say.

**Bechler, Raymond@POST** 6:09
And this is, and this is security OK?

[redacted] 6:11
Security. Yeah. The security for the hotel. Yeah. Then walking me downstairs, they sit me in like a little holding area. And then Metro PD pulls up and they starts.
Kind of talking to me and I'm kind of trying to figure out what's going on and then ultimately from listening to them talking the whole way, I figured out that.
[redacted] had been assaulted and they were claiming that I had been assaulted.

**Bechler, Raymond@POST** 6:39
OK.

[redacted] 6:42
Yeah, that's all the recollection of any of those events in between that I had.

**Bechler, Raymond@POST** 6:49
OK. And eventually, though, Las Vegas metro police ultimately arrested you and took you to the booking at was it Clark County Correctional Facility?

[redacted] 6:56

Yeah.
Brook.

**Bechler, Raymond@POST** 7:02
OK.
And you eventually went through a court process, correct?

[redacted] 7:07
Humm…..

**Bechler, Raymond@POST** 7:08
What was the outcome of that court process?

[redacted] 7:10
The case has been completely dismissed.

**Bechler, Raymond@POST** 7:13
OK. And were there terms of that dismissal that you had to meet?

[redacted] 7:18
Yes. So the first term or the they actually refused to press charges in the beginning.
They're like, hey, we're going to charge you with misdemeanors, and they're like, weren't there anything?
This isn't. There's nothing here.
And they let me go.
I'm like, OK, cool. And then [redacted] and her attorney actually called.
And they said, hey, no, we need to press charges.
This is what we need to do and they update the felonies.

**Bechler, Raymond@POST** 7:46
OK.

[redacted] 7:46
So.

**Bechler, Raymond@POST** 7:46
So hang on.
So, Elliot, you're saying that initially the DA's office was not going…the district attorney's office was not going to press charges. And then, OK, your [redacted] and her attorney contacted the DA's office, and they subsequently filed? OK.

[redacted] 7:54
Correct.
Yes.
On the other, subsequently filed when I showed up to court, they said you can flee basically no contest to a misdemeanor.
And.
You have six month probation.
You need to take 13 weeks of anger management classes and go to mental health evaluation and then so I did that.
Well, so here's the ****** part. Is they basically said.
You can do that or you can try to fight it. But if you get all guilty, you'll go to prison for minimum one year.

BR **Bechler, Raymond@POST** 8:37
OK.

[redacted] 8:37
And you got you got like 10 minutes to decide.
I was like, what the hell am I going to answer? All kinds of stuff.
So I basically planned my content to a misdemeanor.

BR **Bechler, Raymond@POST** 8:49
OK, so that was a plea.
That was not a diversion.
And then you had to do all those requirements within that in order to meet that plea agreement, correct?

[redacted] 9:03
Correct, correct.

BR **Bechler, Raymond@POST** 9:04
OK.
OK.
Well, thanks for that, Elliot.
Well, let me… can I...
You initially started our conversation with from what I remember.
What? Why don't you remember?
What is the cause of you not recalling so much?

[redacted] 9:23
I was extremely intoxicated and I'm a diabetic and when I got to Clark County, the pension center, they checked my blood sugar at about 11:12 in the morning.

**Bechler, Raymond@POST** 9:36
Mm-hmm.

[redacted] 9:38
And my blood sugar was still over 400.
So yeah, I don't know if that was combination of being so drunk or kind of like a diabetic.

**Bechler, Raymond@POST** 9:42
OK.

[redacted] 9:52
Going into like a diabetic.
I would say coma, but I can diabetic episode because it was so high.

**Bechler, Raymond@POST** 9:58
OK.

[redacted] 10:00
Yeah. So that's why I have.

**Bechler, Raymond@POST** 10:01
OK.

[redacted] 10:02
That's why I have no recollection of those events whatsoever.

**Bechler, Raymond@POST** 10:06
OK. And Elliot, can I take you back, do you?
Do you is it?
Is it normal for you to drink alcoholic beverages with your diabetic?

[redacted] 10:16
I do, but I don't drink.
And excess like that I go.

**Bechler, Raymond@POST** 10:19
OK.

[redacted] 10:20
I'll drink like one or two drinks a night. Actually, for the most part, stop drinking.
My normal drink is a Malibu so rum and pineapple is what I normally drink.

**Bechler, Raymond@POST** 10:30
OK, right, right.

[redacted] 10:33
And.
That's usually what I drink.
It's nowhere near as far as tequila.
A friend of ours actually took and.
They asked for tequila.
Instead of Malibu, it was very, very it was a very strong group.

**Bechler, Raymond@POST** 10:49
OK.

[redacted] 10:50
So that's why that's why I only wanted one after.
Like, hey, I'll just take one and then I got to the bottom of that one and somebody rips out of my hand.
Another one of my hand and they were like, hey, you were told to buy it for you.
I'm like, no, I just want the one that I kept.
You have to drink it here.
So I drank the second one and then third one came.

**Bechler, Raymond@POST** 11:05
OK.
OK. Elliot, can you?

[redacted] 11:10
Granted. Granted, I was sorry. I will say this.
Granted, no one had a gun to my head that said you have to drink, so yeah.

**Bechler, Raymond@POST** 11:15

Correct. Can you tell me, can you walk me through how many drinks you had?
You said you weren't drinking very much up until midnight and then after midnight you, consumed more.

[redacted] 11:27
Yes, yes.

**Bechler, Raymond@POST** 11:28
How many would you say that you consumed, let's say from midnight until?
Just from what you can remember.

[redacted] 11:38
Oh.
Three, maybe 4.

**Bechler, Raymond@POST** 11:42
And are you talking just a just a normal 8 oz or six ounce pour of a drink? Or how much would you say?

[redacted] 11:47
Oh.
No, these are big.
They were, like almost like a 711 slurpy cup type things.
They were huge drinks.

**Bechler, Raymond@POST** 11:56
OK, so four of those.

[redacted] 11:57
So that's why that's yeah, three or four of those. That's why I didn't want them because. They were so big. And I haven't drinking so long.
I knew that I would get pretty drunk if I drink them.

**Bechler, Raymond@POST** 12:05
OK. When you say a 711 type drink, I'm thinking a 32 ounce cup.
Is that what you're saying? OK.

[redacted] 12:09
Yeah, yeah, yeah.

Like a 32 ounce type cup.
Yeah, it was big.

**Bechler, Raymond@POST** 12:13
OK. And again, that was with pineapple juice and Malibu rum.

[redacted] 12:18
No, no, no.
I was pineapple juice and tequila.

**Bechler, Raymond@POST** 12:21
And the tequila. OK, all right.

[redacted] 12:23
Yeah, yeah.

**Bechler, Raymond@POST** 12:23
Do you remember within a how long of a time frame were those shrinks consume?

[redacted] 12:33
OK, let me tell you. I got to tell you what time I started drinking.

**Bechler, Raymond@POST** 12:35
OK, OK.

[redacted] 12:36
Till what time I finished anything?

**Bechler, Raymond@POST** 12:37
OK.
Can I have you ever drink in that much alcohol in the past while being a diabetic while being a diabetic? And did you ever have a go?

[redacted] 12:45
Oh yes.
Yes.
Yeah, I haven't drank that much.
And no, I did not.
I have not had an episode where I was angry or fighting or anything.
I've never done that.

**Bechler, Raymond@POST** 13:03
OK. Have you ever had?
Have you ever? Have you ever had while drinking that much being diabetic had a blackout event?

[redacted] 13:11
Yes, I have left out before.

**Bechler, Raymond@POST** 13:14
OK, but being angry or violent is not typical.

[redacted] 13:18
No, no, not even now.
Like, I'll go out and we'll have a drink or two, but I don't get angry.
I don't start trying to fight people.
I don't none of that stuff.

**Bechler, Raymond@POST** 13:28
OK. And again, you were out with friends that you met there for the cigar conference. From what I understand.

[redacted] 13:35
Yes.

**Bechler, Raymond@POST** 13:36
OK, so you were you had already been there for several days and it was pretty much uneventful up until this this night on the 23rd.

[redacted] 13:46

**Bechler, Raymond@POST** 13:47
All right.
And you and Victim have been [redacted] for how long?

[redacted] 13:53
14 years we've been together for 18.

**Bechler, Raymond@POST** 13:56

OK. All right.
Can I just now dial in on when you were, what do you remember getting into an Uber to get to the hotel?

[redacted] 14:08
No.

**Bechler, Raymond@POST** 14:09
Do you remember your friends helping you, escorting you to the bed of your hotel room?
Do you remember [redacted] kind of nudging you so that she could get some bed space in the bed?

[redacted] 14:25
No.

**Bechler, Raymond@POST** 14:27
Do you remember Victim waking you up and mentioning the name of [redacted]?
Do you remember at all? Striking, punching, kicking. Pushing.
Victim that night.
You don't remember any of that?

[redacted] 14:47
None of that.

**Bechler, Raymond@POST** 14:48
So and again, can you tell me when you actually became aware that something was even the matter?

[redacted] 14:58
He was planning on the door, requesting I open the door.

**Bechler, Raymond@POST** 15:02
OK. All right.
OK.
Elliot, do you? Do you have any?
Thought process as you think now that it's it happened a while ago. You've had time to think this thing through.
Is there anything that you can think that may have caused you to act in the way that you did?

[redacted] 15:35

So here's the here's the kicker.
I'm a big dude.
And even now, I'm going through this therapy every six.
Dude, you're pretty big. You're pretty solid.
I'm like, Yep. And I'm. I'm a week out of a motorcycle crash, and I'm already standing up on one leg by myself to get in and out of bed with a fracture on my left leg.
I'm a pretty strong, pretty big guy.
100% I do not believe I even did it.
I don't believe that I struck her in any way and I believe that I swung in any way.
I believe that this was a sheer anger on her end because I was anger on her end.

**Bechler, Raymond@POST** 16:13
I'm sorry. A sheer what?

[redacted] 16:18
And she got upset because I was talking to someone else and I believe she did to herself because again, I'm diabetic and want to get a bruise or whatever, a scar, scratch anything that stays on my body for months and months and months.
I had 0 scratches.
I had 0 injuries on my hands.
I had nothing to my face and nothing to my leg.
It was 0.
And for her to say that she felt that I was trying to take her life because I was getting hurt so hard and going after her so crazy, I don't know.
I don't care who you are. You're going to fight for your life.
You're not just going to cower there. Just take it.
And again, if I am hitting you as hard as she says, I'm hitting you.
I'm going to break your teeth out.
I'm going to break your eye out.
I'm going to break your nose.
I'm going to break you.
I saw the pictures.
There's definitely superficial wounds, but there's no way that I would hit you in as big as I am and as angry as she said I was and trying to go after her like she said I was and not physically leave.
A somehow of a broken bone. You know what I mean?
So in my mind, there's no way I did any of what she's claiming I did.

**Bechler, Raymond@POST** 17:26
Yeah.

And for what reason you guys were [redacted] for 11 years, been together for 18, I think you said.

[redacted] 17:38
That we were [redacted] for, that we were [redacted] for 14.

**Bechler, Raymond@POST** 17:38
For.
OK.
So for what reason would she do this and make this claim and do the injuries to herself?

[redacted] 17:43
Thank you.
Because she has always said that if I wasn't with her that she would completely ruin me. And she knows that the highway patrol… that leaving in law enforcement is the.
The best thing in my life I love since I was a kid, my aunt told me to this day that I was in a diaper.
My (inaudible…) cop come and I run to the fence and jump on the on the fence and be like I'm going to do that one day.
I'm going to do that one day.
So (inaudible).. it is my, it is who not who I am, but it's what I do is what I love doing.
And I'm not that ******* cop that cops had sits in those conversations with people.
And I love it in no end.
I do the peer support thing because I think mental health is extremely important, especially on our end of law enforcement.
So I love doing being well-rounded all the way around.
It's there's nothing more that I love.
And he wants nothing more than to take that love of.
What I want away from me, she's trying to completely ruin everything I have and take it away. If she would be happy if I told myself honestly.
Which is sad because we were together for 18 years.
So she wants to make it so that I have absolutely nothing.
Even when I went to court this last.
The beginning of July.
He wanted me to have five years' probation.
For restraining order.
And then she goes, hey, when are you doing the?
Interview or what do you do? The posting or whatever your job back and I'm like, well, I can't do it until this is over.
They're like, OK.

Well, we'll give you a nine month stay.
Of not doing anything once. If you do something, then we'll start us over again.
Or if you decide not to do a lot of portion, then we'll do a restraining order.
It's almost like a like. We'll let you get your job back because that's going to give us money in our pocket in the long run.
And it's just and I, I and I get it.
She's a woman scorned, like they say, but.
It just.
I can't live.
There's. I can't live that way and I don't understand how other people can live that way, if that makes sense.
This was spite and hate and all that in their heart and just trying to completely kill people and ruin people and people. Throughout the years we were together.
Left her. She would ruin me.
So and I had already asked her for a [redacted] a month before.

BR **Bechler, Raymond@POST** 20:20
A month before going… to Vegas, you asked her for a [redacted].

[redacted] 20:20
So the only reason I went, yeah.
Yeah, the Saturday.
The last Saturday of February, after ..i asked for a [redacted].

BR **Bechler, Raymond@POST** 20:31
How did she take that?

[redacted] 20:33
She wasn't happy. She was ******.
She's very upset.

BR **Bechler, Raymond@POST** 20:36
Has she ever had?
Has she ever been violent towards you in the past?

[redacted] 20:38
And.
Yes, yes, we in 2019, we went to Vegas for.
Thoughtful and one of the gals back home.
We'll just shoot the ****, she said.

Was sending me nude pictures and my ex went through my phone spelled with pictures and while I was drunk.
The started kicking me while I was on the floor.
I started barking the toilet and she was upset and she started kicking me and kicking me and kicking me in the stomach and abdomen while I was on the ground.
So I didn't call the cops.
I didn't do anything.
I just left it as is.
I was like, Nope, I get it.
I got the same way. You're mad.
So.

**Bechler, Raymond@POST** 21:24
OK. Elliot, I don't have any more questions other than I want to.
If you could.
Could you just summarize your explanation of what a defense would be for you? I hear you saying that you don't remember.
But can you just give me an explanation of what your defense would be on this case?

[redacted] 21:48
A defense for why it happened or defense for why?

**Bechler, Raymond@POST** 21:52
Whether it you're saying you don't even think it that you did it, but you think that she may have done it to herself, but if you just give me if we were in a court of law, you're right before the judge, what would you say? This is my.
Defense.

[redacted] 22:09
If you look.

**Bechler, Raymond@POST** 22:09
Do you think it was the alcohol blackout?
Do you think it was?
It was imposed by her or. However, what is? I'm just trying to get your mindset.

[redacted] 22:17
If you look at my past and even my current work situation.
Not a violent person.
There's nothing.

I've never drank and started fighting.
I've never done. I've never been violent towards her and revealed that each other.
Over the years, I've never been by my torso.
I've never been violent towards anybody, but yeah, I get into fights at work, but it was because of they were fighting me and I could take control.
So yeah, we're getting to fights, but I'm not a violent person, and that is what upsets me the most about this is the few friends that did stay on my side and did talk to me about it for like, it's not you, man.
There's 100% that you.
I can't see you doing that like you were the guy that when people were arguing, you would come up.
And you would calm them down and even.
Now I have friends that.
Are going through a hard time, so they'll call me.
Because.

BR **Bechler, Raymond@POST** 23:24
Ellie, are you there?

[redacted] 23:26
Yeah.

BR **Bechler, Raymond@POST** 23:27
OK.
No, it's OK.

[redacted] 23:28
Sorry.
I'm. I'm I'm yeah.

BR **Bechler, Raymond@POST** 23:30
You're OK.
Take your time.
Take your time.
Take the time you need.

[redacted] 23:34
I mean, it's not another guy that's not me. I'm not.
The monster she's trying to portray me to be.

**Bechler, Raymond@POST** 23:45
OK, Elliot.
Well, that's all the questions on the list I have.
Yeah, I'll. I'll leave the final word for you. If you wanted to say something that would be helpful and making determinations moving forward. But I also wanted to get on record.
I don't think initially I said your name.
I just want to make sure the record knows that I'm talking to Elliot Lopez.
From the California Highway Patrol.

[redacted] 24:07
Yes.

**Bechler, Raymond@POST** 24:07
And so, Elliot, I'll leave the last word for you.
And.

[redacted] 24:14
I just hope that this.
I hope that I can get my job back.
That's all.
That's all it is, is.
I'm I'm a good.
I'm a horrible 'cause. I don't like running crashes or running speeding tickets, but I'm good cop so.

**Bechler, Raymond@POST** 24:31
OK.
All right.
I'm going to go off.

[redacted] 24:32
So.

**Bechler, Raymond@POST** 24:34
I'm going to go off tape here.

[redacted] 24:34
Oh my God.

# NRS 33.018
# Acts which constitute domestic violence

- exceptions.

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1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

**(a)** A battery.

**(b)** An assault.

**(c)** Coercion pursuant to NRS 207.190.

**(d)** A sexual assault.

**(e)** A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:

**(1)** Stalking.

**(2)** Arson.

**(3)** Trespassing.

**(4)** Larceny.

**(5)** Destruction of private property.

**(6)** Carrying a concealed weapon without a permit.

**(7)** Injuring or killing an animal.

**(8)** Burglary.

**(9)** An invasion of the home.

**(f)** A false imprisonment.

**(g)** Pandering.

**2.** The provisions of this section do not apply to:

**(a)** Siblings, except those siblings who are in a custodial or guardianship relationship with each other; **or**

**(b)** Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

**3.** As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

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*Location:* https://nevada.public.law/statutes/nrs_33.018

*Original Source: Section 33.018 — Acts which constitute domestic violence; exceptions.*, https://www.leg.state.nv.us/NRS/NRS-033.html#NRS033Sec018 (last accessed May 10, 2025).

# NRS 200.485 Battery which constitutes domestic violence: Penalties

- referring child for counseling
- restriction against dismissal, probation and suspension
- notice of prohibition against owning or possessing firearm
- order to surrender, sell or transfer firearm
- penalty for violation concerning firearm
- definitions.

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**1.** Unless a greater penalty is provided pursuant to subsections 2 to 5, inclusive, or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

**(a)** For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

**(1)** Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; **and**

**(2)** Perform not less than 48 hours, but not more than 120 hours, of community service.

↪ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

**(b)** For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

**(1)** Imprisonment in the city or county jail or detention facility for not less than 20 days, but not more than 6 months; **and**

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

↪ The person shall be further punished by a fine of not less than $500, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(c) For the third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than $1,000, but not more than $5,000.

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) A felony that constitutes domestic violence pursuant to NRS 33.018;

(b) A battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed with the use of a deadly weapon as described in NRS 200.481; **or**

(c) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a) or (b),

↪ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000, but not more than $5,000.

4. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:

(a) For the first offense, is guilty of a gross misdemeanor.

(b) For the second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than $1,000, but not more than $5,000.

5. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than $1,000, but not more than $5,000.

6. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

7. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; **or**

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a), (b) or (c) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

8. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for an alcohol or other substance

use disorder that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

9. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

10. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. Except as otherwise provided in this subsection, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

(a) As set forth in NRS 4.373 and 5.055; **or**

(b) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

11. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; **and**

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

12. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

**13.** As used in this section:

**(a)** "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

**(b)** "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

**(c)** "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

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*Location:* https://nevada.public.law/statutes/nrs_200.485

*Original Source: Section 200.485 — Battery which constitutes domestic violence: Penalties; referring child for counseling; restriction against dismissal, probation and suspension; notice of prohibition against owning or possessing firearm; order to surrender, sell or transfer firearm; penalty for violation concerning firearm; definitions.*, https://www.leg.state.nv.us/NRS/NRS-200.html#NRS200Sec485 (last accessed May 10, 2025).

**AGENDA ITEM REPORT**

**Title: POST2403212 - RICHARD ADAMS (POST ID: C56-Q43) LAST EMPLOYING AGENCY: CALIFORNIA HIGHWAY PATROL**

**REPORT PROFILE**

| | | |
|---|---|---|
| **MEETING DATE**<br>02/05/2026 | **BUREAU SUBMITTING THE REPORT**<br>Professional Conduct Northern Bureau | |
| **RESEARCHED BY**<br>Raymond Bechler | | **REVIEWED BY**<br>Robert Guyton |
| **REPORT DATE** | **APPROVED BY** | **DATE APPROVED** |
| **PURPOSE** | | **FINANCIAL IMPACT**<br>No |

**ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION**

**ISSUE:**

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

**BACKGROUND:**

Respondent began his employment with the California Highway Patrol on June 26, 2017, as a full-time peace officer. At the time of the events at issue, Respondent was employed as an officer with the California Highway Patrol. Respondent was terminated from the California Highway Patrol on November 5, 2024.

This position is a peace officer position defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The case before the Board alleges the Respondent committed serious misconduct when he physically assaulted the Victim by forcibly throwing her to the ground and dragging her while she laid on her back trying to protect herself. At time the incident occurred, the Respondent and Victim were living together as boyfriend/girlfriend. This event was captured on their home video system.

Furthermore, the Respondent gave dishonest statements to criminal investigators and also in his administrative interview by saying the incident captured on video was consensual role playing and not an act of domestic violence.

The San Bernadino County District Attorney's Office filed a misdemeanor domestic violence charge against the Respondent. The charge was ultimately dismissed.

The Respondent was terminated for his misconduct on November 5, 2024.

**Video Evidence Links:**

- BR08 POST2403212 Adams Richard Attachment G Video clip

**ANALYSIS:**

Clear and convincing evidence substantiated that Respondent violated California Penal Code section 13510.8(b)(6) and Commission Regulation 1205(a)(6) acts that violate the law along with section 13510,8(b)(1) and Commission Regulation 1205(a)(1) dishonesty when the Respondent physically assaulted the Victim and then lied to investigators to cover up his actions. As a result, the Respondent's actions are sufficiently egregious as to be inconsistent with the Respondent's obligation to uphold the law or respect the rights of members of the public.

**RECOMMENDATION:**

The Peace Officer 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_POST2403212_Adams Richard_ISF.pdf
BR02_POST2403212_Adams Richard-Attach A- Executive Review Division Recommendation Form - Adams Richard (POST2403212).pdf
BR03_POST2403212_Adams Richard_Attachment B-RichardAdams_ProfileReport_Redacted.pdf
BR04_Adams Richard_Attachment E-CHP Case Summary (21)_Redacted.pdf
BR05_POST2403212_Adams Richard_Attachment C-San Diego SO Report_CN 24107775.1_Redacted.pdf
BR06_POST2403212_Adams Richard_Attachmemnt D-San Bernadino SO Crime Rept_Redacted.pdf
BRR07_POST2403212_Adams Richard_Attachment F-Victim Letter_Redacted.pdf
BR09_POST2403212_Adams Richard_Attach H-SPB Resolution and Order-Proposed Decision_Redacted.pdf
BR10_POST2403212_Adams Richard_Attachment I-CHP IA Transcript_Redacted (6)_Redacted.pdf
BR11_POST2403212_Adams Richard_Attachment J_Interview

transcript_Axon_Redacted_Sanitized.pdf




**INVESTIGATIVE SUMMARY AND FINDINGS**

**PEACE OFFICER NAME: Richard Adams**

**POST ID NUMBER: C56-Q43**

**EMPLOYING AGENCY: California Highway Patrol**

**POST CASE NUMBER: POST2403212**

**WRITTEN BY: LEC Raymond Bechler, PCNB**

**DATE: 1/6/2026**

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## I. Executive Summary and Findings

On February 25, 2024, California Highway Patrol (CHP) Officer Richard Adams (referred to as the Respondent) and his live-in girlfriend, (referred to as the Victim) were staying at the Hampton Inn Hotel in Poway, Ca. At approximately 4:00pm, the Victim called 911 after she and the Respondent got into an argument and his behavior was scary. The Victim waited in the parking lot for the police to respond.

San Diego County Sheriff Deputies arrived and contacted the Victim who explained the Respondent was an off-duty CHP Officer and was inside the hotel. The Victim told the deputies she and the Respondent were verbally arguing, and he did not get physical with her. The Victim added she wanted to drive back to their residence in Yucca Valley by herself and the Respondent wasn't letting her leave without him.

While talking to the deputies, the Victim informed them about several incidents of physical violence by the Respondent over the past two years.

One of the allegations of prior physical violence reported by the Victim was captured on their front door home camera system. This video was shown to the deputies by the Victim and depicted the Respondent dragging the Victim outside the front door of their residence, forcibly pushing her to the ground, causing the Victim to land on her head and upper torso. The video further showed the Respondent using two hands to get control of the Victim's right leg as he dragged her out of the front door while the Victim frantically yelled, "Richard, stop. stop." The Victim said this incident occurred on July 13, 2023.

The Victim further reported to the San Diego Sheriff Deputies three other domestic violence incidents which occurred in June 2022, May 2023, and February 2024 where she endured violence from the Respondent.

After speaking to the Victim, the San Diego Sheriff Deputies elected not to contact the Respondent for a statement, as all of the reported incidents of violence occurred in San Bernardino County. The deputies ensured the Victim safely drove away from the hotel parking lot without further incident with the Respondent.

Each of the prior incidents reported by the Victim were investigated both criminally and administratively. Ultimately, the San Bernardino County District Attorney's Office (SBCDAO) filed and pursued prosecution of the Respondent for one misdemeanor domestic violence charge involving the incident captured on video that occurred on July 13, 2023. The SBCDAO did not file on any of the other reported domestic violence incidents reported by the victim.

The criminal case against the Respondent was ultimately dismissed on February 4, 2025, by SBCDAO.

In the administrative investigation and subsequent findings against the Respondent, the CHP (Agency) sustained one allegation of committing domestic battery upon the Victim which involved the incident captured on video. All other reported domestic violence incidents were not sustained by the Agency. The Agency further sustained a finding against the Respondent for being dishonest when asked about the domestic violence incident captured on video.

Following POST's investigation and review, POST found, by clear and convincing evidence, that reasonable grounds existed for consideration of revocation pursuant to Penal Code § 13510.8. The findings in the POST Investigative Summary and Findings report are as follows.

## 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 Agency's administrative investigation which included interviews of witnesses and the Respondent.

The Division analyzed the information obtained in this investigation 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 establishes the requisite facts and proves the serious misconduct charged by clear and convincing evidence.

## III. Respondent's Background

### A. Respondent's Peace Officer Certificates and Employment

The table below sets forth Respondent's employment history:

| Dates | Rank | Agency |
|---|---|---|
| 06/26/2017 to 11/06/2024 | Police Officer | California Highway Patrol |

Respondent is assigned POST ID C56-Q43. He received the following peace officer certificate from POST:

| Certificate Type | Certificate Number | Date Issued |
|---|---|---|
| Basic | 195169 | 06/08/2019 |

### B. Respondent's Service Record

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and Commission 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.

California Penal Code section 13510.8(c)(5) provides that the Commission "shall consider the peace officer's prior conduct and service record, and any instances of misconduct, including any incidents occurring beyond the time limitation for investigation in evaluating whether to revoke certification for the incident under investigation."

The Agency submitted the following Performance Appraisals for the Respondent:

- Rating period from 01/05/23 to 01/04/2024 - "Proficient" in all Critical Tasks
- Rating period from 01/05/22 to 01/04/2023 - "Proficient" in all Critical Tasks

Note – CHP rates employees as "Excellent", "Proficient", or "Deficient."

Prior to joining the CHP, the Respondent was an active-duty Marine and upon joining CHP, continued in his military career by serving as a Reservist Marine.

The Respondent has no prior adverse actions reported to POST.

## IV. Factual Background

The essence of this case stems from the Respondent's act of domestic violence reported by the Victim to San Diego County Sheriff's Department Deputies Danielle Powroznik and Nathan McKemy. Each of the alleged acts of violence occurred in a residence that Respondent and Victim shared in Yucca Valley, San Bernardino County. The Victim and also her two children from a prior relationship resided in the home along with Respondent. Therefore, the San Diego County Sheriff's Office (SDSO) was the

documenting agency and the San Bernardino County Sheriff's Office (SBSO) was the criminal investigating agency.

The Victim reported to SDSO deputies four incidents. The July 13, 2023 incident, which is described below, is the focus of the Division's Investigative Summary.

On **July 13, 2023**, after the Victim sent a text message to an ex-boyfriend, the Respondent picked her up and threw her on the ground, dragged her across the house by her ankles, and then threw her out of the front door of their residence. The Victim shared with the SDSO deputies doorbell camera footage she had saved of this event. The Victim described the video as evidence of the Respondent assaulting her in an incident of domestic violence. The footage shows the Respondent standing behind the Victim with his arms underneath hers on her torso. Respondent then forcibly propelled the Victim out of the front door, causing her to land violently on her head and upper torso of the front porch with her legs still inside the house. The Respondent then grabbed the Victim's right leg and dragged her completely out of the house. During the video, the Respondent can be heard yelling, "Are you fucking kidding me, dude?" The Victim can be heard yelling, "Richard stop! stop!" The Victim allowed the video to be captured on SDSO BWC footage but refused to submit it separately to the deputies for inclusion with their investigation.

Criminal Investigation

SBSO Detective Jose Perez was assigned to investigate. On February 28, 2024, Perez drove to the Victim's work and explained he was following up on what she had reported to the SDSO. The Victim did not feel comfortable speaking at work and said she would call Det. Perez the following day. Perez went back and forth with the Victim several times before connecting on March 21, 2024. Perez called the Victim and summarized the events of domestic violence she had reported to the SDSO deputies. The Victim said she and the Respondent were in an argument at the hotel and she wanted to drive alone back to their home in Yucca Valley.

The Victim told Det. Perez that SBSO deputies responded to their house on two occasions within the past two years. Perez asked the Victim to describe what happened during these two incidents, but the Victim said the events happened too long ago to describe proper details. Perez asked about the video the Victim provided. The Victim declined to elaborate saying, "The video that you're referring to, that's not what happened in that video." [SBSO Report 2324-00523 page 4].

The Victim told Det. Perez she felt uncomfortable talking about the past incidents and was not able to recall them. She further wanted Perez to close the cases so she could put past events behind her, wishing no longer to be part of the investigation.

On March 18, 2024, Detectives Perez, Ables and an unnamed Sergeant contacted the Respondent at his residence in Yucca Valley. The Respondent admitted law enforcement was called twice to his residence by the Victim. Both occurrences, the Respondent said, were only arguments and did not get physical. The Respondent denied the Victim's account of physically harming her. He stated he and the Victim were working through alcohol difficulties and receiving help through A.A. and rehab. [SBSO Report 2324-00523 Page 6]

Det. Perez informed the Respondent about a video he received by the SDSO depicting physical abuse. Perez asked the Respondent if he recalled events on the video, to which he said, "I don't." The Respondent, however, said their relationship was very passionate sexually. [SBSO Report 2324-00523 Page 6]

Det. Perez showed the video to the Respondent who said he couldn't recall if they were arguing or any other details. He acknowledged the subjects in the video looked like himself and the Victim and said, "it appears as if they were fighting." The Respondent described how he and the Victim "role play in a rough manner which could be misinterpreted." [SBSO Report 2324-00523 Page 6]

Administrative Investigation

On June 20, 2024, the Respondent was interviewed by CHP Internal Affairs Investigators Scott Mason and Joel Holly (Investigators). Investigators asked the Respondent if he was aware of an incident captured on July 13, 2023, by a video camera system on the front door of his house involving him and the Victim. Respondent replied, "Yes." [CHP IA – ADAMS Interview, Page 166] (*Note- this comment is in direct contradiction to what he told Det. Perez)*

Investigators had the Respondent read portions of Det. Perez's report which summarized the interview and interaction he had with the Respondent. [CHP IA – ADAMS Interview, Pages 167-169]

After reading the report, Investigators asked the Respondent if the statement was true and accurate and whether he wanted to clarify anything. The Respondent replied, *"The statement, yes."* [CHP IA – ADAMS Interview, Page 169]

The Respondent added*, "I was kind of bum-rushed on this one [referring to the way in which the three SBSO Detectives initially approached him at his home]. And he [Perez] shows me the video, and then I'm watching it, and it looks like us. It looks like a fight, but I can't remember, or I don't remember, at that time, any of the events leading up to it…[the Victim] never showed me the video. She just said she had a video. And I didn't know really what she was talking about with the video thing, so after he [Perez] showed me that, I started thinking more and more about it. I was like, oh okay. So… we're into*

*some, I guess, weird or alternative lifestyle type stuff where we roleplay. And part of the role playing we were doing at that point, during that time frame, was like a landlord/tenant type thing. So, …we didn't have the kids for a month…So we started playing around with the idea, like, hey we'll do a roleplay, kind of landlord/tenant type situation, and this is my house and you're my tenant and how you are going to pay the rent? So, this is awkward to talk about with, like, totally people that I don't know…so, we'd both been drinking, and then we were -- hey, let's play the – play our little game or whatever,…and so, she would repay me with sex. And that just our, that was captured on that Arlo [front door video camera]."* [CHP IA – ADAMS Interview, Pages 171-173]

IA Investigators showed the Respondent the body worn camera footage from San Diego Deputy McKemy's BWC which recorded a video from the Victim's phone. The Respondent was asked to describe what was on the video. Respondent stated, *"Like I said to Deputy Perez, it looks like people fighting…Somebody getting thrown out of a door."* [CHP IA – ADAMS Interview, Page 182]. When pressed to confirm whether he was in the video, the Respondent acknowledged that both he and the Victim were in the video and that the video was taken from the front porch of Respondent's home. [CHP IA – ADAMS Interview, Page 182].

Investigators reminded the Respondent of the statement he gave to Det. Perez about role playing. Investigators asked the Respondent if he liked using the term role playing to describe the incident and he said, *"Yeah…That was the landlord/tenant thing where she didn't pay her rent, so I'm throwing you out of the house. Like, that - we'd both been -- we both agreed to that, so that's why this is so just…"* [CHP IA – ADAMS Interview, Page 183]

Investigators asked the Respondent: how did the role playing scene end? The Respondent said, *"It ended with me shutting the door, and then opening the door, letting her back in, and then she proceeded to pay the rent in a sexual way, I guess you could say."* [CHP IA – ADAMS Interview, Page 185]

Investigators asked the Respondent if he ever went beyond the other one's comfort level when role playing and how would he know whether he had ever gone beyond the other's comfort level. The Respondent replied that neither Respondent nor the Victim had gone beyond the other one's comfort level, but said they use a pre-determined safe word when it does. The Respondent said the Victim "probably" used a safe word in the past. [CHP IA – ADAMS Interview, Page 186]

Investigators showed the "role playing" video tape again to the Respondent. While watching the video, Investigators paused it when Det. Perez asked the Respondent if he knew whether the Victim had a video and he said, "I don't." Investigators asked if the statement made to Det. Perez was accurate, because Respondent mentioned earlier that he knew the Victim had a video taken from the house. The Respondent said*, "Well,*

*like I said, they [SBSO Detectives] contacted me the day of. He's talking about a video. I am trying to wrap my head around what video he's talking about, and then I realize, okay, that's probably the video, and then he shows me the video… So I was kind of caught off guard…if you think about it, I got …the small guy [Perez] asking me questions. I have this older lady sitting here, and then I have a Sergeant on this side of me, like, staring down. I mean, I'm nervous."* [CHP IA – ADAMS Interview, Pages 213-214]

Investigators also asked the Respondent why, when Det Perez asked about what was happening in the video, Respondent spontaneously stated, "I don't know if we were arguing that night." The Respondent told Investigators, "[b]ecause again, …I'm looking at it, like, I don't know…looks like two objects wrestling…The one I saw this morning is a lot clearer. But it was not very clear as to what the image was at the time." [CHP IA – ADAMS Interview, Pages 216]

Investigators talked about Respondent's statement to Det. Perez that the video "was just us hanging out is what it looks like." The Investigators then asked Respondent "what's shown in this video, is that a normal hanging out?" The Respondent said, "So, again, it was us just hanging out. … I'm trying to understand how I'm going to explain to three strangers [referring to the three SBSO deputies] that we're into some weird stuff, weird sexual things…I don't feel comfortable telling them all the ins and outs." [CHP IA – ADAMS Interview, Pages 223-224]

Investigators again reviewed the video with the Respondent, specifically the Victim describing what occurred prior to what was captured on the front door camera on July 13, 2023. In Deputy Powroznik's BWC video, the Victim explains what happened that was captured on their front door video system as, "I texted an ex-boyfriend, and so [Respondent] picked me up and threw me on the ground and dragged me across the house by my ankles. Picked me up and threw me on the ground again and did it in front of (inaudible)." [CHP IA – ADAMS Interview, Page 252]. Investigators asked the Respondent if the Victim texted an ex-boyfriend, and whether Respondent picked her up and threw her on the ground or dragged her across the house and he replied, "No." [CHP IA – ADAMS Interview, Page 253]

Investigators asked the Respondent if the Victim's reaction (crying) while showing the SDSO deputies the video of what occurred at their front door was consistent with what Respondent would expect from the Victim, when showing a video of a consensual encounter. The Respondent said, "I think, in this video, she is intoxicated. I think she knows that this is going to be detrimental to our lives and to my life, in particular. And she knew that when she gives that narrative of what it looks like, that that's the end for me…" [CHP IA – ADAMS Interview, Pages 254-255]

## V. Analysis and Findings

### The Present Allegations of Serious Misconduct

The CHP initiated an administrative investigation on April 15, 2024. Following a thorough investigation, the CHP sustained charges and then issued a Notice of Adverse Action against the Respondent for inexcusable neglect of duty, dishonesty, engaging in activities incompatible or inconsistent with official duties, and for failure of good behavior which is of such a nature that it caused discredit to the CHP.

The Respondent was terminated on November 6, 2024.

The Respondent filed an appeal from his dismissal with the State Personnel Board (SPB). The SPB held a hearing on April 1-2, 2025, with Administrative Law Judge (ALJ) Douglas Purdy presiding. ALJ Purdy issued a Proposed Decision, concluding that Respondent engaged in an inexcusable neglect of duty, dishonesty, activities incompatible or inconsistent with Respondent's official duties, and other failure of good behavior. ALJ Purdy concluded that dismissal was a "just and proper penalty for [Respondent's] conduct." Some of ALJ Purdy's reasons for reaching this conclusion are discussed in greater detail below.

On June 9, 2025, the SPB carefully considered the Proposed Decision to uphold termination rendered by ALJ Purdy. The Board adopted the Proposed Decision, which supported the Respondent's termination. The Respondent then submitted a petition for a rehearing, which was denied by the SPB at its September 15, 2025 Board Meeting.

The CHP reported the Respondent's conduct to POST on April 19, 2024.

#### A. Does the Respondent's alleged conduct violate POST Regulation 1205(a)(6) – Acts That Violate the Law – Specifically, CA Penal Code Section 243(e)(1)?

CCR 1205(a)(6) defines one serious misconduct category as follows: "Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission."

CA Penal Code section 242 defines a battery as "any willful and unlawful use of force or violence upon the person of another." CA Penal Code section 243(e)(1) describes the criminal penalties that apply when an individual commits a battery against a current or

former spouse, cohabitant, fiancé, a parent of the defendant's child, or someone with whom the defendant has or had a dating relationship.

The Division concludes that there is clear and convincing evidence to prove the Respondent violated California Penal Code sections 242 and 243(e)(1) by dragging the Victim around by her legs and hands, and forcibly pushing the Victim to the ground of the front door patio area of Respondent's residence, as reported by the Victim and corroborated by video evidence. The Respondent's claim that the incident captured on video was a consensual role playing landlord/tenant scenario is not credible.

This Division reached its conclusion by considering the following evidence:

- The Victim's emotional demeanor while reporting the domestic violence incident from July 13, 2023, as she allowed the SDSO deputies to watch the video.

- The Victim, although reluctant to cooperate and provide details, never disclosed to deputies or detectives that the captured DV incident was role playing as a landlord/tenant scenario.

- In the Victim's letter she drafted and sent to "WHOM IT MAY CONCERN" on April 23, 2024, the Victim requested that the authorities drop the case so she can move forward in life. The Victim did not include anything in her letter about the video incident being role playing. [Victim Letter, dated April 23, 2024]

- The Victim kept a copy of the video for a reason. It is very likely that the reason she kept a copy of the video was to later show the video as proof that physical violence had been occurring in their relationship and at the hands of the Respondent.

