PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

November 6, 2025
AGENDA
10:00 AM

Main Teleconference Location: 860 Stillwater Road, West Sacramento, CA 95605
*Advisory body members participating from remote locations"

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.

Under provisions 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. (Gov. Code, sec. 11123.5.) The Board will post notice at least 24 hours before the meeting identifying those members that will participate remotely in the meeting. The location of a member of the advisory body attending remotely need not be disclosed and that location need not be accessible to the public. (Gov. Code, sec. 11123.5, subd. (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. Members of the public may also hear and observe the meeting remotely, as set forth herein. Further, members of the public are allowed to provide public comment telephonically, by written comment (as set forth herein), or in person at the main teleconference location.

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 +1 669 444 9171 US or +1 669 900 6833 US and entering the Webinar ID: 817 3463 0494 and Passcode: 749503

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

No weapons are allowed on the premises during public meetings. Upon entering POST's facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. CALL TO ORDER

II. ROLL CALL OF POSAAB MEMBERS

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

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. CASE REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

a. POST2306324 - Luke Baxter Walden (POST ID: A95-T18) Last employing Agency: Los Angeles Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the additional documents added to the record by the Peace Officer Standards and Accountability Division (POSAD) following the Commission's direction of September

10, 2025 wherein the Commission directed the POSAD to review the basis of the agency's imposed discipline, and add pertinent documents to the case record for the POSAAB's consideration. The matter is before the POSAAB decide whether to alter or amend its prior recommendation of revocation on the certification of the subject peace officer.

V. **CLOSED SESSION**

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today. Board members will join a private breakout room and reconvene into zoom session to take a vote on the cases presented.

VI. **FUTURE BOARD MEETING DATES**

Upcoming Board meetings will be held:

- February 04-05, 2026 - POST, West Sacramento
- April 15-16, 2026 - POST, West Sacramento

VII. **ADJOURNMENT**

AGENDA ITEM REPORT

Title: POST2306324 - LUKE BAXTER WALDEN (POST ID: A95-T18)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE 11/06/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Los Angeles Bureau	
RESEARCHED BY William Imboden		**REVIEWED BY** Mike Radford
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

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

BACKGROUND:

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Peace Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of “Supervisor”. On June 5, 2022, Respondent was demoted back to the rank of Detective.

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, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. During the Administrative Investigation into the alleged serious misconduct of “Acts That Violate the Law” (attempting to purchase an illegal firearm silencer, a Felony), the Respondent was found to be dishonest when he

stated he did not try to purchase a firearm silencer. These actions constituted Acts that Violate the Law as defined in Commission Regulation 1205(a)(6) and Dishonesty as defined in Commission Regulation 1205(a)(1).

Audio/Video Evidence Link(s):

- BR14_POST2306324_Walden Luke_Attachment K IA Interview Redacted.m4a

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent's actions constitute serious misconduct, specifically, Dishonesty as defined in Commission Regulation 1205(a)(1), and Acts that Violate the Law as described in Commission Regulation Regulation 1205(a)(6), in that Respondent researched threaded barrels for firearms, firearm silencers and noise suppressors commonly sold as "fuel filters" by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead "No Contest" to the misdemeanor charge of Penal Code sections 664 and 30605(a); Attempt to Possess an Assault Weapon. The Felony charge was only dismissed as part of the plea agreement. During the internal investigation, Respondent was dishonest when he stated he was only purchasing a fuel filter for two vehicles he was rebuilding, neither of which would use a fuel filter like the item that was seized by U.S. Customs and Border Protection (CBP). He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The item CBP seized, which was addressed to Respondent at his home address. The item purchased may be advertised on the internet as a fuel filter (or solvent trap) to otherwise disguise its intended use; as manufactured it is functionally inoperable as a fuel filter (it had no filtering properties), and there are dozens of internet sites discussing and showing how to convert this item into a firearm silencer.

On July 16, 2025, this investigation was presented to the Peace Officer Standards Accountability Advisory Board (Board). Respondent attended remotely and spoke during the public comment session. After the presentation by POSAD, the Board retired to closed session. At the conclusion of the closed

session meetng, the Board unanimously recommended the case to the Commission for revocation of Respondent's Peace Officer certfication. On September 10, 2025, POSAD presented this investigation to the Commission. Respondent was not present but was represented by Counsel. At the conclusion of the presentation, the Commission then retired to closed session. At the conclusion of closed session, the Commission returned the case to POSAD for further investigation statng they would like to see additional documents regarding why dishonesty was not an allegation made by LAPD; and referred the matter back to POSAAB.

After reviewing the attached documents and the information gathered from LAPD for this supplemental investigation, coupled with the Investigative Summary and Findings dated March 13, 2025, the Division believes the evidence is clear and convincing Respondent committed the serious misconduct of Dishonesty when he denied purchasing a firearm silencer. Respondent continued his dishonest statements throughout the Board of Rights hearing, denying he intentionally purchased a firearm silencer marketed as a fuel filter. Additionally, clear and convincing evidence exists to show Respondent committed the serious misconduct of Acts that Violate the Law when he committed a felony buy purchasing an illegal firearm silencer over the internet from a company in China, and had it shipped to his home address.

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the additional documents added to the record by the Peace Officer Standards and Accountability Division (POSAD) following the Commission's direction of September 10, 2025 wherein the Commission directed the POSAD to review the basis of the agency's imposed discipline, and add pertinent documents to the case record for the POSAAB's consideration. The matter is before the POSAAB decide whether to alter or amend its prior recommendation of revocation on the certification of the subject peace officer.

ATTACHMENT(S):

BRS01_POST2306324_Walden Luke_Supplemental ISF.pdf
BRS02_POST2306324_Walden Luke_POSTProfile_Redacted.pdf
BRS03_POST2306324_Walden Luke_Atch.A_LAPD Administrative Investigation 21-001144_Redacted.pdf
BRS04_POST2306324_Walden Luke_Atch. B_21-001144 Supplement - No redactions.pdf
BRS05_POST2306324_Walden Luke_Atch. C_LOT CF21-001144.pdf
BRS06_POST2306324_Walden Luke_Atch. D_BOR Rationale_Redacted.pdf