- The video itself shows the Respondent's visible anger reflected in his facial expression and by physically pushing, grabbing and dragging the Victim while she was on the ground pleading for the Respondent to stop. The video also presents audible evidence of anger in Respondent's voice, as he curses during the incident.

- The video corroborates what the Victim reported to the San Diego County Deputies.

- There is no corroborating evidence to support the Respondent's claim of role playing.

As noted earlier in section V, above, the Respondent appealed his termination and had an SPB hearing on April 1-2, 2025. Administrative Law Judge Douglas Purdy presided. In his Proposed Decision, which was later adopted in full by the SPB, Judge Prudy cited Evidence Code 780 in determining credibility. That law provides that the trier of fact may consider any matter that has any tendency in reason to prove or disprove the truthfulness of testimony, including witness demeanor, character of testimony, extent of witnesses ability to perceive, recollect or communicate any matter about which she or he testifies.

Judge Purdy's decision provided in part as follows, "[t]he video footage from the doorbell camera was not consistent with consensual role-playing. [Respondent] lifted [the Victim] and tossed her onto the front porch, where she landed on her back. That action clearly could have resulted in serious injury to [the Victim], which makes it unlikely that she willingly consented to it. [Respondent's] demeanor in the footage appeared angry and aggressive. [The Victim] appeared to be frightened and screamed at [Respondent] several times to stop. [Respondent's] testimony therefore was not consistent with the video footage." [Board Resolution and Order/Proposed Decision, case 24-1576, pages 14 and 15].

When interviewed by the Division, the Respondent continued to maintain that the doorbell video footage was nothing more than consensual role playing. In assessing the Respondent's credibility, the Division finds it implausible to believe the footage is consensual role playing after watching the video numerous times. The Division's reasoning is based on the tone of voice and visible demeanor of the Respondent who sounds and appears angry, and that of the Victim who sounds frightened and seems to be protecting herself as she repeatedly tells the Respondent to stop.

Therefore, the Division finds the Respondent is not credible regarding his explanation as to what occurred on the doorbell video.

The Division also finds that the clear and convincing evidence substantiated that Respondent's conduct amounted to acts that violate the law as described in Commission Regulation 1205(a)(6), in that on July 13, 2023, the Respondent physically harmed the Victim by forcibly throwing her to the ground outside their residence and further dragging her on the ground by her ankles. This conduct was inconsistent with the Respondent's obligation to uphold the law or respect the rights of members of the public. The Division finds the Respondent's act of violence upon the Victim not only violated CHP's internal policies, but also CA Penal Code sections 242 and 243(e)(1), which confirms the Respondent's unlawful conduct. In addition to violating the CHP's policies with regards to off-duty conduct, clear and convincing evidence exists that Respondent violated California Penal Code section 13510.8(b)(6) and Commission Regulation 1205(a)(6) – Acts That Violate the Law.

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

CCR 1205(a)(1) Dishonesty is defined in part as, "relating to the reporting, investigation, or prosecution of a crime, or the relating to the reporting of, or investigation of misconduct by a peace officer…"

SBSO Detective Jose Perez was assigned to conduct a criminal investigation concerning the Victim's allegations of domestic violence. Det. Perez informed the Respondent about a video he received from the SDSO depicting physical abuse. Perez asked the Respondent if he recalled the events on the video, to which Respondent said, "I don't." The Respondent, however, also volunteered that their relationship was very passionate sexually. [SBSO Report 2324-00523 Page 6]

Det. Perez showed the video to the Respondent who said he couldn't recall if they were arguing or any other details. He acknowledged the subjects in the video looked like he and the Victim and said, "it appears as if they were fighting." The Respondent described how he and the Victim "role play in a rough manner which could be misinterpreted." [SBSO Report 2324-00523 Page 6]

On June 20, 2024, the Respondent was interviewed by CHP Internal Affairs Investigators Scott Mason and Joel Holly (Investigators). Investigators asked the Respondent if he was aware of an incident captured on July 13, 2023, by a video camera system on the front door of his house involving him and the Victim. Respondent replied, "Yes." [CHP IA – ADAMS Interview, Page 166] This comment is in direct contradiction to what he told Det. Perez.

Investigators had the Respondent read portions of Det. Perez's report which summarized the interview and interaction Det. Perez had with the Respondent. [CHP IA – ADAMS Interview, Pages 167-169]

After reading the report, Investigators asked the Respondent if the statement, as summarized by Det. Perez, was true and accurate and if he wanted to clarify. The Respondent replied, *"Yes."* When asked by Investigators if there was anything Respondent wanted to clarify or change from the statement, Respondent added*, "I was kind of bum-rushed on this one [referring to the way in which the three SBSO Detectives initially approached him at his home]. And he [Perez] shows me the video, and then I'm watching it, and it looks like us. It looks like a fight, but I can't remember, or I don't remember, at that time, any of the events leading up to it.… [the Victim] never showed me the video. She just said she had a video…I started thinking more and more about it. I was like, oh okay. So… we're into some, I guess, weird or alternative lifestyle type stuff where we role play. And part of the role playing we were doing at that point, during that*

*time frame, was like a landlord/tenant type thing. So, …we didn't have the kids for a month…So we started playing around with the idea, like, hey we'll do a role play, kind of landlord/tenant type situation, and this is my house and you're my tenant and how you are going to pay the rent? So, this is awkward to talk about with, like, totally people that I don't know…so, we'd both been drinking, and then we were -- hey, let's play the – play our little game or whatever,…and so, she would repay me with sex. And that just our, that was captured on that Arlo [front door video camera]."* [CHP IA – ADAMS Interview, Pages 169-173]

IA Investigators showed the Respondent the body worn camera footage from San Diego Deputy McKemy's BWC which recorded the video from the Victim's phone. The Respondent was asked to describe what's on the video. He responds, *"Like I said to Deputy Perez, it looks like people fighting…[s]omebody getting thrown out of a door."* [CHP IA – ADAMS Interview, Page 182]. The Respondent further added it was he and the Victim in the video and the video was from the front door of their home. [CHP IA – ADAMS Interview, Page 182].

Investigators reminded the Respondent of the statement he gave to Det. Perez about role playing. Investigators asked the Respondent if he liked using the term role playing to describe the incident and he said, *"Yeah…that was the landlord/tenant thing where she didn't pay her rent, so I'm throwing you out of the house. Like, we'd both been, we both agreed to that, so that's why this is so just…"* [CHP IA – ADAMS Interview, Page 183]

Investigators asked the Respondent how the role playing scene ended. The Respondent said, *"It ended with me shutting the door, and then opening the door, letting her back in, and then she proceeded to pay the rent in a sexual way, I guess you could say."* [CHP IA – ADAMS Interview, Page 185]

Investigators asked the Respondent if he ever went beyond the other one's comfort level when role playing and how would he know if he ever went beyond the other's comfort level. The Respondent replied that they have not gone beyond the comfort level of each other, but said they use a pre-determined safe word when it does. The Respondent said the Victim "probably" used a safe word in the past. [CHP IA – ADAMS Interview, Pages 185-186]

Investigators showed the "role playing" video tape again to the Respondent. While watching the video, Investigators paused it when Det. Perez asked the Respondent if he knew whether the Victim had a video and he said, "I don't." Investigators asked if the statement made to Det. Perez was accurate, because Respondent mentioned earlier that he knew the Victim had a video taken from the house.. The Respondent said*, "Well, like I said, they [SBSO Detectives] contacted me the day of. He's talking about a video. I am trying to wrap my head around what video he's talking about, and then I realize,*

*okay, that's probably the video, and then he shows me the video…… So I was kind of caught off guard…if you think about it, I got the small guy [Perez] asking me questions. I have this older lady sitting here, and then I have a Sergeant on this side of me, like, staring down. I mean, I'm nervous."* [CHP IA – ADAMS Interview, Pages 213-214]

Investigators also asked the Respondent why, when Det Perez asked about what was happening in the video, Respondent spontaneously stated, "I don't know if we were arguing that night." The Respondent told Investigators, "[b]ecause again, that was the first time I saw it, I'm looking at it, like, I don't know…looks like two objects wrestling…The one I saw this morning is a lot clearer. But it was not very clear as to what the image was at the time." [CHP IA – ADAMS Interview, Pages 215-216]

Investigators talked about Respondent's statement to Det. Perez that the video "was just us hanging out is what it looks like." The Investigators then asked Respondent, "what's shown in this video, is that a normal hanging out?" The Respondent said, "So, again, it was us just hanging out. … I'm trying to understand how I'm going to explain to three strangers [referring to the three SBSO deputies] that we're into some weird stuff, weird sexual things…I don't feel comfortable telling them all the ins and outs." [CHP IA – ADAMS Interview, Pages 223-224]

Investigators again reviewed the video with the Respondent, specifically the Victim describing to SDSO Deputies what occurred prior to what was captured on the front door camera on July 13, 2023. In Deputy Powroznik's BWC video, the Victim explains what happened that was captured on their front door video system as, "I texted an ex-boyfriend, and so he picked me up and threw me on the ground and dragged me across the house by my ankles. Picked me up and threw me on the ground again and did it in front of (inaudible)." [CHP IA – ADAMS Interview, Page 252]. Investigators asked the Respondent if the Victim texted an ex-boyfriend, and whether Respondent picked her up and threw her on the ground or dragged her across the house and he replied, "No." [CHP IA – ADAMS Interview, Page 253]

Investigators asked the Respondent if the Victim's reaction (crying) when the Victim showed the video of what occurred at their front door to the SDSO deputies was consistent with how the Victim would present a consensual encounter. The Respondent said, "I think, in this video, she's intoxicated. I think that she knows that this is going to be detrimental to our lives and to my life, in particular. And she knew that when she gives that narrative of what it looks like, that that's the end for me…" [CHP IA – ADAMS Interview, Pages 254-255]

Appealing his termination, the Respondent had a State Personnel Board hearing on April 1-2, 2025. Administrative Law Judge Douglas Purdy presided. In his ruling, Judge Prudy cited Evidence Code 780 in determining credibility, which provides that the trier of fact may consider any matter that has any tendency in reason to prove or disprove the

truthfulness of testimony, including witness demeanor, character of testimony, extent of witnesses ability to perceive, recollect or communicate any matter about which she or he testifies.

Judge Purdy described his conclusion in part as follows, "[t]he video footage from the doorbell camera was not consistent with consensual role-playing. [Respondent] lifted [the Victim] and tossed her onto the front porch, where she landed on her back. That action clearly could have resulted in serious injury to [the Victim], which makes it unlikely that she willingly consented to it. [Respondent's] demeanor in the footage appeared angry and aggressive. [The Victim] appeared to be frightened and screamed at [Respondent] several times to stop. [Respondent's] testimony therefore was not consistent with the video footage." [Board Resolution and Order/Proposed Decision, case 24-1576, pages 14 and 15].

Judge Purdy further believed the Respondent was not credible. In his summary regarding the Government Code section 19572(f) charge of dishonesty, Judge Purdy ruled, "[Respondent] falsely told [SBSO] Deputy Perez that he did not know what the doorbell video footage depicted. He falsely told [CHP] Sergeant Mason that the July 13, 2023, incident was consensual role-playing and that his disputes with [the Victim] had never escalated into physical conflicts." [Board Resolution and Order/Proposed Decision, case 24-1576, page 20].

When the Division subsequently interviewed the Respondent, he continued to maintain that the doorbell video footage was nothing more than consensual role playing. In assessing the Respondent's credibility, the Division finds that Respondent is not credible. It is implausible that the footage depicts consensual role-playing, and this is clear after carefully examining the video. The Division's conclusion is based, in part, on the tone of voice of the Respondent who sounds and appears angry, and the actions of the Victim, who seems to be protecting herself and sounds frightened as she repeatedly tells the Respondent to stop. Therefore, the Division finds the Respondent's representations that the July 13, 2023 video depicts a consensual role playing encounter between Respondent and the Victim are not credible.

The Division finds that the clear and convincing evidence substantiated that Respondent's conduct amounted to dishonesty as described in Commission Regulation 1205(a)(1), in that the Respondent made dishonest statements, first to the SBSO investigators who were investigating a crime, and then later to CHP administrative investigators who were investigating the same events as part of an investigation into misconduct. The Division finds the Respondent's statements to the SBSO and CHP concerning the July 13, 2023 video established clear and convincing evidence he violated California Penal Code section 13510.8(b)(1) and Commission Regulation 1205(a)(1) – Dishonesty.

## VI. Supporting Evidence

| Evidence | Attachment |
|---|---|
| Executive Review and Division Recommendation | A |
| Respondent's EDI Profile | B |
| San Diego County Sheriff's Report # 24107775 | C |
| San Bernardino County Sheriff's Report # 232400513 | D |
| CHP IA Case Summary P24-053 | E |
| Victim Letter | F |
| Doorbell Video Footage | G |
| SPB- Board Resolution and Order/Proposed Decision Case # 24-1576 | H |
| Respondent IA Interview – Transcript | I |
| Respondent Interview with POST LEC - Transcript | J |

## VII. Conclusion

As stated above, the clear and convincing evidence substantiated violations of California Penal Code Section 13510.8(b)(6) and (b)(1) and POST Regulation 1205(a)(6) and (a)(1). 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 of Respondent's peace officer certificates pursuant to California Penal Code Section 13510.8.

**Commission on Peace Officer Standards and Training**
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

# EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

**DATE:** 12/04/20258

**CASE #:** POST2403212

**PEACE OFFICER:** Richard Adams

**POST ID#:** C56-Q43

**AGENCY:** California Highway Patrol (CHP)

**POST CONSULTANT / BC:** Raymond Bechler / Robert Guyton

**ALLEGATION(S):**

California Code of Regulations Title 11 § 1205(a)(1) - Dishonesty

California Code of Regulations Title 11 § 1205(a)(6) - Acts That Violate the Law

On February 25, 2024, deputies responded to a 911 call from a woman (hereafter referred to as "Victim") staying at a Poway hotel with her boyfriend, Richard Adams (hereafter referred to as “Respondent”), an off-duty CHP officer. Victim told deputies the two had argued and that his behavior frightened her, though no physical altercation had occurred that day. Victim also stated she wanted to leave and drive home but that the Respondent was not allowing her to do so. While speaking with deputies, the victim disclosed several past incidents of physical violence by the Respondent over the preceding two years.

On July 13, 2023, an incident had been recorded on the couple’s home security system showing the Respondent physically assaulting the victim while she repeatedly said, “Stop.” When CHP Internal Affairs investigators later questioned the Respondent about the recording, he claimed the event was consensual role-playing. He acknowledged that the physical actions in the video increased the risk of harm to the victim but maintained it was part of their roleplay.

The victim reported three additional domestic violence incidents over the past two years, one of which was witnessed by her minor child. In that incident, the child called 911 and reported that her stepfather was “throwing [her] mom around.” All reported incidents were investigated criminally and administratively.

Following its internal investigation, CHP sustained one allegation of domestic battery against the Respondent based on the video-documented incident and also determined he was dishonest when questioned about it. The agency did not sustain the other domestic violence allegations reported by the victim.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent committed serious misconduct as defined in Penal Code §13510.8(b)(6) and Title 11, California Code of Regulations 1205(a)(6) – Acts That Violate the Law, and Penal Code §13510.8(b)(1) and Title 11, California Code of Regulations 1205(a)(1) - Dishonesty when he committed domestic violence upon his girlfriend and was dishonest when questioned about it during the agency investigation.

| | | |
|---|---|---|
| William Darden<br>Chief Legal Counsel | Signature | 12/4/25<br>Date |
| Annemarie Del Mugnaio<br>Assistant Executive Director | Annemarie Del Mugnaio<br>Signature | 12/04/2025<br>Date |
| Manny Alvarez<br>Executive Director | Manny Alvarez<br>Signature | 12/05/2025<br>Date |

*cc:* Robert Guyton

cc: Jason Morlock

cc: Chandler Knapp

**POST PROFILE NAME:**

ADAMS, RICHARD

CALIFORNIA COMMISSION ON **POST**

**Certification Status:** Temporary Suspension

Effective: 11/21/2024

**AKA:** N/A

**DATE:** 01/12/2026



## PERSONAL IDENTIFICATION

| POST I.D. | Agency | Birth Date | Gender | Race/Ethnicity |
|---|---|---|---|---|
| C56-Q43 | CA HIGHWAY PATROL | [redacted] | [redacted] | [redacted] |

## CERTIFICATES AWARDED

| Cert No. | Type | Awarded | Education | T | T+ | Comments |
|---|---|---|---|---|---|---|
| 195169 | B | 06/08/2019 | | 44.30 | 0.00 | Invalid |

**Total Number of Certificates:** 1

## EMPLOYMENT

| Hired From | To | R* | Rank | Rank Date | Agency | Agency Name | F/P | P/U | Seas |
|---|---|---|---|---|---|---|---|---|---|
| 06/26/2017 | 01/05/2018 | 6 | TRN | 06/26/2017 | 34890 | CA HIGHWAY PATROL | F | P | |
| 01/05/2018 | | | PO | 01/05/2018 | 34890 | CA HIGHWAY PATROL | F | P | |

***Reason for Separation: 6 = Other**

## POST CERTIFIED TRAINING

| Comp Date | Cat | CCN | Hrs | Rmb | Cmp | Agency | School | * | Course Name |
|---|---|---|---|---|---|---|---|---|---|
| 11/06/2015 | K | 9070-32415-15-002 | 40 | | Y | 60050 | GTA | | DOMESTIC VIOLENCE INVESTIGATION |
| 07/01/2016 | H | 7290-10342-15-004 | 32 | | Y | 60050 | D-PREP | | CRITICAL INCID RESP/SUP/MGR |
| 11/10/2017 | A | 1270-00100-16-005 | 886 | X | Y | 34890 | CHP | | BASIC COURSE-INTENSIVE |
| 12/27/2017 | K | 2950-24203-17-022 | 2 | X | Y | 34890 | BUTTE CTR | | CRITICAL INCIDENT FOR PATROL |
| 04/17/2018 | K | 1270-29501-17-169 | 4 | X | Y | 34890 | CHP | * | FIREARM(PSP) |
| 06/05/2018 | K | 1270-29000-17-260 | 2 | X | Y | 34890 | CHP | | BIAS BASED POLICING: REMAINING FAIR & IMPARTIAL |
| 07/10/2018 | K | 1270-31082-18-001 | 4 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |
| 08/28/2018 | K | 1270-29503-18-005 | 4 | X | Y | 34890 | CHP | * | ARSTCTL(PSP) |
| 11/27/2018 | K | 9180-25585-18-150 | 2 | X | Y | 34890 | POST | * | TACTICAL COMMUNICATION (WEB) |
| 12/05/2018 | K | 9180-25583-18-158 | 2 | X | Y | 34890 | POST | | DOMESTIC VIOLENCE RESPONSE (WEB) |
| 12/13/2018 | K | 1270-20272-18-058 | 16 | X | Y | 34890 | CHP | | ADVANCED ROADSIDE IMPAIRED DRIVER ENFORCEMENT |
| 04/25/2019 | K | 1270-20801-18-003 | 16 | | Y | 34890 | CHP | * | CRISIS INTERVENTION |
| 06/13/2019 | K | 1270-29502-18-412 | 4 | X | Y | 34890 | CHP | * | DRIVING(PSP) |
| 08/15/2019 | K | 1270-31082-19-318 | 4 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |
| 10/16/2019 | K | 1270-23300-19-011 | 24 | X | Y | 34890 | CHP | | RADAR OPERATOR |
| 03/10/2020 | K | 9180-25586-19-254 | 8 | X | Y | 34890 | POST | | FIRST AID/CPR/AED (WEB) |
| 03/22/2020 | K | 9180-25589-19-266 | 2 | X | Y | 34890 | POST | | DV RESPONSE & LETHALITY ASSESSMENT (WEB) |
| 03/22/2020 | K | 9180-25585-19-266 | 2 | X | Y | 34890 | POST | * | TACTICAL COMMUNICATION (WEB) |
| 08/13/2020 | K | 1270-29503-20-033 | 8 | X | Y | 34890 | CHP | * | ARSTCTL(PSP) |
| 12/10/2020 | K | 1270-22306-20-016 | 8 | X | Y | 34890 | CHP | * | ACTIVE SHOOTER RESPONSE |
| 03/03/2022 | K | 1270-29501-21-635 | 4 | X | Y | 34890 | CHP | * | FIREARM(PSP) |
| 03/10/2022 | K | 1270-29502-21-085 | 4 | X | Y | 34890 | CHP | * | DRIVING(PSP) |
| 03/29/2022 | K | 1270-22306-21-078 | 8 | X | Y | 34890 | CHP | | ACTIVE SHOOTER RESPONSE |
| 04/13/2022 | K | 1270-29582-21-333 | 8 | X | Y | 34890 | CHP | * | ARSTCTL/USE OF FORCE (PSP) |
| 08/12/2022 | K | 1270-22306-22-006 | 8 | X | Y | 34890 | CHP | | ACTIVE SHOOTER RESPONSE |
| 09/02/2022 | K | 1270-31082-22-118 | 4 | X | Y | 34890 | CHP | | HAZMAT 1ST RESPONDER OPER UPD |
| 10/04/2022 | K | 9180-25597-22-096 | 1 | X | Y | 34890 | POST | | LEGAL UPDATE: POSITIONAL ASPHYXIA-SELF PACED |
| 12/06/2022 | K | 9180-25595-22-159 | 4 | X | Y | 34890 | POST | | BEYOND BIAS:RACIAL & ID PROFILING UPD- SELF PACED |

**POST CERTIFIED TRAINING** *continued*

| Comp Date | Cat | CCN | Hrs | Rmb | Cmp | Agency | School | * | Course Name |
|---|---|---|---|---|---|---|---|---|---|
| 12/07/2022 | K | 9180-25599-22-160 | 4 | X | Y | 34890 | POST | * | PSP: STRATEGIC COMMUNICATIONS-SELF PACED |
| 06/07/2023 | K | 9180-25587-22-342 | 2 | X | Y | 34890 | POST | | VEHICLE PURSUIT POLICY (WEB) |
| 06/23/2023 | K | 1270-29502-22-167 | 4 | X | Y | 34890 | CHP | * | DRIVING(PSP) |
| 11/01/2023 | K | 1270-29501-23-543 | 4 | X | Y | 34890 | CHP | * | FIREARM(PSP) |
| 05/02/2024 | K | 9181-25599-23-307 | 4 | X | Y | 34890 | CAPLP | * | PSP: STRATEGIC COMMUNICATIONS-SELF PACED |
| 05/02/2024 | K | 9181-25505-23-307 | 2 | X | Y | 34890 | CAPLP | | DOMESTIC VIOLENCE RESPONSE UPDATE |

***Meets Perishable Skills**

**FOOTNOTES**

NO FOOTNOTE ON FILE.

**PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.**

# COMMISSION ON POST – PROFILE REPORT

**The Profile Report contains confidential information.**

## EXPLANATION SHEET

| PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system) | |
|---|---|
| **POST ID:** | Unique identification number assigned to subject by POST. |
| **Agency:** | Indicates the agency (or one of the agencies) where subject is currently employed.<br>An "*" indicates that the subject is employed in more than one position within the same agency. |
| **Birth Date/Gender:** | Self-explanatory. |
| **Race/Ethnicity:** | **A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other |

| CERTIFICATES AWARDED | |
|---|---|
| **Cert:** | Certificate serial number. |
| **Type:** | **B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive<br>**R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced) |
| **Awarded:** | Date certificate was issued. |
| **Education:** | Educational points or degree used for earning a certificate. |
| **T:** | Training points used for awarding the certificate. |
| **T+:** | Additional training points. |
| **Comments:** | Comments regarding training or institute(s) where subject received education. |
| **Total Number of Certificates:** | Number of certificates awarded to subject as indicated in POST database. |

| EMPLOYMENT: Subject's employment history as indicated in POST database | |
|---|---|
| **Hired From:** | Date subject was hired or sworn into the agency. |
| **To:** | Date subject left agency (if applicable). |
| **R*:** | Reason for separation as indicated by number in the Report description. |
| **Rank / Rank Date:** | Indicates rank as translated by POST database and date subject made rank. |
| **Agency / Agency Name:** | Agency code number and name where subject is currently working or previously worked. |
| **F/P:** | Time base: **F** = Full time **P** = Part time |
| **P/U:** | Wage status: **P** = Paid **U** = Unpaid |
| **Seas:** | Provisional or seasonal employment. |

| POST TRAINING: Courses attended or completed as indicated in POST database | |
|---|---|
| **Comp Date:** | Date course ended. |
| **Cat:** | General course category (for POST use only). |
| **CCN:** | Course Control Number. |
| **Hrs:** | Hours completed in course. |
| **Rmb:** | Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)*<br>**J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available |
| **Cmp:** | Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979 |
| **Agency:** | Agency where subject was employed at time of course enrollment. |
| **School:** | Training institute offering the course. |
| **Course Name:** | Course name as shown in POST database. |

**NON-CERTIFIED COURSES**

This section will only appear if applicable.

**FIELD TRAINING**

This section tracks field training progress and will only appear if applicable.

**FOOTNOTES**

This section reserved for additional information.

## Investigative Summary

On February 24, 2024, Officer Richard Adams, ID 21928, was off-duty and staying with his fiancée, and cohabitant, Victim at the Hampton Inn in Poway, California. They got into an argument with each other, during which Victim alleged Officer Adams' behavior *"got scary."* Victim requested Officer Adams secure his off-duty pistol in the front desk safe. The argument continued into February 25, 2024, when Victim advised Officer Adams, she wished to drive home without him. Despite that advisement, Officer Adams loaded their luggage onto a bellman's cart and walked with Victim to the parking lot. As they walked through the lobby, Officer Adams stopped at the front desk to retrieve his firearm while Victim continued to her car. Officer Adams then caught back up to Victim as she stood at her car, loaded his luggage into the trunk, insisted that she take him with her, and would not allow her to freely leave the premises. At approximately 1608 hours, Victim called 9-1-1 to report the domestic dispute between herself and Officer Adams. As Victim was on the phone with the 9-1-1 operator, Officer Adams walked away and sat in the hotel lobby. San Diego County Sheriff's Department (SDSD) deputies responded to the Hampton Inn and contacted Victim Officer Adams remained in the lobby for the duration of the SDSD investigation. A clerk at the Hampton Inn advised Officer Adams the police were on scene, but Officer Adams did not go outside to speak with the deputies, and no contact was made with him on that day. Following the contact with SDSD deputies, Victim drove by herself back home to Location. Officer Adams returned home later that evening via Lyft.

During the SDSD's investigation into the incident, Victim reported a long history of violence and aggression from Officer Adams during the prior two (2) years of their relationship. Victim made a request for law enforcement action for past incidents of domestic violence involving Officer Adams and advised the deputies she had *"videos of him assaulting people."* **(Exhibit 06.c – 22:23)**. Victim detailed several incidents in which Officer Adams was violent with her including the following:

- In the month of June 2022, Officer Adams dragged Victim out of bed, threw her into a TV, dragged her by her ankles, and used his forearm to cut off her airway which caused blood vessels to rupture in her eye. Victim shared two (2) photographs of a sub-conjunctival hemorrhage in her left eye which were captured on Body Worn Camera (BWC) footage **(Exhibit 06.f)**. Victim called 9-1-1, but claimed she was dishonest with the San Bernardino County Sheriff's Department (SBSD) deputies when they arrived on scene, because she did not want Officer Adams to get in trouble and "*lose everything*."

*Investigator's Note*: Victim *refused to submit the photographs of her eye to the SDSD deputies for inclusion with their investigation.*

- On May 14, 2023, Victim's then 14-year-old daughter (Juvenile #1), called 9-1-1 after witnessing an altercation between Officer Adams and Victim Juvenile #1 reported

Officer Adams threw Victim out of a chair. During the 9-1-1 call, Juvenile #1 abruptly changed her demeanor and requested deputies not respond. Victim stated Officer Adams threw her to the ground and her head struck a brick fireplace. SBSD deputies responded to the residence, but both Victim and Juvenile #1 were dishonest with deputies upon their arrival and no report was taken. Victim wanted to keep Officer Adams out of trouble, and Juvenile #1 did not want to cause a problem on Mother's Day. **(Exhibit 09)**

- On July 13, 2023, after Victim sent a text message to an ex-boyfriend, Officer Adams picked her up and threw her on the ground, dragged her across the house by her ankles, and then threw her out of the front door of their residence. Victim shared ARLO doorbell camera footage she had saved of this event. Victim described the video as evidence of Officer Adams assaulting her in an incident of domestic violence. The footage shows Officer Adams standing behind Victim with his arms underneath hers on her torso. Officer Adams then forcibly propelled Victim out of the front door, and Victim landed violently on her left shoulder on the front porch with her legs still inside the house. Officer Adams then grabbed Victim's right leg and dragged her completely out of the house. During the video, Officer Adams can be heard yelling, *"Are you Fucking kidding me, dude?"* Victim can be heard yelling, *"Richard Stop! Stop!"* Victim allowed the video to be captured on SDSD BWC footage but refused to submit it separately to the deputies for inclusion with their investigation. **(Exhibit 06.b – 41:53)**

*Investigator's Note: Although* Victim *has a propensity to recant allegations of domestic violence, she has not unequivocally denied or recanted her statement regarding this specific incident that was captured on July 13, 2023. During a follow-up investigatory interview,* Victim *declined to comment further on the events depicted in the video.*

- On February 10, 2024, Officer Adams followed Victim around their house yelling at her and making accusations against her. Officer Adams then grabbed her by her wrist causing her to drop a glass which shattered upon impact with the ground. Officer Adams yelled at her, accused her of making a mess in *"his"* house, grabbed her by the neck, threw her on the ground, punched her in the face twice with a closed fist, kicked her in the stomach, and told her she was *"trash"* and to *"stop acting like a victim."* Victim claimed she was unable to call 9-1-1 on this occasion due to Officer Adams having taken possession of her cell phone, and nobody else being home. **(Exhibit 06.c – 35:16)**

- On an unknown date approximately two (2) years prior to February 2024, Officer Adams pushed Juvenile #1 to the ground and took her cell phone from her. **(Exhibit 06.c – 44:29)**

*Investigator's Note: Officer Adams made supervisory notification after each of the abovementioned incidents which resulted in a law enforcement response.*

On February 26, 2024, Officer Adams called Morongo Basin Area Sergeant Randy O'Brien, ID 17977, to advise of his involvement in the incident on February 25, 2024, and the response and potential investigation from the SDSD. Sergeant O'Brien notified Morongo Basin Area Commander, Lieutenant Cameron Broyles, ID 14617, who in turn notified Inland Division Assistant Chief Kari Clark, ID 14720.

Based on allegations of domestic violence provided by Victim, and the video and photographic evidence shared on scene with the SDSD deputies, an incident report was generated and forwarded to the SBSD for further investigation.

SBSD Detective Jose Perez, ID G6923, conducted a follow-up investigation based on the information provided by the SDSD, and submitted a report to the San Bernardino County District Attorney's Office (SBCDAO) for review and filing of charges of California Penal Code (CPC) 243(e)(1), *Domestic Battery,* against Officer Adams.

On April 5, 2024, the SBCDAO filed charges against Officer Adams for the abovementioned charge, for the incident of domestic battery memorialized on video on July 13, 2023.

On April 15, 2024, Officer Adams contacted Sergeant O'Brien and advised Victim had received a letter from the SBCDAO informing her she was identified as a victim of domestic violence. Morongo Basin Area Sergeant Aaron Lowe, ID 17420, confirmed the SBCDAO filed one count of 243(e)(1) CPC against Officer Adams. Notification of the case update was made to Assistant Chief Clark, and Inland Division Chief Daniel Minor, ID 13318, who made the decision to initiate an internal investigation.

*Investigator's Note: As of the completion of this Administrative Investigation, the status of Officer Adams' criminal case is still pending.*

*Due to her uncooperative nature during a follow-up interview with Detective Perez, her history of recanting allegations, and her compromised position of cohabitating with Officer Adams, investigators decided to postpone contact with Victim until later in this administrative investigation.*

The specific allegation(s) from this investigation are:

1. Officer Adams willfully and unlawfully committed domestic battery upon his fiancée, Victim by forcibly throwing her out of the front door of their residence.

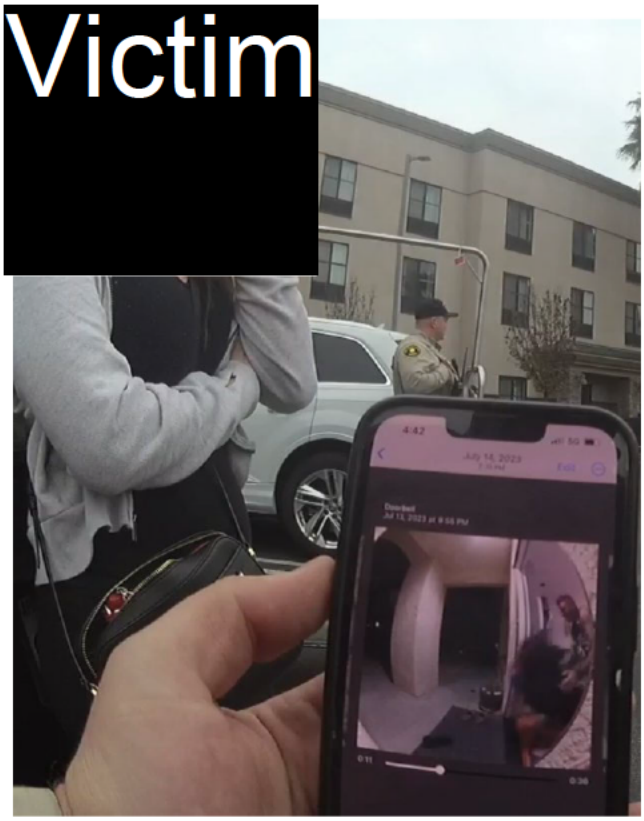
## Findings

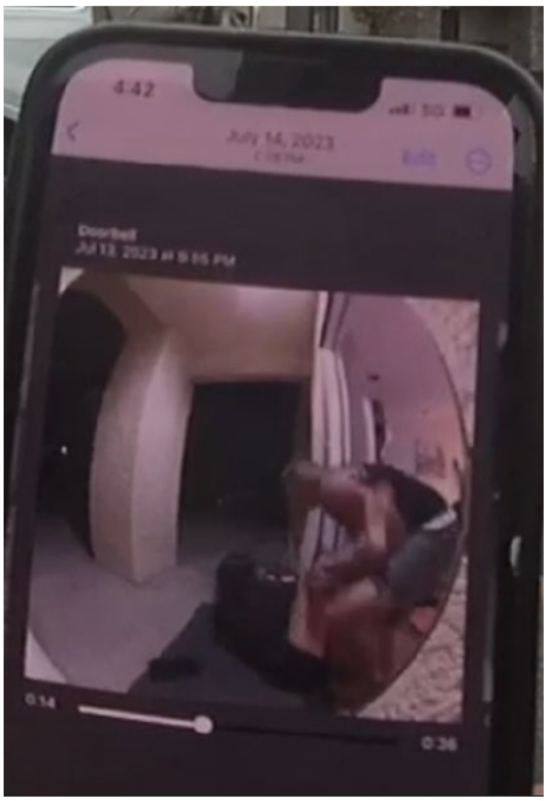
1. Officer Adams willfully and unlawfully committed domestic battery upon his fiancée, Victim, by forcibly throwing her out of the front door of their residence. -- **Founded**

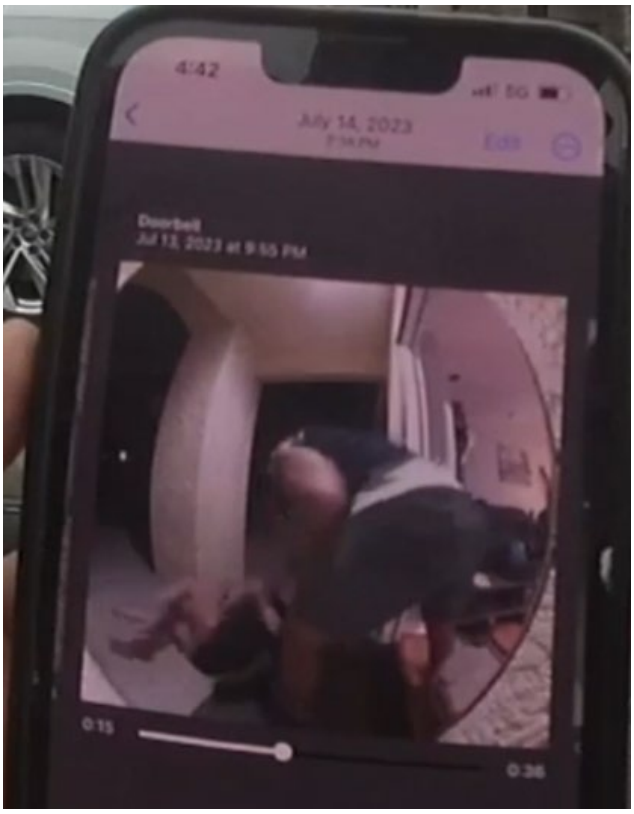
The determination that the allegation was founded was based upon the following:

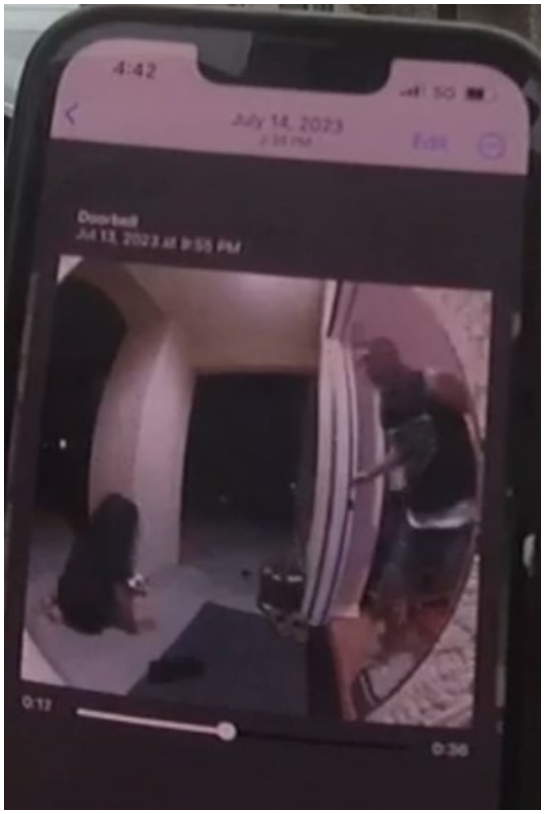
- Video footage of Officer Adams forcibly removing Victim from their house was captured via Officer Adams' ARLO doorbell camera.
  - The following are four (4) screen captures of the doorbell video footage depicting Officer Adams forcibly throwing Victim out of the front door of their residence. **(Exhibit 06.b)**

Victim








- The video depicts Officer Adams overpowering a struggling Victim in the doorway of their home. Officer Adams is clearly the dominant aggressor in the incident. There are no threats, acts of violence, or displays of aggression on the part of Victim.

  The video begins as Officer Adams is standing behind and holding Victim, who was trying to move away from the doorway, back towards the inside of the house. Both parties disappeared out of frame, into the house, and then reappeared as Officer Adams forcibly lifted and propelled Victim, who was in a seated position, out of the front door. Victim violently landed on her left side, with her head nearly striking the ground on the front porch, while her legs and lower torso remained inside the threshold of the doorway. Officer Adams then repositioned himself and used both hands to gain control of Victim's right leg as she continued to actively resist Officer Adams by attempting to free her leg and roll back inside the house. Officer Adams overpowered Victim and dragged her legs out of the front door. Officer Adams actions caused Victim to roll over and end up in a seated position on the porch. Officer Adams stepped back into the doorway facing Victim as the video clip came to an end. During the video clip, both parties can be heard audibly struggling and arguing. Officer Adams can be heard yelling, *"Are you fucking kidding me, dude?"* Victim can be heard yelling, *"Richard Stop! Stop!"* **(Exhibit 06.b – 41:53)**

- During her contact with SDSD deputies on February 25, 2024, Victim expressed a desire to pursue police action for incidents of domestic violence that had occurred in the past. Victim alluded to the video asking, *"What if I were to submit videos of these things happening? Would something be done then?"* When asked what videos she had, Victim stated, *"Videos of him assaulting people."* **(Exhibit 06.c – 22:23)**

- Victim tearfully shared the video with SDSD deputies during her contact with them on February 25, 2024. SDSD Deputy McKemy, ID 3119, played back the video from Victim's cell phone and recorded it using his BWC. **(Exhibit 06.b – 41:53)**

- Victim emotionally described the events surrounding the video to SDSD deputies stating, *"I texted an ex-boyfriend and so he picked me up and threw me on the ground then dragged me across the house by my ankles. Picked me up and threw me on the ground again, then did it front of the RING camera on the front door."* **(Exhibit 06.c – 37:13)**

- On February 28, 2024, Detective Perez contacted Victim and explained that he was investigating the incident and events she previously reported to the SDSD. Victim declined to provide a statement at that time. Despite numerous attempts to reschedule a convenient time to connect, and an offer to speak with another detective if Victim found it preferrable, Victim did not provide a statement to the SBSD for approximately three (3) weeks, which was after Detective Perez had spoken to Officer Adams.