BRS07_POST2306324_Walden Luke_Atch. E_BOR Transcript 1_Redacted.pdf
BRS08_POST2306324_Walden Luke_Atch. F_BOR Transcript 2_Redacted.pdf
BRS09_POST2306324_Walden Luke_Atch. G_BOR Transcript 3_No Redactions.pdf
BRS10_POST2306324_Walden Luke_Atch. H_BOR Decision_No Redaction.pdf
BRS11_POST2306324_Walden Luke_Atch. I_ATF Bulletin Solvent Trap - No Redactions.pdf
BRS12_POST2306324_Walden Luke_ Atch. J_ATF Bulletin Fuel Filter - No Redactions.pdf
BRS13_POST2306324_Walden Luke_Atch. K_LAPD Criminalist Report - No Redaction.pdf
BRS14_POST2306324_Walden Luke_Atch. L_Criminal Court Document_Redacted.pdf
BRS15_POST2306324_Walde Luke_Atch. M_Pictures of Seized Item.pdf
BRS16_POST2306324_Walden Luke_Atch. N_Pictures Packaging_Redacted.pdf
BRS17_POST2306324_Walden Luke_ Atch. O_Picture Amazon Purchase_No Redaction.pdf
BRS18_POST2306324_Walden Luke_Atch. P_ DMV Vehicle Reg_Redacted.pdf
BRS19_POST2306324_Walden Luke_ Atch. Q_DOJ Email of Respondent's Firearms_Redacted.pdf
BRS20_POST2306324_Walden Luke_Atch. R_LAPD Daily Worksheet_Redacted.pdf
BRS21_POST2306324_Walden Luke_Atch. S_LAPD Respondent Firearm Printout_Redacted.pdf
BRS22_POST2306324_Walden Luke_Atch. T_LAPD Property Report - No Redactions.pdf
BRS23_POST2306324_Walden Luke_Atch. U_Pictures of Respondent's Vehicles_Redacted.pdf
BRS24_POST230324_Walden Luke_Atch. V_LAPD Email RE Honesty Allegation.pdf
BRS25_POST2306324_Walden Luke_Atch. W_ISF dated 3-13-25.pdf
BRS26_POST2306324_Wlden Luke_Atch. X_Transcript 07-16- 2025 POSAAB.pdf
BR01_POST2306324_Walden_Luke_ISF.pdf
BR02_POST2306324_Walden_Luke_ExecReviewDivisonRec.pdf
BR03_POST2306324_Walden_Luke_Attachment_A_POSTProfile_Redacted.pdf
BR04_POST2306324_Walden_Luke_Attachment_B_Package_Picture_Redacted.pdf
BR05_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin1.pdf
BR06_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin2.pdf
BR07_POST2306324_Walden_Luke_Attachment_D_Seized_Item.PNG
BR08_POST2306324_Walden_Luke_Attachment_E_DOJ_Printout_Redacted.pdf
BR09_POST2306324_Walden_Luke_Attachment F_LAPD Audit screenshot.png
BR10_POST2306324_Walden_Luke_Attachment_G_Search_Warrant_Supplement_Redacted
BR11_POST2306324_Walden_Luke_Attachment_H_Amazon_Purchase.pdf
BR12_POST2306324_Walden_Luke_Attachment_I_Criminal_Court_Documents_Redacted.pd
BR13_POST2306324_Walden_Luke_Attachment_J_BOR_Rationale.pdf
BR15_POST2306324_Walden_Luke_Attachment_L_Criminalist_Report.pdf
POST2306324_Walden_Luke_July_2025_POSAAB_Agenda_Record.pdf
POST2306324_Walden_Luke_Board_Recommendation_Signed.pdf
POST2306324_Walden_Luke_Transcript_Board_07.16.2025.pdf



INVESTIGATIVE SUMMARY AND FINDINGS
(Supplemental)

PEACE OFFICER NAME: Luke Baxter Walden

POST ID NUMBER: A95 – T18

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: POST2306324

WRITTEN BY: William Imboden

DATE: 9/30/2025

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I. Executive Summary and Findings

Between January 2021, and March 2021, Respondent Officer, Detective Luke Baxter Walden, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as "fuel filters" by Chinese companies. On or about March 17, 2021, Respondent, while off-duty purchased a purported automotive fuel filter online from a company in China, listing his home address as the mailing address.

In April 2021, the package was intercepted by Custom and Border Protection (CBP) and an investigation was conducted into the purchaser by Homeland Security Investigations (HSI), when it was discovered that the package contained a silencer. In November 2022, Respondent was arrested for attempted possession of a silencer under Penal Code section 33410, a felony, and held to answer at a preliminary hearing in Los Angeles County. In September 2023, Respondent pled no contest to the misdemeanor crime of attempting to possess an assault weapon under Penal Code section 30605(a), a Misdemeanor, and was sentenced to one day in county jail and fines.

During the course of the administrative investigation conducted by LAPD, Respondent denied he was trying to purchase a firearm silencer and stated he was trying to purchase a fuel filter for a 1980's Toyota Celica he was restoring.

In April 2023, LAPD sustained the allegation of attempting to obtain a firearm silencer. The respondent was served with a notice of intent to terminate his employment with the LAPD and directed to a Board of Rights (BOR) hearing. In February 2024, the Board of Rights unanimously found Respondent "Guilty" of the charge of trying to obtain a firearm silencer, however they reduced the recommended discipline from termination to 30 days of unpaid leave, citing his tenure and service as reasons for leniency.

The investigation conducted by LAPD clearly establishes that Respondent was purposefully seeking out firearm silencers and suppressors that could be purchased overseas and masked as fuel filters, for specific types of weapons to include ones the respondent owned. After reviewing the investigation, the Peace Officer Standards and Accountability Division (POSAD) determined that in addition to an allegation of *Acts that Violate the Law* in violation of Penal Code section 13510.8(b)(6), an allegation of *Dishonesty* in violation of Penal Code section 13510.8(b)(1) - Serious Misconduct, be included herein.

On July 16, 2025, this investigation was presented to the Peace Officer Standards Accountability Advisory Board (Board). Respondent attended remotely with a representative and spoke during the public comment session. After the presentation by POSAD, the Board asked several questions of Respondent, then retired to closed session. At the conclusion of the closed session meeting, the Board unanimously recommended the case to the Commission for revocation of Respondent's Peace Officer certification.

On September 10, 2025, POSAD presented this investigation to the Commission. Respondent was not present but was represented by Counsel. At the conclusion of the presentation, Respondent's Counsel made remarks and then the Commission asked several questions of POSAD and Respondent's Counsel. The Commission then retired to closed session. At the conclusion of closed session, the Commission returned the case to POSAD for further investigation stating that they would like to see additional documents; directed POSAD to determine, if not apparent in the additional documents, why dishonesty was not an allegation made by LAPD; and referred the matter back to the Board.

II. Investigative Methodology

This supplemental report summarizes the findings related to a follow-up investigation into 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 follow-up investigation included a review of the LAPD administrative investigation, the Letter of Transmittal, the Board of Rights Rationale, the transcript of the Board of Rights hearing, and contact with the LAPD Professional Standards Bureau.

The Division analyzed the information obtained in this follow-up investigation and in the initial 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 the Division believes 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

Respondent began his employment with LAPD as a full-time peace officer on July 6, 1998. He has no additional law enforcement appointments in California.

Respondent is assigned POST ID A95 – T18. He received the following peace officer certificates from POST:

Certificate Type	***Date Issued***
Basic	1/20/2000
Intermediate	6/03/2008
Advanced	2/10/2011
Supervisory	10/24/2016

B. Respondent's Service Record

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

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".

On October 07, 2012, Respondent was promoted to the rank of Detective 1 and on June 15, 2014, was promoted to the supervisory rank of Detective 2. On June 5, 2022, Respondent was reassigned back to the lower paygrade of Detective 1, with no supervisory authority. These classification changes were administrative and therefore, there are no disciplinary records documenting this reassignment.

In addition to attending the Basic Intensive Police Academy in 1999, prior to his arrest in November 2022, the respondent attended the following in-service training applicable to this investigation:

- 2/17/2000 .45 Pistol Transition Course
- 2/19/2001 Firearms Bean Bag Course
- 7/11/2001 Firearms/Tactical Handgun Course
- 3/2/2004 Firearms/Semi-Auto Pistol Course
- 6/21/2005 Firearms/Tactical Rifle Course
- 2/14/2006 Pedestrian Stops/Weapons Course
- 5/4/2006 Firearms/Tactical Rifle Course
- 9/14/2006 Firearms/Tactical Handgun Course
- 11/8/2006 Firearms/Tactical Rifle Course
- 5/23/2007 Firearms/Tactical Rifle Course
- 7/31/2007 Pedestrian Stops/Weapons Course
- 9/6/2007 Firearms/Tactical Rifle Course
- 12/04/2007 Firearms/Tactical Rifle Course
- 11/02/2009 Firearms/Tactical – Advanced Course
- 5/25/2010 Firearms/Tactical Rifle Update
- 7/3/2012 Firearms/Tactical Rifle Update
- 3/05/2013 Firearms/Tactical Rifle Update
- 10/17/2013 Firearms/Tactical Rifle Update
- 3/25/2014 Firearms/Tactical Rifle Update
- 9/18/2014 Firearms/Tactical Shotgun
- 10/20/2014 Firearms/Tactical Rifle Update
- 4/13/2015 Firearms/Tactical Rifle Update
- 4/06/2016 Firearms/Tactical Rifle Update
- 11/02/2016 Firearms/Tactical Rifle Update

- 11/10/2016 Undercover Operations/Tactical Response
- 4/25/2017 Firearms/Tactical Rifle Update
- 11/09/2017 Firearms/Tactical Rifle Update
- 4/12/2018 Firearms/Tactical Rifle Update
- 12/05/2018 Firearms/Tactical Rifle Update
- 10/01/2019 Firearms/Tactical Rifle Update
- 7/23/2020 Undercover Operations/Tactical Response
- 4/18/2021 Firearms – Sighting Systems

In addition to the above firearms related courses, Respondent attended Tactical Rapid Entry Courses for Narcotics Officers.

During Respondent's 24-year career he has received 155 Citizen and Department commendations. His service records do not show any prior discipline or complaints for similar allegations.

IV. Procedural Background

On September 10, 2025, during their regularly scheduled meeting, the POST Commission was presented the POSAD investigation related to POST2306324. At the conclusion of the presentation and discussion, the Commission directed POSAD to conduct a further investigation and return to the Board with the following additional documents for consideration:

- The entire LAPD Internal Affairs investigation report (CF# 21-001144)
- The LAPD administrative adjudication (Letter of Transmittal)
- The BOR decision rationales
- The BOR hearing transcripts

Additionally, the Commission wanted an explanation from LAPD why an allegation of "Dishonesty" had not been included in their findings at the conclusion of the IA investigation, 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.

V. Factual Background and Summary of Further Investigation

On April 26, 2021, LAPD began a criminal investigation into the allegation that Respondent purchased a firearm silencer online from a company in China. They also began an administrative investigation which was conducted simultaneously by a separate investigator. Both investigations were compiled under the same report number, CF21-001144.

On June 30, 2021, the criminal investigation was presented to the Los Angeles County District Attorney's Office for consideration of charges. On February 23, 2022, the completed administrative investigation was approved and submitted to the Commander of the Special Operations Division to begin the adjudication process. (Attachment A).

On March 14, 2022, Captain Lillian Carranza, Commanding Officer of the Gang and Narcotics Division (Respondent's Commanding Officer), issued a request for a supplemental investigation to answer several specific questions she had. On January 12, 2023, Captain Carranza was provided with an eleven-page supplemental report with the answers. (Attachment B)

On February 21, 2023, Captain Carranza authored the adjudication Letter of Transmittal directing Respondent to a Board of Rights with a recommendation of termination from employment. (Attachment C)

Beginning on February 13, 2024, and concluding on February 15, 2024, the LAPD BOR conducted a hearing regarding the recommendation to terminate Respondent's employment. On February 14, 2024, at the conclusion of the evidentiary hearing the BOR Panel (Panel) unanimously concurred that Respondent had purchased and attempted to possess a firearm silencer and found him "Guilty" of the one-count allegation. Their four-page rationale for this decision described their basis for coming to this conclusion, including the relevant testimony and evidence presented, credibility determinations, the burden of proof for the agency, and reasonable inferences that may be drawn from the record. (Attachment D)

The Rationale addressed the testimony of the LAPD's witnesses and experts as well as Respondent's assertion that he was a car enthusiast rebuilding an older vehicle. The Rationale also addressed the fact that Respondent stated he had been qualified as a gun expert for the purpose of testifying in State court proceedings.

On February 15, 2024, the Panel heard testimony from character witnesses, LAPD witnesses, reviewed evidence, and then deliberated on the discipline to impose. At the conclusion of their deliberation, the Panel issued a four-page Rationale of their decision, which reduced the recommended discipline from termination of employment to a 30-day suspension. (Attachment

D) The Panel's rationale for reducing the imposed discipline acknowledged that Respondent was found guilty of committing a felony, and that continued employment could create complications for the agency with respect to Respondent being placed on a "Brady List"[1]. However, they decided Respondent's otherwise clean record, his years of service, and his commendations, "….outweighs the potential harm of your mistake."