- On March 18, 2024, Detective Perez, contacted Officer Adams at his residence in Location. Officer Adams' statement to Detective Perez lacked commitment and a specific refutation of the violence that had been reported. Additionally, his statement contradicted itself, as well as other statements Officer Adams would later make during his administrative interrogation. Officer Adams failed to provide a complete and unwavering account of what happened, and instead only provided limited answers to Detective Perez's questions. **(Exhibit 08.d)**

  - Officer Adams related his arguments with Victim never got physical, and Victim never complained to him following an argument of any physical contact.

  - Detective Perez described the video as a shoving match that occurred at the front door, between Officer Adams and Victim. Officer Adams related his relationship with Victim was *"passionate"* and denied knowledge of Victim's possession of a video like the one described.

*Investigator's Note: This statement contradicts Officer Adams statement during his administrative interrogation that* Victim *told him she had a video, and that she shared it with SDSD deputies on February 25, 2024. Additionally, Officer Adams stated he expected to be contacted regarding that incident, and the report* Victim *made that day.*

- When watching the video of the event, which Officer Adams recognized as a physical confrontation, Officer Adams' unprompted response was, *"Yeah, I don't. I don't know if we were arguing that night."*

*Investigator's Note: This spontaneous statement demonstrating Officer Adams' association of a physical confrontation with an argument between* Victim *and himself, deviates from his earlier assertion that his arguments with* Victim *never got physical.*

- Officer Adams stated, *"It was just us, hanging out, is what it looks like. And I don't know if she's saying that something happened."*

*Investigator's Note: This statement is contextually contrary to Officer Adams' statements that he expected to be contacted by law enforcement regarding the situation, and Detective Perez's introduction of the conversation and video.*

- Officer Adams stated, *"Sometimes we play rough, and then sometimes, it looks like you know, obviously it looks like I'm, we're fighting."*

- Officer Adams stated, *"That is the stuff we do sometimes, that is on the video. I don't know why we got outside. I don't know why that happened. Normally that's in the bedroom, but, that's kinda, that's that."*

*Investigator's Note: This statement contradicts Officer Adams statements during his administrative interrogation that he and* Victim *have engaged in the same type of sexual role-playing behavior throughout their house and in their backyard.* ***(Exhibit 12.d, page 189, lines 12-15; and page 212, lines 7-15)***

- On March 21, 2024, after Victim had delayed providing a statement for three (3) weeks, Victim was contacted by Detective Perez and provided a statement via telephone. During that interview, Victim was reluctant to provide a statement regarding the information she reported to the SDSD deputies. Detective Perez asked about Victim's history of alleged violence with Officer Adams and described the video Victim shared with the SDSD deputies. Victim related the video as described sounded familiar, but she did not feel comfortable

trying to speculate on the context or details of the video or other reported incidents due to the length of time that had passed since they had occurred. Victim said she did not think she still had the video as she encountered several issues with her phone. Detective Perez described a simplified version of what he saw on the video. Victim disputed Detective Perez's semantic description of the event (e.g., whether Officer Adams dragged her in the house or out of the house and whether he dragged her by her ankle or her leg), but she did not directly dispute the context of the actions captured. Victim described suffering from a lack of sleep on the weekend of February 25, 2024, but at no time did she describe the actions captured on video as consensual, pre-determined, or any form of role-playing. Prior to ending the phone interview, Victim expressed her discomfort and desire to end her participation in the investigation but did not relate that her prior report of violence was false. **(Exhibit 08.b)**

- During his administrative interrogation, Officer Adams was shown the video of the incident from July 13, 2023. Officer Adams admitted he was struggling with Victim, overpowered her, and forcibly propelled her out the front door as depicted in the video. Officer Adams claimed the incident was a consensual *"role-playing"* scenario, and a means toward sexual gratification. He and Victim have discussed the use of a *"safe word"* to communicate their desire to change the course of a scenario. The reason he did not stop in response to Victim's cries of, *"Richard, Stop! Stop!"* at the time was because, *"Stop was never a safe word."* **(Exhibit 12.d, page 196, line 16 through page 197, line 11)**. He admitted he did not act with due regard for Victim's safety and well-being, and his actions increased the risk of harm to her **(Exhibit 12.d, page 198, lines 17-25)**.

- Despite the potential ramifications of the pending criminal and administrative cases against him, the potential stifling of military advancement, and the potential discipline he faces with the Department, Officer Adams' has lacked urgency in presenting his account of the events surrounding Victim's contact with SDSD deputies and report of domestic violence, on February 25, 2024, and the investigation into the video from July 13, 2023.

    - On the date of his interrogation, Officer Adams claimed his relationship with Victim was good. She apologized to him after the incident in Poway, and they had reconciled from that dispute. He claimed they had been on vacation together recently and had woken up together in the same bed that morning after being sexually intimate the night before.

    - Officer Adams did not make any attempt to view or learn the contents of the video Victim played for the SDSD deputies on February 25, 2024, at any point after learning of its existence.

- Victim threatened Officer Adams prior to their trip to Poway on February 25, 2024, when she claimed she had a *"video from the house,"* that she would use against him later. **(Exhibit 12.d, page 176, Line 25 through page 177, line 24)**.

- On February 25, 2024, following the dispute in Poway, Officer Adams spoke to Victim on the phone about her contact with the SDSD deputies. During that conversation, Victim advised him *"she showed them everything and showed them a video."* **(Exhibit 12.d, page 96, lines 5-6)**.

- The SBSD began to do follow-up investigatory work on the information Victim reported to SDSD deputies in Poway.

    - Detective Perez attempted to contact Victim on February 28, 2024, three (3) days after the incident in Poway. At that point, Officer Adams assumed he would be contacted by law enforcement regarding the incident. **(Exhibit 12.d, page 175, line 2 through page 176, line 7)**.

    - Detective Perez contacted Officer Adams via telephone on March 18, 2024, approximately 22 days after the incident in Poway. Detective Perez requested to meet Officer Adams in person, later the same day. At the time of the contact, Officer Adams was aware that Detective Perez had not yet obtained a statement from Victim .

    - Officer Adams conveyed that he was caught off-guard when Detective Perez mentioned investigating domestic battery and showed him the video. **(Exhibit 12.d, pages 170-172)**.

- Officer Adams did not inquire with Victim what she reported to the SDSD deputies. **(Exhibit 12.d, page 102, line 4-8, and page 245, lines 6-24)**.

- After learning the contents of the July 13, 2023, video, Officer Adams did not encourage Victim to contact Detective Perez and provide a statement about the video and what she reported to the SDSD deputies. **(Exhibit 12.d, page 245, line 25, through page 249, line 15)**.
- Officer Adams claimed he wanted to give his side of the story to law enforcement, and thought his statement had value, but he neglected to try to provide a statement when he had the opportunity. **(Exhibit 12.d, page 90, line 2, through page 91 line 2; page 94, line 8, through page 95, line 8; and page 203, line 21, through page 207, line 1)**.

- Officer Adams claimed a clerk at the Hampton Inn asked him if the police were on scene for him. Officer Adams told the clerk he did not know why the police were present.

- Officer Adams did not call 9-1-1 himself to provide a statement regarding the events that occurred on February 25, 2024, or to report his concern about Victim's potential intoxication level and her driving away from the scene.

- Officer Adams claimed he went outside after two (2) or three (3) hours, hoping to find Victim, or someone he could talk to.

- SDSD Deputy Danielle Powroznik, SH0765, documented the contact between SDSD deputies and Victim on February 25, 2024, in SDSD Crime/Incident Report #2410775, **(Exhibit 07.c)**. In addition to the domestic dispute that occurred on February 25, 2024, Victim described three (3) additional separate incidents of domestic violence and one (1) incident of violence against Juvenile #1. Throughout an approximately 50-minute contact in which Victim spoke with five (5) different SDSD deputies, Victim maintained a consistent account of details associated with multiple additional incidents of domestic violence she described occurring on or about the following dates:

  **<u>June 2022</u>**

  - Victim alleged Officer Adams dragged her out of bed, threw her into a TV, dragged her by her ankles, and used his forearm to cut off her airway which caused blood vessels to rupture in her eye. Victim called 9-1-1, but claims she was dishonest with the deputies when they arrived on scene to keep Officer Adams out of trouble. Victim shared two (2) photographs of a sub-conjunctival hemorrhage in her left eye which were captured on SDSD BWC footage **(Exhibit 06.f)**. Victim refused to submit the photographs to the deputies for inclusion with their investigation. **(Exhibit 06.c – 24:59, 42:16)**

  - On or about May 23, 2024, during an administrative interview, Sergeant O'Brien corroborated the occurrence of a police response to Officer Adams' residence in June 2022. Sergeant O'Brien related Officer Adams called him following this incident and the contact from the SBSD. Officer Adams related nothing physical happened between he and Victim, but Victim was highly intoxicated and alleged Officer Adams dragged her out of bed by her ankles. At the request of SBSD deputies, Officer Adams stayed somewhere else for the night. **(Exhibit 10.a)**

  - On or about June 20, 2024, during his administrative interrogation, Officer Adams stated Victim lied to SDSD deputies regarding this incident. Officer Adams related he and

Victim had been drinking alcohol that day and were arguing with each other. There were accusations of infidelity between he and Victim, and he went through Victim's cell phone. During the argument, both he and Victim were angry and raised their voices toward each other, but Officer Adams denied any physical contact occurred between them. The SBSD responded to their house but did not take a report of the incident. Officer Adams voluntarily left the house that night and stayed with a friend. Officer Adams related he did not recall ever seeing Victim with a sub-conjunctival hemorrhage in her eye. **(Exhibit 12.d)**

*Investigator's Note: Due to a data breach in 2023, the SBSD unable to access any reports, dispatch logs, or audio files of any events between April 23, 2019, and April 7, 2023.*

**May 14, 2023**

- Victim alleged Officer Adams threw her to the ground and her head struck a brick fireplace. Juvenile #1 witnessed the confrontation and called 9-1-1. SBSD deputies responded to the residence, but both Victim and Juvenile #1, were dishonest with deputies upon their arrival to keep Officer Adams out of trouble and no report was taken. **(Exhibit 06.e – 17:01, Exhibit 06.c – 25:18, 34:04, 38:28)**

- The 9-1-1 audio obtained from the SBSD memorialized the distress in Juvenile #1's voice as she reported the incident. Juvenile #1 stated, *"Can somebody come because my stepdad's throwing my mom around."* At that point in the call a distinct and noticeable change in Juvenile #1's demeanor occurred. She became distracted and took long pauses before answering questions. Juvenile #1 advised Victim was not injured but stated *"he threw her off a chair."* Juvenile #1 then related she no longer wanted the police to respond and stated, *"I don't want to start a problem on Mother's Day."* **(Exhibit 09.b)**

*Investigator's Note: The audio recording does not pick up any other voices, or conversation, however Juvenile #1's shift in cadence and sudden change in demeanor is indicative that Juvenile #1 was distracted by Victim or Officer Adams while she was on the phone, which coincides with Officer Adams statement that both he and Victim walked into the backyard where Juvenile #1 was already on the phone.*

- On or about May 23, 2024, during his administrative interview, Sergeant O'Brien related Officer Adams called him following this incident and the contact from the SBSD and advised he and Victim got into a *"heated argument."* Officer Adams related alcohol was involved in the argument, but there was no physical altercation and no report taken the following regarding the incident. **(Exhibit 10.a)**

- On or about June 20, 2024, during his administrative interrogation, Officer Adams stated Victim lied to SDSD deputies regarding this incident. Officer Adams related that he and Victim were in an argument and raising their voices towards each other. Victim was angry at him about an interaction on one (1) of his social media posts and threw a beer stein at him, which struck and broke a mirror in their bedroom. Officer Adams claimed Juvenile #1 was outside in the backyard and could not have seen him or Victim from her vantage point. Officer Adams insisted Juvenile #1 merely heard the argument between Victim and himself, heard the glass shattering, and called 9-1-1 because she was scared. He and Victim walked outside during their argument and discovered Juvenile #1 was already on the phone with the 9-1-1 operator. Victim spoke with Juvenile #1, but Officer Adams did not hear what was said. Officer Adams went back inside the house, and Victim came in approximately 30 seconds later. He and Victim waited silently until SBSD deputies arrived at the house. Officer Adams spoke with the deputies in the front yard, and he did not see or hear Victim speak with them. Officer Adams did not show the deputies the broken glass, and said he was unaware if they saw it at all. Officer Adams stated there was no contact between himself and Victim. **(Exhibit 12.d)**

  - Officer Adams claimed he told responding deputies the truth when they arrived on May 14, 2023. This is contradictory to his statement that he did not show deputies the broken mirror and told them that the argument was verbal only. **(Exhibit 12.d, page 131, line 17, through page 132 line 7; and page 142, line 20, through page 143, line 22)**.

*Investigator's Note: Officer Adams' assertion Juvenile #1 was unable to see anything from her vantage point presupposes that Juvenile #1 was in the same location where Officer Adams saw her upon walking into the backyard. By Officer Adams own account, he was only relatively aware of Juvenile #1's actions until learning of the pending response from the SBSD. Regardless of Officer Adams' claim, the sound of his argument with* Victim *was severe enough, that when it was heard in conjunction with glass breaking inside the house, led Juvenile #1 to believe peril was afoot.*

**February 10, 2024**

- Victim alleged Officer Adams followed her around their house yelling at her and making accusations against her. Officer Adams then grabbed her wrist causing her to drop a glass, which shattered upon impact with the ground. Officer Adams yelled at her, accused her of making a mess in *"his"* house, grabbed her by the neck, threw her on the ground, punched her twice in the face with a closed fist, kicked her in the stomach, and told her she was *"trash"* and to *"stop acting like a victim."* Victim claimed she was unable to call 9-1-1 on this occasion due to Officer Adams having taken possession of her cell phone. **(Exhibit 06.c – 26:45, 35:17, Exhibit #06.e – 18:53)**

- On or about June 20, 2024, during his administrative interrogation, Officer Adams initially stated he did not have an argument with Victim on or about February 10, 2024. After viewing the recording of Victim's statement to SDSD deputies accusing him of domestic battery, Officer Adams corroborated several of Victim's accusations related to their argument that day but denied physically assaulting Victim. Officer Adams admitted Victim came home late from work, which caused an argument between them. He followed Victim around the house yelling at her, including yelling at her about making a mess, but he described it as trying to communicate with her as she was *"walking and talking."* Officer Adams stated Victim then *"comes in, confronts me, and then smashes a glass of wine in my office."* **(Exhibit 12.d, page 156, lines 2-14)**. Officer Adams denied having possession of Victim's phone at any time during the argument, and further related at times she has two (2) phones depending on what job she is working at the time. **(Exhibit 12.d)**

*Investigator's Note: Upon hearing her statement to SDSD deputies, Officer Adams immediately recalled the incident, and although he maintained that he did not physically cause her to break the glass she was holding, his description of the events portrays both the minor nature of the argument, and his culpability in the perpetuation of the conflict as he followed* Victim *around the house yelling at her as she was walking away.*

**February 25, 2024**

- Victim alleged she and Officer Adams got into an argument on the night of February 24, 2024. Officer Adams behavior scared her, and she requested he secure his firearm in the hotel lobby safe. On February 25, 2024, Victim advised Officer Adams of her desire to leave the hotel without him. Officer Adams attempted to prevent Victim from leaving the hotel by attempting to take her luggage back to her hotel room, loading his luggage in her car, and standing in and around her car preventing her from leaving. Victim called 9-1-1 and requested law enforcement respond to the scene.

- On or about June 20, 2024, during his administrative interrogation, Officer Adams admitted being upset and arguing with Victim over the fact that there were two (2) beds in the hotel room instead of one (1), and because Victim was eating and spilling popcorn while he was hungry and didn't have anything to eat. Officer Adams related Victim advised him she intended to drive home without him, and they began arguing. Officer Adams loaded their luggage on a bellman's cart, and they continued arguing as they walked to the car. Victim kicked his bags off the cart in the hotel room, and in the hotel lobby. Officer Adams expressed concern that Victim was too intoxicated to safely drive back home, however he denied doing anything physical to

prevent Victim from leaving the hotel. When Victim called 9-1-1, he walked away and sat in the lobby of the hotel for a few hours before arranging for his own ride home.

*Investigator's Note: Surveillance video from the Hampton Inn is overwritten every 30 days. By the time of the investigator's inquiry, the footage from February 25, 2024, had already been overwritten.*

*Investigator's Note: Victim was in close contact with five (5) different SDSD deputies while in the parking lot of the Hampton Inn. During the course of their approximately 50-minute investigation none of the deputies present questioned Victim about her sobriety or her ability to safely operate her vehicle. At the conclusion of their interview, Victim got in her car and drove away in the presence of the deputies.*

*Investigator's Note: Officer Adams corroborated a significant amount of Victim's statements for each event, stopping before admitting any physical contact or criminal behavior on his part.*

- SBSD Detective Perez's Domestic Violence Report #232400513 documented Officer Adams committed misdemeanor domestic battery, a violation of CPC 243(e)(1). The report synopsizes, "*The video captured by SDSD Body worn Cameras depicted domestic battery*." **(Exhibit 08.a)**

- Throughout her initial contact with the SDSD deputies on February 25, 2024, and during her subsequent follow-up interview with Detective Perez on March 21, 2024, Victim exhibited several common characteristics of a victim of domestic violence.

  - During his administrative interrogation, Officer Adams admitted during her contact with SDSD deputies, Victim exhibited several characteristics listed in the Commission on Peace Officer Standards and Training (POST) domestic violence training curriculum including low self-esteem, fear of further violence, damaged self-image and self-respect, feelings of shame and guilt, self-blame for violence, and fear of retaliation. **(Exhibit 11.c; and Exhibit 12.d, pages 264-284)**

  - Victim has an admitted history of recanting her statements and hiding the truth in the presence of law enforcement in an effort to protect Officer Adams and prevent him from suffering the consequences of his actions.

  - During his administrative interrogation, Officer Adams' representative, Mr. Jason Ewert, provided investigators with a letter, reportedly authored and signed by Victim and submitted to the SBCDAO. In the letter Victim claimed she was angry at Officer Adams and made comments that were "*untrue at the most and exaggerated at the*

*least."* The letter references Officer Adams peace officer employment, military advancement, and the harmony of the family stating, *"This charge is doing more harm than good for our family now, and the future family we are planning together."* **(Exhibit 12.e)**

*Investigator's Note: The tone of the letter corresponds with* Victim's *reluctance to cooperate with Detective Perez and is consistent with her history of recanting her allegations of domestic violence once the situation she is in is stabilized. The ambiguous declaration that her prior statements were untrue and exaggerated lacks the specificity expected to be sincerely considered given the gravity of the accusation.*

Prior progressive discipline and training included the following:

- On May 2, 2024, Officer Adams completed California Peace Officer Standards and Training (POST) Domestic Violence training. **(Exhibit 05.b)**

## Chronological Summary

1. On February 26, 2024, at approximately 0734 hours, Officer Adams contacted Sergeant O'Brien by phone to report an off-duty incident that occurred on February 25, 2024, in Poway, California involving himself and Victim which resulted in a law enforcement response. Sergeant O'Brien notified Lieutenant Broyles of the incident.

2. On February 26, 2024, Lieutenant Broyles contacted the SDSD Poway Station, and spoke with SDSD Sergeant Aaron Ritt, ID 4875. Sergeant Ritt confirmed deputies from SDSD were dispatched to the Hampton Inn in Poway for a report of an altercation. The responding deputies determined no criminal act occurred at that location. Lieutenant Broyles notified Assistant Chief Clark of the incident and the preliminary follow-up conducted.

3. On February 27, 2024, Sergeant Ritt contacted Lieutenant Broyles and related a review of the incident report indicated Victim showed the responding deputies a video from her cell phone and alleged the video showed Officer Adams throwing her on the ground in front of her residence in the town of Location. Sergeant Ritt indicated SDSD was going to forward the video of the altercation to the SBSD for investigation. Lieutenant Broyles notified Assistant Chief Clark of this development.

4. On February 27, 2024, Sergeant O'Brien contacted SBSD Sergeant Omar Lastra to inquire about any criminal investigation into Officer Adams. Sergeant Lastra indicated they were waiting for SDSD's report before assigning a detective to the case and they would notify CHP when that occurred. Lieutenant Broyles was notified.

5. On February 28, 2024, Sergeant Lastra called Sergeant O'Brien to advise they had received SDSD's report and a video of a possible domestic violence incident involving Officer Adams and the case has been assigned to a detective. Sergeant Lastra sent Sergeant O'Brien an email with SDSD's report and video.

6. On February 28, 2024, Sergeant O'Brien, and Lieutenant Broyles reviewed the footage provided by Sergeant Lastra. Lieutenant Broyles notified Assistant Chief Clark of the status of the investigation being conducted by the SBSD.

7. On March 18, 2024, Lieutenant Broyles and Sergeant O'Brien were informed by Sergeant Lastra, SBSD detectives would be contacting Officer Adams for an interview related to the criminal investigation. The interview was scheduled for March 18, 2024, at 1500 hours. Lieutenant Broyles updated Assistant Chief Clark of the status of the investigation.

8. On March 18, 2024, Sergeant Lastra advised Lieutenant Broyles the SBSD had contacted and interviewed Officer Adams at his residence. Sergeant Lastra informed Officer Adams he was being investigated for a domestic violence criminal case where he was a suspect.

9. On March 19, 2024, Officer Adams contacted Sergeant O'Brien and advised he was under criminal investigation by the SBSD for domestic violence. Sergeant O'Brien advised Officer Adams of the Employee Assistance Program and Officer Adams related he was fine and fit for duty. Sergeant O'Brien then notified Lieutenant Broyles, who then notified Assistant Chief Clark.

10. On March 26, 2024, SBSO Sergeant Lastra contacted Lieutenant Broyles and advised the completed criminal report for 243(e)(1) CPC, was sent to the SBCDAO for review. Lieutenant Broyles notified Assistance Chief Clark of the case update.

11. On April 15, 2024, Officer Adams contacted Sergeant O'Brien and advised Victim had received a letter from the SBCDAO stating she was being identified as a victim of Domestic Violence.

12. On April 15, 2024, Sergeant Lowe contacted Sergeant Lastra to verify the status of the criminal case. Sergeant Lastra advised the SBCDAO filed one (1) count of 243(e)(1) CPC against Officer Adams. Sergeant Lastra confirmed Officer Adams has a mandatory court date of May 22, 2024.

    Lieutenant Broyles notified Assistant Chief Clark of the case update, and notification was made to Chief Minor, who made the decision to initiate an internal investigation.

13. On April 16, 2024, Morongo Basin Area Sergeant Lowe, served Officer Adams with a Removal of Peace Officer Powers memorandum, and took possession of Officer Adams' service weapon, ID card and badge.

14. On April 17, 2024, Office of Internal Affairs (OIA) Lieutenant Matt Massod, ID 17920, met with OIA Sergeant Scott Mason, ID 18831, to discuss the circumstances of the investigation. Sergeant Mason was assigned as the primary investigator and OIA Sergeant Jeff Carlisle, ID 17191, was assigned as the secondary investigator.

15. On April 18, 2024, Lieutenant Massod obtained the following documents from Lieutenant Broyles and shared them with Sergeant Mason:
    a. CN 24107775.1 - San Diego County Sheriff's Department (SDSD) Crime/Incident Report. **(Exhibit 07.c)**
    b. CN 25107775.2 - SDSD Follow-Up Report. **(Exhibit 07.d)**
    c. 232400513 – SBSD Criminal Report. **(Exhibit 08.a)**

d. Removal of Peace Officer Powers memorandum. **(Exhibit 14)**

16. On April 19, 2024, Sergeant Mason contacted the Hampton Inn on Stowe Dr. in Poway, CA to inquire about surveillance video of the February 25, 2024. Assistant General Manager, Ivan, confirmed that surveillance video at the property is overwritten every 30 days, and the video from February 25, 2024, had already been overwritten.

17. On April 19, 2024, Sergeant Mason contacted SDSD Detective Vernon Willis, ID SH9925, and requested all evidence and digital recordings associated with SDSO report #24107775. Detective Willis advised he would transfer the evidence to a DVD and mail it to Sergeant Mason.

18. On April 19, 2024, Sergeant Mason left a voicemail message on the Detective mailbox at SBSD, Yucca Valley Station, requesting a call back for follow up information on SBSD case 232400513.

19. On April 25, 2024, Sergeant Mason sent an email to Lieutenant Broyles requesting personnel file documents from Officer Adams' personnel file.

20. On April 26, 2024, Sergeant Mason received the requested Body Worn Camera (BWC) footage from Detective Willis. The footage came on five (5) DVDs, **(Exhibit 06)**.

21. On April 26, 2024, Sergeant Mason left a voicemail for Sergeant Lastra, requesting contact for follow up information. Sergeant Lastra contacted Sergeant Mason and agreed to provide copies of SBSD digital evidence.

22. On April 30, 2024, Officer Adams informed Sergeant Lowe he had an upcoming court date on Tuesday May 7, 2024, at Victorville Superior Court regarding the pending domestic violence criminal case.

23. From April 30, 2024, through May 12, 2024, Sergeant Mason was on vacation.

24. On May 7, 2024, Sergeant Mason received a copy of the following items:
    a. Audio recording of SBSD Detective Jose Perez's, ID G6923 contact with Officer Adams. **(Exhibit 08.c)**
    b. Copy of SBSD Call History Log for Police Event #YV231340011. **(Exhibit 09.a)**

25. On May 8, 2024, Sergeant Mason received a copy of the audio recording of Detective Perez's contact with Victim. **(Exhibit 08.b)**

26. On May 13, 2024, Sergeant Mason received the following documents from Lieutenant Broyles:

a. Three (3) CHP 118¸ *Performance Appraisal – Officer*, for Officer Adams, covering the years 2021 – 2024. **(Exhibit 03)**
b. CHP 18¸ *Annual Internal Investigation Policy Review*, signed by Officer Adams. **(Exhibit 04.b)**
c. Signed copies of General Order (G.O.) 0.8¸ *Professional Values*. **(Exhibits 04.a, 04.c)**
d. Officer Adams Domestic Violence training certificate dated May 2, 2024. **(Exhibit 05.b)**

27. On May 13, 2024, Sergeant Mason began reviewing all evidence associated with the investigation and preparing interview questions for Victim.

28. On May 14, 2024, Sergeant Mason received access to SBSD BWC footage from their contact with Officer Adams. The footage was downloaded and added to the investigative file. **(Exhibit 08.d)**

29. On May 15, 2024, Sergeant Mason with concurrence from Lieutenant Massod decided not to attempt an interview with Victim at that time, due to her uncooperative nature and compromised position cohabitating with Officer Adams.

30. On May 15, 2024, Sergeant Mason began preparing questions for the interrogation of Officer Adams.

31. On May 15, 2024, Sergeant Mason accessed the San Bernardino County Court Access Portal (SBCCAP) to check the status of the criminal case. The case was set for a pre-trial hearing on June 11, 2024. **(Exhibit 13.a)**

32. On May 16, 2024, Sergeant Mason began isolating clips from the SDSO BWC footage for possible presentation in an interrogation.

33. On May 16, 2024, OIA Sergeant Joel Holly, ID 20741, replaced Sergeant Carlisle as the secondary investigator on the case, due to Sergeant Carlisle's promotion to Lieutenant.

34. On May 20, 2024, Sergeant Mason gathered applicable policy and law exhibits and prepared them for the interrogation. **(Exhibit 01, Exhibit 02)**

35. On May 22, 2024, Sergeant Mason received an Employee Training Record System printout of Officer Adams' domestic violence training history from Sergeant O'Brien, **(Exhibit 05.a)**. Additionally, Sergeant Mason scheduled an interview with Sergeant O'Brien for May 23, 2024.

36. On May 22, 2024, Sergeant Mason contacted Border Communications Center and Barstow Communication Center, and confirmed there was no record of any incoming 9-1-1 calls from Victim's or Juvenile #1's mobile phone numbers.

37. On May 22, 2024, Sergeant Mason requested and received audio of the 9-1-1 call, as well as the dispatch log for from SDSO Detective Willis, regarding their contact on February 25, 2024. **(Exhibit 07.a, 07.b)**

38. On May 23, 2024, Sergeant Mason and Sergeant Holly conducted a telephonic interview with Sergeant O'Brien. The interview was audio recorded and summarized on a memorandum. Sergeant O'Brien subsequently provided documentation of Officer Adams' special day off requests. **(Exhibit 10)**

39. On May 23, 2024, Sergeant Mason contacted Morongo Basin Area Sergeant Jason Melvin, ID 16455, via telephone. Sergeant Melvin related he has not had much contact with Officer Adams and did not have any information to provide to the investigation.

40. On May 24, 2024, Sergeant Mason requested audio of Juvenile #1's 9-1-1 call to SBSD on May 14, 2023.

41. On May 24, 2024, Sergeant Mason unsuccessfully attempted to contact the San Bernardino County Court, Victorville District, and requested assistance from Lieutenant Broyles to make contact. Sergeant Mason and Sergeant Holly met with Lieutenant Massod to discuss the status of the investigation.

42. On May 29, 2024, Sergeant Mason left a voicemail message for San Bernardino County District Attorney (SBCDA) Justine Jung requesting a return call to discuss Officer Adams' case.

43. On May 30, 2024, Sergeant Mason spoke with Lieutenant Broyles and gave him an update on the status of the investigation.

44. On June 3, 2024, Sergeant Mason received a voicemail message from SBCDA Jung advising she was not able to talk about the case due to the case still being open.

45. On June 4, 2024, Sergeant Mason contacted Lieutenant Broyles to coordinate a location to conduct Officer Adams' interrogation.

46. On June 6, 2024, Sergeant Mason received 9-1-1 audio from the SBSD, from the incident on May 14, 2023. **(Exhibit 09.b)**

47. On June 10, 2024, Sergeant Mason prepared a *Notice of Administrative Interrogation* memorandum for Officer Adams. The notice was sent to Lieutenant Broyles for review and service.

48. On June 10, 2024, Sergeant O'Brien advised Sergeant Mason, the abandoned Joshua Tree Elementary School was available and confirmed for Officer Adams' interrogation.

49. On June 11, 2024, Sergeant Lowe served Officer Adams with the Notice of Administrative Interrogation, for June 20, 2024. **(Exhibit 12.a)**

50. On June 11, 2024, Sergeant Mason accessed the SBCCAP and noted Officer Adams' criminal case had been set for jury trial on July 22, 2024. **(Exhibit 13.b)**

51. On June 14, 2024, Sergeant Mason gathered applicable domestic violence investigation training material from POST to be used in the interrogation. **(Exhibit 11)**

52. On June 15, 2024, Sergeant Mason accessed the SBCCAP and printed Officer Adams' criminal case information. **(Exhibit 13.c)**

53. On June 20, 2024, at 0814 hours, Sergeant Mason and Sergeant Holly, began the administrative interrogation of Officer Adams. The interrogation ended at 1506 hours. Officer Adams' chosen representative, Mr. Jason Ewert, an attorney, from Mastagni-Holstedt was present for the duration of the interrogation. All parties signed the CHP 8, *Administrative Interrogation Record,* except for Mr. Ewert, who refused. **(Exhibit 12.b)**

    The audio of the interrogation was recorded by the investigators, and Mr. Ewert. The audio was transferred to a disc and booked into evidence at the OIA. **(Exhibit 12.c)**

    During the interrogation, Mr. Ewert provided a one (1) page document which appeared to be a letter written by Victim to the San Bernardino County Court to be included in the investigation file. **(Exhibit 12.e)**

54. On June 21, 2024, OIA Officer Jeffrey Wilkie, ID 16907, uploaded the audio recording from Officer Adams' administrative interrogation to Northern California Court Reporters (NCCR) for transcription.

55. On June 25, 2024, Sergeant Mason provided Lieutenant Broyles with an update on the case status.

56. On July 2, 2024, Officer Wilkie received the transcripts of the audio recordings from Officer Adams' administrative interrogation and forwarded them to Sergeant Mason.

57. On July 2, 2024, through July 3, 2024, the transcripts of the audio recordings from Officer Adams' administrative interrogation were verified by Sergeant Mason. **(Exhibit 12.d)**

58. On July 5, 2024, Lieutenant Broyles contacted Sergeant Mason to advise Officer Adams was placed on the Brady List in San Bernardino County.

59. On July 10, 2024, Sergeant Mason retrieved the criminal case information from the SBCCAP. **(Exhibit 13.c)**

60. On July 17, 2024, Sergeant Mason booked the administrative evidence into the OIA evidence locker (E2024-0022-031). **(Exhibit 15)**

61. On July 18, 2024, Sergeant Mason accessed the SBCCAP and printed Officer Adams' updated criminal case information. **(Exhibit 13.d)**

62. From July 22, 2024, to July 28, 2024, Sergeant Mason was on vacation.

63. On July 31, 2024, Sergeant Mason accessed the SBCCAP and printed Officer Adams' updated criminal case information. The case was set for trial on August 9, 2024. **(Exhibit 13.e)**

64. On July 31, 2024, at approximately 1100 hours, Sergeant Mason left a voicemail message for Victim requesting she return the call.

65. On August 2, 2024, at approximately 1335 hours, Sergeant Mason again attempted to contact Victim via telephone. Victim answered the call, and advised she was not prepared to provide a statement on the advice of her attorney.

## Exhibits

1. California Highway Patrol Policy
    a. General Order (G.O.) 0.1., *Departmental Mission Statement and Organizational Values*
    b. G.O. 0.8, *Professional Values*
    c. G.O. 0.13, *Oath of Allegiance, Code of Honor, and Code of Ethics*
    d. Highway Patrol Manual 10.3, *Personnel Transactions Manual,* Chapter 14, *Inconsistent and Incompatible Activities*

2. California Legal Codes
    a. California Penal Code (CPC) 242 - *Battery*
    b. CPC 243 – *Domestic Battery*
    c. CPC 273.5 – *Domestic Battery Causing Injury*
    d. CPC 136.1 – *Dissuade a Victim from Making a Report*
    e. CPC 236 – *False Imprisonment*

3. Officer Adams' CHP 118, *Performance Appraisal – Officer*
    a. 01/05/2021 – 01/04/2022
    b. 01/05/2022 – 01/04/2023
    c. 01/05/2023 – 01/04/2024

4. Officer Adams' Personnel File Documents
    a. G.O. 0.8 – Signed by Officer Adams
    b. CHP 18, *Annual Internal Investigation Policy Review*
    c. CHP PRIDE – Signed by Officer Adams

5. Officer Adams' Training Records
    a. Employee Training Record System Domestic Violence Training History
    b. Domestic Violence Training Certificate 05/02/2024

6. San Diego County Sheriff's Department Body Worn Camera (BWC) Footage
    a. Deputy Johnson #0888
    b. Deputy McKemy #3119
    c. Deputy Powroznik #0765
    d. Deputy Marooki #0246
    e. Deputy Velarde #6578
    f. Screen captures of [redacted] reported petechiae

7. San Diego County Sheriff's Department Report, February 25, 2024
    a. 9-1-1 Audio of call from [redacted]
    b. Dispatch Log

c. Initial Crime/Incident Report 24107775.1
d. Follow up Crime/Incident Report 24107775.2

8. San Bernardino County Sheriff's Department 243(3)(1) PC Case
   a. Criminal Report 232400513
   b. Recorded Telephonic Interview with Victim
   c. Recorded In-Person Interview with Officer Adams
   d. Detective Ables BWC Footage of Interview with Officer Adams

9. Documentation of May 14, 2023, Incident
   a. San Bernardino County Sheriff's Department Call History Log
   b. Audio Recording of Juvenile #1's 9-1-1 Call to the SBSD

10. Interview with Sergeant Randy O'Brien, ID 17977
    a. Audio Recording of Interview with Sergeant O'Brien
    b. CHP 51, *Memorandum*, Summary of Interview with Sergeant O'Brien
    c. Officer Adams' Special Days Off Request Emails
    d. Sergeant O'Brien's Text Thread with Officer Adams

11. Commission On Peace Officer Standards and Training (POST) Material
    a. Domestic Violence Definition
    b. Dominant Aggressor Definition
    c. Batterer and Victim Characteristics
    d. Domestic Violence Response Update Course Outline
    e. Sub-conjunctival Hemorrhage Activity Slide
    f. Petechiae Activity Slide

12. Officer Adams Interrogation
    a. Notice of Administrative Interrogation, signed by Officer Adams
    b. CHP 8, *Administrative Interrogation Record,* signed June 20, 2024
    c. Audio of Interrogation of Officer Adams
    d. Certified Transcription of Interrogation
    e. One (1) Page Letter, submitted by Mr. Ewert during the interrogation

13. San Bernardino County Superior Court Case Documents
    a. Portal Minute Order (5/7/2024)
    b. Portal Minute Order (6/11/2024)
    c. San Bernardino County case information MVI240001514
    d. Portal Minute Order (7/18/2024)
    e. Portal Minute Order (7/19/2024)

14. Removal of Peace Officer Powers Memorandum

15. CHP 36, *Property Receipt,* evidence #E2024-0022-031.

*"I have used all reasonable diligence in preparing this investigation. To the best of my knowledge the information contained herein is a true and complete representation of my investigative efforts and includes all information."*

S. MASON, Sergeant

8/9/24
Date

# San Diego County Sheriff's Department
# Crime/Incident Report

Case No. **24107775**

CAD Event No.: **E9082614** | Case Disposition: **Active**

Primary Victim: [redacted] Victim | Report No. **24107775.1**



## GENERAL CASE INFORMATION

| | | | |
|---|---|---|---|
| Primary Charge: **13730 - PC - DOMESTIC VIOLENCE INCIDENT (CALL)** | | | |
| Special Studies: | | | Related Cases: |
| Location, City, State, ZIP: **14068 Stowe Dr, Hampton Inn, Poway, CA 92064** | | | Occurred On: **02/25/2024 16:09:00 (Sunday)** |
| Jurisdiction: **City of Poway - POWAY** | Beat: **416** | Call Source: **ADMIN** | (and Between): |
| Means: | | Motives: | |

## VICTIM/S

### Victim #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

| Name: | Victim Type: | Interpreter Language: |
|---|---|---|
| [redacted] Victim | I - Individual | |

ALIAS / AKA / NICKNAME / MONIKER:

| Name Type: | First: | Middle: | Last: | Suffix: |
|---|---|---|---|---|
| | | | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Victim Of: **13730 - PC - DOMESTIC VIOLENCE INCIDENT (CALL)** | | | | | | | | County Residence: **R - Resident** |
| Home Address, City, State, ZIP: [redacted] | | | | | Res. Country: **US** | | Place of Birth: | Undocumented: |
| Race: [redacted] | Sex: [redacted] | Date of Birth / Age: [redacted] | Height: [redacted] | Weight: [redacted] | Hair Color: [redacted] | Eye Color: [redacted] | Facial Hair: [redacted] | Complexion: [redacted] |
| Employment Status: **E - Employed** | Occupation/Grade: [redacted] | | Employer/School: | | | | Employer Address, City, State, ZIP: | |

CONTACT INFORMATION:

| Type: | Number/Address: |
|---|---|
| **MP - Mobile Phone** | [redacted] |

IDENTIFICATION:

| Type: | Number: | State: | Country: |
|---|---|---|---|
| **DLN - Drivers License Number** | [redacted] | [redacted] | **US** |

| Attire: | Injury: | Extent of Treatment: | Violent Crime Circumstances: |
|---|---|---|---|
| **black tank top, black leggings, grey hoodie** | | | |

| LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION | Type: | Type Activity: | Type Assignment: |
|---|---|---|---|
| | | | |

### Victim #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

| Name: | Victim Type: | Interpreter Language: |
|---|---|---|
| **Adams, Richard Daniel** | **I - Individual** | |

ALIAS / AKA / NICKNAME / MONIKER:

| Name Type: | First: | Middle: | Last: | Suffix: |
|---|---|---|---|---|
| | | | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Victim Of: **13730 - PC - DOMESTIC VIOLENCE INCIDENT (CALL)** | | | | | | | | County Residence: **R - Resident** |
| Home Address, City, State, ZIP: [redacted] | | | | | Res. Country: **US** | | Place of Birth: | Undocumented: |
| Race: **W** | Sex: **M** | Date of Birth / Age: [redacted] | Height: [redacted] | Weight: [redacted] | Hair Color: [redacted] | Eye Color: [redacted] | Facial Hair: | Complexion: |
| Employment Status: **E - Employed** | Occupation/Grade: **Law Enforcement Officer** | | Employer/School: **California Highway Patrol** | | | | Employer Address, City, State, ZIP: | |

| Reporting Officer | Division / Organization | Reviewed By |
|---|---|---|
| **SH0765 - POWROZNIK, DANIELLE** | **Poway Station POWAY PATROL** | **SH4875 - RITT, AARON** |
| Report Date **2/25/2024 5:37:31 PM** | Detective Assigned **SH9925 - WILLIS JR, VERNON** | Reviewed Date **02/26/2024 14:23:49** |

| CONTACT INFORMATION: | | | |
|---|---|---|---|
| Type: **MP - Mobile Phone** | | Number/Address: [redacted] | |
| **IDENTIFICATION:** | | | |
| Type: **DLN - Drivers License Number** | Number: [redacted] | State: **CA** | Country: **US** |
| Attire: | Injury: | Extent of Treatment: | Violent Crime Circumstances: |
| LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION | Type: | Type Activity: | Type Assignment: |

## IBR/UCR OFFENSE/S

| Offense Description: | Level: | Against: | Completed? | Counts | Using: |
|---|---|---|---|---|---|
| **13730 - PC - DOMESTIC VIOLENCE INCIDENT (CALL)** | **O** | | **Yes** | | |

| Location Type: | Hate/Bias: | Domestic Violence: |
|---|---|---|
| **14 - Hotel/Motel/Etc.** | **88 - None (no bias) (mutually exclusive)** | **Yes** |

| Criminal Activity: | Type Security: | Gang Related: | Entry: | Point of Entry: |
|---|---|---|---|---|
| | | **No** | | |

| Weapons/Force: | Tools: | | Targets: |
|---|---|---|---|
| | | | |

## ARRESTEE/S

## SUSPECT/S (Not Yet Arrested)

## WITNESSES

## OTHER ENTITIES

## PROPERTY

### Property Item #1.000 - cd containing photo/video

| Derivative No.: **0** | Property Category: **1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative** | |
|---|---|---|
| Status: **ES - Evidence (Seized)** | Count: **1** | Value: |
| Manufacturer: | Model: | |
| Serial No.: | Model Year: | OAN: |
| Color: | Caliber: | |
| Body Style: | Recovered/ Seized Date: **02/26/2024** | |
| Owner: | Disposition: | |
| Evidence Tag: | Alert(s): | |
| Drug Type: | Drug Quantity: | |
| Search Warrant: | | |
| Notes: | | |

| Reporting Officer | Division / Organization | Reviewed By |
|---|---|---|
| **SH0765 - POWROZNIK, DANIELLE** | **Poway Station POWAY PATROL** | **SH4875 - RITT, AARON** |
| Report Date **2/25/2024 5:37:31 PM** | Detective Assigned **SH9925 - WILLIS JR, VERNON** | Reviewed Date **02/26/2024 14:23:49** |

### Property Item #2.000 - BWC

| | | | | | |
|---|---|---|---|---|---|
| Derivative No.: | 0 | Property Category: | 1306 - Body Camera Video | | |
| Status: | I - Information Only | Count: | 5 | Value: | |
| Manufacturer: | | Model: | | | |
| Serial No.: | | Model Year: | | OAN: | |
| Color: | | Caliber: | | | |
| Body Style: | | Recovered/ Seized Date: | | | |
| Owner: | | Disposition: | | | |
| Evidence Tag: | | Alert(s): | | | |
| Drug Type: | | Drug Quantity: | | | |
| Search Warrant: | | | | | |

Notes: **Deputy Powroznik #0765 x 1**
**Deputy McKemy #3119 x 1**
**Deputy Johnson #0888 x 1**
**Deputy Marooki #0246 x 1**
**Deputy Velarde #6578 x 1**

### REPORT NARRATIVE

SYNOPSIS:

On 02/25/2025, Victim ( Victim ) and Richard Daniel Adams ( ) were involved in an argument in the parking lot of the Hampton Inn located at 14068 Stowe Drive in the city of Poway in the County of San Diego. Per reporting party Victim she and Adams were involved in a verbal argument while Victim attempted to leave the Hampton Inn in her vehicle and Adams refused to let her leave. Adams fled back to their hotel room prior to deputies' arrival on scene and was not contacted during the course of this investigation. Victim reported that no physical altercation had ensued at the time of the argument, however alleged several prior domestic violence incidents at their residence in Joshua Tree, San Bernadino County. Several of the incidents over the course of two years were reported to local law enforcement, however no cases were generated, and Victim admitted to hiding the truth over concerns of Adams losing his career with the California Highway Patrol (CHP).