During their investigation into Walden's misconduct, POSAD requested the transcripts for the BOR hearing on March 11, 2025. At that time the transcripts had not been produced. The transcripts were completed in three sections totaling 436 pages and released on June 25, 2025. LAPD provided them to POSAD on June 26, 2025. (Attachments E - G).

On September 11, 2025, POSAD submitted an inquiry to the LAPD Professional Standards Bureau (PSB) to determine why after sustaining the allegation of purchasing a firearm silencer, an allegation of dishonesty had not been included in the administrative investigation when it was submitted for final disposition, asserting that the Respondent's explanation during his IA interview was dishonest.

On September 24, 2025, PSB Captain David Hwang responded via email that LAPD decided not to "stack" the allegations against Respondent and just address the underlying allegation of purchasing a firearm silencer. Captain Hwang further stated, "….the absence of an allegation for providing false statements should not, in any way, indicate the Department believed his [Respondent] testimony to Internal Affairs was truthful." (Attachment V).

However, LAPD did address their concerns with Respondent's deceit and lack of accountability during the BOR hearing on February 15, 2024. LAPD asserted during their closing argument before the BOR 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." *BOR Transcript 3*, page 65, line 23-25. Respondent's supervisor also refuted Respondent's claim that he would not have known the seized item was a silencer because it was his job to know what it was. *BOR Transcript 2*, page 116, line 25- page 117, line 4. The agency made it clear during the BOR hearing that they were concerned with Respondent's lack of honesty even if it wasn't framed in the form of an allegation.

[1] The California Brady Law refers to the obligation, stemming from the federal Supreme Court case Brady v. Maryland and codified in California Penal Code section 1054.1(e), for prosecutors to disclose "Brady material"—evidence that is exculpatory or undermines the credibility of a prosecution witness. The defense can file a "Brady motion" to request this information, which includes any evidence that could favor the defendant on the issue of guilt or punishment, or help impeach a witness.

With respect to Respondent's reclassification from supervising Detective to non-supervising Detective, according to PSU Sergeant Graham Dawson, the move was made as part of a management decision, not tied to discipline, as allowed for within LAPD policy section 3-763.55. No specific reason was given.

VI. Analysis and Findings

At the serious misconduct hearing before the Board on July 16, 2025, and the serious misconduct Commission hearing on September 10, 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 BOR Rationale following the guilt phase of their proceeding, and numerous pictures of the seized item, the packaging, and a fuel filter Respondent purchased through Amazon.

At the direction of the POST Commission, the Division is including additional documents for the Board to review and consider, including the entire Internal Affairs (IA) Report and IA Supplement. As part of the direction by the Commission to present the entire IA report, the Division has included the following requested documents as attachments to this supplemental Investigative Summary and, includes documents that were listed as Addenda in the IA report and the IA Supplemental report:

IA Report CF21-001144
IA Supplement CF21-001144
Letter of Transmittal CF21-001144
Board of Rights decision
Board of Rights Rationale on Findings and Rationale on Penalty
Board of Rights Transcript (three files)
DMV Vehicle Registration Records
DOJ Email of Respondent's Firearms
LAPD Daily Worksheet
LAPD Printout of Respondent's firearms
LAPD Property Report
Pictures of Respondent's Vehicles

With the exception of the Board of Rights transcripts that were not yet available at the time 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 where relevant. The Investigative Summary and Findings was presented to the Board on July 16, 2025, and the Commission on September 10, 2025.

However, the Division makes the following corrections to its initial Investigative Summary and Findings:

- The Division learned via written and verbal public comment at the Board hearing on July 16, 2025, that Respondent was not aware of the LAPD investigation being conducted into his purchase of an illegal firearm silencer until he was presented with an order to appear for an interview, which occurred on January 11, 2022. Therefore, the Division's assertion in the Investigative Summary and Findings that he purchased the second fuel filter in August of 2021 as an attempt to bolster an alibi cannot be proven as factual.

- Additionally, the Division stated in the initial Investigative Summary and Findings that Respondent had been a member of the LAPD "Gun Unit" for three years. This assertion was based on the LAPD Administrative Investigation written report, Page 8, beginning at line 29 where it was reported Respondent was assigned to the Gang and Narcotics Division since April 2009 where he worked, ".... in an abatement unit, the Buy Team, the Gun Unit, and the…. (FBI) Gang Task Force for "approximately the last three years." Respondent stated at the Board hearing that he was only assigned to the Gun Unit, which is a unit within the Gang and Narcotics Division, for one year during that 3-year period.

However, neither these corrections nor the additional records acquired (the BOR transcripts) revealed any information that materially altered POSAD's analysis and findings, that Respondent engaged in serious misconduct, both *Acts That Violate the Law* and *Dishonesty.* The additional documentation included herein strengthens the Division's allegations by providing clarity on why LAPD did not put forth an allegation of Dishonesty in their IA report while at the same time showing that they did recognize the deceit and lack of accountability demonstrated by Respondent.

Further, in the Board of Rights transcripts, labeled *BOR Transcript 1*, page 95 beginning at line 21, 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 trained with firearms with silencers during range training with LAPD, while assigned to the Gang and Narcotics Division. This contradicts Respondents statements made during the July 16, 2025, serious misconduct Board hearing, while answering questions from the Board, when Respondent stated "I've never dealt with a suppressor. I've never seen one in real life." *POSAAB Transcript*, dated July 16, 2025; page 140, line 21-22.

On page 97 of *BOR Transcript 1* Respondent explained his research on silencers as the unit's firearms expert and stated he researched them so that he could identify them if his unit got one from a gang member. This research and knowledge coupled with his already acquired knowledge and expertise in the area of firearms would make him a subject matter expert for the purposes of courtroom testimony.

Additionally, Respondent made the argument at his July 16, 2025 serious misconduct Board hearing, that he did not know the item he purchased using his PayPal account was a firearm silencer, however on page 99 of *BOR Transcript 1*, beginning at line 1, Respondent offers that he did Google picture searches of suppressors or silencers and that, as part of those searches, he did look at items marketed as fuel filters that were used as firearm silencers. Beginning at line 8, Respondent was asked if he looked at items marketed as fuel filters that were used as firearm silencer. He responds with, "Yes." He is then asked if he saw pictures of items marketed as solvent traps used as firearm silencers. He answers, "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 Lieutenant Bixler who supervised Respondent when he worked in the Gun Unit. Lieutenant Bixler testified that an individual who belongs to the LAPD Gun Unit would be able to discern a silencer if they saw it. *BOR Transcript 2*, page 121. 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." *BOR Transcript 2*, page 116, line 25- page 117, line 4.

In *BOR Transcript 1*, page 115 beginning at line 1, when being questioned about the ATF Bulletins related to fuel filters used as silencers, Respondent contradicts himself when he states that he did not work with the ATF. When questioned about prior statements that he did work with the ATF, "… I worked with the ATF, DEA, FBI, HIS, …", Respondent stated he never personally worked with the ATF, he worked with people who worked with the ATF.

In *BOR Transcript 1* Page 119, beginning at line 8, 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.”

Continuing through page 122, line 15, Respondent avoided answering direct questions by offering partial answers:

> Q. Okay. And where did you buy this fuel filter from?
>
> A. I do not recall.
>
> Q. One second. What kind of fuel filter were you trying to buy?
>
> A. A high flow fuel filter.
>
> Q. So the thread on purchase, if I’m correct, is 1/2 by 28, correct?
>
> A. I never got it, so I don't know.
>
> Q. So you don't know specifically what you bought, you just bought an item without knowing what it was?
>
> A. I bought an item I never received, so I couldn't verify what you're asking.
>
> Q. So on the item you were trying to buy, what would the thread barrel or the thread TPI have been?
>
> A. Well, I was hoping the thread would be half-inch by 28.
>
> Q. Why were you hoping half-inch by 28?
>
> A. Because it's a common standard size.
>
> Q. Common standard size for what?
>
> A. For threading.
>
> Q. For threading for what?
>
> A. For fuel filters, for fuel connectors.
>
> Q. Okay. I'm going to refer you to Department's 3, page 6.
>
> A. Is that the ATF?
>
> Q. Yes.
>
> A. Page 6.

Q. Yes. Under "common fuel filter threads," can you point out to me where it says 1/2 by 28?

A. No.

Q. Okay. What number do you see under "common filter threads for Napa 4003"?

A. It's three-quarters.

Q. Okay. So where did you hear that 1/2 by 28 was common for a fuel filter?

A. Because there's a reducer for the inlet, so on a fuel filter, you have the filter, and then There's reducers, just like the one that I purchased and I told the department about, for different size fuel lines. You buy the fuel filter, you get half-inch, basically there's -- it's a -- I forgot what it's called, it's, I call it a nipple, but it's basically a bolt with a hole through the middle of it, one size is the half-inch by 28, and that screws into the side of the fuel filter, then the fuel goes through that hole, and there's a nipple that basically, it's a male end that comes out, it's in the picture of the thing I bought. And then you have another female nut and basically you slide that onto the fuel line, you cut the fuel line and you use a fuel line expansion thing that basically allows the fuel line to be opened up, and when you pull the nut over it and you put the fuel filter on there, you can tighten it and it basically -- it's like a gas line on a house. There's a nipple, it has a nut and it pressurizes the system so it won't leak out, because you can't just put two nuts together, it will leak constantly, like on your dryer or on your gas line for your stove.

After reviewing the attached documents and the information gathered from LAPD for this supplemental investigation, coupled with the Investigative Summary and Findings dated March 13, 2025, the Division believes the evidence is clear and convincing Respondent committed the serious misconduct of *Dishonesty* 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 16, 2025, serious misconduct hearing.

Additionally clear and convincing evidence exists to show Respondent committed the serious misconduct of *Acts that Violate the Law* when he committed a felony buy purchasing an illegal firearm silencer over the internet from a company in China, and had it shipped to his home address.

Refer to the ISF dated March 13, 2025, for additional detail and analysis.

VII. Supporting Evidence

- Attachment A – LAPD Administrative Investigation CF21-001144

  Attachment B – CF21-001144 Supplement
- Attachment C – LOT CF21-001144
- Attachment D – BOR Rationale
- Attachment E – BOR Transcript 1
- Attachment F – BOR Transcript 2
- Attachment G – BOR Transcript 3
- Attachment H – BOR Decision
- Attachment I – ATF Bulletin – Solvent Traps
- Attachment J – ATF Bulletin – Fuel Filters
- Attachment K – LAPD Criminalist Report
- Attachment L – Criminal Court Documents
- Attachment M – Pictures – seized item
- Attachment N – Pictures – packaging
- Attachment O – Pictures – Amazon purchase
- Attachment P – DMV Vehicle Registration Records
- Attachment Q – DOJ Email of Respondent's Firearms

- Attachment R – LAPD Daily worksheet
- Attachment S – LAPD Printout of Respondent's Firearms
- Attachment T – LAPD Property Report
- Attachment U – Pictures of Respondent's Vehicles
- Attachment V – LAPD Email RE: Honesty Allegation
- Attachment W – POSAD ISF Dated March 13, 2025
- Attachment X – Transcript - July 16, 2025 POSAAB Board hearing

POST PROFILE NAME:

WALDEN, LUKE BAXTER

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 10/14/2025

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
A95-T18	LOS ANGELES PD	[redacted]	Male	White

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
97748	B	01/20/2000		53.00		
93079	I	06/03/2008	42	53.00		42 UNITS @ COLLEGE OF THE CANYONS
86768	A	02/10/2011	78	53.00	0.00	42 @ COLL. OF THE CANYONS (PROFILE) 36 @ MOOREPARK COLL.
85863	S	10/24/2016	78.00	0.00	0.00	42.00 @ COLLEGE OF THE CANYONS36.00 @ MOORPARK COLLEGE

Total Number of Certificates: 4

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
07/06/1998	10/07/2012	7	PO	07/06/1998	19420	LOS ANGELES PD	F	P	
07/06/1998	06/15/2014	7	DET	10/07/2012	19420	LOS ANGELES PD	F	P	
07/06/1998	06/05/2022	7	SUP	06/15/2014	19420	LOS ANGELES PD	F	P	
07/06/1998			DET	06/05/2022	19420	LOS ANGELES PD	F	P	