Deputies were equipped with Body Worn Cameras (BWC) for this incident.

ORIGIN:

On 02/26/2024, at about 1608 hours, I received a radio call of a disturbance in the parking lot of the Hampton Inn located at 14068 Stowe Drive in the city of Poway in the County of San Diego. (CAD#E9082614)

BACKGROUND:

Victim ( Victim ) and Richard Daniel Adams ( ) have been dating for 4.5 years and currently live together at California. Victim has a 15-year-old daughter from a previous relationship and the daughter's father resides in San Diego. Victim is a traveling nurse and periodically works nursing shifts at various San Diego County hospitals when her

daughter is visiting her father. Adams is an off-duty California Highway Patrol officer out of Morongo Basin who accompanied Victim to San Diego while she worked a shift at Location Hospital in Location .

INVESTIGATION:

At approximately 1617 hours, Deputy McKemy #3119, Deputy Johnson #0888, Deputy Marooki #0246, Deputy Velarde #6578 and I arrived at the Hampton Inn located at 14068 Stowe Drive, in Poway. I contacted a female, later identified as Victim . Victim provided me the following statement.

STATEMENT:

STATEMENT OF Victim (REPORTING PARTY/VICTIM)

Victim advised me that she had got into a verbal argument with her boyfriend Richard Daniel Adams ( ). Victim had attempted to leave the hotel parking lot in her vehicle and leave Adams at the hotel. Adams had then attempted to load his belongings into the back of her vehicle and was standing behind her vehicle refusing to let her leave without him. Victim then called 911 and Adams went back into the hotel to presumably retrieve his concealed carry weapon located in their hotel room. Victim acknowledged that at no time during their altercation did Adams physically assault her, nor did he threaten her with any weapons.

Victim then advised deputies that Adams had physically assaulted her on several previous occasions over a period of approximately 2 years. These incidents occurred in Location where they reside.

The most recent occasion was approximately two weeks ago on 02/10/24. Adams was upset that Victim had come home late that evening from work and had chased her around the house while arguing with her. Adams accused Victim of "things"(she would not specify what was said), continuing to argue with her until he grabbed her by the wrist. Victim was holding a glass in her hand and when he grabbed her, she dropped the glass and it shattered. Adams then accused her of making a mess, grabbed her by the neck, threw her on the ground and then hit her twice in the face with a closed fist, once on the left side and once on the right side. Adams then told Victim to "stop acting like a victim". Victim did not notify Local Law Enforcement regarding this incident.

Victim then advised me of an incident on 07/13/2023 at approximately 2100 hours when Adams discovered she had texted an ex-boyfriend. Adams picked Victim up, threw her to the ground, dragged her around the house by the ankles and then attempted to throw her out the front door. Adams then grabbed Victim by the ankles in front of their front door and dragged her outside of the house. Adams did not strike Victim on this occasion; however, the incident was captured by their Ring door bell and she did have a recording of it on her phone. Victim did not specify if local authorities were contacted regarding this incident.

Victim stated that on one occasion in June, either in 2022 or 2023, Adams pinned her against the wall with his forearm on her windpipe. Victim said that was unable to breathe and as a result blood vessels popped in both of her eyes. Victim did not specify if she had contacted Local Law Enforcement regarding this incident.

Victim stated that on a previous Mother's Day, Adams picked her up out of a chair and threw her into a brick fireplace. Victim 15-year-old daughter witnessed this incident and then called their local police. When the police arrived at their residence, Victim admitted to me that she had lied to the responding agency, claiming nothing had occurred. Victim stated that she was trying to cover for Adams so he would not get into trouble.

Victim admitted to lying to the police on a separate occasion as well when they responded to their residence, although she did not specify which incident this was. Victim again stated that she was concerned that Adam's career as a California Highway Patrol Officer out of Morongo Basin would be placed in jeopardy should she tell the truth about his actions towards her. Victim also expressed doubt that any law enforcement officer would believe her as she assumed they would automatically side with Adams as a fellow law enforcement officer. When I inquired if she had ever truthfully reported any of these previous incidents and if so had she been met with any kind of skepticism, Victim admitted that no, she had never truthfully reported these incidents as they had occurred.

Victim stated that she and Adams are currently in the process of having a child together. Victim advised me that Adams has been physically assaultive towards her for the past 2 years and that the abuse had started approximately around the same time that they began attempting to conceive.

INVESTIGATION (CONTINUED):

I did not observe any injuries on Victim from the alleged incident on 02/10/24. I asked Victim if she still had any bruising or marks as a result of this prior incident and she stated she did not. I asked Victim if she required any medical attention and she stated she did not. I asked Victim if I could take picture of her neck where Adams had allegedly grabbed her, and Victim refused to allow me to take photos for documentation.

Victim showed Deputy McKemy and I the Ring doorbell video on her phone from the 07/13/2023 incident. On the video I observed Victim and a male subject engaged in an argument at the entrance of a residence. The male subject can be seen throwing Victim through the open doorway of the residence and Victim falls to the ground. The male subject was telling Victim to "get out" and then grabbed Victim's legs and seemingly pushed them away from the entrance of the residence. Victim could be heard saying "Richard stop!" and the male subject appears angry and attempts to close the door of residence.

Victim then showed me a photograph on her phone of an eyeball with a visible burst blood vessel. Victim did not show me the entire photograph, just a close-up image of the eye. I was unable to ascertain if the eye was Victim's based on the cropping of the photo shown. I asked Victim if she would share the video

and photo with me and Victim flatly refused. I explained that Body Worn Cameras were currently capturing our conversation as it was happening and that providing me with the video and photo would assist in allowing these previous incidents to be properly documented. Victim continued to be uncooperative and refused to provide the requested imagery.

When Victim was asked how she would like her situation with Adams to be resolved, Victim responded vaguely that she didn't want this happening to any other woman. Despite this claim, Victim continued to be uncooperative with deputies and refused to provide any video or photo documentation to support her various allegations.

As no crime had occurred in the County of San Diego and due to the circumstances of the investigation, the locality where the allegations took place, the time elapsed since these allegations took place and the distinct lack of evidence of said allegations, this incident was documented as a 13730 PC- domestic violence incident. Victim wanted something done regarding these incidents but had not documented the incidents in a proper manner and was uncooperative with deputies' investigation. Many of the crimes described were misdemeanors which were stale. The incident regarding Adams compressing Victim's windpipe as well as the most recent incident where Adams struck Victim in the face lacked any documentation depicting evidence of the abuse or independent witnesses to corroborate that these incidents had occurred.

At the time of this investigation, Adams was not present. Victim had claimed that Adams was currently armed and presumably located in their hotel room. Based on the information given to deputies, a potentially volatile consensual encounter with Adams who may or may not have been armed was deemed ill-advised and no attempt to contact Adams was made. Victim provided Adams' cell phone number; however, Adams was not contacted.

Victim was provided with a Domestic Violence Victims Resource Guide, containing the Case Number and Deputy's names and arjis's. Victim was advised on the process of procuring a restraining order against Adams, should she choose to get one. Victim was also provided with the address of the Superior Court in San Bernadino County.

Victim was able to leave the parking lot in her vehicle without further incident.

Deputies were equipped with Body Worn Cameras (BWC) for this incident.

Deputy McKemy took a still photo of Victim from BWC as well as a screen recording of the Ring doorbell recoding from BWC. Both were added into evidence at the Poway Patrol Station.

EVIDENCE:

CD containing photo and recording.

INJURIES:

None

PROPERTY DAMAGE:

None

FOLLOW-UP:

As deemed necessary by Area Detectives.

RELATED REPORTS:

None

15-10603-401 Revised 6192 (CR1)

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CA
UNIFORM CRIME REPORT

03600

1. CODESECTION PC 243(e)(1)
OF
0M
☐OTHER

2. CRIME DEFINITION
**DOMESTIC BATTERY**

3. CASE NUMBER CRIME CODE
232400513

4. ASSIGNED MONTH-DAY-YEAR-TIME
**FEBRUARY 25, 2024**

5. ARRIVED MONTH-DAY-YEAR-TIME
**FEBRUARY 25, 2024**

6. BEAT 17. REPORTING DISTRICT
**YV1** **YV017**

8. OCCURRED DAY OF WEEK-MONTH.OAY-YEAR-TIME
THURSDAY JULY 13, 2023 **2155 HOURS**

9. REPORTED MONTH-DAY-YEAR-TIME
**FEBRUARY 25, 2024 1609 HRS**

110. LOCATION OF OCCURRENCE CITY
[redacted] Location

CODES FOR BOXES 12 & 22 ARE: V= VICTIM W=WITNESS RP= REPORTING PARTY DC= DISCOVERED CRIME IP= INVOLVED PARTY O=OTHER

## VICTIM/WITNESS

| 11. NAME: LAST. FIRST MIDDLE (FIRM IF A BUSINESS) | 12. CODE | 13. RESIDENCE ADDRESS-STREET-CITY-ZIP | 14. RESIDENCE PHONE |
|---|---|---|---|
| **CONFIDENTIAL** | **V** | | |
| 15. OCCUPATION 116. RACE/SEX 17. AGE | 18.DOB | 19. BUSINESS ADDRESS-STREET-CITY-ZIP | 20. BUSINESS PHONE |
| 21. NAME:LAST. FIRST. MIDDLE (FIRMIF A BUSINESS) | 22. CODE | 23. RESIDENCE ADDRESS-STREET-CITY-ZIP | 24. RESIDENCE PHONE |
| 25. OCCUPATION 26. RACE/SEX 27. AGE | 28.DOB | 29. BUSINESS ADDRESS-STREET-CITY-ZIP | 30. BUSINESS PHONE |

## SUSPECTS

| 31. SUSPECT #1 NAME: LAST, FIRST, MIDDLE 32. RACE/SEX | 33.AGE | 34.HT. 35. WT. 136.HAIR 137. EYES :la. DOB 139. ARRESTED 140. INTERVIEWED |
|---|---|---|
| **ADAMS, RICHARD DANIEL** [redacted] | [redacted] | [redacted] 0 YES 0 NO 0 YES O NO |
| 41. RESIDENCE ADDRESS-STREET-CITY-ZIP | | 42. CLOTHING ANO OTHER IDENTIFYING MARKS/CHARACTERISTICS |
| [redacted] Location | | |
| 43. SUSPECT #2 NAME: LAST, FIRST, MIDDLE 44. RACE/SEX | 45.AGE | 46.HT. 47. WT. 148.HAIR 49. EYES 50. DOB I 51. ARRESTED 152. INTERVIEWED |
| | | 0 YES O NO O YES O NO |
| 53. RESIDENCE ADDRESS-STREET-CITY-ZIP | | 54. CLOTHING AND OTHER IDENTIFYING MARKS/CHARACTERISTICS |

## INV

55. ADDITIONAL NAMES IN CONTINUATION? 0YES ONO
56.ADDITIONAL INFORMATION FROM: ☐ VICTIM O WITNESS0 OFFICER O OTHER

57. PHYSICAL EVIDENCE RECOVERED? ☐YES **0NO**
58. PHOTOGRAPHS TAKEN? 0 YES **Ii:I** NO
59. LA TENT PRINTS LIFTED? ☐YES **0NO**

| 60. VEHICLE 161.COLOR 162.YEAR 163.MAKE | 64. MODEL 165.BOOY 166.LICENSE NUMBER 167.STATE 168.DAMAGE/ODDITY/ACCESSORIES |
|---|---|
| ☐ VICTIM 0 SUSPECT | |

## CRIME STATS

69. ROBBERY WEAPON: 0 FIREARM 0 CUTTING INSTRUMENT 0 OTHER DANGEROUS 0 STRONG ARM
LOCATION: 0 HIGHWAY 0 CONVENIENCE STORE 0 OTHER BUSINESS 0 SERVICE STATION 0 RESIDENCE ☐BANK 0 MISC.

70. ASSAULTS WEAPON: 0 FIREARM 0 KNIFE! CUTTING INSTRUMENT 0 OTHER DANGEROUS WEAPON **0** HANDS/FEET 0 SIMPLE/NO INJURY

71. BURGLARY 0 NIGHT 0 UNKNOWN 0 DAY | O FORCIBLE ENTRY 0 NO FORCIBLE ENTRY | D ATTEMPTED FORCIBLE ENTRY | ☐ RESIDENTIAL 0 VEHICLE 0 NON-RESIDENTIAL (BUILDING)

72. LARCENY 0 PICKPOCKET 0 PURSE-SNATCH 0 SHOPLIFT 0 FROM MOTOR VEHICLE 0 MOTOR VEHICLE PARTS 0 BICYCLES 0 FROM BUILDING • NOT SHOPLIFT OR MACHINES 0 FROM COIN-OPERATED MACHINES 0 ALL OTHERS

73. PROPERTY

| TYPES & VALUES | | STOLEN | | | STOLEN | | STOLEN |
|---|---|---|---|---|---|---|---|
| | CURRENCY, NOTES | s | TV, STEREO, ETC. | $ | CONSUMABLE GOODS | $ | |
| | JEWELRY | s | FIREARMS | s | LIVESTOCK | $ | |
| | CLOTHING. FURS | S | HOUSEHOLD GOODS | S | OTHER MISC. | $ | |
| | OFFICE EQUIPMENT | S | | | TOTAL | 0 | |

0 IDENTIFIABLE PROPERTY TAKEN 0 ENTERED INTO NCIC

74. DOMESTIC VIOLENCE: INJURIES? E:INONE 0 MINOR ☐ MAJOR WEAPONS? ☐YES E:INO

75. PEACE OFFICER ASSAULTED OR ARSON? ☐YES (IF YES. COMPLETE BOXES 1.2,3.4 AND 34 OR 35 ON CR-4 FORM)

## SYNOPSIS

76. SYNOPSIS

ON 02/25/2024, SAN DIEGO SHERIFF'S DEPARTMENT CONTACTED V1 AT A HOTEL FOR THE REPORT OF A DOMESTIC ARGUMENT. V1 DISCLOSED PREVIOUS DOMESTIC ABUSE ALLEGATIONS FOR THE PAST COUPLE YEARS. V1 TEMPORARILY SDSD DEPUTIES A RING VIDEO CAMERA RECORDING DEPICTING POSSIBLE DOMESTIC BATTERY. SOSO DEPUTIES AND DETECTIVES FORWARDED THE CASE TO SBSD MORONGO BASIN STATION AFTER THEY DETERMINED IT WAS IN THE YUCCA VALLEY JURISDICTION. I INTERVIEWEDBOTH PARTIES, REVIEWED THE REPORTS, AND EVIDENCE. THE VIDEO CAPTURED BY SDSD BODY WORN CAMERAS DEPICTED DOMESTIC BATTERY, THOUGH BOTH PARTIES DENIED ABUSE ALLEGATIONS.

77. REPORTING OFFICER
J. PEREZ

78. EMPLOYEE#
G6923

79. DATE I 80. REVIEWED BY
3/20/2024 O v.. riv\-

DATE
]/U,/t1

81. ROUTING INFORMATION
O SUBMIT TO DIA
0 IMMEDIATE FOLLOW UP
0 OTHER:

82. IS REPORTING OFFICER PC 115 QUALIFIED? 0 YES ONO

SAN BER, ARDINO
COUNTY

SHANNON D. DICUS, SHERIFF-CORONER

DR# 232400513

## REQUEST TO WITHHOLD VICTIM IDENTIFICATION FROM PUBLIC DISCLOSURE FOR SEX CRIMES/DOMESTIC VIOLENCE/STALKING

Penal Code section 293(a) and Government Code section 7923.615 apply to Penal Code sections 220, 236.1, 261, 261.5,262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 287, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 647.6 and 646.9.

### Victim Advisal

Pursuant to California Penal Code section 293(a) and California Government Code section 7923.615, you are informed that your name will be a matter of public record unless you request that it not become a matter of public record.

I have been informed of my rights to confidentiality. Signature _____
Victim/ Parent/ Guardian

### Victim's Statement

(Check One)

@ I hereby elect to exercise my right to privacy, pursuant to California Government Code section 7923.615.

D I do not elect to exercise my right to privacy, and understand that my name may become a matter of public record and may become available for publication.

Victim Name [redacted] Victim # 1 Date of Birth
(Print Full Name) (1,2,etc.)

Home Address: [redacted] Location

Phone Number: (Home) [redacted] (Cell/Pager/Message)

School Name/City: N/A

Work Address: N/A

Work Phone: **N/A**

Race [redacted] Sex [redacted] Height [redacted] **Weight** [redacted] Hair [redacted] Eyes [redacted]

**Witnessed by (Sheriff's Employee):**

Signature _____ Emp# **G6923** Date **03120/2024**

**Notice to employee: If** victim(s) exercise their right to remain confidential, do not write their names on CR-1. Identify them on CR-1 as Victim 1, 2, 3, etc. Do not use their name in body of report. Identify them in narrative as Victim 1, 2, 3, etc.

Place this confidential acknowledgement on top of CR-1.

Revision date: 12/04/2023

**SHERIFF'S DEPARTMENT**

**San Bernardino County**
**California**

**CA 03600**

# CONFIDENTIAL

CASE NUMBER: 232400513

REPORTING AREA: **YV017**

| CODE SECTION | CRIME | CLASSIFICATION |
|---|---|---|
| **PC 243(e)(1)** | **DOMESTIC BATTERY** | **Misdemeanor** |

VICTIM OR INVOLVED PARTY'S NAME·LAST NAME, FIRST NAME, MIDDLE NAME OR FIRMNAME IF BUSINESS

ADDRESS | PHONE NUMBER

COli!EIDEfill!L I!:!!E9BM6I10tlCONCERNING Ili!□Obll!s!2 e!BimS:

Localion of Occurrence | City

**58000 BLOCK ON NAVAJO TRAIL, YUCCA VALLEY, CA, 92284**

Codes Are: I V-Victim I W-Witness | S-Suspect | RP-Reporting Party | DC-Discovered Crime | IP-Involved Party | O-Olher

| | | | |
|---|---|---|---|
| I'.:!ll!m!r b!!§I ElmlM!s!dl!! | □ | B□ens.e &IS!CllIS: | Bmil!!!!!!a e!Jone: |
| Victim | V | [redacted] Address | [redacted] |
| Ql;&i.!!!aljo!![Q!!!;r.il!li!!!li | Bl!!.!!Se!; □ | Business Address: | Bu!!!!Hli eb2a11; |
| | [redacted] [redacted] | | |
| t:liil!D.!1"ball El!iilMill!!!!! | □ | R1111<111a,e &I!Ir!!u: | Besidm,11e1!2n11: |
| □Idll!!1i!!!!!l2m!lI!Ul!!r | Biil□1x: □ | B: B1!!ines1Ad!lcns: | B!,!!lness ebon1; |
| Name;IJ!st, El!!il Middle | □ | Besideace Addrey· | B!!§!!le!!!:e ebone: |
| Occul!!!llon/Oescrietton: | Race/Sex: &mi | B: Buslness§ Addr!!li§i | Busl[!!!!!i e112ne; |
| Name·ball,BilliMldd!§ | □ | B!!□!!!!S.!! Ads!r111· | Bnl!!tn!a e!!2n1: |
| □I!!!!!!!!!LQ!I,!cril!□!lai | B11!1!.£§1x: &II!;, | B: B!.!§iness Address: | Business Phone: |
| t1am1; bas!, F!11!Mil!dl!! | Ql!!!!!;_ | B!!!ill!!"!.!!Addr1u; | R11!!!11n!.§ ehon!!i |
| QW!all!!!!lQ!!ISi!!l.lli!!!!' | □I§ex: □ | ]OB· B!,!sin&S§ 6!1!1Clllil' | B1!!iln1111ebsm!!· |

| REPORTING OFFICER | EMPLOYEE# | DATE | REVIEWED BY | TYPEDBY | ROUTEOBY | DATE |
|---|---|---|---|---|---|---|
| J. PEREZ | G6923 | 3/20/2024 | OV. j 0\.4 | J. PEREZ | | |

| FURTHER ACTION: | COPIES TO: | OsDIPD | Oother | REMARKS: |
|---|---|---|---|---|
| Oves ☐NO | D Detectives | Oen | | |
| 15-15184-401 Revised 7/21 (CR2) | 0 District Allomey | ☐Patrol | | |

| SHERIFF'S DEPARTMENT<br>COUNTY OF SAN BERNARDINO<br>CALIFORNIA | Page 1 | CASE NO.<br>232400513<br>REPORT AREA<br>YV017 |
|---|---|---|

| CODESECTION<br>PC 243(e)(l) | CRIME | CLASSIFICATION |
|---|---|---|

| VICTIM'S NAME-LAST NAME | FIRST NAME | MIDDLE NAME | (FIRM NAME IF BUSINESS) |
|---|---|---|---|
| | | | |

| ADDRESS | RESIDENCE | PHONE |
|---|---|---|
| | | |

## ASSIGNMENT/ARRIVAL:

On Wednesday, February 28, 2024, I was assigned as the Detective for the Town of Location. I conducted a follow-up due to a courtesy report from the San Diego Sheriff's Department (SDSD), City of Poway. Their report number for the courtesy report was #2407775.1.

## COURTESY REPORT:

On Sunday, February 25, 2024, at about 1609 hours, deputies from SDSD Poway station contacted a male and female for the report of a disturbance in the parking lot of a hotel. Deputies contacted a female, (herein referred to as VI), who disclosed her boyfriend was argumentative with her and wanted to leave. The boyfriend was identified to them as Richard Daniel Adams D.O.B. – During their investigation, they learned of possible domestic battery allegations, and a video was shown to them by VI.

VI did not want to provide them with the video or any further information at the time. Deputies took a report and forwarded the case to SDSD detectives. Upon review of the report, they learned the crime occurred outside of their jurisdiction in the Town of Location. The report was forwarded to San Bernardino County Sheriff's Department Morongo Basin Station for investigation.

SDSD sent the complete report, and body-worn camera (BWC) recordings of the initial investigation. During their investigation, they learned Adams was a California Highway Patrol Officer at the Morongo Station. The Poway Station supervisors made their notification of the investigation to the CHP Morongo Station administration as part of their investigation. The report was subsequently forwarded to SBCSD Morongo Station for investigation.

| REPORTING OFFICER | DATE | REVIEWED BY | TYPED BY | ROUTED BY | DATE |
|---|---|---|---|---|---|
| J. PEREZ / G6923 | 03/20/2024 | C.\b.Jn,.A | J.PEREZ | | |

| FURTHER ACTION: | COPIESTO: | | |
|---|---|---|---|
| X YES NO | Detective | CH | Other |
| | X Dist. Atty. | Patrol | SD/PO |
| | | | Other |

REMARKS

| CODESECTION | CRIME | CLASSIFICATION |
|---|---|---|
| PC243(e)(l) | DOMESTIC BATTERY | MISDEMEANOR |

| VICTIM'S NAME·LAST NAME | FIRSTNAME | MIDDLE NAME | (FIRM NAME IFBUSINESS) |
|---|---|---|---|
| | | | |

| ADDRESS | RESIDENCE | PHONE |
|---|---|---|
| | | |

## SAN DIEGO SHERIFF'S DEPARTMENT BWC RECORDING OF VIDEO FROM Vl:

During SDSD's investigation with Vl about previous domestic abuse allegations, she showed deputies a Ring camera recording. The video appeared to have the date July 13, 2023, 09:55 P.M. VI showed the video to deputies, but when asked if the video could be properly provided as evidence she refused to comply. The following is a brief description of the body camera recording of the temporarily provided video.

In the video is a white male adult with short blonde/light brown hair, tattoos on his arms, and a clean-shaven face. He wore a black tank top and grey shorts. The second person appears to be a white female adult with blaclc/brown hair, and black shirt/shorts. The male enters the right side of the camera with the door open. He pulls and throws the female by her armpits before she falls on her left side outside of the doorway. He grabbed her lower legs which were still inside of the doorway and pushed her entirely out of the doorway. She rolled onto her right side and back onto her knees. The male reentered the doorway and put his arms on either side of the side doorframe.

## VICTIM CONTACT: VICTIM #1

On Wednesday, February 28, 2024, at about 1415 hours, I contacted VI at the School Name School in Location. I identified myself as a Sheriffs Detective from the San Bernardino County Sheriff's Department as I spoke with her. I informed her I was investigating the report provided by SDSD and wished to speak with her about the information provided during their contact. She explained she was willing to speak with me but wished to do so at a later time. I provided her with my business card which contained my contact information.

| REPORTING OFFICER | DATE | REVIEWED BY | TYPED BY | ROUTEDBY | DATE |
|---|---|---|---|---|---|
| J.PEREZ / 66923 | 03/20/2024 | N\A | J. PEREZ | | |

FURTHER ACTION: X YES NO

COPIES TO: Detective, X Dist. Atty., Other, CH, Pa1rol, SO/PD, Other

REMARKS

CODESECTION PC 243(e)(1) | CRIME DOMESTIC BATTERY | CLASSIFICATION MISDEMEANOR

VICTIM'S NAME • LAST NAME | FIRST NAME | MIDDLE NAME | IFIRM NAME IF BUSINESS)

ADDRESS | RESIDENCE | PHONE

## *VICTIM CONTACT: {CONTINUED)*

VI stated she would be able to speak with me tomorrow (February 29, 2024) at 0900 hours. On Thursday, February 29, 2024, at about 1254 hours, VI sent a text message to my work phone. She apologized for not calling earlier the same morning but asked to reschedule for Friday (March Ist). Due to my schedule, I was not available until the following Monday but offered her to meet with another detective on March 1st. VI requested to meet on Monday, March 4th, 2024.

I did not receive any contact with VI until Tuesday, March 5th, 2024, at about 1817 hours. I again asked if she could meet with me on March 7 or 11, 2024. She stated she was unavailable on both days. She stated she was available on Wednesday (March 13, 2024) at any time. On March 13, 2024, she canceled the meeting and stated her only next available day was a week later (March 20, 2024). On Tuesday, March 19, 2024, I asked VI if she could meet in person or make a phone call. She requested a phone call at about 1200 hours.

On Thursday, March 21st, 2024, at about 1228 hours, I spoke with VI by telephone. The following is a summary of her recorded statements to me.

I asked VI to summarize what events occurred in San Diego on the day she made a report with them. She recalled she was functioning off very little sleep, but she did remember the incident. There was an argument in her hotel room with her boyfriend Richard. (I identified the boyfriend, the suspect to be Richard Adams (DOB: -). VI and Adams were in San Diego to allow VI 's two biological children, to visit with their biological father. Vl had been in a dating relationship with Adams for the last five (5) years and lived together for the past three (3) years.

CASE NO. 232400513

REPORT AREA VV017

CODE SECTION PC 243(e)(1) | CRIME DOMESTIC BATTERY | CLASSIFICATION MISDEMEANOR

VICTIM'S NAME • IAST NAME | FIRST NAME | MIDDLE NAME | (FIRM NAME IF BUSINESS)

ADDRESS | RESIDENCE | PHONE

***VICTIM CONTACT: (CONTINUED)***

Adams was being argumentative with VI. but it did not matter what the argument was about. VI wanted to leave and ultimately left Adams at the hotel after the report was made with SDSD. She left him because she did not want to drive home with 'him•, Adams, arguing in front of her kids. VI confirmed law enforcement was called to their residence on [redacted] Location, on two occasions about one to two years ago.

I asked her if she remembered what happened on the two occasions law enforcement was called. She denied explaining as she felt the events happened too long ago for her to describe details or properly recall the events. I described to her the video recording SDSD obtained which was provided by VI as she described previous unreported abuse. VI declined to comment on the video and said she would need to see it to comment on it. However, after I described the actions seen in the video she said. "The video that you're referring to, that's not what happened in that video.••

Ultimately, VI explained she was uncomfortable talking about past incidents as she felt she was not able to recall them properly. She asked what further involvement was required from her as she wanted to 'close• the case and put past events behind her. She further explained she felt safe in the home and wanted to provide no further information. VI no longer wanted to be part of the investigation, so I ended my contact with her.

REPORTING OffICER J. PERE2 / 66923 | DAT£ 03/20/2024 | REVIEWED BY (}v.tr-V'> | TYPED BY J. PEREZ | ROUT£DBY | DAT£

FURTHER ACTION: X YES NO

COPIES TO: X Dist. Atty. | Detective | Other | CII | Patrol | SD/PD | Other

REMARKS

CASE NO. 232400513

REPORT AREA YV017

CODE SECTION PC 243(e)(1) | CRIME DOMESTIC BATTERY | CLASSIFICATION MISDEMEANOR

VICTIM'S NAME• LAST NAME | FIRST NAME | MIDDLE NAME | (FIRM NAME IF BUSINESS)

ADDRESS | RESIDENCE | PHONE

## SUSPECT CONTACT: ADAMS, RICHARD DANIEL

On Monday, March 18, 2024, at about 0832 hours, I contacted Richard Adams by telephone. I informed him I wished to speak with him regarding a courtesy report from SDSD. I explained they were called to investigate a possible domestic dispute where additional information was provided which required additional investigation. He agreed to meet me at his residence at about 1530 hours. The following is a summary of his recorded statements to me.

I identified myself previously over the phone as a detective with the Morongo Basin station during my contacts with him. Adams stood inside his garage as I approached and greeted him from just outside his garage on the driveway. I immediately informed Adams he was not under arrest and was free to stop talking or end the interview at any time. I wanted to speak with him about a previous report to SDSD where domestic disputes and related events were reported. Adams agreed to the interview as he replied sure.

Adams and his girlfriend, VI, have been in a dating relationship for the past five (5) years. VI has two children from a previous relationship who also live with them. Adams recalled the reported dispute between him and VI in San Diego. They went to San Diego to allow VI 'skids to visit with their father. The day VI called SDSD was the result of a verbal dispute between VI and Adams. Adams was upset with her for booking two beds instead of one and making a mess spilling popcorn.

| CODESECTION | CRIME | CLASSIFICATION |
|---|---|---|
| PC 243(e)(I) | DOMESTIC BATTERY | MISDEMEANOR |

| VICTIM'S NAME·LAST NAME | FIRST NAME | MIDDLENAME | !FIRM NAME IFBUSINESS) |
|---|---|---|---|
| | | | |

| ADDRESS | RESIDENCE | PHONE |
|---|---|---|
| | | |

***SUSPECT CONTACT: (CONTINUED)***

Adams stated VI became upset with him and wanted to leave. VI was drinking according to him, so he did not want her to drive in this state. He tried to stop her until she called 911. Adams left her alone and waited in the lobby but was not contacted by officers.

Adams recalled law enforcement was called to his residence twice near the beginning of their relationship. He described Vt called after or during an argument with him but both situations were deemed safe by responding officers. He denied any physical incidents between them but was not able to speak for VI and what she believed happened. He stated they were working through alcohol difficulties and receiving help through 'AA' and rehab.

I informed Adams there was a video shown to SOSO that depicted possible physical abuse and ifhe recalled any similar events. He denied recalling any similarly described events, however; their relationship was very passionate sexually. I then showed Adams the recording of the video recording previously shown to SDSD.

He did not recall if they were arguing or any details about the video. He confirmed they did have a Ring camera in the same position as the video angle. He also stated the video might have matched their porch. I asked him if he knew who was in the video. He replied, "I mean it looks, it looks like us." I continued to ask if his front door looked as it did in the video and if his camera was in the same area. He said, "We do, yeah yeah."

Adams described the video as appearing as if they (Adams and VI) were maybe hanging out and something happened. Adams stated in the video it appears as if they were fighting. He also described they sometimes 'roleplay' in a rough manner which could be misinterpreted. Adams could not explain how or why the 'roleplaying' would have ended outside as normally that is a bedroom thing for them. He had no further information or leads, so I ended my interview with him.

CASE NO. 232400513
REPORT AREA YV017

| CODE SECTION | CRIME | CLASSIFICATION |
|---|---|---|
| PC243(el(1) | DOMESTIC BATTERY | MISDEMEANOR |

| VICTIM'S NAME-IAST NAME | FIRSTNAME | MIDDLE NAME | (FIRM NAME If BUSINESS) |
|---|---|---|---|
| | | | |

| ADDRESS | RESIDENCE | PHONE |
|---|---|---|
| | | |

## SUSPECT IDENTIFICATION:

During the investigation, V1 ultimately did not want to further cooperate with law enforcement. Based on the information provided by SDSD's courtesy report, Adams's statements on the video, and Morongo Basin California Highway Patrol station; Adams was identified as the possible suspect.

Richard Daniel Adams
DOB: [redacted]
CDL [redacted]
Address and Phone [redacted]

## MARSY'S CARD/DOMESTIC VIOLENCE INFORMATION:

No Marsy's card or domestic violence information was provided during this investigation as V1 refused to meet in person or continue with the investigation.