***Reason for Separation: 7 = Promotion/Demotion**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
08/31/1998	K	4890-23272-98-072	8		Y	19420	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE
01/15/1999	A	1850-00100-98-001	1064	R	Y	19420	LAPD		BASIC COURSE-INTENSIVE
02/18/1999	K	1850-21025-98-021	16	R	Y	19420	LAPD		ARREST/CONTROL TACTICS UPDATE
04/08/1999	K	1850-20680-98-110	6		Y	19420	LAPD		NETWORK COMMUNICATIONS UPDATE
04/08/1999	K	1850-29901-98-258	2		Y	19420	LAPD		S&K-INTOXIMETER
08/03/1999	K	1850-23761-99-014	8		Y	19420	LAPD		MOBILE FIELD FORCE TRAINING
02/08/2000	K	1850-29900-99-314	8		Y	19420	LAPD		S&K-CRIME SCENE INVEST
02/17/2000	K	1850-29900-99-388	8		Y	19420	LAPD		S&K-.45 PISTOL TRANSITION COUR
05/23/2000	K	1850-29900-99-665	8		Y	19420	LAPD		S&K-DNC FIELD EXERCISES II
01/15/2001	K	1850-29900-00-299	8		Y	19420	LAPD		S&K-FIELD OFFICER UPDATE
01/19/2001	K	1850-32290-00-003	32		Y	19420	LAPD		JUVENILE LAW ENFORCEMENT
02/19/2001	K	1850-29900-00-421	8		Y	19420	LAPD		S&K-FIREARMS BEAN BAG
07/11/2001	K	1850-32095-01-023	8		Y	19420	LAPD		FIREARMS/TACTICAL HANDGUN
10/03/2001	K	1850-22405-01-021	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
04/10/2002	K	1850-22405-01-139	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
05/14/2002	K	1850-21025-01-054	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
06/13/2002	K	1850-22405-01-089	32		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
10/04/2002	K	1850-32651-02-001	40		Y	19420	LAPD		NARC INVESTIGATION
10/21/2002	K	4890-23284-02-001	8		Y	19420	M TOLERNCE		RACIAL PROFILING-MOT
03/06/2003	K	1850-29900-02-415	8		Y	19420	LAPD		S&K-WEAPONS OF MASS DEST
03/25/2003	K	1850-29900-02-473	4		Y	19420	LAPD		S&K-MENTAL ILLNESS FIRST RESP
07/11/2003	K	1850-22120-03-001	24		Y	19420	LAPD		SURVEILLANCE TECHNIQUES
08/04/2003	K	1850-29900-03-024	8		Y	19420	LAPD		S&K-MANAG WORKPLACE MOD #248
10/23/2003	K	1850-23161-03-009	8		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
11/07/2003	K	1850-31725-03-004	40		Y	19420	LAPD		FIELD TRAINING OFFICER
11/19/2003	K	1850-29900-03-083	8		Y	19420	LAPD		S&K-FIELD OFCR UPDATE MOD #247
03/02/2004	K	1850-31810-03-025	16		Y	19420	LAPD	*	FIREARMS/SEMI-AUTO PISTOL
01/20/2005	K	1850-21025-04-031	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
06/21/2005	K	1850-32075-04-039	16		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
10/10/2005	K	1850-22414-05-008	2	X	Y	19420	LAPD		FIREARMS/OFCR SURVL SHOOTING
10/24/2005	K	1850-31767-05-032	16	X	Y	19420	LAPD		WMD/L.E. FIELD RESPONSE
02/14/2006	K	1850-22418-05-002	4		Y	19420	LAPD		PEDESTRIAN STOPS/WEAPONS
02/14/2006	K	1850-20832-05-002	4		Y	19420	LAPD	*	VEHICLE STOPS, ADVANCED
04/27/2006	K	1850-23161-05-023	16		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
05/04/2006	K	1850-32075-05-023	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
05/30/2006	K	1850-24270-05-016	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
09/14/2006	K	1850-32095-06-017	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
10/10/2006	K	1850-32693-06-026	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
11/28/2006	K	1850-32075-06-020	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
01/10/2007	K	1850-29502-06-064	4	X	Y	19420	LAPD	*	DRIVING(PSP)
01/10/2007	K	1850-21124-06-059	4	R	Y	19420	LAPD	*	FOOT PURSUITS
01/10/2007	K	1850-29000-06-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
05/23/2007	K	1850-32075-06-050	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
07/31/2007	K	1850-21018-07-017	2		Y	19420	LAPD		BUILDING SEARCHES
07/31/2007	K	1850-22418-07-009	4		Y	19420	LAPD	*	PEDESTRIAN STOPS/WEAPONS
07/31/2007	K	1850-20832-07-010	4	R	Y	19420	LAPD	*	VEHICLE STOPS, ADVANCED
09/06/2007	K	1850-32075-07-022	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
10/02/2007	K	1850-21752-07-010	10	R	Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
12/04/2007	K	1850-32075-07-048	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
03/05/2008	K	1850-32693-07-013	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
10/24/2008	K	1850-31725-08-001	40		Y	19420	LAPD		FIELD TRAINING OFFICER
11/07/2008	K	1850-21165-08-006	4		Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
01/05/2009	K	1850-31789-08-091	8	X	Y	19420	LAPD		WMD UPDATE
01/21/2009	K	1850-20662-08-009	4	X	Y	19420	LAPD		CRIMINAL RECORDS SYSTEM
04/15/2009	K	1850-24270-08-014	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/02/2009	K	1850-24270-09-004	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/02/2009	K	1850-21647-09-027	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
01/13/2010	K	1850-32693-09-012	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
05/12/2010	K	1850-29503-09-109	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
05/25/2010	K	1850-32078-09-037	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/07/2010	K	1850-20147-09-208	10		Y	19420	LAPD		MACTAC BASIC
07/06/2010	K	1850-21165-10-042	4		Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
07/06/2010	K	1850-21065-10-140	4		Y	19420	LAPD	*	FORCE OPTION-SIMULATOR
07/29/2010	K	1850-22680-10-001	8		Y	19420	LAPD		P.R.O.A.C.T.
04/26/2011	K	1850-24270-10-007	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
07/13/2011	K	1850-32693-11-002	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
03/15/2012	K	1850-21752-11-036	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
05/29/2012	K	1850-24270-11-024	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
07/03/2012	K	1850-32078-12-067	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/28/2012	K	1850-22435-12-003	2	X	Y	19420	LAPD		OFFICER SAFETY/FIELD TACTICS UPDATE-PLAINCLOTHES
03/05/2013	K	1850-32078-12-085	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/04/2013	K	9260-22020-12-025	8		Y	19420	DOJ		ELECTRONIC SURVEILLANCE
06/19/2013	K	1850-32693-12-025	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
09/10/2013	K	1850-24270-13-004	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
10/17/2013	K	1850-32078-13-010	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
11/06/2013	K	1850-24270-13-015	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
02/20/2014	K	1850-32693-13-024	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
03/19/2014	K	1850-29502-13-140	4	X	Y	19420	LAPD	*	DRIVING(PSP)
03/19/2014	K	1850-21124-13-073	4	X	Y	19420	LAPD	*	FOOT PURSUITS
03/25/2014	K	1850-32078-13-076	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/12/2014	K	1850-32693-13-034	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
06/27/2014	D	1850-00400-13-008	80		Y	19420	LAPD		SUPERVISORY COURSE
06/30/2014	K	9180-25554-13-365	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
07/02/2014	K	1850-29000-14-258	2	X	Y	19420	LAPD		HUMAN TRAFFICKING: IDENTIFY & RESPOND
08/05/2014	K	1850-29000-14-255	2	X	Y	19420	LAPD		MENTAL HEALTH UPDATE
09/18/2014	K	1850-32085-14-001	24	X	Y	19420	LAPD	*	FIREARMS/TACTICAL SHOTGUN
10/20/2014	K	1850-32078-14-048	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
10/30/2014	G	1850-31487-14-001	24	X	Y	19420	LAPD		INVESTIGATIVE SUPERVISORY OPERATIONS-DETECTIVES
04/13/2015	K	1850-32078-14-147	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/10/2015	K	1850-21124-15-013	4		Y	19420	LAPD	*	FOOT PURSUITS
08/13/2015	K	1850-32691-15-014	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
10/17/2015	K	1850-20167-15-005	6	X	Y	19420	LAPD		MAC TAC UPDATE
01/14/2016	K	1850-24270-15-022	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
03/16/2016	K	1850-21165-15-019	4	R	Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
03/30/2016	K	1820-21842-15-018	8	X	Y	19420	LASD		COPLINK BASIC USERS' COURSE
04/06/2016	K	1850-32078-15-055	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/29/2016	K	1850-32691-15-012	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
07/07/2016	K	9180-25554-16-007	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
11/02/2016	K	1850-32078-16-072	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
11/10/2016	K	1850-32592-16-011	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/15/2016	K	1850-21185-16-070	9	X	Y	19420	LAPD	*	USE OF FORCE UPDATE
04/25/2017	K	1850-32078-16-155	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/22/2017	K	1850-29303-17-029	4	X	Y	19420	LAPD		BELOW 100
08/22/2017	K	1850-20268-17-028	4	X	Y	19420	LAPD		IMPLICIT BIAS AND COMMUNITY POLICING
10/03/2017	K	1850-24270-17-007	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
10/24/2017	K	9180-25585-17-116	2	X	Y	19420	POST	*	TACTICAL COMMUNICATION (WEB)
11/09/2017	K	1850-32078-17-077	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
02/01/2018	K	1850-29502-17-058	4	X	Y	19420	LAPD	*	DRIVING(PSP)
02/01/2018	K	1850-21124-17-008	4	X	Y	19420	LAPD	*	FOOT PURSUITS
04/12/2018	K	1850-32078-17-187	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
09/20/2018	K	9180-25587-18-082	2	X	Y	19420	POST		VEHICLE PURSUIT POLICY (WEB)
10/04/2018	K	1850-24270-18-015	6	X	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/01/2018	K	1850-29503-18-043	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
11/14/2018	K	1850-32691-18-015	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
12/05/2018	K	1850-32078-18-084	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
12/18/2018	K	1850-21954-18-071	9	X	Y	19420	LAPD	*	CROWD CONTROL
10/01/2019	K	1850-32078-19-020	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
12/02/2019	K	1850-29503-19-038	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
02/18/2020	K	9180-25585-19-233	2	X	Y	19420	POST	*	TACTICAL COMMUNICATION (WEB)
06/17/2020	K	1850-20799-19-078	8		Y	19420	LAPD	*	DE-ESCALATION & TACTICAL COMMUNICATION