## EVIDENCE:

I uploaded my audio recordings of my contacts and interviews with both parties. They were uploaded to the Motorola Command Vault Digital Evidence Management System. I also submitted SDSD deputy's BWC recordings under barcode #2409000399 and submitted them at the Morongo Basin Evidence room. The interview with Adams was also captured by Det. S. Ables BWC and was tagged with the report number in AXON at a later date.

| REPORTING OFFICER | | DATE | REVIEWED BY | TYPEDBY | ROUTED BY | DATE |
|---|---|---|---|---|---|---|
| J. PEREZ / G6923 | | 03/20/2024 | 0 | J. PEREZ | | |
| FURTHER ACTION: | COPIES TO: | Other | SD/PO | REMARKS | | |
| X YES NO | Detective | en | Other | | | |
| | X Dist. Atty. | Patrol | | | | |

**SHERIFF'S DEPARTMENT**

**COUNTY OF SAN BERNARDINO**

**CALIFORNIA**

Pages

CASE NO.
**232400513**

REPORT AREA
**YV017**

| COOESECTION | CRIME | CLASSIFICATION |
|---|---|---|
| **PC 243(e)(1)** | **DOMESTIC BATTERY** | **MISDEMEANOR** |

| VICTIM'S NAME - LAST NAME | FIRSTNAME | MIDDLE NAME | (FIRM NAME IF BUSINESS▸ |
|---|---|---|---|
| | | | |

| ADDRESS | RESIDENCE | PHONE |
|---|---|---|
| | | |

## DISPOSITION:

Case cleared by exceptional means, forward to the District Attorney's Office for review/filing.

| REPORTING OFFICER | DATE | REVIEWED BY | TYPED BY | ROUTEDBY | DATE |
|---|---|---|---|---|---|
| **J. PEREZ / 66923** | **03/20/2024** | "U.1 rN | **J. PEREZ** | | |

| FURTHER ACTION: | COPIES TO: | | |
|---|---|---|---|
| X YES NO | | Other | SD/PO |
| | Detective | CII | Other |
| | X DI$!. Atty. | Patrol | |

REMARKS

**SHERIFF'S DEPARTMENT**
COUNTY OF SAN BERNARDINO, CALIFORNIA
**CA03600**

# EVIDENCE/PROPERTY REPORT

| CASE NUMBER | |
|---|---|
| 232400513 | |
| REPORTING AREA | |
| YV017 | |

| CODE SECTION | RECOVERING DIVISION/ STATION | SUSPECT NAME | ☐ REPORTED STOLEN<br>☐ RECOVERED PROPERTY |
|---|---|---|---|
| PC 243(e)(1) | | | |
| D EVIDENCE | D FOUND PROPERTY | 0 SAFEKEEPING | ☐ RECOVERED BY SEARCH WARRANT |
| OWNER OF PROPERTY | | ADDRESS | |
| CASE AGENT AND EMPLOYEE NUMBER | | PROPERTY RECOVERED BY AND EMPLOYEE NUMBER | |

| ITEM NUMBER | SERIAL NUMBER | DESCRIPTION | VALUE I Rb.R r.nnF I 6.RFI |
|---|---|---|---|
| 1 | | CD'S CONTAINING SAN DIEGO SHERIFF'S DEPARTMENT BODY **WORN CAMERA** FOOTAGE RECORDING. | SAN BERNARDINO COUNTY SHERIFF<br>2409000399 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| REPORTING DEPUTY AND EMPLOYEE NUMBER | | DATE | REVIEWED BY | PROPERTY OFFICER AND EMPLOYEE NUMBER | DATE |
|---|---|---|---|---|---|
| J. PEREZ | G6923 | 3/20/2024 | 61A < 'n'A- | | |

SHERIFF'S DEPARTMENT· COUNTY OF SANBERNARDINO, CALIFORNIA

# COMPLAINT DISPOSmON REPORT· PROPERTY RELEASE

1. CASENUMBER: 1232400513

| 2. CODE SECTION | 3. CRIME DEFINITION | 4. CLASSIFICATION |
|---|---|---|
| PC 243(e)(1) | 1DOMESTIC BATTERY | Misdemeanor |

**VIC**

| 5. VICTIM OR OTHER 11PNAME: LAST, FIRST, MIDDLE | 6. STREET ADDRESS, CITY. ZIP | 7. PHONE NUMBER |
|---|---|---|
| CONFIDENTIAL | a RESIDENCE a BUSINESS | |

**SUSPECTS**

| 8. SUSPECT #1NAME: LAST. FIRST. MIDDIE | 9.RACE/SEX | 10. AGE | 11. HEIGHT 112. WEIGHT 113.HAIR | 14. eves 115.008 |
|---|---|---|---|---|
| ADAMS, RICHARD DANIEL | [redacted] | | [redacted] | [redacted] |

| 16.RESIDENCE ADDRESS: STREET, CITY. ZIP | 17. CLOTHING & OTHER IDENTIFYING MARKS/CHARACTERISTICS |
|---|---|
| Location [redacted] | |

| 18.SUSPECT #2NAME:LAST,FIRST,MIDDLE | 19.RACE/SEX | 20.AGE | 121.HEIGHT 122.WEIGHT 123. HAIR | 24. EYES 125.DOB |
|---|---|---|---|---|
| | | | | |

| 26.RESIDENCE ADDRESS: STREET. CITY, ZIP | 27. CLOTHING & OTHER IDENTIFYING MARKS/CHARACTERJSTICS | 28. ADDITIONAL NAMES IN CONTINUATION? ☐YES☐NO |
|---|---|---|
| ☐ | | |

**CRIME STATS**

29.ROBBERY — WEAPON: FIREARM ☐STRONG ARM a CUTTING 1NsrRuMENT 0 OTHER DANGEROUS — LOCATION: ☐RESIDENCE ☐SERVICE STATION ☐OTHER BUSINESS ☐HIGHWAY ☐CONVENIENCE STORE ☐BANK ☐MISC.

30. ASSAULTS — WEAPON: ☐FIREARM 0 KNIFE/CUTTING INSTRUMENT 0 OTHER DANGEROUS WEAPON 121HANDS/FEET ☐ SIMPLE/NO INJURY

31.BURGLARY — ☐NIGHT ☐DAY ☐UNI<NOWN — ☐ FORCIBLE ENTRY ☐ NOFORC1BI.E ENTRY ☐ATTEMPTED FORCIBLE ENTRY — a RESIDENCE a VEHICLE ☐NONRESIDENTIAL (BUILDING)

32.LARCENY — ☐ PICKPOCKET ☐SHOPLIFT 0 MOTOR VEHICLE PARTS 0 FROM BUILDING • NOT SHOPLIFT ORMACXINES ☐ PURSE SNATCH ☐FROM MOTOR VEHICLE 0 BICYCLES ☐ FROM COIN-OPERATED MACHINES ☐ALL OTHERS

| 33. PROPERTY TYPES AND VALUE | | RECOVERED | | RECOVERED | | RECOVERED |
|---|---|---|---|---|---|---|
| | CURRENCY, NOTES | $ | TV, STEREO, ETC. | $ | CONSUMABLE GOOOS | $ |
| | JEWELRY | $ | FIREARMS | $ | LIVESTOCK | $ |
| | CLOTHING, FURS | $ | HOUSEHOLD GOOOS | $ | OTHER MISC. | $ |
| | OFFICE EQUIPMENT | $ | NCIC ENTRY COMPLETED | a | TOTAL PROPERTY RECOVERED | 0 |

**ARSON**

| 34.ARSON TYPES AND VALUE | | VALUE | | VALUE | | VALUE |
|---|---|---|---|---|---|---|
| | SINGLE RESIDENCE | $ | INDUSTRIAL | $ | OTHER STRUCTURES | $ |
| | OTHER RESIDENCE | $ | OTHER COMMERCIAL | $ | MOTOR VEHICLE | $ |
| | STORAGE UNIT | $ | PUBLIC BUILDINGS | $ | OTHER MOBILE | $ |
| | INHABITED BUILDING ☐ | | UNINHABITED/ABANDONEDBUILDING ☐ | | TOTAL VALUE LOST | 0 |

**0FCRASLT**

35. PEACE OFFICER: ☐ASSAULTED ☐KILLED BY FELONIOUS ACT ☐KILLEDBY ACCIDENT/NEGLIGENCE INJURJES? ☐YES ☐NO

WEAPONS: ☐FIREARM 0 KNIFE/CUTTING INSTRUMENT ☐OTHER DANGEROUS WEAPON ☐HANDS/FEET

ASSIGNMENT: ☐1-MAN VEHICLE ☐ 2-MAN VEHICLE 0 DETECTIVE/SPECIALIZED ☐OTHER ☐ALONE ☐ASSISTED

TYPEOF ACTIVITY: 0 DISTURBANCE ☐BURGLARY ☐R08BERY ☐OTHER ARRESTS 0 CIVIL DISORDERS 0 HANDLING PRJSONERS ☐SUSPICIOUS PERSONS/CIRCUMSTANCES ☐AMBUSH 0 MENTALLY DISTURBED 0 TRAFFIC STOP ☐ALL OTHERS

**COMPLAINT**

36. COMPLAINT INFORMATION — 37.DATE — 38, DEPUTY DISTRJCT ATTORNEY — 39.CHARGES FILED

☐ CASEREVIEWED AND COMPLAINT FILEO

☐ COMPLAINT REJECTED - SEEREJECTION SLIP

40. VICTIMS,WITNESSESRE.CONTACTED — 41.DATE

☐VICTIM (S)

WITNESS (ES)

☐ NEIGHBORHOOD/AREA CHECKED

☐CASEREVIEWED ANOFOUND TO BECOMPLETE, LETTER SENT

0 NO NEWLEADS, INFORMATION. ORSU8JECTS IDENTIFIED

☐VICTIM ADVISED THAT PROSECUTION IS NO LONGER DESIRED

42. COMMENTS/ SYNOPSIS

**CASE SENT** TO **DA FOR REVIEW**

**PROP REL**

PROPERTY RELEASE COMMENTS

CERTIFICATION:☐THEUNDERSIGNED, DO HEREBY CERTIFY THATI AM THE LEGAL **OWNER ANO** ENTITLED TO TAKEPOSSESSION OF SAIDPROPERTY. — SIGNATURE — DATE

DRIVER'SLICENSE NUMBER — MISCELLANEOUS

**DISPO**

43.DISPOSITION: ☐ NO ADDITIONAL LEADS a CASEUNFOUNDED a CASE CLEARED BY EXCEPTIONALMEANS☐ CASE CIEARED BY ARREST ☐ PROPERTY RELEASED

| 44.REPORTING OFFICER | 45. EMPLOYEE NUMBER | 46. DATE | 47. REVIEWED BY | DATE |
|---|---|---|---|---|
| J. PEREZ | G6923 | 3/20/2024 | 0I.AoI r,'\Ar | 1 Ii. 6I z,i.'1 |

15-13887-401 Rov!sed9194 (CR4)

[redacted]
Victim
Address

April 23, 2024

TO WHOM IT MAY CONCERN

RE: *People v. Richard Adams*, MVI24001514

I am supposedly listed as a "victim" in this criminal action against Richard Adams, with whom I have been with for many years and with whom I am raising children. We wouldn't actually know if I am listed as a victim, because no long-form complaint is yet on file in the Court.

From the limited information I know of this case, it stems from an allegation of domestic violence I made in February of this year. I had been drinking alcohol and Richard did not want me to drive. I wanted to leave so I called the police, and when they arrived, I was drunk, upset, and angry at Richard. I made comments that were untrue at the most and exaggerated at the least. I was unaware of any criminal proceedings until we received a letter in the mail about victim's rights (a letter I opened with Richard after returning from a weekend family vacation) earlier this month. This charge is doing more harm than good for our family now, and the future family we are planning together.

For criminal prosecution purposes, protective order purposes, or whatever the court has in mind, there has not been any abuse perpetrated against me by Richard Adams, contrary to whatever false information has sparked this prejudicial filing. I am not a domestic violence victim.

This ill-advised criminal filing negatively impacts the stability of our family, and it devastates Richard's peace officer employment and military advancement.

I do not want a protective order, I do not want this case to go further than a rapid dismissal, and I do want everyone to honor our need to protect our family unit, its growth, and our children. You are welcome to contact me.

Sincerely,

[redacted]
Signature

[redacted]
Victim's Name

CALIFORNIA STATE PERSONNEL BOARD
801 Capitol Mall Sacramento, CA 95814 | www.spb.ca.gov
Governor Gavin C. Newsom

## PROOF OF SERVICE BY FIRST-CLASS MAIL

Highway Patrol
601 North 7th Street
Sacramento, CA 95811

RECEIVED
JUN 24 2025
By OLA

**Re: Richard Adams**
**SPB Case No.: 24-1576**
**Appeal from Dismissal**

I, Natalie Bradburn, declare:

I am over the age of 18 years and not a party to this action. I declare that I am employed by the California State Personnel Board, 801 Capitol Mall, Sacramento, California 95814.

- **BOARD RESOLUTION AND ORDER/PROPOSED DECISION**

On June 18, 2025, I served the above documents on the addressee by placing the same for collection and mailing following our ordinary business practices. I am readily familiar with the State Personnel Board's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business, in the United States Postal Service in a sealed envelope with postage fully prepaid.

| | |
|---|---|
| **Appellant:**<br>Richard Adams<br>1912 I Street<br>Sacramento, CA 95811 | **Respondent:**<br>Highway Patrol<br>601 North 7th Street<br>Sacramento, CA 95811 |
| **Appellant's Representative:**<br>Mastagni Holstedt, A.P.C.<br>Attn: Melissa Thom<br>1912 I Street<br>Sacramento, CA 95811 | **Respondent's Representative:**<br>Justice - Legal (San Diego)<br>Attn: Ofelia Olmedo<br>Office of the Attorney General<br>600 West Broadway, Suite 1800<br>San Diego, CA 92101-3375 |

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 18, 2025, at Sacramento, California.

Natalie Bradburn
Appeals Resolution Team

| | |
|---|---|
| RICHARD ADAMS<br>v.<br>DEPARTMENT OF CALIFORNIA HIGHWAY PATROL<br><br>Appeal from Dismissal | Case No. 24-1576<br><br>**BOARD RESOLUTION AND ORDER** |

The State Personnel Board (the Board) on June 9, 2025, carefully considered the Proposed Decision filed by the Administrative Law Judge (ALJ) in the appeal by Appellant Richard Adams, Case No. 24-1576, from Dismissal by Respondent, Department of California Highway Patrol.

**IT IS RESOLVED AND ORDERED THAT** the findings of fact, determination of issues, and Proposed Decision of the ALJ are adopted by the Board as its Decision in the case on the date set forth below. A true copy of the Proposed Decision shall be attached to this Board Resolution and Order for delivery to the parties in accordance with the law, and the adoption of the Board Resolution and Order shall be reflected in the record of the meeting and the Board's minutes.

The foregoing Board Resolution and Order was made and adopted by the Board in Case No. 24-1576 during its meeting on June 9, 2025, as reflected in the record of the meeting and Board minutes.

**/s/ SUZANNE M. AMBROSE**
SUZANNE M. AMBROSE
Executive Officer

| | |
|---|---|
| RICHARD ADAMS<br>v.<br>DEPARTMENT OF CALIFORNIA HIGHWAY PATROL<br><br>Appeal from Dismissal | Case No. 24-1576<br><br>Proposed Decision |

## STATEMENT OF THE CASE

This matter came on regularly for hearing before State Personnel Board (SPB or Board) Administrative Law Judge Douglas A. Purdy on April 1-2, 2025, via Webex videoconference. The matter was submitted after closing arguments on April 2, 2025.

Appellant, Richard Adams (Appellant), was present and represented by Jason M. Ewert, Attorney, Mastagni Holstedt, APC.

Respondent, Department of California Highway Patrol (Respondent or CHP), was present and represented by Katharine Tremblay, Supervising Deputy Attorney General, and Ofelia Olmedo, Deputy Attorney General, Department of Justice. Ernest Minner, Attorney IV, CHP, was present as Respondent's party representative.

Respondent dismissed Appellant, an Officer, California Highway Patrol (Officer), effective on November 5, 2024. In the Notice of Adverse Action (NOAA), Respondent alleged that Appellant: pushed his fiancée's daughter in 2022; strangled his fiancée in June 2022; assaulted his fiancée in May 2023 at their residence; was involved in a physical confrontation with his fiancée at their residence in July 2023 in which Appellant forcibly dragged her from inside the house to the front door, lifted her, threw her out the front door, and dragged her legs out the door, while yelling at her; was involved in a domestic dispute with his fiancée in a Poway hotel in February 2024, during which the

San Diego County Sheriff's Department responded and his fiancée related past instances of abuse; made false statements to the San Bernardino County Sheriff's Department about the July 2023 incident; and made false statements during a CHP investigatory interview about the May 2023 and July 2023 incidents.

Appellant denied the allegations and contended that the July 2023 incident arose from consensual sexual role-playing with his fiancée. In addition, Appellant asserted as an affirmative defense that Respondent's decision to dismiss Appellant was retaliation for Appellant taking leave as a military reservist, in violation of the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C.A. §§ 4301 et seq.) ("USERRA").

## ISSUES

The issues to be resolved are:

1. Did Appellant establish as an affirmative defense that Respondent dismissed him in retaliation for taking leave as a military reservist in violation of the USERRA?
2. Did Respondent prove by a preponderance of the evidence that Appellant committed conduct constituting cause for discipline under one or more of the following subdivisions of Government Code section 19572: (d) inexcusable neglect of duty, (f) dishonesty, (r) violation of the prohibitions set forth in Government Code section 19990, or (t) other failure of good behavior?
3. If Appellant's conduct constitutes cause for discipline under Government Code section 19572, what is the appropriate penalty?

## FINDINGS OF FACT

A preponderance of the evidence proves the following facts:

1. After graduating from the CHP Academy, Appellant began his employment as an Officer in January 2018.

2. Appellant has no prior adverse actions.

CHP Policies and Training

3. Various CHP policies required Officers to conduct themselves honestly in both their personal and professional lives, to protect life and property, and to keep their personal lives unsullied.

4. CHP's "Incompatible Activities" policy prohibited employees from engaging in any "activity ... which is clearly inconsistent, incompatible, in conflict with, or inimical to" their duties.

5. At all relevant times, Appellant understood the policies described above. He also knew that he had a duty to be honest during CHP investigations and during his interactions with other law enforcement agencies.

6. As part of his Academy training and regular ongoing training, Appellant received training on how to determine whether someone was under the influence of alcohol. He also received training on identifying and investigating domestic violence incidents. Although Appellant's duties primarily focused on enforcing traffic laws, he also was responsible for enforcing laws against domestic violence.

Appellant's Home

7. At all relevant times, Appellant lived in a house in Location California. Appellant resided with his fiancée, Victim Appellant and Victim had a tumultuous relationship and often had heated arguments.

8. Victim had two children, Child 1 and 2 from a previous relationship.[1] Child 1 and 2 primarily lived with Victim and Appellant, but the children occasionally stayed with their biological father in the San Diego area.[2]

9. Appellant had a permit to carry a concealed weapon; he kept a personal firearm in his house in a lockbox or safe. When Appellant traveled, particularly to large cities, he brought his personal firearm.

Appellant's Military Service

10. Before joining the CHP, Appellant was an active-duty officer in the United States Marine Corps (Marine). When Appellant joined the CHP, he continued to serve as a reservist Marine.

11. In June 2021, Appellant took approximately eight months of military leave from CHP to serve as a reservist Marine on a long-term assignment.

12. In October 2022, Appellant took approximately six weeks of military leave from CHP to serve as a reservist Marine.

13. In 2023, Appellant took approximately six weeks of military leave from CHP to serve as a reservist Marine.

14. In approximately August or September 2024, Appellant took approximately six weeks of military leave from CHP to serve as a reservist Marine.

15. Over the course of his employment at CHP, Appellant heard some coworkers describe his military leave as "military vacation." Appellant believed that his

[1] This Proposed Decision will refer to the children by their first names to avoid confusion with Victim Victim

[2] The record did not establish the biological father's first name.

coworkers treated him in a derogatory manner because of his use of military leave. He reported his concern to Lieutenant Eric Lee (Lieutenant Lee).

Victim's 911 Call In June 2022

16. In June 2022, Appellant and Victim became involved in an argument at home after Victim showed Appellant text messages on her cellular telephone. Appellant had been drinking alcohol and accused Victim of infidelity. Victim called 911 and told the dispatcher that Appellant was angry and that she needed help.

17. San Bernardino County Sheriff's Department (SBSD) deputies responded to Appellant's and Victim house. The SBSD deputies did not arrest Appellant, and no charges were filed against Appellant at that time.

Child 1's 911 Call

18. On Mother's Day, May 14, 2023, Victim and Appellant got into an argument inside their house and yelled at each other while Child 1 and 2 were outside.

19. Child 1, who was approximately 14 years old at the time, called 911. She told the 911 dispatcher that her "stepdad" (i.e., Appellant) was throwing her mother around and had thrown her off a stool. A few seconds later, however, Child 1 stated that she had "freaked out and called the cops" but did not think they needed the police anymore. Child 1 stated that her mother was not injured and that her stepdad and mother had calmed down. She asked that the dispatcher not send anyone to respond.

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20. Nonetheless, SBSD deputies responded to the call and arrived at the house. The SBSD deputies did not arrest Appellant, and no charges were filed against Appellant at that time.

July 13, 2023, Incident at Appellant's Home

21. On July 13, 2023, Appellant and Victim got into an argument inside the house, and Appellant became angry. Appellant dragged Victim to the front door, picked her up, and threw her onto the front porch.

22. Victim landed on her back with her legs still partially inside the house. Appellant grabbed her legs, dragged her the rest of the way out of the house, and forcibly pushed her away, causing her to roll. Appellant then closed the door.

23. During the incident, Victim screamed several times at Appellant to stop.

Poway Hotel Incident

24. Appellant and Victim made plans to pick up Child 1 and 2 from their biological father in the San Diego area on February 25, 2024. Victim made hotel reservations for the night of February 24, 2024, at the Hampton Inn hotel in Poway, California.

25. On February 24, Appellant and Victim drove in Victim's car from their house to the Poway Hampton Inn. Appellant brought his firearm with him on the trip.

26. When Appellant and Victim arrived at the hotel, Appellant discovered that the room contained two full-size beds instead of one larger queen-size or king-size bed. Because Victim had made the hotel reservations, Appellant interpreted that fact to mean that Victim did not plan to be intimate with Appellant that night. Appellant became upset and angry.

27. Appellant and Victim both consumed alcohol and got into a verbal argument that night.

28. Victim arranged for a late checkout time on Sunday, February 25, 2024. Appellant and Victim continued their argument on Sunday morning. They packed up to begin taking their belongings to their car.

29. Victim told Appellant that she did not want Appellant to come home with her and that she would drive by herself to pick up the children. Appellant blocked the hotel room door for some period.

30. Appellant and Victim eventually left the room and Appellant began to load the car. Appellant did not think Victim was serious about him not going with her, and began placing his items in the car. He told Victim that he would drive.

31. Victim called 911. Appellant walked away from the car and entered the hotel lobby, where he waited for a few hours.

32. San Diego County Sheriff's Department (SDSD) deputies, including Deputy Danielle Powroznik (Deputy Powroznik) and Deputy Nathan McKemy (Deputy McKemy), responded to the call. They spoke to Victim in the hotel parking lot.

33. As part of their regular training at SDSD, Both Deputy Powroznik and Deputy McKemy received training on how to determine whether someone was under the influence of alcohol. As of February 25, 2024, Deputy Powroznik was a relatively new patrol deputy, but Deputy McKemy had been a deputy for approximately eight years.

34. Victim was not intoxicated at the time she spoke with the SDSD deputies. She did not slur her words, smell of alcohol, have bloodshot eyes, or otherwise

display signs of intoxication.

35. In pertinent part, Victim told the SDSD deputies the following:

- On a particular occasion,[3] Appellant had tried to strangle her. Victim called 911. Appellant apologized. When law enforcement officers arrived, she covered for Appellant by refusing to speak with the officers.
- On an occasion in June 2022, Appellant threw Victim against a television and choked her with his forearm. The choking caused blood vessels in her eyes to burst. Victim called 911, but refused to talk to the law enforcement officers when they arrived.
- Child 1 called 911 on Mother's Day 2023 after seeing Appellant throw Victim against the fireplace.
- On July 13, 2023, Victim texted an ex-boyfriend and Appellant became angry. Appellant picked her up, threw her on the ground, and dragged her.
- On February 10, 2024, Appellant punched her in the face and kicked her. She no longer had bruises from the incident.
- That morning, February 25, 2024, Appellant blocked the hotel room door when she wanted to leave after she told him that she did not want him to accompany her.

36. Victim showed the deputies on her cellular telephone video footage of the July 13, 2023, incident taken from a doorbell camera. Deputy McKemy watched the

[3] The record did not establish the date.

video while wearing his body-worn camera (BWC), which recorded the cellular telephone footage.

37. Victim did not have any injuries that were visible to the deputies.

38. Due partially to Victim's statement that Appellant brought his firearm with him, the SDSD deputies did not contact Appellant. Instead, after Victim drove away, the deputies left the area.

39. Although the SDSD deputies determined that they did not have sufficient grounds for arrest at that time, Deputy Powroznik prepared a report to document the suspected domestic violence.[4] The SDSD forwarded the report, as well as the BWC footage of the cellular telephone footage, to the SBSD because the reported July 13, 2023, incident took place in San Bernardino County.

40. On February 25, 2024, after Victim left, Appellant used a rideshare service to go back home.

Appellant's and Victim's Statements to Detective Perez

41. SBSD Detective Jose Perez (Detective Perez) was assigned to investigate the July 13, 2023, incident.

42. On March 18, 2024, Detective Perez telephoned Appellant to arrange a time to speak with him, and they agreed to meet that afternoon at Appellant's house. Detective Perez, accompanied by a sergeant and a female deputy, arrived at Appellant's house that afternoon and spoke to Appellant in front of his garage.

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[4] Penal Code section 13730 requires law enforcement agencies to prepare written records of calls for assistance alleging domestic violence, even if the call does not result in arrest or prosecution.

43. Detective Perez asked Appellant if any of the arguments had become physical, or if either Victim or he had ever alleged that arguments became physical, and Appellant replied no.

44. Detective Perez showed Appellant the video footage of the July 13, 2023, incident. Appellant said he did not know whether Victim and he were arguing then and was not sure what occurred. When Detective Perez asked if the video footage depicted Appellant and Victim Appellant replied that "it looks like us." Appellant stated that the footage depicted them, that they were "hanging out." He further stated that Victim and he "play rough," and he did not recall them "fighting like that."

45. Detective Perez asked Appellant if Victim and he were into "role-playing," and Appellant replied yes. Appellant further stated, "that's stuff that we do sometimes," but that, "normally it's in the bedroom." Appellant said that he did not know why they went outside. Appellant did not tell Detective Perez that the incident depicted in the video footage was an instance of role-playing.

46. Detective Perez attempted to contact Victim by telephone several times before he was able to reach her on March 21, 2024. Victim told Detective Perez that she felt safe. Detective Perez asked Victim about the video footage of the July 13, 2023, incident, but Victim denied knowing which video footage he was describing. When Detective Perez described the events in the video footage, Victim stated, "that's not what happened." Victim also denied that Appellant ever harmed anyone in the house.

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47. It is a common experience among law enforcement officers for domestic violence victims to report domestic violence but later recant their statements due to fear, loyalty to their partner, or feelings of shame or guilt.

Criminal Charges

48. On March 26, 2024, Detective Perez completed his investigation report.

49. As a result of Detective Perez's investigation report, the San Bernardino County District Attorney charged Appellant with domestic abuse in violation of Penal Code section 243, subdivision (e)(1).

50. On April 23, 2024, Victim prepared a letter regarding the criminal charges against Appellant. In her letter, Victim stated that during an incident in February 2024, she had been drinking, Appellant did not want her to drive, and that she was drunk when the law enforcement officers arrived. She also denied that Appellant had abused her.

CHP Investigation

51. CHP Sergeant Scott Mason (Sergeant Mason) was assigned to conduct an administrative investigation into allegations against Appellant. Sergeant Mason conducted an investigative interview with Appellant on June 20, 2024.

52. At the start of the interview, Sergeant Mason advised Appellant that he was required to tell the truth.

53. During the interview, Appellant said that Victim's and his arguments never escalated into physical conflicts.

54. Appellant told Sergeant Mason that he did not push or shove Victim in June 2022, and he did not choke her or cause blood vessels in her eyes to burst.

55. As to the May 14, 2023, incident, Appellant told Sergeant Mason that he (Appellant) and Victim were drunk and arguing inside the house. Appellant further stated that Victim threw a glass, he did not hit Victim, Child 1 called 911, and law enforcement officers responded to the house.

56. With respect to February 10, 2024, Appellant stated that he and Victim got into an argument, and that Victim threw a glass of wine on the ground. Appellant stated that he followed Victim around the house and yelled at her, but did not grab her wrist or neck, shove her, push her, throw her, kick her, or strike her. He denied any physical altercation.

57. Appellant told Sergeant Mason that at some point before February 25, 2024, Victim told Appellant that she had video footage of an incident between them and would "use it."

58. Appellant stated during the interview that Victim was intoxicated on February 25, 2024, and he did not want her to drive.

59. Sergeant Mason showed Appellant the video footage of the July 13, 2023, incident. Appellant stated that the footage showed Appellant and Victim participating in a sexual role-playing scenario.

60. Appellant told Sergeant Mason that when Detective Perez first showed him the video footage, he could not identify if it was Victim and him. Appellant also stated that at the time he was questioned by Detective Perez, he was "not prepared to discuss [his] sexual interactions with [his] fiancée to a 20-year old

dude and my mom[5] and some other dude."

Drafting and Issuing of NOAA

61. Sergeant Mason did not determine what penalty was to be taken against Appellant. However, Sergeant Mason drafted the NOAA based on his investigation.

62. Over the course of the investigation, Sergeant Mason heard one of Appellant's coworkers describe Appellant as a "hard worker" and a "military guy," which Sergeant Mason took to mean a description of Appellant's general bearing. No one communicated to Sergeant Mason anything disparaging about Appellant's military service.

63. Sergeant Mason did not consider Appellant's military service when conducting the investigation or drafting the NOAA.

End of Relationship

64. In approximately mid-December 2024, Victim ended the relationship with Appellant. She, Child 1 and 2 moved to Florida.

Dismissal of Criminal Charges

65. On February 4, 2025, the District Attorney dismissed the criminal charges against Appellant arising from the July 13, 2023, incident.

## CREDIBILITY DETERMINATION

Video evidence demonstrated that during the July 13, 2023, incident, Appellant: forcibly dragged Victim to the front door; picked her up; threw her onto the front porch,

[5] Appellant testified that he estimated the female deputy's age to be approximately his mother's age.

causing her to land on her back; grabbed her legs; dragged her the rest of the way out of the house; forcibly pushed her away, causing her to roll; and then closed the door. Appellant testified that the incident was not a violent altercation as depicted, but an instance of consensual sexual role-playing between Victim and him. To determine that the incident was consensual would require crediting Appellant's testimony. Resolving the conflict between Appellant's testimony and other evidence presented at hearing requires a credibility determination in accordance with Evidence Code section 780. When determining credibility, the trier of fact may consider "any matter that has any tendency in reason to prove or disprove the truthfulness of [the witness's] testimony," including witness demeanor; character of testimony; extent of the witness's ability to perceive, recollect or communicate any matter about which she or he testifies; the existence or nonexistence of bias, interest, or other motive; prior consistent or inconsistent statements; the existence or nonexistence of any fact testified to by the witness; and the witness's attitude toward the action or testimony. (Evid. Code, § 780, subds. (a)-(d), (f)-(j).) When a witness testifies falsely as to some matters, some or all of her other testimony may be disregarded, whether contradicted or not. (*Halagan v. Ohanesian* (1967) 257 Cal.App.2d 14, 21.)

The video footage from the doorbell camera was not consistent with consensual role-playing. Appellant lifted Victim and tossed her onto the front porch, where she landed on her back. That action clearly could have resulted in serious injury to Victim which makes it unlikely that she willingly consented to it. Appellant's demeanor in the footage appeared angry and aggressive. Victim appeared to be frightened and screamed at

/ / /

Appellant several times to stop. Appellant's testimony therefore was not consistent with the video footage.

Victim was not present at the hearing and did not testify. However, Appellant's statements about the consensual nature of the incident were inconsistent with Victim's statements to the SDSD. Although Victim later wrote that she was not abused by Appellant, and told Deputy Perez that Appellant had never harmed her, it is unfortunately common for domestic violence victims to later recant their statements, even if true. Also, Victim's statement that she was drunk during the Poway incident was contradicted by Deputy Powroznik's and Deputy McKemy's testimony.

Appellant testified in a calm manner, and his testimony generally was consistent with his statements to Sergeant Mason. At times, however, Appellant appeared to be evasive and attempted to downplay his conduct. He also tried to volunteer information beyond the question asked at times. No other witness testified that Appellant and Victim engaged in consensual role-playing, and there was no evidence that Victim made any statement to that effect.

Appellant, who was trained to identify signs of alcoholic intoxication, testified that Victim was intoxicated when she spoke to the SDSD deputies. However, Appellant's testimony conflicted with the testimonies of both Deputy Powroznik and Deputy McKemy, who also were both trained to identify signs of intoxication. Deputy Powroznik and Deputy McKemy both testified that they stood within a few feet of Victim and did not smell alcohol or observe any other signs of intoxication. Both deputies testified in a direct, clear, consistent, and unexaggerated manner, and neither had any apparent interest in the outcome of the hearing.

Furthermore, Victim did not appear to be intoxicated in the BWC footages of Deputy Powroznik or Deputy McKemy. For example, Victim did not slur her words when speaking with the deputies or appear to have bloodshot eyes. Appellant's testimony about Victim's intoxication appeared to be an attempt to justify trying to prevent Victim from driving, an attempt to discredit her statements to the SDSD, or both.

Appellant gave inconsistent statements about Deputy Perez showing him the doorbell video footage. Appellant told Deputy Perez that it looked like he and Victim were fighting. At hearing, Appellant testified that he did not really have a chance to view the video until the CHP administrative investigation interview. Yet, he also testified that he did not tell Deputy Perez about the role-playing because he was embarrassed to do so, especially in front of the older female deputy, and that he "panicked." That testimony suggested that Appellant knew what incident the footage depicted when Deputy Perez showed it to him and tailored his later statements to minimize his actions.

For the reasons discussed above, Appellant's testimony is not credited.

## PRINCIPLES OF LAW AND ANALYSIS

In a disciplinary appeal, the appointing power bears the burden to prove by a preponderance of the evidence that the employee committed the charged conduct and that the conduct constitutes a cause of discipline under the applicable subdivisions of Government Code section 19572. (*California Correctional Peace Officers Assn. v. State Personnel Bd.* (1995) 10 Cal.4th 1133, 1153; Evid. Code, § 115; see also *Lyle Q. Guidry* (1995) SPB Dec. No. 95-09.) However, the party asserting an affirmative defense has the burden of proving the elements of that affirmative defense. (*Ladd v. Warner Bros. Entertainment, Inc.* (2010) 184 Cal.App.4th 1298, 1310.) A preponderance of the

evidence is "evidence that has more convincing force than that opposed to it." (*Glage v. Hawes Firearms Co.* (1990) 226 Cal.App.3d 314, 324.)

In determining whether there is a preponderance of evidence, the trier of fact may consider direct and circumstantial evidence, and consider reasonable inferences drawn from that evidence. (*Leslie G. v. Perry & Associates* (1996) 43 Cal.App.4th 472, 483.) An inference is a "deduction of fact that may logically and reasonably be drawn from another fact or group of facts found or otherwise established" at hearing. (Evid. Code, § 600, subd. (b).) An inference must logically flow from other facts established in the proceeding. (See, e.g., *Contreras v. Dowling* (2016) 5 Cal.4th 394, 417.) A trier of fact cannot draw an inference based merely on suspicion, guesswork, or conjecture. (*People v. Davis* (2013) 57 Cal.4th 353, 360.)

Appellant's Affirmative Defense

The USERRA prohibits employers from discriminating against employees because of their service in the United States military. (38 U.S.C.A. § 4311.) Appellant identified retaliation in violation of the USERRA as an affirmative defense in his Prehearing and Settlement Conference Statement, and his counsel referred to that affirmative defense in response to a relevance objection. In closing argument, however, Appellant's counsel did not further elaborate on the defense or identify any specific statute. It appears that Appellant intended to claim that CHP retaliated against him in violation of 38 U.S.C.A. section 4311. To the extent that Appellant intended to assert that any statute other than 38 U.S.C.A. section 4311 applied, that argument is waived. (See, e.g., *Cahill v. San Diego Gas & Electric* (2011) 194 Cal.App.4th 939, 956.) It is not a tribunal's role to develop the parties' arguments for them. (*Ibid.*)

Several unidentified coworkers referred to Appellant's military leave as "military vacation," which he found to be derogatory. Assuming for the sake of analysis that those comments were meant to be derogatory, the evidence established neither who made the comments nor whether they played any role in the decision to dismiss Appellant. Lieutenant Lee was aware of Appellant's use of military leave, but no evidence suggested that he had any role in the decision to dismiss Appellant.

Sergeant Mason heard a coworker or coworkers describe Appellant as a "military guy" to refer to his general demeanor, and was aware that Appellant had some type of military background. However, the evidence did not establish that Sergeant Mason knew that Appellant took military leave to serve as a reservist Marine. Moreover, although Sergeant Mason drafted the NOAA, he did not participate in the decision to dismiss Appellant. No evidence suggested that Appellant's military service had any bearing on Sergeant Mason's investigation.

Appellant did not prove that Respondent's decision to dismiss him was motivated by retaliation for his service as a reservist Marine, or otherwise prove that Appellant's dismissal violated the USERRA. Therefore, Appellant's affirmative defense is rejected.

Inexcusable Neglect of Duty

Finding inexcusable neglect of duty requires finding that an employee intentionally or with gross negligence failed to exercise due diligence in the performance of a known official duty. (*U.W.* (1993) SPB Dec. No. 93-10.) To be subject to discipline for inexcusable neglect of duty, an employee must have actual or constructive notice of expected standards of conduct, unless the conduct is so clearly wrong that notice is not necessary. (*E.D.* (1993) SPB Dec. No. 93-32.) Because peace officers must be above

reproach, a nexus between a peace officer's off-duty misconduct and his or her employment exists where the officer's misconduct could bring embarrassment to his or her employer. (*Anderson v. State Personnel Bd.* (1987) 194 Cal.App.3d 761, 769.)

As a peace officer responsible for enforcing laws against domestic violence, Appellant also had an obvious duty not to act in a violent manner toward his fiancée or other family members. A CHP Officer's violence toward his fiancée easily could embarrass CHP and undermine trust in its Officers.

Respondent did not prove that Appellant pushed Child 1 in 2022; strangled Victim in June 2022; or physically attacked Victim on May 14, 2023. Respondent introduced only hearsay evidence as to those allegations, to which Appellant objected. Absent an applicable exception to hearsay, the Board cannot base a finding solely on hearsay evidence. (Gov. Code, §§ 19578, 11513, subd. (d).)

However, Respondent did prove that Appellant violently dragged Victim to the front door; picked her up; threw her onto the front porch, causing her to land on her back; grabbed her legs; dragged her the rest of the way out of the house; forcibly pushed her away, causing her to roll; and then closed the door. Therefore, Appellant violated his duty not to act in a violent manner toward Victim

Appellant had a known duty to be honest during his interactions with other law enforcement agencies. He violated that duty when he told Detective Perez he did not know what the video footage of the July 13, 2023, porch incident depicted.

Also, Appellant had a duty to be honest during his CHP investigatory interview. As discussed above, Respondent did not prove that Appellant physically attacked Victim on May 14, 2023, and therefore did not prove that Appellant was dishonest when he denied

any physical conflict as to that date. However, Appellant was dishonest when he told Sergeant Mason that the July 13, 2023, incident was consensual role-playing and when he stated that his disputes with Victim had never escalated into physical conflicts.

Appellant's conduct constitutes cause for discipline under Government Code section 19572, subdivision (d), and the charge of inexcusable neglect of duty is sustained.

Dishonesty

Sustaining a charge of dishonesty generally requires finding that an employee intentionally misrepresented a known fact. (*M.S.* (1994) SPB Dec. No. 94-19.) Dishonesty also may include a willful omission of pertinent facts in circumstances where an employee has a known duty to disclose such facts. (*Eliette Sandoval* (1995) SPB Dec. No. 95-15.)

As discussed above in more detail with respect to inexcusable neglect of duty, Appellant made false statements to Deputy Perez and Sergeant Mason. Appellant falsely told Deputy Perez that he did not know what the doorbell video footage depicted. He falsely told Sergeant Mason that the July 13, 2023, incident was consensual role-playing and that his disputes with Victim had never escalated into physical conflicts.

Accordingly, Appellant's conduct constitutes cause for discipline under Government Code section 19572, subdivision (f), and the charge of dishonesty is sustained.

Violation of the Prohibitions Set Forth in Government Code Section 19990

Violation of the prohibitions set forth in accordance with Government Code section 19990 (Section 19990) consists of a violation of the incompatible activities statute. Section 19990 prohibits state employees from conduct such as using one's official

influence for his or her own private gain or the gain of another; using state time or resources for the employee's private gain or another's private gain; receiving outside payment for doing one's official duties; or using, or having access to, confidential information available by virtue of state employment for private gain or advantage or providing confidential information to persons to whom issuance of this information has not been authorized. In addition, an employee may violate Section 19990 by violating an appointing power's incompatible activities policy, so long as the policy has been clearly communicated to employees. (*Ruth M. Houseman* (1993) SPB Dec. No. 93-33.)

Recently, the Board found that a CHP Officer's physical and sexual assault of his wife was inimical to a peace officer's duties to uphold the law. (*D.G.* (2024) SPB Dec. No. 24-02.) Therefore, the Board concluded that the CHP Officer's conduct constituted a violation of Government Code section 19572, subdivision (r), violation of the prohibitions set forth in Government Code section 19990. Similarly, here, although Appellant's primary responsibility was enforcement of traffic laws, he was a peace officer whose duties included enforcement of laws against domestic violence. His violence towards his fiancée was inimical to his duties as a peace officer.

Appellant's conduct constitutes cause for discipline under Government Code section 19572, subdivision (r), and the charge of violation of the prohibitions set forth in Government Code section 19990 is sustained.