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
07/23/2020	K	1850-32592-20-004	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/01/2020	K	9180-25590-20-154	2	X	Y	19420	POST		COURTROOM TESTIMONY (WEB)
12/08/2020	K	1850-21954-20-014	9	X	Y	19420	LAPD	*	CROWD CONTROL
12/15/2020	K	9180-25588-20-168	4	X	Y	19420	POST		CALLERS IN CRISIS: SUICIDAL CALLERS (WEB)
04/28/2021	K	1850-32063-20-024	8	X	Y	19420	LAPD		FIREARMS - SIGHTING SYSTEMS
03/20/2024	K	1850-32095-23-075	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
03/21/2024	K	1850-29503-23-144	4		Y	19420	LAPD	*	ARSTCTL(PSP)
03/25/2024	K	9181-25586-23-269	8	X	Y	19420	CAPLP		FIRST AID/CPR/AED (WEB)
03/29/2024	K	1850-21115-23-010	8		Y	19420	LAPD	*	DRIVER TRAINING UPDATE
03/31/2024	K	1850-21772-23-063	8	X	Y	19420	LAPD		TACTICAL EMERG. FIRST AID/TRAUMA CARE
03/31/2024	K	1850-34490-23-015	8	X	Y	19420	LAPD		LEADERSHIP DEVELOPMENT PROGRAM
03/31/2024	K	1850-33886-23-030	6	X	Y	19420	LAPD	*	USE OF FORCE AND DE-ESCALATION
05/01/2024	K	1850-32078-23-125	4	X	Y	19420	LAPD		FIREARMS/TACTICAL RIFLE UPDATE
07/31/2024	K	1850-10738-24-038	8	X	Y	19420	LAPD		ACTIVE BYSTANDER FOR LAW ENFORCEMENT
04/09/2025	K	1487-29540-24-283	2		Y	19420	PLI	*	STRATEGIC COMMUNICATIONS (PSP)
04/22/2025	K	1487-29580-24-296	4		Y	19420	PLI	*	USE OF FORCE (PSP)
05/14/2025	K	1820-28007-24-027	8	X	Y	19420	LASD		FACIAL RECOGNITION TECHNOLOGY
05/20/2025	K	1850-32095-24-208	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
05/20/2025	K	1850-29503-24-182	4		Y	19420	LAPD	*	ARSTCTL(PSP)
08/25/2025	K	1487-20185-25-056	4	X	Y	19420	PLI		DE-ESCALATION AWARENESS AND COM.

***Meets Perishable Skills**

FOOTNOTES

Date	Additional Information/Actions Taken
12/04/2023	This peace officer's certification was temporarily suspended by the POST Executive Director from 05/18/2023 to 12/04/2023.

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. 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 **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)* **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 RESPONSIBILITY:

The Investigating Officer (IO) Detective II Ross Nemeroff, Serial No. 31679, Special Operations Division (SOD), can be reached at telephone number (323) 276-7114. Any request for a supplemental investigation must be approved by the Commanding Officer (CO), SOD, by way of an Intradepartmental Correspondence, Form 15.02.00.