Other Failure of Good Behavior

Other failure of good behavior is misconduct that can easily impair or disrupt the public service, or discredit the appointing authority or appellant's employment, so long as there is a rational relationship between the misconduct and the appellant's employment.

*(D.M.* (1995) SPB Dec. No. 95-10.) An appointing power need not prove the conduct is known to the public to prove the conduct discredits the appointing authority or the appellant's employment. (*Orlandi v. State Personnel Bd.* (1968) 263 Cal.App.2d 32, 36–37.)

Appellant violently dragged Victim to the front door; picked her up; threw her onto the front porch, causing her to land on her back; grabbed her legs; dragged her the rest of the way out of the house; forcibly pushed her away, causing her to roll; and then closed the door. If known to the public, Appellant's conduct easily could discredit his employment and the CHP. Although not the primary focus of their duties, CHP Officers are responsible for enforcing laws against domestic violence. If known to the public, Appellant's conduct could undermine the public's ability to trust CHP peace officers with respect to reporting domestic violence. Also, Appellant's dishonesty toward Deputy Perez and Sergeant Mason could undermine the public's trust in CHP as well as other law enforcement agencies' trust in CHP.

Therefore, Appellant's conduct constitutes cause for discipline under Government Code section 19572, subdivision (t), and the charge of other failure of good behavior is sustained.

Penalty

The SPB has a constitutional responsibility to review disciplinary actions and render a decision that is "just and proper." (Cal. Const., art., VII, § 3 subd. (a); Gov. Code, § 19582, subd. (a).) In determining the appropriate penalty, the SPB considers the extent to which the employee's conduct resulted in, or if repeated is likely to result in, harm to the public service; the circumstances surrounding the offense; and the likelihood of

recurrence of the employee's conduct. (*Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194.) The harm or potential harm to the public service is the overriding consideration. (*Ibid.*)

Appellant's conduct caused serious harm and potential harm to the public service. Appellant picked Victim up and threw her onto the porch so that she landed on her back, which risked Victim sustaining physical injury. Appellant's dishonest statements to Detective Perez impaired the SBSD's investigation and his dishonest statements to Sergeant Mason impaired the CHP's investigation.

Peace officers hold special positions of trust and are held to the highest standards of behavior. (*Paulino v. Civil Service Com.* (1985) 175 Cal.App.3d 962, 972.) Also, peace officers must frequently testify in court, and must be credible and honest to perform their duties effectively. (*J.A.* (1995) SPB Dec. No. 95-17.) Because of the special position of trust peace officers hold, dishonesty by peace officers warrants harsh punishment. (*Anderson v. State Personnel Bd., supra,* 194 Cal.App.3d at p. 761.)

Although Appellant was a long-term employee with no prior adverse actions, he denied acting violently toward Victim and falsely claimed that she consented to the violence. Appellant's lack of remorse or appreciation for the seriousness of his actions weighs in favor of a harsh penalty. (*Robert R. Watson* (1994) SPB Dec. No. 94-10.) Also, dishonesty is a continuing character trait, not an isolated or transient act. (*Gee v. State Personnel Bd.* (1970) 5 Cal.App.3d 713, 719.) Therefore, there is a high likelihood of recurrence.

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The seriousness of the harm and potential harm resulting from Appellant's conduct, and the high likelihood of recurrence, support dismissal as a just and proper penalty in this case.

## CONCLUSIONS OF LAW

1. Appellant did not prove as an affirmative defense that his dismissal constituted retaliation by Respondent in violation of the USERRA.
2. Respondent proved that Appellant's conduct constituted cause for discipline under Government Code section 19572, subdivisions (d) inexcusable neglect of duty, (f) dishonesty, (r) violation of the prohibitions set forth in Government Code section 19990, and (t) other failure of good behavior.
3. Dismissal is a just and proper penalty for Appellant's conduct.

## ORDER

The dismissal taken against Richard Adams is **SUSTAINED**.

DATED: April 15, 2025

Douglas A. Purdy
Administrative Law Judge
State Personnel Board

NOTE: The following transcript pages follow the ISF references and correspond accordingly.

**ADAMS:** But yes, for generality.

**MASON:** Did you have that Arlo camera on your front door on or about July 13th, 2023?

**ADAMS:** Yes, sir.

**MASON:** Was there an event captured on that camera on July 13th, 21 -- 2023, at approximately 2155 hours involving you and Victim

**ADAMS:** Yes.

**MASON:** How are those videos stored and accessed?

**ADAMS:** So, from what I understand, they're stored in the cloud for the extent of whatever your subscription is. So, if it's, like, ten days or 30 days, that's how long they store them.

**MASON:** Okay.

**ADAMS:** That's all I know about --

**MASON:** And how do you access them?

**ADAMS:** Via cell phone.

**HOLLY:** An application or --

**ADAMS:** Yeah, an app.

**HOLLY:** -- a website?

**ADAMS:** An app.

**HOLLY:** Okay.

**MASON:** Are you aware of how long your subscription is?

**ADAMS:** It's either ten or 30 days, I want to say.

**MASON:** Okay. Did a San Bernardino County Sheriff's detective come and speak with you about that particular video?

**ADAMS:** Yes.

**MASON:** Okay. I'm going to present you with an excerpt from San Bernardino County Sheriff, Detective Perez's report, which contains a summary of his contact with you on March 18th, 2024. And it's two pages. Please read the highlighted portion for the record.

**ADAMS:** Okay. Adams and his girlfriend, V1, had been in a dating relationship for the past five years. V1 has two children from a previous relationship who also live with them. Adams recalled a reported dispute between him and V1 in San Diego. They went to San Diego to allow V1's kids to visit with their father. The day V1 called SDSD was the result of a verbal dispute between V1 and Adams. Adams was upset with her for booking two beds instead of one and making a mess spilling popcorn. Adams stated V1 became upset with him and wanted to leave. V1 was drinking, according to him, so he did

not want her driving in this state. He tried to stop her until she called 911. Adams left her alone and waited in the lobby but was not contacted by officers. Adams recalled law enforcement was called to his residence twice in the beginning of their relationship. He described V1 called after or during an argument with him, but both situations were deemed safe by responding officers. He denied any physical incidents between them, but was not able to speak for V1 and what she believed happened. He stated they were working through alcohol difficulties and receiving help through AA and rehab. I informed Adams there was a video shown to SDSD that depicted possible physical abuse and if he recalled any similar events. He denied recalling any similar described events. However, the relationship was very passionate sexually. I then showed Adams the recording, the video recording previously shown to SDSD. He did not recall if they were arguing or any details about the video. He confirmed they did have a Ring camera in the same position

as the video angle. He also stated the video might have matched their porch. I asked him if he knew who was in the video. He replied, I mean, it looks like -- it looks like us. I continued to ask if his front door looked as it did in the video and his camera was in the same area. He said, we do, yeah, yeah. Adams describes the video as appearing as if A, Adams and one were maybe hanging out and something happened. Adams stated in the video, it appears as if they were fighting. He also described they sometimes roleplay in a rough manner which could be misinterpreted. Adams could not explain how or why their roleplaying would have ended up outside, as normally -- in the bedroom thing for them. He had no further information or leads, so I ended my interview with him.

**MASON:** Is that statement, as summarized by Detective Perez, is that statement true and accurate?

**ADAMS:** The statement, yes.

**MASON:** Okay. Is there anything that you would want to clarify or change from that statement?

**ADAMS:** Yes.

**MASON:** What's that?

**ADAMS:** So, the way this -- the way that he contacted me, he contacted me via phone the day of that he wanted to come see me. Okay. He called and said, hey, I want to come talk to you. He didn't tell me what it was about. So, I'm like, okay, I can open my garage door, and you can come in, and we'll talk or whatever. Then I get a phone call two minutes later. Hey, I'm coming with two other people just so you're aware. Don't be shocked. So, I'm like, okay, that's fine. I open the garage door. I go outside. And then he shows up along -- like, he shows up, and then another -- a woman shows up, and then the sergeant shows up, apparently. He looks like he's 20-something years old. She looks like she could be my mom, and then I have a sergeant who's kind of off to the side and peering, kind of listening in on the conversation. He showed me, for the first time, this video on his -- we had -- we made small talk. We just talked about, trying -- you know, talking. He was asking

about my relationship with Victim and, you know, that we were together, and when the last time was we had a argument, I think it was. And then he just kind of whipped out a phone, and was like, hey, look at this video. What do you think is going on here? And I'm looking at it. It's grainy. It's like, on a cell phone, and it's on a body-cam of a Ring doorbell camera, so it's hard to see exactly what's going on or who it is or whatever, so -- and he had prefaced it with, like, oh, this -- you know, we're investigating a domestic battery. So, I'm trying to figure out, like, what he's talking about in my head, like, what -- which -- what do you -- domestic battery. When did this happen? And I even think I said I thought it was -- I thought this was, like -- I didn't know what to think of it at the time. I was kind of bum-rushed on this one. And he shows me the video, and then I'm watching it, and it looks like us. It looks like a fight, but I can't remember or I don't remember, at the time, any of the events leading up to it. There's no context

to it. There's no audio to it. I don't know what is going on there. So, then I thought about it some more. It was kind of, like, over time, thinking about what that could have been. Victim never showed me the video. She just said she had a video. And I didn't know really what she was talking about with the video thing, so after he showed me that, I started thinking more and more about it. I was, like, oh, okay. So, we are in -- and this is what I was trying to explain to the 20 year-old deputy, like, hey, we're into some, I guess, weird or alternative lifestyle type stuff where we roleplay. And part of the roleplaying we were doing at that point, during that time frame, was like a landlord/tenant type thing. So, we didn't -- we didn't have the kids for a month. Name Redac had come home from a deployment, and so he wanted the kids for that month. So, we started playing around with the idea, like, hey, we'll do a roleplay, kind of landlord/tenant type situation, and this is my house, and you're my tenant, and how are you going to pay the

rent? So, this is awkward to talk about with, like, totally people that I don't know. Very awkward, but --

**HOLLY:** Take your time, but --

**ADAMS:** -- we're here because of this, so that -- so, we'd both been drinking, and then we were -- hey, let's play the -- play our little game or whatever, and then how are you going to repay me? And so, she would repay me with sex. So, we would have sex. And that was just our -- that was captured on that Arlo, and then I see it on his camera, and I couldn't remember what he was talking about. I had no idea. And then watching it and thinking about it, watching it this morning with you, and then thinking about it, like, that's what was going on.

**HOLLY:** If I may. When he called you, why did you think he was wishing to speak with you?

**ADAMS:** Because of what happened in Poway. I hadn't been contacted by anybody.

**HOLLY:** Okay.

**ADAMS:** They had contacted her, and she told me about it.

**HOLLY:** Did you -- why did you think San Bernardino

SO would be contacting you on behalf of Poway?

**ADAMS:** Because the camera footage that she showed him would have been in San Bernardino County.

**HOLLY:** Okay. But at that point, you had no indication of what the video footage was?

**ADAMS:** I didn't know what the video was. She just said she had a video.

**MASON:** When San Bernardino detective -- and his name's Perez, just in case I reference Perez. When he contacted you on the phone, did he tell you he was going to show you a video?

**ADAMS:** No.

**MASON:** So, you didn't know that there was -- until he played the video, you thought he was following up on an incident that had occurred in San Diego County?

**ADAMS:** Yes, about a video that [redacted] said she had.

**MASON:** Okay. But he didn't mention the video to you?

**ADAMS:** No.

**MASON:** You put that together while you were on the

phone with him?

**ADAMS:** I figured the Poway thing when she got -- when she told me that she told him everything and all this -- just everything and then the video, I figured, okay, well, there's probably -- she's talking about a video that she took or had from the house because she told me she had some video from the house. Didn't tell me what it was. And I assumed that they were going to come eventually and talk to me. Immediately after Poway, she was apologetic and didn't want anything to happen. And she told me that SO detectives were contacting her and trying to talk to her or whatever. And I was like, well, tell them whatever you got to tell them. Whatever you need to tell them, Victim, you can tell them. And so, she kept me in, I guess, the loop of how they were investigating her statements from Poway again. They showed up at her place of work or Perez did. He showed up at her Workplace looking for Victim She was across the street picking up our kids. And he bum-rushed her, and she told him that she

didn't want to talk because she has the kids right there. There's nothing, like -- she doesn't want anything more to go. And then she told me about that. So, she did tell me, like, they're looking into this. So, I had an idea that there was going to be some sort of contact for me.

**HOLLY:** Just to clarify, when you say bum-rushed, what is that referring to?

**ADAMS:** Just he walked up behind her, and was like, hey, I want to talk to you. And she's got, like, our five year-old and the 15 year-old there, and everybody's getting picked up in the pickup lanes and stuff. And it was just inappropriate. She wanted to file a complaint against it, and I told her not to. Or I didn't tell her not to. I just said, I don't think that's a good idea, basically. Like, I don't think we need to cause any more issues than we already have.

**HOLLY:** And just to clarify, you mentioned that she told you the video was from the house. When did you learn that the video she was referring to was from the house?

**ADAMS:** Would have been sometime from when it was

taken to Poway at some point. Because she told me she had it, and she was going to use it -- you know, she just had it, so --

**HOLLY:** What was the context in which she told you that she had the video from the house?

**ADAMS:** It was in a argument.

**HOLLY:** Okay.

**ADAMS:** Basically, I have this video, and I'm not afraid to use it. Regardless of the context, I'll make the context up, basically.

**HOLLY:** And to clarify, she told you that prior to being -- her being contacted in Poway?

**ADAMS:** She told me about the video prior to Poway, yes.

**HOLLY:** Okay. So, you knew that she had a video from the house --

**ADAMS:** [redacted], correct.

**HOLLY:** -- at the time of Poway? Okay.

**ADAMS:** Correct.

**HOLLY:** Did you -- sorry (inaudible). Did you ever ask what the video included or did she ever tell you what it included?

**ADAMS:** No.

**HOLLY:** Did you think back to anything that you may

have suspected it included?

**ADAMS:** She made comments like this pretty commonly and usually when she's drinking, she'll start making some stuff up, and then I'm -- it's more of an issue and more of a problem if I try to, I guess, ask her about it, you know, and --

**HOLLY:** Sure.

**ADAMS:** -- like, she'll construe that as me chasing her around. And I'm not -- I learned early on that we have communication issues, and that's what we're working on and trying to -- trying to rectify.

**HOLLY:** Were you curious as to what the video depicted?

**ADAMS:** I was, yes.

**HOLLY:** Were you worried it captured any specific incident?

**ADAMS:** No, because there was nothing to capture.

**HOLLY:** Okay. Okay.

**MASON:** When Detective Perez or Deputy Perez contacted [redacted] and she told you about that, your response to her was, go ahead and tell them whatever you have to --

**ADAMS:** Uh-huh.

**MASON:** -- tell them?

**ADAMS:** Yes, sir.

**MASON:** Is a deputy -- San Bernardino County Deputy contacting [redacted] about a possible domestic violence incident, does that -- is that significant to you?

**ADAMS:** Yes.

**MASON:** Did you, at that point, think it's in our best interest that [redacted] gives him a statement?

**ADAMS:** Yes, of course. I don't know what interaction -- because I didn't want to -- I wanted to be separate from whatever it is that she's got -- she's got reporting or she's got her issue with SBS -- San Bernardino County Sheriff's Office. I'm not going to impede on that. So, do whatever you have to do, or report whatever it is you want to report. Whatever happened -- like, again, I was not out there. This was the first time seeing these videos. Like, so, I wasn't out there listening to what she was saying. I had no -- I have no idea. We've reviewed the report his morning for the first time. So, I'm not -- I didn't want to

go down that lane of trying to shape what she wanted to say or shape anything from what she was reporting, so I stayed away from all that. It wasn't until -- and (inaudible) I guess we'll just keep going.

**MASON:** No.

**ADAMS:** It wasn't until we got -- we came back from a family vacation in Las Vegas after -- her family flew out and stayed the week. My family went to Vegas. I drove everybody up there. Her daughter, friend's daughter, her friend's daughter, and then [redacted] and myself all went to Vegas. We had a nice weekend. And then Sunday, we drive home, and we have a Marsy's Card in our mailbox and saying I got charged, and that she's a victim of domestic violence. That's how we found out. And she opened that in front of me. Like, it was shocking for both of us. And --

**MASON:** Okay. All right. Let's go ahead and play -- yeah, let's go ahead and play the video. This is from San Diego County Sheriff's Office. This is body-worn camera from Deputy McKemy, M-C-K-E-M-Y. This is body-worn camera footage of the video that

we've been talking about. The time stamp on this one is 4154.

[Recording begins.]

**UNKNOWN:** Okay.

**UNKNOWN:** (Inaudible).

**MASON:** This is -- that's not the one.

[Recording ends.]

**HOLLY:** Let me back up.

**MASON:** We're going to 23 --

[Recording begins.]

Victim It was two weeks (inaudible) --

[Recording ends.]

**MASON:** Oh, there --

[Recording begins.]

Victim (Inaudible).

**ADAMS:** (Inaudible).

Victim Richard stop. Stop.

**ADAMS:** (Inaudible).

[Recording ends.]

**MASON:** Okay. Is this the video that Detective Perez showed you?

**ADAMS:** That looks to be the video. There was no audio and no anything else, but that looks like the same video.

**MASON:** Okay. Have you watched this video since

he -- Detective Perez showed it to you?

**ADAMS:** Just this morning.

**MASON:** Okay. Describe for me what you see in the video.

**ADAMS:** Like I said to Deputy Perez, it looks like people fighting.

**MASON:** Okay.

**HOLLY:** Please describe what you see.

**ADAMS:** Somebody getting thrown out of a door.

**MASON:** Okay. So, confirm this -- that is you in the video?

**ADAMS:** Yes.

**MASON:** And that is Victim?

**ADAMS:** Yes.

**MASON:** And that is from your front porch?

**ADAMS:** Yes.

**MASON:** Okay. Is seeing yourself on that video significant to you?

**ADAMS:** Yes.

**MASON:** Okay. You said it looks like people fighting. Does this show you forcibly removing Victim from the house?

**ADAMS:** Yes.

**MASON:** In your statement to Deputy Perez, you mentioned that you and Victim have a

passionate relationship, and you've talked about it here as well. You said it was passionate in and out of the bedroom. Deputy Perez used the term, roleplaying.

**ADAMS:** Correct.

**MASON:** You agreed with him.

**ADAMS:** Correct.

**MASON:** Do you -- do you like that term, roleplaying?

**ADAMS:** Yeah.

**MASON:** Is --

**ADAMS:** That was the landlord/tenant thing where she didn't pay her rent, so I'm throwing you out of the house. Like, that -- we'd both been -- we both agreed to that, so that's why this is so just --

**MASON:** Okay. So, I'll use the term, roleplaying --

**ADAMS:** Okay.

**MASON:** -- as we discuss it.

**ADAMS:** Sure.

**MASON:** If there's something that doesn't fit with that, or if it's some -- something else you want to, you know -- feel free to correct me.

**ADAMS:** Okay.

**MASON:** Okay?

**ADAMS:** Sure.

**MASON:** So, how often do you incorporate roleplaying into your intimacy?

**ADAMS:** So, normally, when the kids aren't -- when the kids are with the father, we'll do roleplaying. She's into the hairpulling, the spanking. Again, this is uncomfortable, but the restraint system, you want to call them, whatever that is, the toys, everything. And we were experimenting that month because we had the whole month without the kids. And that was the culmination of us roleplaying the landlord/tenant sex roleplay thing. I mean, she didn't pay the rent, and then we did this, and then we went inside and had sex.

**MASON:** So, do you guys only do the roleplaying when the kids aware away?

**ADAMS:** Yes.

**MASON:** Okay. Is roleplaying always connected to intercourse?

**ADAMS:** No.

**MASON:** Okay. Is that the only way that you engage in intercourse with a roleplaying scene?

**ADAMS:** No.

**MASON:** Okay. And you're saying that is what's happening in this video?

**ADAMS:** Correct, yes.

**MASON:** This particular scene, how did this scene end?

**ADAMS:** It ended with me shutting the door, and then opening the door, letting her back in, and then she proceeded to pay the rent in a sexual way, I guess you could say.

**MASON:** You mentioned hair-pulling, spanking, restraint, toys. Do you guys engage in any sort of choking?

**ADAMS:** She enjoys some choking, yes.

**MASON:** Okay.

**ADAMS:** Consensual, of course, and within the frame of sex, so --

**MASON:** Okay. Spanking?

**ADAMS:** Yep.

**MASON:** Any other hitting or slapping?

**ADAMS:** No.

**MASON:** Okay. Handcuffing?

**ADAMS:** Yes.

**MASON:** Okay. And then you mentioned restraints, so binding, tying?

**ADAMS:** Correct.

**MASON:** Okay. Are you always the dominant partner in scenes?

**ADAMS:** I would say 75 percent of the time.

**MASON:** Is this event that's captured, is this typical of your normal roleplaying sexual encounters with Victim

**ADAMS:** The outside thing, we were trying something new, this experiment. But normally, it's restricted to the bedroom.

**MASON:** Do either of you ever go beyond the other one's comfort level when you're roleplaying?

**ADAMS:** No.

**MASON:** How would you know if you did?

**ADAMS:** Safe words. We change those up every once in a while. And I think -- was it -- pineapple was one. I mean, it's just --

**MASON:** Okay. Has she ever asked you to stop?

**ADAMS:** No.

**MASON:** Has she ever used a safe word?

**ADAMS:** I think so; in the past, probably.

**MASON:** From your perspective, how would you know if you're crossing the line?

**ADAMS:** From my perspective, probably use of the safe word if we're roleplaying. If we're --

might remember something that (inaudible).

**ADAMS:** I don't know.

[Recording ends.]

**MASON:** I'm going to pause it. So, you told Deputy Perez here that you didn't know if she had a video, but Victim had already told you that she showed a video, right?

**ADAMS:** Uh-huh.

**MASON:** So, was your statement here to Deputy Perez inaccurate?

**ADAMS:** Well, like I said, they contacted me the day of. He's talking about a video. I am trying to wrap my head around what video he's talking about, and then I realize, okay, that's probably the video, and then he shows me the video.

**MASON:** Okay.

**ADAMS:** So, I was kind of caught off guard. I mean, I had -- if you think about it, I got the small -- like, the small guy asking me questions. I have this older lady sitting here, and then I have a sergeant on this side of me, like, staring down. I mean, I'm nervous. I don't -- I'm just trying to figure out what they're asking me and what

questions they're asking me and what video they're talking about.

**HOLLY:** During this conversation, you had indication that the video they were referring to was the one that you mentioned earlier from the house?

**ADAMS:** Uh-huh.

**HOLLY:** Is that -- is that safe to say?

**ADAMS:** I believe so. Yes.

**HOLLY:** Because you mentioned earlier that you had knowledge that Victim had a video taken from the house prior to the Poway incident; correct?

**ADAMS:** Uh-huh.

**HOLLY:** When the deputy is speaking with you and refers to the video, when he mentions that, is that the video you assume he's talking about, the one that Victim mentioned?

**ADAMS:** Yes.

**HOLLY:** Okay. So, in that moment, you recognize the video he most likely was talking about was the one that Victim told about?

**ADAMS:** Which I had no idea what was on it, so yes.

**HOLLY:** Correct. Just only that it existed?

**ADAMS:** Yes.

**HOLLY:** Okay.

**ADAMS:** Yeah.

**HOLLY:** Okay.

**MASON:** Okay. All right, go ahead and play.

[Recording begins.]

**ADAMS:** Yeah I don't -- I don't know if we were arguing that night. I don't know when that -- that's from.

**PEREZ:** It says, July, 2023.

**ADAMS:** Okay.

**PEREZ:** I think July 13th.

**ADAMS:** Okay. Okay.

[Recording ends.]

**MASON:** All right. So, here we see that Deputy Perez shows you the video, and that's the video, the one that we watched, right? Again, you said, without sound.

**ADAMS:** Yeah, without sound on a small screen. It was way shorter than I think the one we saw here today, and that was the first time I saw it, so just trying to process what that was all about, what the video was all about.

**MASON:** Okay. Without him prompting you, you spontaneously stated, I don't know if we were arguing that night. Why would you

state that?

**ADAMS:** Because, again, that was the first time I saw it, and I'm looking at it, like, I don't know -- I can't even really identify if it's me and her. I just see two people -- looks like two objects wrestling. You know? I don't know. This one was a lot clearer. The one I saw this morning is a lot clearer. But it was not very clear as to what the image was at the time.

**MASON:** Okay.

**HOLLY:** Is there anything specific that would lead you that -- to the video you watched on the phone to think that that was an argument, as you described it?

**ADAMS:** Just looks like two people wrestling. So, I get -- again, I was not prepared to discuss my sexual interactions with my fiancée to a 20 year-old and my mom and some other dude. Like, I just didn't know what to -- how to really explain that. You know?

**HOLLY:** So, I think from our perspective, we're just trying to understand why -- not knowing how to explain something sexually is different than responding with, I don't know if we

were arguing. So, we're trying to get your -- the context and your maybe mindset why your first response would be, I don't know if we were arguing, if that makes sense why we're asking these questions.

**ADAMS:** You know, I don't know why I said that. I don't know why that came out like that. I think it was just me seeing a video, looks like wrestling or arguing, not thinking of us doing the roleplaying earlier in that year. I mean, this was ten months ago, I think, or -- if it was July to now.

**MASON:** This was March 18th.

**ADAMS:** So, better portion of a year. So, I'm just trying to wrack my brain, like, what is this video that we're looking at? And that was the spontaneous statement that I made about, looks like people are arguing, or --

**MASON:** Okay.

**ADAMS:** -- I think I even say fighting at one point. I mean, I just didn't know what I was looking at until later on, I started to process.

**MASON:** So, earlier, when this started, you told Detective Perez, Deputy Perez, and you've

told us today that your arguments have never gotten physical.

**ADAMS:** Right, correct.

**MASON:** So, when you saw this video, would you define that as physical?

**ADAMS:** The video --

**MASON:** What you saw in the video.

**ADAMS:** I saw that as a physical -- some -- two people, again, being physical with each other. Correct. And again, out of context of what was going on or audio or anything like that.

**MASON:** Okay. So, you recognize the physical encounter confrontation on this video?

**ADAMS:** Yes.

**MASON:** And your first thought was it looks like we're arguing.

**ADAMS:** I didn't know who was -- I couldn't really make out who was who, but it looks like -- if you're looking at a small screen, a three by five screen, it looks like people are wrestling or something. And it also was the quality of his phone was -- it was very ratchety. You just saw, like, the body come out and the body come out. And then, like,

what we saw, somebody retreat, and then that was it.

**MASON:** And I apologize. I don't want to put words in your mouth. You said, I don't know if we were arguing that night, just to be clear. I wasn't trying to --

**ADAMS:** Okay.

**MASON:** Did it occur to you, at this point or at any point, that you were in a physical altercation with [redacted]

**ADAMS:** By physical -- you mean just like -- I'm sorry. Say that question one more time.

**MASON:** You recognize the video as showing a physical encounter.

**ADAMS:** Correct.

**MASON:** You stated to Detective Perez, I don't know if we were arguing. Did it occur to you, at any point during this contact or since then, that that was a physical encounter with [redacted]?

**ADAMS:** It was a physical encounter with [redacted].

**MASON:** Okay. When did you -- when did that occur to you?

**ADAMS:** When I -- well, we saw it this morning. I saw it this morning, and then --

**EWERT:** I mean, I don't really understand the -- it's pretty vague. Physical encounter. He's already said that his memory of it is that it was consensual at this point in time. So, I mean, you can have consensual physical encounters. And I mean, when he realized it was a physical encounter, I don't --

**MASON:** Well, that's not what he said. He has not -- by this point, he said he did not realize that this was a consensual encounter. At this point, he was not even aware of what was on the video.

**EWERT:** He told them he was roleplaying. We're going to get into arguments doing this.

**MASON:** Sure.

**EWERT:** So, I mean, I'm not trying to do that with you.

**MASON:** (Inaudible).

**EWERT:** But we're -- we now have the context of this is what was said here, and now he's been questioned for four and a half hours on this thing. And so, I think we're conflating some of the statements that were made earlier this morning with what was made

here, but I just don't understand the question, I guess. When did you understand that it was a physical encounter? Because, I mean, he's already said it was a physical encounter, but it was consensual.

**MASON:** Okay. I'm willing to drop the question, and we can continue.

**HOLLY:** I think it's been -- I think it's been addressed.

**EWERT:** Okay.

**MASON:** Yeah.

**HOLLY:** Next --

**MASON:** Yeah.

**HOLLY:** -- portion?

[Recording begins.]

**ADAMS:** I'm not sure.

**PEREZ:** Is that -- do you know who's in that video?

**ADAMS:** I mean, it looks -- it looks like us. I --

**PEREZ:** Is that what your front door kind of looks like? You have a Ring camera outside?

**ADAMS:** (Inaudible) yeah.

[Recording ends.]

**MASON:** Okay. So, again, you've mentioned the video quality as you're watching it on his phone. Did you think that this video was of

somebody else?

**ADAMS:** I didn't know who it was of. Did I think -- can you repeat the question?

**MASON:** Yeah, so -- and it's in the context that Deputy Perez has come to -- he's asked to speak with you. You're aware of a video, right? You said when he called you, you -- the video came to your mind. He's now speaking to you in-person. He tells you there was an incident in Poway, and there was a video. He then shows you a video. Did you, at this point -- I know the graininess and quality of his video. Did you still, at this point, think that this was somebody else?

**ADAMS:** Once I saw that video, I mean, it was pretty clear it was myself and [redacted] Victim

**MASON:** Okay.

**ADAMS:** It was our front door. I mean, I'm not debating that.

**MASON:** Okay. Let's go ahead to the next piece.

[Recording begins.]

**PEREZ:** Do you recall anything like that? Like, if -- I don't know if you guys -- maybe that was just a drunken night. Just seemed like

a -- I mean, obviously, like, we've seen the video.

**ADAMS:** Yeah, yeah, no.

**PEREZ:** (Inaudible) --

**ADAMS:** I know, I know.

**PEREZ:** (Inaudible) anything else? I mean, I know it really sort of can get personal.

**ADAMS:** Yeah.

**PEREZ:** Right? Things get heated, you know? Nothing that (inaudible) couldn't take you back. You guys are obviously still together.

**ADAMS:** Yeah.

**PEREZ:** Right?

**ADAMS:** I mean, that was a long time ago. I think it was just -- we were -- it was just us hanging out is what it looks like. And I don't know what -- I don't know if she's saying that something happened or --

[Recording ends.]

**MASON:** Okay. So, I want to ask you about this statement, it was just us hanging out is what it looks like. Is that -- what's shown in this video, is that a normal hanging out?

**ADAMS:** So, again, it was just us hanging out. And

I'm trying to -- at this point right now, I'm trying to understand how I'm going to explain to three strangers that we're into some weird stuff, weird sexual things. And that's where this goes from the next spot, it's just like, I don't feel comfortable telling them all the ins and outs. At this point, it was, like, a five-minute interview in my garage. I'm outside. I've got the kids in the house that I don't want them hearing about their parents' sexual whatever. I don't -- you know what I mean? So, does that -- does that --

**MASON:** Yeah.

**ADAMS:** Okay.

**MASON:** The next thing you said, I don't know if she's saying that something happened. And again, in the context of the way that this interview is happening with Detective Perez and the video he's showing you, are you surprised that she showed this video and reported it as a crime?

**ADAMS:** Yes.

**MASON:** Okay. Why is that?

**ADAMS:** Because we were roleplaying, and I thought

that we were on the same -- like, we were both -- it's a consensual event between two consenting adults, sexual nature, and so when I see it being reported as a crime, it hurts, and it's, like, disbelief. I'm not -- that was the video that she was talking about. Like, as I'm processing it after, I'm like, that -- that's what -- that's what the video was.

**MASON:** Okay. Did you have clarifying --

**EWERT:** No.

**MASON:** Okay. Let's go ahead and play.

[Recording begins.]

**ADAMS:** I don't know.

**PEREZ:** In the video, is that something that is common for you guys or has happened a couple times?

**ADAMS:** No, no. That's the first time I've seen that, so I don't know.

[Recording ends.]

**MASON:** Okay. Go ahead and pause. And just to -- just we're cleaning this up piece by piece. So, you said that this was not common, but earlier, you said it was just us hanging out. So, can you explain the contradiction

in statements there?

**ADAMS:** Well, not common in the sense that we would be outside the house roleplaying. That's not common, you know? And that, I guess -- is that what you asked, or --

**MASON:** If that's how you understand it as not common, yes. I want to know why did you -- why would you say that's not common?

**ADAMS:** That our roleplaying went outside the house.

**MASON:** Okay.

**ADAMS:** Okay.

**MASON:** And let's go ahead.

[Recording begins.]

**UNKNOWN:** And I know you told Detective Perez that about the video, but it's something that could have happened (inaudible). And what does it look like to you in the video?

**ADAMS:** I mean, it looks like we're either -- sometimes, we play rough, and then sometimes it looks -- you know, obviously it looks like I'm -- we're fighting, but --

**UNKNOWN:** Okay.

**ADAMS:** -- I don't -- I don't remember that incident or us fighting like that. I mean --

**UNKNOWN:** Okay.

[Recording ends.]

**MASON:** Okay. Go ahead and pause. So, again, just for context, you now recognize that this is consensual, this is roleplaying, there's video. You're aware that there was a video shared. And here, in your statement to the deputies, you are still saying that you're not sure and you don't recall this incident.

**ADAMS:** Right.

**MASON:** Okay. So, you --

**ADAMS:** So, I understand what it looks like. You know what I mean?

**MASON:** Yes.

**ADAMS:** I understand that. But I'm trying to figure out how I'm going to tell them that we're into some sexually-charged things. And it's the three of them, I'm outside, it's very uncomfortable. I was called the morning of this interview, and then I went out there that day to talk to them. And I've seen the video, you know? It's like kind of getting caught with your pants down as far as how are you going to explain that your pants are down, you know? I mean, in a sexual way, right? Like, you don't -- you're just

trying to explain to three strangers that you're into the stuff I explained today. So, I didn't feel comfortable continuing on with that conversation. And I think that's what I tell them. I think I say that.

**MASON:** Yeah, I think you do, and I believe -- I believe we're going to get to that next. I just want to clarify that you do actually understand or you do remember this incident at this point, right?

**ADAMS:** At this point, I do, yes.

**MASON:** Okay, so --

**EWERT:** And we're talking about this point in the video that we're watching?

**MASON:** Yes.

**HOLLY:** Correct.

**EWERT:** So, his statements to them, from this point forward, he knows what he's talking about, and he's trying to explain it.

**MASON:** As I understand it, and --

**EWERT:** Is that what is --

**HOLLY:** Yeah.

**EWERT:** -- that -- okay, so that's what we're talking about?

**HOLLY:** Yes.

**MASON:** Yes.

**HOLLY:** Yes.

**MASON:** Yes. His statements --

**HOLLY:** (Inaudible).

**MASON:** -- Officer Adam's standing here --

**EWERT:** Okay.

**MASON:** -- right here --

**EWERT:** In the video --

**MASON:** -- in this video --

**EWERT:** -- that is marked as tab --

**MASON:** Yes.

**EWERT:** -- 23 or four --

**HOLLY:** No. No tabs (inaudible) --

**EWERT:** Okay.

**HOLLY:** -- time.

**MASON:** In this video, as he's -- as he's talking to --

**EWERT:** Okay.

**MASON:** -- Deputy Perez --

**ADAMS:** I'm realizing, right now, that there -- that video was about some sexual thing that I don't feel with talking to --

**MASON:** Okay.

**ADAMS:** -- three deputies about.

**MASON:** Okay. Let's go ahead and continue.

[Recording begins.]

**PEREZ:** Do you guys normally play kind of rough like that?

**ADAMS:** Yeah. I mean, like I said, bedroom stuff kind of.

**PEREZ:** You mean, like, that's when you guys are intimate (inaudible) --

**ADAMS:** Right.

**PEREZ:** -- or --

**ADAMS:** Yeah.

**PEREZ:** Okay.

**ADAMS:** It's kind of personal stuff, but --

**PEREZ:** Right.

**ADAMS:** We're kind of into that stuff a little bit, so --

**PEREZ:** What are you guys into, like, roleplaying?

**ADAMS:** Right, yeah.

**PEREZ:** Okay.

**ADAMS:** Yeah. Which I don't feel too comfortable (inaudible) --

**PEREZ:** No, no (inaudible) --

**ADAMS:** -- (inaudible).

**PEREZ:** I'm not asking you to, but obviously, that kind of guides information to the video with no audio.

**ADAMS:** Right.

**PEREZ:** Right?

**ADAMS:** Yeah.

**PEREZ:** You know what I mean? So, it's -- I mean, all we have the video and subjectively, it could put, you know -- we don't know, right? We're only left to our own thoughts.

**ADAMS:** Right.

**PEREZ:** This is what we were trying to get your side of that.

**ADAMS:** Okay. Yeah, I mean, that's --

**PEREZ:** (Inaudible).

**ADAMS:** -- that's stuff that we do sometimes that is on video, obviously. I mean -- I don't know why we got outside. I don't know why that happened. Normally, it's in the bedroom, but that's kind of -- that's that. So --

**PEREZ:** Okay. Alrighty. Anything else about, I guess, pertaining to the things that we were talking about or you think might be helpful to, I guess, clear (inaudible). Has any --

[Recording ends.]

**MASON:** Okay. So, I -- just to clarify, you do, at this point, know why it went out to the porch; correct? At this point in the video,

at that point in the interview with Detective Perez.

**ADAMS:** So, it's -- like, again, very grainy video. At this point, I'm trying to remember the time and the dates and I'm putting the pieces together at this point.

**MASON:** Okay.

**ADAMS:** Because I got to think of, okay, July. Okay, we were out -- like, we didn't have the kids. It was when [redacted] got back from deployment. Okay. So, I'm trying to process all this within the 30 seconds of this video. It's --

**MASON:** Okay.

**ADAMS:** That's what was going on.

**MASON:** All right. So, we'll get an audio clip, and I'm going to give --

**HOLLY:** Let me -- I had some -- just I had some things I need clarified. I know we mentioned a couple times this was a consensual roleplay thing. After the evening was over, did you guys discuss how the roleplaying incident went as far as -- did [redacted] tell you she enjoyed it?

**ADAMS:** I believe so. I mean, that was what, eight

months ago or ten months ago? But yeah, I mean, we didn't have any issues with it.

**HOLLY:** So, if she did not enjoy it, would she --

**ADAMS:** She would tell me.

**HOLLY:** -- tell you? Okay.

**ADAMS:** Yeah.

**HOLLY:** And if she told you she didn't enjoy it, you would remember it?

**ADAMS:** Yeah.

**HOLLY:** Okay.

**ADAMS:** Correct.

**HOLLY:** So, before a few weeks or whenever she told you that she had a video from the house, was -- did [Victim] normally keep videos of roleplay incidents on her phone?

**ADAMS:** We don't have any.

**HOLLY:** Okay.

**ADAMS:** This was the only one.

**HOLLY:** Okay.

**ADAMS:** It's the only time it's gone outside the house, so --

**HOLLY:** Were you -- when she told you she had a video from the house, were you surprised that she recorded the video?

**ADAMS:** Yes, because she has access to the cameras,

so she can record, delete, do whatever she wants to do with them.

**HOLLY:** Okay.

**ADAMS:** So, it was surprised to me that she would bring up that she has a video.

**HOLLY:** Did she tell you why she recorded the video?

**ADAMS:** It was one of those -- we had an argument, verbal argument or whatever. It was, you know, getting at each other. And she's like, yeah, well I have a video. So --

**HOLLY:** So, did she --

**ADAMS:** And I just kind of -- I didn't want to --

**HOLLY:** -- (inaudible).

**ADAMS:** -- press it. No, go ahead.

**HOLLY:** Okay. So, she didn't tell you -- if I'm understanding correctly, she kept it as ammo --

**ADAMS:** Yes.

**HOLLY:** -- in a sense? Is that what you're saying?

**ADAMS:** Correct.

**HOLLY:** Okay. So, you believed she told you that was the motive for saving the video?

**ADAMS:** Correct.

**HOLLY:** Okay. Did you ask her why she would keep a video for ammo for a counter -- or excuse

me, for a encounter or a roleplay incident?

**ADAMS:** I think she knew the way it looked, and she know that it would paint me in a bad light.

**HOLLY:** Did she explain to you or tell you why she would want to hold on to something that would make you look bad?

**ADAMS:** No.

**HOLLY:** Okay.

**ADAMS:** Just part of an argument, so --

**EWERT:** Can I ask a clarifying question?

**HOLLY:** Sure.

**EWERT:** Do you have any opinions, after seeing the video of her statement for the first time to San Diego SO, as to her motivations in making those statements?

**ADAMS:** Yeah, pretty hurt. Very hurt.

**EWERT:** I'm talking about her motivations, though. Did you form any opinions --

**ADAMS:** Right.

**EWERT:** -- on that?

**ADAMS:** So, the -- yes, the -- so, just to backtrack here, gentlemen. I met her on Tinder, okay? So, she was supposed to be, like, a quick one and done. It didn't go that way. I thought she was more attached to me than I

was to her. So, supposedly, she saw it -- thought it was a relationship. And then I was still dating, in the dating pool type scenario. Three months go by. Then I realize, okay, I don't want to be with anybody else but Victim. Like, I'm lockstep with her. So, then years go by. I leave for the Pentagon, she -- I give her access to my computer because she needed to print something or take photos or get photos or whatever. So, she goes on there. She sees pictures of ex-girlfriends, and she starts asking all these questions and starts digging into the past from two and a half years ago from when we first met. So, that sparks this kind of vindictive mentality with her where, I mean, she tells me she's going to fuck -- sorry, not -- but she's going to F five firefighters in my bed. And like, just real vindictive stuff to get at my core. And then this was happening while I was at the Pentagon, and then I come home, and then we start having all these issues here. And seeing the videos today and seeing what I'm hearing and reading, it

seems like, to me, that this is more like a vindictive -- like you said, ammo to get back at me from my infidelity, quote/unquote, when we first met. So, as far as motivation goes, if that was your question; was it based on motivation of why would she hold on to that video? That's the way, right now, I'm processing everything. That's pretty much how I'm seeing this.

**HOLLY:** And you just formed that opinion today after seeing this?

**ADAMS:** After seeing the videos, it's -- I always kind of had that opinion, but now it's solidified.

**HOLLY:** You mentioned earlier that things have been -- I don't know the words you used, but good, right?

**ADAMS:** Uh-huh.

**HOLLY:** The Las Vegas trip.

**ADAMS:** Yeah, yeah.

**HOLLY:** So, are you surprised to see some of these --

**ADAMS:** Yes.

**HOLLY:** -- responses?

**ADAMS:** Yes, very. This is -- Poway forward has

been fine, and we've been on vacations, family vacations. We're trying to plan a trip -- I can't plan trips in July. I mean, we -- you know, I just got my master's degree in administration of justice. I got promoted to lieutenant colonel in the reserves. Like, I got stuff that -- this is devastating to me to see, you know? And never having a CPO, never having EPO, like, there was no -- it was just such a janky and disconnected investigation. And I mean, I'm getting phone calls from Victim and text messages from Victim right now. It's just I cant -- I'm sorry. Just venting, so --

**MASON:** So, earlier, when I asked you, when we were talking about the roleplaying stuff before lunch, and I asked you if you ever record it, you said you don't. Is that correct?

**ADAMS:** Correct.

**HOLLY:** You said you don't record --

**ADAMS:** Or I don't know --

**HOLLY:** -- roleplay. You've recorded --

**ADAMS:** Yes.

**HOLLY:** -- other things --

**ADAMS:** Yes.

**HOLLY:** -- we didn't ask about, but --

**ADAMS:** Okay.

**MASON:** And that's kind of where I want to go is you -- we didn't ask about it, but because there was this discussion about a video from the house, and you know you don't record roleplaying, is there something else that you thought, in the house, that would be recorded?

**ADAMS:** Other than just consensual sex, like, normal sex, maybe. I mean, that's the only thing I can think of. She would have video recordings of that.

**HOLLY:** To clarify, you keep saying, from the house. When you tell me or us, from the house, are you referring to video taken from within the confines of the house or actually taken from the surveillance video of the house?

**ADAMS:** Confines. (Inaudible) inside the house.

**HOLLY:** Okay. So, when she told you, you had -- she had video from the house, you interpreted that as video taken inside your home?

**ADAMS:** Yes.

**HOLLY:** Okay.

**MASON:** In any of your arguments or disputes with

Victim, do either of you ever start recording each other?

**ADAMS:** She has in the past, yes.

**MASON:** Has she recorded any of these incidents that we've discussed today?

**ADAMS:** Not that I know of. I don't know. I can't think of a single one that she would have recorded.

**MASON:** What would it look like if she was to -- you know, you obviously can remember her recording you. What would be a context that she would record you?

**ADAMS:** As far as just in general or for, like, sexual or for us in an argument, or --

**MASON:** You guys in an argument.

**ADAMS:** Oh, I don't know. If I'm angry or we're just arguing, sometimes she might record something. I don't know. She's always got her phone on her, so --

**MASON:** But you've seen her pull out her phone, and --

**ADAMS:** Uh-huh.

**MASON:** -- during an argument and point it at you as though she's recording you?

**ADAMS:** Yeah.

**MASON:** Okay. Have you ever seen any of those videos?

**ADAMS:** No. I don't really care to, no.

**MASON:** Okay. Have you ever recorded her during an argument?

**ADAMS:** Over the course of five years, I think so, yes.

**MASON:** Okay. Have you recorded her during or have any recordings of the incidents that we're talking about here today?

**ADAMS:** Not that I can remember, no.

**MASON:** Okay. So, at this point, you can see the body-worn camera of the detective. She starts walking away over towards the front door, so it's hard to pick up audio. So, we just have the audio isolated. It's going to pick up kind of as she's walking away, if you want to go ahead and play that. Just to catch the very end, there's just, like, another --

[Recording begins.]

**PEREZ:** Okay.

**MASON:** -- few seconds on this.

**PEREZ:** Okay. Anything else about, I guess, pertaining to the thing we're talking about

that you think might be helpful to, I guess, clear things that might (inaudible) had to say about it --

**ADAMS:** Yeah, she mentioned --

**PEREZ:** -- (inaudible) both you guys have, right?

**ADAMS:** -- she mentioned that you went to her work (inaudible) at school or work and everything. I know she wasn't too happy about that. Yeah, I wouldn't say I have anything else. Yeah.

**PEREZ:** Okay. Okay. Well, we appreciate it. If you need to get a hold of me for any reason you can go ahead and contact the station, and I'll reach out to you. If there's anything else that comes to mind or want to add or anything.

**ADAMS:** Okay.

**PEREZ:** (Inaudible) I just want to -- I just need to get your side of the story. (Inaudible) Victim. I know she kind of -- seems like she's a little bit busy, working (inaudible) --

**ADAMS:** Yeah.

**PEREZ:** -- (inaudible).

**ADAMS:** Yeah, I mean, like I said, she's in -- at

work right now.

**PEREZ:** Right.

**ADAMS:** (Inaudible).

**PEREZ:** Yeah, yeah. Okay.

**ADAMS:** (Inaudible).

**PEREZ:** All right. Well, I appreciate you (inaudible).

**ADAMS:** Yeah, appreciate it.

**PEREZ:** (Inaudible). Okay.

[Recording ends.]

**MASON:** Okay. So, Deputy Perez brings up that's he's tried to get a hold of Victim. And you said, yeah, she mentioned that you went to her school or work or something.

**ADAMS:** Called, I think.

**MASON:** Okay.

**ADAMS:** Called. Something like that.

**MASON:** Okay. So, Victim had told you that Deputy Perez was trying to get a hold of her?

**ADAMS:** There was -- yeah, because we knew from the initial in Poway, and then the deputy was trying to get a hold of her.

**MASON:** Okay.

**ADAMS:** She said, like, some -- somebody -- actually, it was the time where he showed up

at the -- at her work [Location].

**MASON:** Right, because we just -- you said, yeah, she wasn't happy about that?

**ADAMS:** Uh-huh.

**MASON:** What was -- how did that conversation go between you and [Victim] when she told you that?

**ADAMS:** She just said that a deputy showed up at my work all in uniform asking to talk to me. And then he -- then -- okay, so she's over picking up the kids across the street from school. He's apparently just either talked to her. I don't know how that all started, but from what I can remember, went to the -- went to the initial spot where she was working, asked to see [Victim]. They say she's picking up the kids, and then he goes across and confronts her and she's got [redacted] in her hands and she does not -- from what she told me, she didn't want to talk to him, and so okay. And she was actually really upset and wanted to, like, do a formal complaint against the detective for going to our school -- to our kids' school.

**MASON:** Okay. And you had mentioned that earlier.

What else -- did you discuss anything else?

**ADAMS:** I think she told me that either she gave him her number or he gave her a card or something like that, and they discussed trying to link up another time or by phone.

**MASON:** When Victim now knows the detective is trying to talk to her, the deputy, and now you know that the deputy is trying to speak with her, did you guys have a conversation again about Poway and her contact with San Diego deputies then?

**ADAMS:** Just to the extent of my -- our assumption was that -- that's what that was about. I never asked her what she said or what -- like I said, I knew there was a video involved, and that she told him everything, and that was where I kind of disengaged because I didn't want to be accused of anything else going on with her being a witness, and so we left it to logistics, basically. Like, where -- you know, is he going to meet you? Is he going to call you, or how is that going to work? And then I -- yeah, that's basically it.

**MASON:** Okay. So, now, Deputy Perez has come and

spoken to you, he's shown you the video, you've -- you're putting the pieces together, you said, during this contact. And then he ends by asking if there's anyone else to talk to. Why weren't you adamant at that point, if you recognized what this was, that he get in touch with Victim

**ADAMS:** Because Victim didn't want to talk to him. Victim was still upset about the interaction, her first interaction with him, and she is -- she tells -- like, she does not want the kids involved with this at all, and that really upset her. Like, really upset her and upset me. And she was putting him off, putting him off. And I was surprised he hadn't talked to her first, and then come to me, and how -- I don't know. It was just a very -- like, again, very odd investigation, from my perspective at least, the way that they call, they show up. They don't call, they show up at her work. They show up at her -- at the school. Like, to me, it was just very kind of clunky.

**MASON:** Okay.

**ADAMS:** But I never -- I mean, I -- yeah, they

could -- I knew they were trying to get a hold of her. And I knew that she knew they were trying to get a hold of her, so --

**MASON:** So, following this interview with Deputy Perez, did you talk to Victim about your interview with him?

**ADAMS:** I believe we had a conversation about it.

**MASON:** Okay. Can you describe that conversation?

**ADAMS:** I just couldn't believe that that was what was going -- like, she was trying to -- that she had given them that video of a day we were roleplaying, trying to say that -- so, I was starting to put the pieces together that she was kind of out to get me. So, just that was basically it. I asked her, I think, if she had talked to any detectives or anything like that, and I think she hadn't talked to him yet because she didn't talk to them until a few days later.

**MASON:** Right. And it's clear that they haven't talked to her, right --

**ADAMS:** Right.

**MASON:** -- as your -- as your interview ends?

**ADAMS:** Uh-huh.

**MASON:** But you've now put the pieces together of

what it is. You know that [redacted] hasn't spoken to them. Based on your training and experience, and you've stated earlier you know when the cops are called, they're going to come, you know when there's a domestic incident, they're going to want to talk to both parties.

**ADAMS:** Right, exactly.

**MASON:** You understand that if -- when [redacted] called, and we talked about that incident, you understood that the cops are called, they're coming. Now, you know the cops are trying to get a statement from her, the cops are trying to get a statement from me, and they've just shown me a video, which looks like we're fighting.

**ADAMS:** Right.

**MASON:** And at that point, your reaction and your conversation with [redacted] was --

**ADAMS:** She didn't want to talk to anybody about anything. I think that's pretty consistent with her statements for all of this. And I'm not going to -- I'm not going to tell her what to say. I'm not going to -- I mean, that wouldn't be good either, right,

if -- I know, as a cop, you don't want to be tampering with witnesses, you don't want to -- look, you had -- you put this ball in motion. Now, it's going to be you who has to -- you have to meet with them, or -- but even if I say something like that, that's -- could be construed as I'm trying to force the issue on her. So, she's a grown woman. You now have this to -- now, I have this to deal with, and we have this to deal with. We're still together. Do whatever you think is right. And what she thought was right, from what I gather, is that she just didn't want to make a statement.

**MASON:** Okay. Following this interview with Detective Perez or Deputy Perez, did this cause another argument between you and Victim ?

**ADAMS:** We were so past that. This whole thing had gotten so out of control, and we were both -- I mean, she paid -- obviously, you guys know the criminal thing is going on. She paid for half my criminal defense because she feels half responsible for

what's going on right now. I mean, there's things that -- it's just very difficult to explain Victim. She's a very unique woman. I love her, and -- but this is making me have to figure out a lot of stuff. After seeing those videos, I'm going to have to figure out either -- just got to figure a lot of stuff out and figure out if either it's worth it, not worth it or, you know -- yeah.

**MASON:** All right. It is 1:56. Did you have anything to follow up on now, Sergeant Holly?

**HOLLY:** No, I --

**MASON:** Okay. Did you have any clarifying questions?

**EWERT:** I do, but I'm saving them for the end.

**MASON:** Okay.

**EWERT:** Are we at the end?

**MASON:** No, we're not at the end, but --

**EWERT:** Okay.

**MASON:** -- if you -- if you want, I mean --

**HOLLY:** (Inaudible) regarding this specific (inaudible) --

**EWERT:** (Inaudible) kind of in general.

**MASON:** Okay.

**HOLLY:** Okay.

**EWERT:** So --

**MASON:** Yeah, I meant to give you an opportunity as we kind of closed each incident, but we're going to move on from this Ring camera incident at this point.

**EWERT:** Okay.

**MASON:** But I don't want to take a break, unless you want to clear up anything --

**EWERT:** No.

**MASON:** -- about this specifically. All right. Let's go ahead and take a break. It's 1:56 and we're going to go off the record.

(Off the record.)

**MASON:** All right. And we're back on record. The time is 20 --

**EWERT:** Hold on.

**MASON:** -- 7.

**EWERT:** Sorry, mine's being somewhat funky. All right. Sorry, go ahead.

**MASON:** All right. Now, we're all back on record. Time is 2:07. Officer Adams, during the break, did Sergeant Holly or myself discuss the investigation with you?

**ADAMS:** No, sir.

**MASON:** Okay. I am going to apologize. I got a little ahead of myself. I was a bit optimistic. We do have a little bit more to talk about this particular July incident.

**ADAMS:** Okay.

**MASON:** So, we're going to go into this next video here. This is body-worn camera footage from the San Diego County deputies. This is Victim statement given to Deputy Powroznik. And the time stamp on this video is 37:14. I don't think we have audio. All right.

**HOLLY:** Should be good.

[Recording begins.]

**POWROZNIK:** (Inaudible).

Victim July 13th.

**MCKEMY:** July 13th. What happened during that incident on July 13th?

Victim I texted an ex-boyfriend, and so he picked me up and threw me on the ground and dragged me across the house by my ankles. Picked me up and threw me on the ground again and did it in front of (inaudible).

**MCKEMY:** Okay. Were the police called for that?

Victim No.

**MCKEMY:** No? Okay. Around what time was that?

Victim (Inaudible).

**MCKEMY:** (Inaudible). Okay.

[Recording ends.]

**MASON:** Okay. Prior to the event that was captured on camera at the doorway, did Victim text an ex-boyfriend?

**ADAMS:** Prior to the date, that ever that day, or --

**MASON:** Prior to -- in the incidents leading up to what happened at the doorway that was captured --

**ADAMS:** Okay, yeah.

**MASON:** -- did Victim text an ex-boyfriend?

**ADAMS:** No.

**MASON:** Prior to the events that were captured at the doorway, did you pick up Victim and throw her on the ground?

**ADAMS:** No.

**MASON:** Prior to the events captured at the doorway, did you drag Victim across the house by her ankles?

**ADAMS:** No.

**MASON:** Did anyone else witness this incident?

**ADAMS:** No.

**MASON:** Okay. Let's just go back to the video one more time, the Ring video. There we go. All right. So, we're just going to play it one more time. This time, I want you to focus. What I'm going to ask you about is Victim as she's standing there; not in the -- not in the phone video, but as she's standing there. Go ahead and play.

[Recording begins.]

**ADAMS:** Are you kidding me, dude?

Victim (Inaudible).

**ADAMS:** (Inaudible).

Victim (Inaudible).

**ADAMS:** (Inaudible).

Victim Richard, stop. Stop.

**ADAMS:** (Inaudible).

[Recording ends.]

**MASON:** What is Victim's reaction as they're playing this video?

**ADAMS:** Crying.

**MASON:** Okay. Is Victim's reaction in this video consistent with what you would expect from Victim's of her showing a video of a consensual encounter?

**ADAMS:** I think, in this video, she's intoxicated.

I think that she knows that this is going to be detrimental to our lives and to my life, in particular. And she knew that when she gives that narrative of what it looks like, that that's the end for me, or that's the -- that's what she feels as though is the end. It's her last -- whatever they call, the arrows in the -- when you shoot an arrow, you know, it's the last one in the quill.

**MASON:** Okay. Following your contact with Detective Perez, did you go back and independently look for this video?

**ADAMS:** No.

**MASON:** Okay. At any point?

**ADAMS:** No, because I don't -- like I said, I didn't have any access. I would have access to her phone. I didn't want to go through her phone. And my phone, Arlo would have already gone. She intentionally saved this video. I didn't, so I didn't have it.

**MASON:** Okay. You didn't go back and confirm that it wasn't saved in Arlo?

**ADAMS:** I wouldn't -- I already knew because if they're saying this thing happened in July,

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Following is the record of an Administrative Interview conducted by Professional Conduct Northern Bureau Law Enforcement Consultant Raymond Bechler on October 15, 2025, with Richard Adams, who is the subject of this investigation. The interview was recorded and is being maintained by the Professional Conduct Northern Bureau. The recording will serve as the true and accurate record of the statements made by Richard Adams. This transcript was AI generated by Axon software and reviewed for accuracy by Division Analyst II Tiana Yen.

[02:56]
**Raymond Bechler:** *<silence>*

[05:39]
**Jason Ewert:** *Hey, Mr.* Bechler*, how you doing?*

[05:42]
**Raymond Bechler:** *Good. How are you, sir?*

[05:43]
**Jason Ewert:** *You* h*ear me okay? I'm doing well, thanks for asking.*

[05:46]
**Raymond Bechler:** *Good. I don't see, uh, I don't see Richard on.*

[05:50]
**Jason Ewert:** *Okay. It says he's getting a message that says he's too early.*

[05:54]
**Raymond Bechler:** *Oh.*

[05:55]
**Jason Ewert:** *Should I just tell him to try to log back on?*

[05:57]
**Raymond Bechler:** *Yeah. Try try him to go one more time. Yeah.*

[06:41]
**Jason Ewert:** *He says he is trying right now.*

[06:44]
**Raymond Bechler:** *Okay, good. Thanks. There he goes. Richard, are you there?*

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[07:12]
**Richard Adams:** *Can you hear me?*

[07:13]
**Raymond Bechler:** *Yeah, I can hear you. Richard. How are you?*

[07:15]
**Richard Adams:** *Good, sir. How are you?*

[07:21]
**Jason Ewert:** *You're cutting, cutting in a little bit. You're cutting out a little bit. There. There you go.*

[07:25]
**Richard Adams:** *Can you hear me now?*

[07:26]
**Jason Ewert:** *Yep*.

[07:28]
**Raymond Bechler:** *Much better.*

[07:29]
**Richard Adams:** *Alright.*

[07:30]
**Raymond Bechler:** *Alright. Well good. Well, thank you for, uh, joining me today, this afternoon. Um, I, I do wanna, uh, Jason, I and Richard, I think, um, I wanna make clear about what the process is. I don't know if I said it exactly right. We did, I did present this case to our executive staff. They wanted me to go back and interview you to make sure, um, we're clear on certain things. Um, and then I'll go back to our executive staff with the attorneys, and then I will represent that. Then I, once they decide whether to move the case forward, um, or if they decide to close it out, I'll let you know either way. But, um, once you receive your, if, if they do de decide to move this case forward, um, we will send out a letter of determination that starts that 30 day window to whether you can either surrender or you can appeal to the board. And so I, I'm not sure, Jason, when we talked specifically, I might have not been as clear or was that, or was that your interpretation?*

[08:31]

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**Jason Ewert:** *Well, so that was the question that we kind of had as if like, you guys have already decided to move forward with the case, why are we doing another interview? Um, but he wants to be as transparent as participative as possible. Um*

[08:45]
**Raymond Bechler:** R*ight.*

[08:45]
**Jason Ewert:** *So it makes more sense that this is essentially still part of the post investigation and it's gonna go back for a secondary review with your executive team to decide whether or not*

[08:55]
**Raymond Bechler:** *Correct.*

[08:55]
**Jason Ewert:** *They're gonna recommend it. So at this point, my understanding is you are not recommending* d*ecertification, you are still in the investigations phase.*

[09:03]
**Raymond Bechler:** *That is true, yes. And I think I might've misrepresented that. I might've just made it sound like it was all done, but no, we want to take or, uh, what, uh, the outcome of this interview to the post executive staff and then they'll make that determination, find, find, and then they'll either send out a clo, we will send out a closure if they wanna close it or if they want to continue. Um, then you'll get a letter of determination.*

[09:24]
**Jason Ewert:** *Okay.*

[09:25]
**Raymond Bechler:** *Is that* clear?

[09:25]
**Jason Ewert:** *Do you have any questions about any of that, Richard?*

[09:28]
**Richard Adams:** *No, that makes, that makes more sense. I appreciate it.*

[09:31]

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**Raymond Bechler:** *Okay. All right. Well, before we get started, also, I want to just tell you a little bit about what we're, just the interview process of what I, what I'm doing here today, Richard, is, uh, I'm just gonna, I'm gonna go over just a couple things about what, uh, what was said to San Diego, sheriff, what was said to the San Bernardino County Sheriff with you had, uh, your conversation and then, uh, uh, about your IA with the CHP guys. And so I have about 20 to 30 questions for you. It's only gonna be about 45 minutes long. Um, I'm not gonna be at all as long as your CHP interview was. So, uh, just to kind of set the stage a little bit of what to expect and, um, and just know that it's not gonna be an all day process unless, of course, you know, some questions veer off. But that's about essentially where we're, what we're looking at. Does that make sense?*

[10:14]
**Richard Adams:** *Okay. Yes, sir.*

[10:15]
**Raymond Bechler:** *Okay. Okay. And, and, uh, the thing about these interviews, um, before I actually start too, is that it gets convoluted, Jason. Um, if there's questions that seem a little bit, um, of course you're gonna jump in and, and, and kind of seek some clarity, but these are hard for us as, uh, law enforcement consultants because we're going over the heels of what has already been said and told with the, on the criminal side, Richard, then what you said on the administrative side, and now we're coming back over the third of that to, uh, talk about interviews and trying to put all this together for this licensing investigation is what we're doing here today. Okay. So some of the questions may seem like, okay, this seems a little bit clunky and out of order or whatnot, but just bear with me. Um, uh, there's just some certain questions that I wanna get to, but I also want a little summary up at the front.*

[11:02]
**Raymond Bechler:** *So at the beginning of our, uh, interview, it's gonna seem like, wow, he's doing all the talking. I'm not doing anything. It's just 'cause I wanna summarize some of the stuff that's already been said. And of course, if there's anything you have a question about, jump in there and say Okay, time out. Okay.*

[11:16]
**Richard Adams:** *Yes, sir.*

[11:16]
**Raymond Bechler:** *So don't be afraid to stop. This is like, yeah, the interview's being tape recorded, but it's more of an informal thing. I'm just, I'm just trying to get to the bottom of, of what the story is and, um, and get the information that I need. Okay?*

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[11:28]
**Richard Adams:** *Oh, yes, sir.*

[11:30]
**Raymond Bechler:** *All right. Richard, any questions before we start?*

[11:33]
**Richard Adams:** *No, not at this moment, no.*

[11:35]
**Raymond Bechler:** *Jason, anything?*

[11:37]
**Jason Ewert:** *No, sir.*

[11:38]
**Raymond Bechler:** *Okay. All right. Okay. Alright, Richard, this submit,*

[11:45]
**Jason Ewert:** U*h, If you're, if you are audio recording it, will you share a, a ver recording of that with me at the end of this?*

[11:51]
**Raymond Bechler:** *Uh, yes. If I can get to it technologically, uh, if not shortly thereafter, Jason. Okay.*

[11:58]
**Jason Ewert:** *Okay. Yeah, no problem on the timing. I just needed to figure out if I need to record it myself as well.*

[12:03]
**Raymond Bechler:** *Okay. Okay, great. Alright, Richard, this, uh, administrative interview is being conducted by the com* P*rofessional* C*onduct Northern Bureau on 10 or on October the 15th of this year. Uh, with me today is Richard Adams, who's the subject of this investigation. This interview is being recorded and a true and correct copy of this recording is being maintained by the Professional Conduct Northern Bureau. The recording reflects all relevant statements and conversations occurring during the interview. This interview is also trans, will be transcribed by our teams software. This transcript was prepared by law enforcement consultant Ray Bec*hl*er. That's me,* P*rofessional Conduct Northern Bureau. This interview is being conducted by cell phone and through teams and present is myself,* L*aw Enforcement Con* C*onsultant*

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*Raymond* Bechler, P*rofessional Conduct Northern Bureau. I am the primary and sole investigator of this case. Also with me is Richard Adams, uh, the California Highway Patrol, who is the subject officer. And also with me is, uh, his representative attorney Jason Ewert from the law firm of Cole and Huber. Is that right, Jason? Yes, sir. Uh, he's a representative for, uh, Richard Adams. Uh, each person present is required to identify themselves on tape by giving his or her first name and or title, our first and last name and title. Go ahead. Richard.*

[13:29]
**Jason Ewert:** *Uh, Jason, Jason Ewert, uh, representative of Mr. Adams, uh, partner at Cole Huber.*

[13:37]
**Richard Adams:** *And Richard Daniel Adams. Um, interviewee.*

[13:42]
**Raymond Bechler:** *Okay. Okay. The date is, uh, October the 15th at, um, 2025. The time is approximately* 1:*11 in the afternoon. This is an administrative inquiry concerning former officer Richard Adams of the California Highway Patrol. Richard, you're being questioned as part of an official* POST Pe*ace Officer* S*tandards and Training Accountability Division investigation. You are hereby directed to answer all questions honestly and completely. Your refusal to answer or any type of evasion, deception, dishonesty, or lack of cooperation on your part could constitute serious misconduct and result in further actions concerning your certification up to and including revocation of your post certification. Neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any criminal proceedings. No other promise will be made as an inducement for the answer to any of your, uh, questions or any of the questions.*

[14:42]
**Raymond Bechler:** *This recorded interview is authorized by Commission Regulation Title 11, section 1206, paren a paren four of the California Code of Regulations. You may record any portion of this interview or have access to the Peace Officer* S*tandards and* T*rainings recording. If any further proceedings are contemplated or prior to any subsequent interviews, Richard P*OST *is not your employment agency. Therefore, this interview is not subject to the Peace Officer's Bill of Rights Act, including, but not limited to sections 33 0 3 through 33 12 of the California Government Code. Uh, Mr. E*wert*, although you're representative are you as a representative, are present to assist Richard to, uh, Richard Adams Post is interested in hearing the officer's account of the matter under investigation, but you may participate during the interview when appropriate, you'll be given an opportunity to make any clarifying statements and ask*

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*clarifying questions. If you need to take a break or use the restroom to attend any personal response or necessities, you may do so at any time. To maintain the integrity of this investigation, you must not discuss the questions asked and the facts discussed in this interview with anyone other than your legal counsel or is otherwise required by law. Do you both understand and agree to the pro to proceed in accordance with these instructions?*

[16:04]
**Jason Ewert:** *Yes.*

[16:05]
**Richard Adams:** *Yes, sir.*

[16:12]
**Raymond Bechler:** *Alright. Richard, what was your relationship with* [Victim]*?*

[16:19]
**Richard Adams:** *Uh, she's, uh, fiance.*

[16:23]
**Raymond Bechler:** *Okay. She was, or she is*?

[16:25]
**Richard Adams:** *Uh, is*.

[16:26]
**Raymond Bechler:** *Okay. She is okay. On February the 25th of 2024, deputies from the San Diego County Sheriff's Department contacted* [Victim] *at the Hampton Inn in Poway, California. Um, regarding a domestic violence incident call,* [Victim] *disclosed to them that you physically assaulted her on several past occasions that occurred at your residence in [Location]. That's in San Bernardino County. I'd like to go over, uh, each of these incidents. As she reported, uh, her contact with the San Diego Sheriff's Department, deputies were, uh, captured on their body-worn cameras. Are you, are you aware of that?*

[17:04]
**Richard Adams:** *I'm aware of that, yes.*

[17:06]
**Raymond Bechler:** *Okay. So, uh, the four incidents that she, um, described or outlined, uh, to the deputies was on February the 10th of 2024. Uh, she's reporting that you were*

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*upset that she came home from work late, and that you had chased her around the house, accusing her of things. You grabbed her by the wrist and she was holding a glass, which dropped and shattered on the floor. You accused her of making a mess, grabbed her by the neck, threw her to the ground, and hit her twice in the face with a closed fist. You further told her to stop acting like a victim. She also reported on July the 13th, uh, 2023, at approximately 9:00 PM you discovered that she had been texting an ex-boyfriend. An argument ensued and you picked her up, threw her to the ground, dragged her around the house by her ankles and threw her out of the front door. This incident was captured on your front door camera system. Further, she reported on in June, either 2022 or 2023, likely it was June of 2022. She reported you pinned her against the wall with your forearm against her windpipe, and she was unable to breathe as a re and as a result, blood vessels popped in both her eyes.*

[18:20]
**Raymond Bechler:** *She also reported on Mother's Day of 2023, you picked* [Victim] *up out of a chair and threw her into a brick fireplace.* [Victim]*'s 15-year-old daughter witnessed what you, um, you being physical with her, and she had called nine one with her mom and she called 9 1 1 upon a police arrival* (Unintelligible) *was dishonest with deputies claiming nothing happened, but* [Victim] *said she covered up for you so that you wouldn't get into trouble. So that's what was reported by the San Diego to, from her to the San Diego Sheriff's Department on February 25th. Do you have any comments right now just regarding that particular, we're gonna get into the details of each of those incidents?*

[19:03]
**Richard Adams:** *No, I mean, I've, I've seen the reports and I've seen the videos, so it's okay. I'm, I'm familiar with what you're talking about.*

[19:11]
**Raymond Bechler:** *Okay. I just wanna make sure this is getting recorded. Um, yeah, I'm gonna kind of pause for the investigation right now. Jason, uh, or Richard, do either of you know for sure how this is, um, being recorded from the teams?*

[19:38]
**Jason Ewert:** *Uh, it says recording on the top left of my screen and it has a*

[19:43]
**Raymond Bechler:** O*kay*

[19:43]
**Jason Ewert:** I*ndication of 19 minutes and 15 seconds. Um.*

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[19:46]
**Raymond Bechler:** *Okay.*

[19:47]
**Jason Ewert:** *I use Zoom through our firm and when it, sometimes when it says it's recording, it really means AI is like transcribing it. So I don't know enough about teams to confirm that that's an audio recording or not.*

[20:02]
**Raymond Bechler:** *Okay. We're just gonna assume, 'cause mine says recording and transcription automatically started. Okay.*

[20:09]
**Jason Ewert:** *Yeah, that's what mine says when I hover over it as well.*

[20:13]
**Richard Adams:** *I have 13 minutes here. That's probably when I entered.*

[20:18]
**Raymond Bechler:** *Okay. We're just gonna go with it. Sorry guys. Technology is not my big thing. No problem. Okay, so we're gonna move on to, um, Richard, um, with the San Diego or with San Bernardino County Sheriff's Office. Okay. So due to the above incidents occurring in the county of, of San Bernardino, San Diego Sheriff's contacted and referred this ca their case over to the San Bernardino County Sheriff's Department. On March the 18th you were con of 2023. Oh, that's not right. That's of 2024. You were contacted and interviewed by the San Bernardino detectives regarding the domestic violence reported by* [Victim]*. They contacted you at your residence. Do you recall this?*

[21:04]
**Richard Adams:** *Uh, yes sir.*

[21:05]
**Raymond Bechler:** *Okay. Their interview was captured on their body-worn cameras as well. The detectives focused their on the home video footage provided by the San Diego or provided to the San Diego County Sheriff's Department by* [Victim] *and asked you what happened. And Richard, when the San Bernardino County detectives came to your house to talk to you about a domestic violence incident involving* [Victim]*, you told the detectives that you were not aware initially, you told 'em that you were not aware of the video. When the detectives asked you, was this a true statement?*

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[21:38]
**Richard Adams:** *I was aware.*

[21:39]
**Raymond Bechler:** *Were* y*ou aware that the video*?

[21:40]
**Richard Adams:** *I was aware of a video she had told me about a video. Uh, I wasn't aware what was on the video.*

[21:47]
**Raymond Bechler:** *Okay. You also mentioned to the detectives that you'd never been physical with* [Victim] *while arguing. Right. You did mention that, that you had never been physical with her while you were arguing, or that roleplaying never took place outside of your residence. Is that true?*

[22:04]
**Richard Adams:** *I believe I said the backyard. It does, it did go to the backyard. I just had never seen it.*

[22:10]
**Raymond Bechler:** *Okay.*

[22:10]
**Richard Adams:** *I'd never been in the front yard.*

[22:12]
**Raymond Bechler:** *Okay. So, um, so what about in the front yard or a front porch area? Did it ever typically roll out that way?*

[22:23]
**Richard Adams:** *So that particular night after I, after I viewed, this is an appropriate time for me to go down that expl. Okay. So that particular night, um, her ex-husband at the time had the kids. He had been gone to Korea for six months, deployed. He was a Marine, he came back, he was in San Diego. He had the kids for that month. Um, yeah, this was now a year or or nine months when I was interviewed by the detectives. It was the event from nine months prior, so I hadn't really thought much of it. Um, but basically what we were into was a role playing, like a sexual role playing where* [Victim] *was late on the rent. And it was the first, I think it, I think it was like two weeks in, by, by the time that that video was recorded, it was like 13th I wanna say. And so she was two weeks late in rent and, you know, rent was due. And the way that she would pay rent*



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*sometimes was through sexual favors and role playing. So, um, that night, that's what was happening. Uh, it's embarrassing to talk about*.

[23:45]
**Raymond Bechler:** *Hey, Richard. Yeah, that's good because we'll get into that a little bit more when we get to the C-H-P-I-A interview. So, um, I appreciate that. But, um, I guess what I'm mostly concerned about is that, um, when, when they asked you about the video, they showed it to you and then initially, um, you said, I'm not sure you kept saying that you weren't sure it looked like it was a grainy photo or whatnot. But, um, I'm kind of wondering why it is that you would say that you weren't sure. Um, as opposed to quickly saying, yeah, I know about that video, it happened on our ring camera, all those kinds of things. You acted like you weren't sure about what happened on that video. You weren't even sure what you were looking at.*

[24:27]
**Jason Ewert:** *Mr.* Bechler*, I may be wrong, but I think he was trying to lay the context for that answer. So can he just finish out what, where he was going? I just don't wanna knock him off track on that.*

[24:37]
**Raymond Bechler:** *Well, sure, yeah, we're gonna get back into a little bit more. I just didn't want him, if you wanna do that, Richard, that's totally fine. But, uh, get you back to that later.*

[24:44]
**Richard Adams:** *That's fine. I can, whatever works for you. But, um, yeah, so they basically, they called me up, said they wanted to talk to me, so I didn't do anything wrong, so I didn't get a lawyer or anything like that. So I went out there and talked to him, talked to him, um*.

[25:00]
**Raymond Bechler:** S*ure.*

[25:00]
**Richard Adams:** *In the front of my garage with the kids in the house. U*m.

[25:04]
**Raymond Bechler:** S*ure.*

[25:04]

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**Richard Adams:** *And they, you know, there was an older detective there that I've worked with that reminded me of my mom. There was a other older gentleman that I've never seen before that was a sergeant there. And then there was a, a very like young detective, uh, asking me about a video that involved sexual role playing with my fiance. So it, it kind of threw me off. I I was trying to not go down the road of this being a sexual thing in front of them. And looking back now, I prob you probably one I'm, I probably should have been like, Hey, this was sexual playing. Um, and that, and that's what was going on, you know?*

[25:49]
**Raymond Bechler:** *Yeah.*

[25:49]
**Richard Adams:** *We did mention it. We did mention the sexual role playing in that conversation. I remember talking to detective about it. We just didn't go into the details. When he showed me the video, the video was on a small little screen, um, didn't have audio, I couldn't hear anything on it*.

[26:03]
**Raymond Bechler:** *mm-hmm <affirmative>.*

[26:04]
**Richard Adams:** *And it was in the middle of the, you're in the desert with the sun beaten down, you can barely make out anything. So it was very, that was very difficult before the AI thing. And I know we're probably gonna go down this road, but before the ai ai investigation actually sat down with, uh, Mr. E*wert *and we watched it on a big screen, and then I could actually see what was going on.*

[26:24]
**Raymond Bechler:** *Okay. All right. So, um, but it seems like I, if you're being asked a question about this, I, I get that you're feeling uncomfortable about talking about your, you know, whatever sexual role playing, uh, is going on in you, but, or with you. But it seems like you would be a little bit more, they're asking you about a criminal case. Like you would be more emphasizing the fact that, wait a minute, I know, okay, this is, uh, this is all roleplaying stuff and just kind of be a little bit more emphatic. It seemed like you were unsure, you didn't want to talk to them. You, it appeared that you didn't wanna come forward. Now I hear you saying you were uncomfortable, but I guess I'm more curious, why would you not when these criminal investigators, whether they look like your mom or, uh, you know, a 20-year-old kid or whoever, um, and could just say exactly what it is.*

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[27:16]
**Richard Adams:** *Right, yeah. And the, the whole investigation was, was very clunky. I was never talked to in San Diego. I was in the hotel waiting to be contacted. I, I disen, I disengaged with her because she was on nine one. She was calling the police, which she did to resolve verbal arguments all the time, or, or off very often. And she's done this in the past relationships she's had too. Um, so I disengaged expecting them to come talk to me and then seeing, you know, what was said, what, what is it that she's, what's the allegations that are being made now? Uh, they never did. And then it took, I think it was like four months later and I had not been, uh, arrested or arraigned or charged or anything like that. Um, a lot of that is my own ignorance being a highway patrol officer. Like, you know, sir, we don't do a lot of domestic violence investigations. I, I don't, I didn't know what I was doing. I, I was more, they didn't say you're, you know, uh, you're a, a suspect in a crime. They just asked for an explanation of, of this video and then it, it lasted maybe five minutes and then they were gone.*

[28:31]
**Raymond Bechler:** *Yeah.*

[28:31]
**Raymond Bechler:** *Okay. Okay. So let's, let's just move on then. Um, okay, so you were next, you were interviewed by, um, California Highway Patrol Internal Affairs Investigators on June the 20th of 2024. Uh, you were interviewed, um, and they asked you if law enforcement ever been called to your residence and you replied Yes. And you gave a couple different incidents. Uh, can you tell me about, uh, the June, 2022 incident? Um, following it was a regarding, well, I'll just let you talk. Uh, it was, you were talked about an incident where law enforcement arrived in June of 2022.*

[29:13]
**Richard Adams:** *Uh, yes. So that was three, three years ago now. But, um, yeah, from what I can recall, it was a argument we had. And she called 9 1 1, the deputies responded, um, found that no crimes coming.*

[29:34]
**Raymond Bechler:** *And Richard, Richard, I'm sorry. This is, this is the incident. Uh, you were just got back from the Pentagon?*

[29:38]
**Richard Adams:** *Yes.*

[29:39]

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**Raymond Bechler:** *Right. Okay. Alright. Just wanna make it so it's a little bit more refreshed in your mind.*

[29:43]
**Richard Adams:** *Yeah, lemme just, lemme just look at my notes real quick and see. I'm sorry, you said it was 2022?*

[30:02]
**Raymond Bechler:** *Yep. I just have a little summary if it's gonna refresh your memory.*

[30:28]
**Richard Adams:** *Oh, yeah. I can't seem to find that.*

[30:31]
**Raymond Bechler:** *Okay. Basically, uh, San Bernardino County deputies arri, uh, responded to your house following a nine one one call by* [Victim]. *Um, she mentions that you had, you had just returned from the Pentagon. You had said you went through her phone, you were arguing over infidelity. Um, this was the first time police officers or deputy sheriffs were called to your house.*

[30:53]
**Richard Adams:** *Okay.*

[30:53]
**Raymond Bechler:** *You told them it didn't get physical, there were no threats or Right. Anyway, go ahead. Does that remember or refresh your memory?*

[30:59]
**Richard Adams:** *Yes, sir. So just to lay the context, I don't want to go down rabbit holes, but about six months prior, so about six months prior to me leaving for the Pentagon, for the Covid cell, uh, she moved in with her two children, moved into my home. Um, we had been together for about two years, I believe, two, three years at that point already. So she moved in, I got ordered to the Pentagon for the Covid crisis team. So I left and went to the Pentagon. During that time, uh, she went onto my computer and found photos of old girlfriends. So this enraged her and she was very, very upset about it. And, um, that kind of laid the foundation for, you know, not taking care of my property, uh, not, not working as a team basically. And then when I got back, it kind of came to a head with an argument, um, about that.*

[31:59]

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**Raymond Bechler:** *Okay. Okay. So, um, San Bernardino County Sheriff's deputies responded out there.*

[32:11]
**Richard Adams:** *Yes.*

[32:11]
**Raymond Bechler:** *And, um, you had told your sup, go ahead.*

[32:16]
**Richard Adams:** *Yeah, they, they took, they took me outside. I mean, I went outside, um, and she called, I went outside and she stayed inside the house. Deputies made contact with her, got her statements, and then they got my statements. There was nothing physical that happened. There was no physical injuries on either of us. Um, like I said, she calls 9 1 1 to diffuse the situation. I, it's from her past or whatever she's learned. Um, you know, she has a history of domestic violence in her years ago. Um, and she knows she's been a, I believe, a domestic violence or sexual assault counselor in the past. And this is her way of, I guess, diffusing this argument we were having. I did contact my supervisor, um, when this happened. I, I contacted my supervisor,* Sergeant Randy O'Brien *, on every, uh, incident that happened. And I was advised that, uh, just you have the employment people that can help you, like employment counseling. There's an acronym for it. I forget what it's now, but basically just call them for help.*

[33:28]
**Raymond Bechler:** *Okay.*

[33:29]
**Richard Adams:** *But no. Yeah.*

[33:30]
**Raymond Bechler:** *Um, okay. So, um, according to* [Victim]*, when she told the San Diego Deputy Sheriffs out at the Hampton Inn on, I was on their body-worn camera footage, um, she had mentioned that you had strangled her and you grabbed her by the throat, dragged her outta bed, used your forearm to cut off her airway and threw her head into a* TV*. Does that sound familiar?*

[33:54]
**Richard Adams:** *That sounds familiar for, yes.*

[33:57]
**Raymond Bechler:** *Okay. Um, did you ever strangle her?*

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[34:03]
**Richard Adams:** *No.*

[34:04]
**Raymond Bechler:** *Hit her, no. Drag her,*

[34:07]
**Richard Adams:** *No sir.*

[34:08]
**Raymond Bechler:** *Or push her head through a* TV*?*

[34:10]
**Richard Adams:** *No, sir.*

[34:10]
**Raymond Bechler:** *So, um, San uh, San Bernardino deputies arrived out there if there was no injuries on her?*

[34:17]
**Richard Adams:** *No sir.*

[34:19]
**Raymond Bechler:** *Okay. Um,*

[34:22]
**Richard Adams:** *I believe if there were, they would've charged me with a crime. That's normally how I've seen them do. In the past.*

[34:29]
**Raymond Bechler:** *Uh, while deputies were responding, um, while they were coming, you knew they were en route, correct?*

[34:35]
**Richard Adams:** *Yes, sir.*

[34:36]
**Raymond Bechler:** *Okay. Did you convince* [Victim] *not to tell them the truth about what happened?*

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[34:43]
**Richard Adams:** *I went outside. I, again, I disengaged from her because I knew that was a problem. If I'm going to try and talk to somebody who's an alleged victim or a witness, I just, like I did at the hotel, I got out of the way.*

[34:58]
**Raymond Bechler:** *Okay. So, so while the deputies were on the way, you didn't have a discussion with her about, uh, how you were gonna handle it when they did, did get there?*

[35:06]
**Richard Adams:** *No, sir.*

[35:07]
**Raymond Bechler:** *Okay.*

[35:08]
**Richard Adams:** *I believe she stayed on the phone the entire time with the dispatcher, I believe.*

[35:11]
**Raymond Bechler:** *Okay. Okay. Uh, can you tell me about the incident that was, uh, disclosed that you talked about on, that happened on Mother's Day of 2023?*

[35:20]
**Richard Adams:** *Yeah.*

[35:21]
**Raymond Bechler:** A*gain, you're talking to your, so you're talking to your IA investigators and disclosing this to them?*

[35:22]
**Richard Adams:** *Yes. This was, I believe, when she threw, uh,* beer stein.

[35:22]
**Raymond Bechler:** *This is when, um, her 14-year-old daughter thought that you were having a struggle inside the house and called 9 1 1.*

[35:43]
**Richard Adams:** *Right? Yeah. So that was part of, um, I was in the bathroom area and she saw a post on my Instagram from somebody who liked my* hock I *was at a hockey*

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*game by myself, um, because we were having some, you know, time apart. And, uh, a random woman liked my Instagram posts and she found that offensive she had been drinking, um, ended up throwing a glass in my direction. It hit the mirror. And then that, uh, the daughter heard it outside. And then when we got outside, she was on the phone and I immediately, again, disengaged and I went back in the house and* [Victim] *stayed out there for, I think, 30 seconds or so. I, I, I don't remember exactly how long, but, and then I came inside, or I, I was inside.*

[36:37]
**Raymond Bechler:** *Okay. Okay. Uh, after knowing that the deputies were called to the house, 'cause you were aware that, um, she had made this phone call, correct? The nine one one*.

[36:53]
**Richard Adams:** *The daughter was on the phone with what we assumed was 9 1 1.*

[36:56]
**Raymond Bechler:** *Okay. Um, were you and* [Victim] *visible to the daughter from the backyard? Could she see what was going on?*

[37:04]
**Richard Adams:** *No.*

[37:05]
**Raymond Bechler:** *So you think that she just heard the commotion?*

[37:08]
**Richard Adams:** *She heard the commotion inside. Then we have, so she can't see inside. We have* blinds*. I was, I think graveyards, so I had the blackout* blinds *on too, so you can see anything inside. And I had in, I put in a pool for them with a hot tub and everything in ground, pool in the backyard. And that's where the daughter was. Um*.

**[END OF VIDEO 1]**

**[START OF VIDEO 2]**

[00:02]
**Richard Adams:** Blinds*, I think graveyards. So I had the blackout* blind*s on too, so you couldn't see anything inside. And I had, I put in a pool for them with a hot tub and everything in ground, pool in the backyard, and that's where the daughter was. Um, so she couldn't see into the house. She could hear what was going on because my*



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*bedroom abuts the pool. So if she's on that corner of the pool and we're in that corner of the house, it's just a window, basically like a sliding door that you can hear through.*

[00:36]
**Raymond Bechler:** *Okay.*

[00:36]
**Richard Adams:** *So that's my assumption is she heard that. And then when we walked out, um, there's a bar area that's about like five feet high. I built it and it wraps around and there's a grill. And so we went this way and she was over there. So she never saw us past that grill area, outside kitchen, I guess.*

[00:59]
**Raymond Bechler:** *Okay. And Richard, what is your relationship like with her? The 14-year-old,*

[01:04]
**Richard Adams:** *The daughter? Um, so she is very religious. She went to a Catholic, like, she had a very Catholic, uh, Christian upbringing. She had a very, she's a very opinionated young lady, and her opinion about divorce and me coming in and stealing her mom and her brother, she has a lot of animosity towards me. And I've tried everything to try and, you know, I, I picked her up. I drove her to school, picked her up. I, I raised her. Mm-hmm. But nothing I could do whatever fixed the fact that I took her mom away from the dad,*

[01:43]
**Raymond Bechler:** *So. Okay. Um,*

[01:45]
**Richard Adams:** *So not good. And*

[01:46]
**Raymond Bechler:** *Again. Okay. Uh, so, uh, again, the San San Bernardino County Sheriff's deputies arrived at the house. And what did, uh, what did you tell them?*

[02:01]
**Richard Adams:** *I told them that we got in an argument and the daughter called the police. They didn't really ask me much, from what I can recall. They didn't, they didn't really ask me too much. Okay. They kind of went, they went in back, talked to* [Victim] *in the back. I was in front again. They talked to* [Child 1]*, and then they were like, Hey, it's*

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*just an incident. Uh, we're not, there's no crime here. No crime was committed. Okay. So I was like, okay. And, and,*

[02:28]
**Raymond Bechler:** *And I'm assuming they went and talked to, uh,* [Victim] *separately from you?*

[02:32]
**Richard Adams:** *Yes, sir.*

[02:33]
**Raymond Bechler:** *Okay. And then, um, what was the outcome? How, how did they determine what and what was the outcome?*

[02:40]
**Richard Adams:** *The outcome was, it was, uh, I believe an incident only. They might've, uh, there was no report number or, uh, any, any, uh, charge from it. And they, they just left. Okay. And then I contacted my supervisor immediately and let him know what happened.*

[03:03]
**Raymond Bechler:** *Okay. And you did that on the first occasion as well, when the deputies arrived?*

[03:07]
**Richard Adams:** *Yes. Yes, sir.*

[03:11]
**Raymond Bechler:** *And do you know if he, uh, his name was, uh, Sergeant O'Brien, is that correct?*

[03:15]
**Richard Adams:** *That's correct. Yes, sir.*

[03:16]
**Raymond Bechler:** *And do you know if he did any investigation beyond just you telling him? I know that's kind of speculative on your part, but do you know if he did anything?*

[03:25]
**Richard Adams:** *He did not. No.*



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[03:32]
**Raymond Bechler:** *All right. Let's move on to the February 10th, 2024. Can you tell me about that incident? That's when she is alleging that you chased her around the house after she came home from work late.*

[03:43]
**Richard Adams:** *Okay. Um, yeah, she, so she would pick up shifts. Um, a lot of, a lot of friction in our relationship. Uh, she would pick up shifts on weekends when I was off, or days I was off. And she would pick up shifts in San Diego or somewhere. And then I think one of these weekends she came home late. Um, you know, we had some trust issues. Uh, mostly I had trust issues. Um, and so she, she came home late, uh, started drinking wine and then, uh, I confronted her and asked her like, Hey, where have you been? You know, what's going on? Um, she didn't like that. And when she gets confronted about something, she kind of either runs away and is like walking and talking away from you. So I'm, I'm trying to hear what she's saying. Um, so I think she did mention something about me chasing her around yelling. It was more me just trying to catch up with what the conversation was and communicating and resolving the issue. Um, so I believe at one point she came into the, to my office with a glass of wine and just smashed it on the ground <laugh>. And I was like taken aback by it. I was like, okay, um, you know why? So I start yelling, you know, 'cause she's now just destroying things in the house and the kids aren't there. So that, that was a good thing. But still, uh, that's not how I was raised. So I just, um, you know, I confront her about it. She doesn't like that. So she calls the cops to come deescalate the yelling and the situation. And that's what she did.*

[05:33]
**Raymond Bechler:** *Okay. Um,*

[05:35]
**Richard Adams:** *Or I'm sorry. I know she, again, I'm get, I think she did not, not that time. That was not, yeah. Yeah. Did she, does that, that's what she*...

[05:41]
**Raymond Bechler:** That wasn't reported yet .

[05:41]
**Richard Adams:** *Yeah.*

[05:43]

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**Raymond Bechler:** *Uh, Richard did, again, I'm gonna ask, did you, um, she's alleging that you, um, physically assaulted her. And so I'm gonna ask you, did you, did you hit her in the face two times?*

[05:55]
**Richard Adams:** *No, sir. Did not.*

[05:56]
**Raymond Bechler:** *Did you throw her to the ground?*

[05:58]
**Richard Adams:** *No.*

[05:59]
**Raymond Bechler:** *Kick her stomach?*

[06:00]
**Richard Adams:** *No. We were trying to have a baby at the time, so I don't know why I would ever jeopardize that.*

[06:11]
**Raymond Bechler:** *Okay. Okay. Moving on. Uh, and this really is the crux of the case. Um, mostly obviously it is all centered around this video footage that was in the front of, uh, your residence. Um, and so I'm gonna bring you back to July the 13th of 2024. Uh, can you tell me about this incident as much detail as you can?*

[06:33]
**Richard Adams:** *I believe it was 2023, July....*

[06:38]
**Raymond Bechler:** *Oh, you, that is, that is correct.*

[06:40]
**Richard Adams:** *Okay.*

[06:41]
**Raymond Bechler:** *It is 2023.*

[06:42]
**Raymond Bechler:** *Thank you.*

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[06:42]
**Richard Adams:** *'cause I know it was like two years ago now. So, um, so right back to like what I was saying before about, we had the kids for about six months straight, um, while the, the father, the biological father was in Korea. Um, he came back that spring, and this was gonna be, that July was his month to have the kids. So we couldn't really do much sexual role playing or sexual things because we had the kids for the six months leading up to this. So we started doing the rentee renter landlord roleplaying thing where she could pay her rent to me. 'cause I paid the mortgage and I paid all the bills and like that in like a sexual way. So after reviewing what Mr.* Ewert *showed me and what the CHP investigator showed me on the big screen,* I'm *like that, that's the sexual role playing that was going on, is that I'm throwing her out saying, Hey, you know, f you, I, I gotta get my, I gotta, you know, get you outta the house then. And so that's what you see me throwing her outta the house. Um, what you don't see in that video in the, in the conte - the context prior to what's going on inside the house. And then what happens after the video is she comes back inside the house. Nobody, there's no 9-1-1 call. There's, I mean, there's no, there's no crime committed. So she comes back in the house and pays her rent, ends up having sex with* me*. So that was the extent of that. Now, she did tell me later that she recorded the video off the Arlo as some sort of way to entrap or get me back for the pictures that I had on my computer. 'cause she wouldn't let that go. Um, later on, I did tell her about some infidelity that happened early on. So like, in this, I think it was later that year that I told her, Hey, I did. I was with these other people six months into our relationship because I didn't take it seriously. We met on her and I met on Tinder, which is the dating app. It wasn't supposed to be serious. So I just kind of, you know, and then it developed into love and a relationship. Um, but I told her about some things that happened in that early stages of our relationship. And then that's when this video, she started talking about a video and that she was gonna get me back, basically.*

[09:26]
**Raymond Bechler:** *How did you come up with the script, Richard? How do you guys, when you do your role - sexual role playing - how do you create these role playing scenarios?*

[09:36]
**Richard Adams:** *Uh, well she has a lot of different, um, outfits. So we have like a school girl outfit we have. So we'll decide, okay, tonight we're gonna do, we'll do school girl, and I'll do, I'll be the principal and you,* you'll *be the school girl. So I'll wear a shirt and tie in the best - she likes best, and, uh, we'll do something like that. Or then, or we'll come up with okay, you know, french maid outfit type thing. So she has these different outfits for different nights that we try to spicy - you know, spice it up a little bit. You*

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*know, we've been, you know, when you're in a long term relationship, we're just trying to keep it exciting and, and she, she's into that. And so I, I would accommodate her.*

[10:21]
**Raymond Bechler:** *Okay.*

[10:21]
**Richard Adams:** *But as far as..*

[10:22]
**Richard Adams:** *I'm gonna re-ask - go ahead.*

[10:25]
**Richard Adams:** *Uh, I, as far as script goes, you mean like a line by line script or just like the outline of that's just how we...*

[10:32]
**Raymond Bechler:** *Yeah. Okay.*

[10:33]
**Richard Adams:** *Okay.*

[10:35]
**Raymond Bechler:** *All right. Some of these questions may be a little bit redundant, but just bear with me. Um, so Richard, when were you first made aware that this video even existed? Uh, talk about the one on her Arlo system.*

[10:47]
**Richard Adams:** *Um, I believe it was relatively soon after she recorded it, she would bring it up.*

[10:57]
**Raymond Bechler:** *So that was prior to even, uh, this, even before the San Diego Deputy Sheriffs had contacted her in Poway, you knew about this video?*

[11:06]
**Richard Adams:** *Correct.*

[11:07]
**Raymond Bechler:** *Okay.*

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[11:08]
**Richard Adams:** *I knew about a video.*

[11:10]
**Raymond Bechler:** *But you did you know it's content*?

[11:12]
**Richard Adams:** *No.*

[11:12]
**Raymond Bechler:** *At all, anything that it was about? She just said she's got a video.*

[11:17]
**Richard Adams:** *Yeah, just like, I think she said something about how she had videos of me assaulting people. She would say things and I honestly, I wouldn't really take her seriously a lot of the time. So it didn't really register to me that she, 'cause I wasn't abusing her, it didn't register to me that it would be some sort of abuse video.*

[11:36]
**Raymond Bechler:** *And she never said that she's got this, uh, video of this role playing thing, and I'm gonna use it as she never made any of those kind of references.*

[11:43]
**Richard Adams:** *No.*

[11:43]
**Raymond Bechler:** *So you really had no idea other than something about you having, uh, assaulting people?*

[11:49]
**Richard Adams:** *No.*

[11:50]
**Raymond Bechler:** *What does she mean, assaulting people?*

[11:52]
**Richard Adams:** *Well, I think that's what she said to the deputies in San Diego. If I read the report right, it was that I assaulted mult... like that. She has videos of me assaulting people, which is in fact* incorrect. *Don't, so I don't*..

[12:05]

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**Raymond Bechler:** *I get, I get what was on that I was ref-referring to. You knew about this video. You said prior to San Diego contacting* [Victim]*, you said you knew about the video. Um, did you know about what any of the content of that video prior to San Diego getting involved?*

[12:22]
**Richard Adams:** *No.*

[12:23]
**Raymond Bechler:** *Okay. Okay. So you had mentioned that you and* [Victim] *were in role playing, um, scenario, and then that was part of your sexual relationship. If this was normal activity, why would* [Victim] *keep a copy of this? Just this one video that was just normal routine roleplaying stuff. Why would she maintain a copy of it?*

[12:45]
**Richard Adams:** *I don't think there was ever a video of it. Like there was no video of us roleplaying except what she found on that one, on the* Arlo*. And then she used it, like I said, with the pictures. And then when I admitted to her about infidelity early on the relationship, I was telling her that because she really wanted to have a child. I wanted a child, but I didn't want the child to learn in 10 years that I did something wrong early on in the relationship. So that's why I came clean to her and told her. And that's when the vindictiveness came out and it was like, okay, well I have pictures and videos of stuff that basically could be incriminating. It's the way it was in insinuated to me.*

[13:28]
**Raymond Bechler:** *Okay. All right. When she's, uh, reporting this to the San Diego Sheriff's deputies, it was Deputy McKenney who had his body-worn camera footage and he, it was his, it was a, a copy. It wa he was videotaping what* [Victim] *had showed him on her phone. Right. So this is that vi Um, but while she's, he's viewing that she's in the background, I'm sure you've probably seen this*

[13:54]
**Richard Adams:** *mm-hmm <affirmative>.*

[13:54]
**Raymond Bechler:** *Um, she's very emotional.*

[13:57]
**Richard Adams:** *Yes.*

[13:57]

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**Raymond Bechler:** *Can you explain to me why it's, her emotions are, if it's just a role playing scenario and this is part of what you do, why is she really emotional? Um, why she's giving this over to the deputies?*

[14:12]
**Jason Ewert :** *I would just, uh,*

[14:12]
**Raymond Bechler:** That's *speculative on your part.*

[14:15]
**Richard Adams:** *<laugh>. Yeah. Um, I've thought about this a lot. 'cause it, when I saw that video, I was upset when I first saw it. And, uh, that whole day in Poway, she had been drinking and I was trying to keep her from driving and picking up the kids to the point where mm-hmm <affirmative>. The husband had the kids, drove into the parking lot, saw her and drove away because he saw that she was intoxicated. I don't think the deputies were focused on that during the situation because of everything she was saying. And it had been* 15 *minutes, you know, that she had, she hadn't been drinking in front of them for 15 minutes at least. And, um, I just wanted to go home. I was just trying to get my stuff and we picked up her kids to go home to my house where she ended up going without a restraining order or anything like that. Um*

[15:06]
**Raymond Bechler:** *mm-hmm <affirmative>.*

[15:08]
**Richard Adams:** *But I think she realized what she was doing during that time.*

[15:13]
**Raymond Bechler:** *Mm-hmm.*

[15:14]
**Richard Adams:** *And the, the ramifications and implications that were gonna come of it. And I think that's where that emotion came from.*

[15:22]
**Raymond Bechler:** *Okay.*

[15:22]
**Richard Adams:** *So...*

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[15:25]
**Raymond Bechler:** *Okay. And Richard, on the video itself, I'm going to bring you back to your just re uh, on the video, it seems like, seems like you were from an objective or subjective, um, position, looking at, it seems like you were really angry and she was pleading desperately. Have you taken role playing, um, or have you been through acting lessons or how did it, why did it appear to be so real?*

[15:58]
**Richard Adams:** *Well, again, the context, what had started inside the house, you know, and she likes rough roleplaying. She likes rough sexual things. I mean, going back to the photos, like she would show me photos of some, a bruise that she would get from walking into a table, you know, or I'm sorry, from, from walking into a table or from our, our role playing when I'd, you know, grab her arms and we'd be having sex. Um*

[16:24]
**Raymond Bechler:** *mm-hmm.*

[16:25]
**Richard Adams:** *She's anemic. So she bruised really easily. And then she would, she had those pictures and stuff on, on her phone. Um, but I think that night it was just a very passionate and dedicated role-playing scenario. You know, if she was two months late on the rent and I wanted my money, and then, like I said, what you don't see is what's going on inside the house with this, um, role playing inside and then outside what happens. I don't shut the door on her. The door's never shut. It says that in the report, but that's not true. 'cause the door, she comes back into the house and we end up having sex. So I know it's uncomfortable to talk about and it's nothing that I thought I'd ever lose my career over. Um, but here we are. So...*

[17:16]
**Raymond Bechler:** *So, so Richard, um, prior to this role playing, uh, uh,* [Victim] *expressed that the, um, prior to the video being captured outside, what happened inside was that you were arguing because, um, you were upset. You saw a text come in from an ex-boyfriend. And so that's what, uh, the catalyst had started an argument which led to this whole thing on the outside with this video footage. Is there any truth to that?*

[17:44]
**Richard Adams:** *I don't remember. I don't recall her saying that. I don't remember, I don't recall her, her making a statement about the video to the detectives or to the deputies.*

[17:54]

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**Jason Ewert :** *But is there any truth to it? Just answer his question, Richard.*

[17:59]
**Richard Adams:** *No, I, I, can you repeat the question*?

[18:04]
**Raymond Bechler:** *Was, what preceded that video being taken from the front door of your house? What preceded that was an argument because you had seen or known-learned about a text that she was receiving or texting to an ex-boyfriend?*

[18:21]
**Richard Adams:** *No.*

[18:23]
**Raymond Bechler:** *So not true?*

[18:25]
**Richard Adams:** *No. There was an incident that we were arguing about, about a text, but that was one of the other incidents. That's why I'm a little bit confused.*

[18:34]
**Raymond Bechler:** *Okay. So, um, was there any argument or anything that preceded this role playing?*

[18:39]
**Richard Adams:** *No. No.*

[18:40]
**Raymond Bechler:** *So prior to that, everything was copacetic, your relationship was, everything was fine that evening?*

[18:45]
**Richard Adams:** *Yeah,* we *were role playing. We were doing, we were preparing for role play 'cause we didn't have the kids and we hadn't been able to do anything like that in a long time. So it was pretty passionate.*

[19:01]
**Raymond Bechler:** *Okay. So, um, Richard, you mentioned in your I interview that your role playing has limitations. And you said if she ever, if she ever asked me to do any kind of striking or anything physical like that, um, that that's, that's where it stops. You wouldn't, you wouldn't allow, you wouldn't go in that, in that, in that direction.*

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[19:21]
**Richard Adams:** *Correct.*

[19:21]
**Raymond Bechler:** *However, in this video, it appears like you forcibly threw her to the ground.*

[19:31]
**Richard Adams:** *From what I saw, I was throwing her out of the house, and that was what we were doing. I was doing the ev- the eviction type process.*

[19:41]
**Raymond Bechler:** *And Richard, you have seen the video?*

[19:43]
**Richard Adams:** *I have. yes, sir.*

[19:44]
**Raymond Bechler:** *Okay. Would you agree that it looks like you're forcing her to the ground pretty hard?*

[19:51]
**Richard Adams:** *It does not look good. I, I, I understand that.*

[19:57]
**Raymond Bechler:** *Okay. Then you grabbed her legs and spun her around. So these things can kind, I mean, if you're saying that you have your limitations in the role playing of we're not gonna injure or you're not gonna harm her, yet the appearance of what this looks like is you're harming her.*

[20:17]
**Richard Adams:** *I didn't* -

[20:17]
**Raymond Bechler:** A*gree*?

[20:19]
**Richard Adams:** *As far as striking or injuring her. I was, that was never the intent during the role playing. And that was what we were doing is I was just getting her outta the house. She's a strong, she's very strong, about as tall as I am, and almost as heavy.*

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*So she's, you know, me being able to move her, it, it, it looks bad, but it's what our process was for the role playing was to get her out. I mean, she would, she would certain, you know, she'd do things to me too. And it was just very, it was very, um, passionate, I guess is the best way to explain it.*

[21:06]
**Raymond Bechler:** *Okay. Richard, obviously this led to a, um, a prosecution by the San Bernardino County District Attorney's Office. Um, and are you aware what the outcome of that case was?*

[21:27]
**Richard Adams:** *Uh, yes. Yep. Yes, Sir.*

[21:30]
**Raymond Bechler:** *To the best of your knowledge, what happened? What was the, what was the outcome?*

[21:35]
**Richard Adams:** *Uh, from what I understand, it was dismissed.*

[21:38]
**Raymond Bechler:** *Do you know why it was dismissed?*

[21:40]
**Richard Adams:** *I think, like we discussed, when you called me, I, the lawyer went in back with the DA and then came out and said, Hey, get outta here.*

[21:51]
**Raymond Bechler:** *Okay. This is kind of an odd question, but what would've been your defense, or what was your, uh, plan of, uh, your defense going into that case?*

[22:05]
**Richard Adams:** *We, uh, I, I hadn't even gotten to that point with my lawyer. So..,*

[22:11]
**Raymond Bechler:** *And you guys were already, uh, picking jury, correct?*

[22:13]
**Richard Adams:** *Yes.*

[22:14]

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**Raymond Bechler:** *When the case was dismissed. Okay.*

[22:15]
**Richard Adams:** *Yes.*

[22:16]
**Raymond Bechler:** *All right. And you don't know what your defense would've been?*

[22:18]
**Richard Adams:** *I had a very, and Mr. E*wert*r, you can testify or you can back me up on this. My lawyer for my criminal case was very, um, he was very, he, he couldn't communicate very well. So he was an older gentleman. Uh, we don't have any lawyers in the high desert. So I went with him and he kind of kept to himself as much as I asked like, Hey, what is our game plan? He was basically like, I, you know, I'll tell you when we need to go to have, actually have a trial. 'cause his, his mindset is that we weren't gonna have a trial.*

[22:52]
**Raymond Bechler:** *Okay. All right. Thank you. Um, now I'm just gonna ask to just bounce back questions back and forth. It's, there is no, that was the final chronology talking about the San Diego Sheriff talking about San Bernardino and then your sit, uh, your highway patrol interview. Uh, we might be a little bit redundant on these last couple questions that I have, Richard, but bear with me. All right. Uh, you mentioned in your IA interview that you did not want to explain to three strangers. Um, you're talk, you're referring to the San Bernardino County detectives that the sexual stuff in, uh, that you and* [Victim] *are into. But did you realize that these detectives were investigating a crime, specifically you as a potential suspect, and that you have a responsibility to provide a complete and full statement to cooperate with the investigation, regardless of the one being a 21 or 20-year-old kid, one that looks like your mom or a stranger? but they have a duty to investigate this crime. Do you believe that you have a duty to cooperate with this investigation truthfully, and with complete statements?*

[23:55]
**Richard Adams:** *Uh, yes sir.*

[23:56]
**Raymond Bechler:** *Okay. Uh, on the home video, the* manner *in which you threw* [Victim]*, the way you grabbed her and dragged her is consistent with some of her prior allegations. Are you aware of that?*

[24:11]

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**Richard Adams:** *Yes.*

[24:14]
**Raymond Bechler:** *Any response to that? I'm referring specifically that it's consistent. Her accusations are consistent with what happened on the video camera*.

[24:29]
**Richard Adams:** *As far as the* ... s*tatements.*

[24:31]
**Raymond Bechler:** It's *what she's alleging, what she's* alleging.

[24:33]
**Richard Adams:** *Well, she alleged*

[24:34]
**Raymond Bechler:** *The dragging*...

[24:36]
**Richard Adams:** *She alleged that I, you know, closed fist, punched her and kicked her and did all these things that aren't true. So, I mean, she basically went down the gamut of violence that could be, you know, accusing me of cutting off windpipes and stuff. I she did that. She said everything, you know, so I think it falls under all any of those categories.*

[24:59]
**Raymond Bechler:** *Okay. Did, uh, was I clear on my, on my question? I just wanna make sure that all I'm saying is all I'm asking you for is that, and it's really not even, I'm just throwing it out there, that it, the video camera role playing scenario is consistent with some of the accusations that she's making in prior domestic violence incidents*.

[25:18]
**Richard Adams:** *Some of the accusations. Yes.*

[25:23]
**Raymond Bechler:** *Um, if roleplaying was a part of your sexual relationship, why would she not tell the detectives that role playing was just a part of it?*

[25:37]
**Richard Adams:** *I think based on what I saw from her statement in the report, um, she does state that Richard has never been violent with anybody in the home. And that*

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*what's going on in that video is not what he was describing to her. So she went up right up to the line of admitting it being a role playing scenario. But I think, and this is speculation, but I, I think what her concern was is any kind of false police report situation where she could be in trouble for that. So I that's, that's my, that's what I, my conjecture - that fact.*

[26:17]
**Raymond Bechler:** *Okay. So at a certain point, um, Richard, she decided, well, I don't know at a certain point, but, uh, at one point she sent a letter to, I believe it was to the San Bernardino County District Attorney's office. Are you familiar with that letter that she sent?*

[26:31]
**Richard Adams:** *Yes, sir. That was in the report.*

[26:33]
**Raymond Bechler:** *And obviously she's trying to say that I don't wanna move further with this. Uh, uh, I want it to be done. I gotta, I wanna get back to my life. But I, I guess that's where my question is, is that why would she not just be, um, kind of like how, uh, to be emphatic to the detectives out with San Bernardino County and say, Hey, this was role playing, we were just playing, and this is part of our scenario, and be emphatic about that. Why is she not on this end being emphatic when she writes? And I go, I, I'm, I'm just asking for a speculative answer from your part, but why is it that she doesn't - I'm speaking out loud- on this letter to the DA's office mentioned, uh, and by the way, uh, this whole scenario, because that's what we're all here for, is this July 13th video*. That's *why the DA's office decided they were gonna move forward with this*, *largely because of that video, which is also why they dismissed the case* be*cause they couldn't authenticate that in court. So, um, my question to you is why would she not then articulate that and as an emphatic point that it was just role playing? She never mentions it.*

[27:38]
**Richard Adams:** *I mean, that would be a good question for her. And to ask her. I, I can't really speculate as to why she put what she put in that letter. I know she did write that she made untrue statements, um, in that, in that, uh, police report. That's correct. And for her to, it's a very private thing for her. Uh, I think she has some sexual, uh, abuse situations from her past that she is into the role playing. She's into the rough sex because of, and it's something that for her, she didn't want to open up that can of having to explain, like me explaining to now you are the, you know, it's recording and it's now been three or four or five people that I've had to explain this sexual role playing to. And as a 41-year-old male and a 38-year-old female, it's kind of embarrassing. So I think*



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*that she thought by say, sending that letter in, that it would be handled with her desires, uh, consider, which it wasn't. Um, but that's my speculation.*

[28:49]
**Raymond Bechler:** *Okay. All right. Bear with me. I have three or four more more questions real quick, Richard. Um, so* [Victim] *provided statements to the police. She showed a video, uh, the ring video or Arlo video. Um, she also had a picture of, um, a bloody eye that she said was as a result of one of those incidents. Um, and she claims obviously, that you had assaulted her on several occasions. Is it your position that she is not telling the truth about any of the reported physical violence?*

[29:18]
**Richard Adams:** *Yes.*

[29:20]
**Raymond Bechler:** *Um, and can you tell me why you think that she would create these, um, these incidents up?*

[29:30]
**Richard Adams:** *I think*...

[29:30]
**Raymond Bechler:** *I think he's testified to it a couple of times, but I mean, go ahead, Richard.*

[29:34]
**Richard Adams:** *I, I, again, speculation as to why she would make things up. I think she has domestic violence history in her past that I did, I was not aware of until it got disclosed to me by the criminal* DA*. So she has gone down these paths before with ex-boyfriends, ex lovers. And I think that when she got the response in San Diego, it was a much bigger response for law enforcement than anything she's ever seen before, because they came in hot and heavy with five or six deputies, and I think she felt as though she had to give them something and ordered to leave. Okay. And that's what she decided to do.*

[30:27]
**Raymond Bechler:** *Okay, great. Thanks. Um, and Richard, what is your, uh, what is your relationship? What's the status of your relationship now with* [Victim]*?*

[30:36]
**Richard Adams:** *Uh, we're still together.*

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[30:38]
**Raymond Bechler:** *Okay.*

[30:42]
**Raymond Bechler:** *And, um, that's pretty much all I have, Richard. I just wanna, um, give you the opportunity to, um, say anything here as we close that would be helpful, that we should be considering, um, for the, for this investigation.*

[31:01]
**Jason Ewert :** *Can we have a brief break that I can talk to Richard and then we'll come back?*

[31:05]
**Raymond Bechler:** *Absolutely. Yep.*

[31:08]
**Jason Ewert :** *Um, I'm just gonna mute and step out and I'll give you a call on your phone, Richard, if that works. Okay?*

[31:13]
**Richard Adams:** *Yep. Sounds good.*

[32:55]
**Jason Ewert :** *All right, Mr. Beckler, I think I only have a couple of follow up questions, if that's okay?*

[32:59]
**Raymond Bechler:** *Of course. Yes, sir.*

[33:01]
**Jason Ewert :** *All right. Uh, Mr. Adams, you previously testified that you didn't really have a plan, uh, when you guys went into the criminal trial. Um, and I believe you indicated that you really hadn't kind of worked with your attorney on what the formal trial, uh, roadmap was gonna be. Is that correct?*

[33:19]
**Richard Adams:** *That's correct, yeah.*

[33:20]
**Jason Ewert :** *If you had been called to testify in that case, what would you have said?*

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[33:26]
**Richard Adams:** *Exactly what I've been saying, that it was roleplay, sexual role playing scenario that happened, and that was what the video was.*

[33:37]
**Jason Ewert :** *Okay.*

[33:38]
**Richard Adams:** *So I think a lot of, and do you have another question or*?..

[33:42]
**Jason Ewert :** *No, no, go ahead.*

[33:43]
**Richard Adams:** *Oh, I was just gonna say like the def-the defense that he, I believe he was executing, he was continuing the case, like prolonging the case and that was what he was continually doing. So we couldn't finally, I was at the point where I wanted it, I wanna finish this. And so his mindset was it was still gonna be not, it was, it was not gonna be a, uh, a trial. So, but yes, that would've been my defense if called to the stand to testify, that would've been sexual role playing* - c*onsensual act.*

[34:23]
**Jason Ewert :** *Okay. I don't have any further questions.*

[34:26]
**Raymond Bechler:** *Uh, Richard, if I could ask -thank you for that. Um, one last question I just remembered, um, when I, I try to, I did talk to* [VICTIM]*, um, maybe three weeks ago now. Um, try to get some clarity on some stuff. Uh, she did say that she now lives on the East Coast. Is that true?*

[34:45]
**Richard Adams:** *Yes.*

[34:47]
**Raymond Bechler:** *Okay. But you're still together. Yes. You're still enga- you're still engaged as fiance?*

[34:53]
**Richard Adams:** *Yes.*

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[35:00]
**Raymond Bechler:** *Okay. Anything else? Um, Mr. Er*wert,

[35:03]
**Jason Ewert :** *So, uh, Richard, what is the nature of your relationship with her? Have you been engaged this whole time or, or what has happened?*

[35:11]
**Richard Adams:** *So she, um, before, well it was, it was Christmas of last year. Um, she, I called her from the airport, I'm sorry, Thanksgiving. I called her from the airport and she said she was leaving for the East coast with her ex-husband, uh, and the kids. So I raised* [Child 2] *from* – [Child 2] is *her son that I met when he was four months old and he's now six. And I raised him. So she took that away from me. Uh, basically took my entire family, um, because the ex-husband retired from the Marine Corps and got a job on, in, in the East Coast. So they left Christmas Day. Um, it was copacetic. There wasn't anything, you know, this whole thing has been, there was never a restraining order, you know, she, the day she made all these allegations, she went back to my house and slept in my bed. And, you know, we were together from that point on and we didn't know that there was a criminal charge until she got a Mar*sy's card in the mail. *And that's how we found out. So that put a lot of strain, obviously on our relationship, um, to the point where she felt as though she had to leave with her ex-husband and go to go to East Coast. So, um, but we maintained a long distance, uh, relationship and, you know, basically promised each other that after everything was said and done, that we would still be together. So* that's...

[36:51]
**Jason Ewert :** S*o you have been physically separated and and now you're back together?*

[36:56]
**Richard Adams:** *Yes.*

[36:58]
**Jason Ewert :** *Okay.*

[37:01]
**Raymond Bechler:** *And you said that's been since Christmas Day-ish*?

[37:04]
**Jason Ewert :** C*orrect. Yeah, she left, well, I'm sorry, a few days prior to Christmas day 'cause she wanted to be where she was gonna be for the kids on Christmas day.*

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[37:16]
**Raymond Bechler:** *Okay.*

[37:21]
**Jason Ewert :** *Okay.*

[37:21]
**Raymond Bechler:** *Okay. Anything else Richard? I wanted to leave you with the last, uh, if you had anything else you wanted to say that would be helpful to the investigation.*

[37:30]
**Richard Adams:** *I don't know helpful to the investigation or not, but I just, I gotta say, 'cause this might be the last time I have a chance to say anything to anybody that just cares, is that this destroyed my career. I'm homeless, jobless, and it's something that has negatively affected my family and my children and my fiance. And, um, I think that that's what impacts, that's what I guess* my *impact statement is, is that, you know, having six years honorable service to the state of California and, uh, having no disciplinary issues, having no nexus to the department, I tried my best to keep this away from the department and not, and tell, inform my supervisors of everything that was going on. It's just, it, um, no disciplinary issues like I said, and accommodations. It's just, this is not where I thought I'd be. And I don't think that's where* [Victim] *thought we'd be. It's kind of a bell that can't be* un-*rung is what I think she found and I found. And, um, I would definitely do things differently if I could. Thank you.*

[38:46]
**Raymond Bechler:** *Okay. Right, Richard, Mr.* Ewert*, thank you very much for your time. And, um, yeah, we're gonna go off, if you wanna hang tight for just a second, I'm gonna go take this off so I better not mess with it, but, okay. Um, Mr. Er, uh, do you mind if I give you a call right afterwards?*

[39:08]
**Jason Ewert :** *Sure.*

[39:09]
**Raymond Bechler:** *Okay. Alright, Mr. Adams, take care and I'll be in contact, okay?*

[39:16]
**Richard Adams:** *Okay. Thank you.*

[39:17]

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**Raymond Bechler:** *Okay, Bye.*

[39:18]
**Jason Ewert :** *Thanks.*