STATUTE ISSUES:

The case was referred to the Los Angeles County District Attorney's Office protocol for the allegations of criminal misconduct.

BACKGROUND:

Pursuant to my current criminal investigation, I recently spoke with various federal investigators from the United States Department of Homeland Security and Department of Justice, specifically officers/agents assigned to Homeland Security Investigations (HSI), Custom Border Patrol (CBP), and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), regarding an influx of non-regulated firearm suppressors entering the United States via foreign sources. According to CBP officers, they are working to combat the flow of these suppressors into the United States and have intercepted thousands of suppressors, or parts of suppressors, being shipped into the United States from various senders based out of China.

The intercepted packages are often mislabeled and incorrectly manifested, thus giving the impression that the item contained in the shipping package is something else. Senders have often identified the contents of the packages as "filters," "machine filter nozzle," "motorcycle filter," "fuel filter," other items with the word "filter," or "solvent traps" in the commodity description. Additionally, I toured CBP's Los Angeles International Mail Facility where international mail is screened and inspected by CBP officers. I witnessed how suspected contraband is detected and identified utilizing a dedicated X-Ray machine.

I have further read Technical Bulletins published by the ATF (Technical Bulletins dated April 20, 2017 and October 30, 2019) regarding the detection and identification of firearm silencers, which have been marketed as "inline filters" and "solvent traps" (Addenda 1 and 2). The Technical Bulletins also referenced that legitimate solvent traps are devices attached to the muzzle of a firearm barrel designed to catch or "trap" dirty cleaning solvent pushed through the barrel from the chamber end and out through the muzzle. The front end-cap of a solvent trap must be solid and have no hole that will allow a projectile to pass-through. Devices that have a hole in or index mark for a hole in the front end-cap are classified as a "firearm silencer" under the National Firearm Act (NFA), which the United States enacted in 1934.

Purchasers may modify these devices into unregistered silencers by simply coring a hole in the closed end which would prevent the device from trapping dirt or solvents. Some devices marketed as "solvent traps" and "fuel filters" have index markings showing where to drill a hole that would modify the trap into a silencer. Some also include silencer baffles, which are

common in firearm suppressors but which serve no legitimate purpose in a solvent trap or fuel filter.

Additionally, I researched Title 18, United States Code, Section 921 (a)(24), which defined a firearm silencer or "suppressors" as "any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, any part intended only for use in such assembly or fabrication." The State of California defined the term "silencer" as a device that reduces the sound of a gun when the gun is fired. California Penal Code section 33410 makes it a felony for a person, firm, or corporation to possess a silencer.

Federal investigators informed me that in order to legally possess a suppressor, an individual must apply for and receive advanced approval from the ATF. A silencer must also have a registered serial number and bear that serial number. An individual who had obtained ATF approval to receive and possess a silencer would appear on the National Firearms Registration and Transfer Record.

The NFA prohibits the importation of suppressors unless they are for the use by the United States, for scientific research, for testing by a registered manufacturer, or to be used as a sample by a registered importer. Similarly, the Gun Control Act (GCA) of 1968, confided at Title 18, United States Code, Chapter 44, requires that firearms imported into the United States bear a serial number and restricts importation to firearms "generally recognized as particularly suitable for or readily adaptable to sporting purposes."

Lastly, I conducted numerous searches on the internet, specifically YouTube, which revealed numerous videos of "fuel filters" and "solvent traps" being used as firearm suppressors. As a result of my investigative research into silencers and conversations with federal investigators, I gained a general understanding of how people attempt to unlawfully purchase, smuggle, and use silencers.

SUMMARY:

On April 22, 2021, CBP Officer Marisela Peña was assigned to the Los Angeles International Mail Facility located at 20700 Denker Avenue, Torrance California, 90501. At approximately 12:03 PM, Peña was screening a bin of parcels from the People's Republic of China utilizing a dedicated X-Ray machine. She subsequently identified 13 objects that were consistent with firearm silencers. The objects were contained in 13 separate parcels destined to various recipients throughout California. All of the parcels were declared by the shipping agent as "fuel filters." Through Peña's training and experience, she recognized that firearm silencers are often declared as fuel filters to avoid detection and that most of these firearm silencers were shipped from China. CBP generated a list of the 13 intercepted parcels and contacted various HSI offices for possible investigation. One of the parcels was addressed to Luke Walden, with an address of [redacted] CBP contacted the HSI Office in the San Fernando Valley and the case was assigned to HSI Special Agent Razmik Madoyan.

Note: CBP conducts routine examinations of parcels shipped by foreign mail services before the parcels are prepared for delivery to their final destination. Due to the large volume of cargo that enters the United States on a daily basis, CBP is unable to examine all parcels. CBP uses a variety of methods to select parcels for border search examination, including random and targeted inspections. Pursuant to their authority under Title 19, Code of Federal Regulations Section 162.6, also known as "Border Search Authority", CBP officers and certain other law enforcement officers may conduct examinations of goods entering the United States without a search warrant, probable cause, or individualized suspicion. Additionally, searches at the border do not require probable cause or a warrant. United States v. Ramsey, 431 U.S. 606, 619 (1977).

HSI Special Agent Razmik Madoyan conducted a preliminary investigation of Walden and the parcel that was intended to be delivered. The tracking number associated with the parcel was listed as "LY694058860CN." During his research, Madoyan discovered that Walden was employed by the LAPD and notified his supervisor. The notification subsequently led to my involvement in the case.

Utilizing Department resources, I confirmed that Walden is employed by the LAPD as a Detective II assigned to Gang and Narcotics Division (GND) and is assigned to an office located at LAPD within Olympic Area Community Police Station. According to Department resources, Walden's home address is listed as [redacted]

On April 26, 2021, I responded to the HSI office in the San Fernando Valley and took possession of the parcel. The parcel was purple in color, partially opened, and was contained inside a larger clear evidence bag. A photographer from LAPD's Technical Investigation Division responded to the location and photographed the parcel, its contents, and a control log. Upon inspection of the outside of the parcel, I noted the shipping label was addressed to Luke Walden at [redacted] The sender was labeled as Xu Shi Ming, from Wuhan, China. The description of the item was a "fuel filter" with a weight of .225 kilograms and a value of 10 dollars. The shipping label contained the following characters: 螺旋1/2-28單芯汽車燃油濾清器. A search of those characters on the internet website "Google Translate," interpreted this as "Spiral ½ - 28 single-core automobile fuel filter (6-inch ½"– 28-black spiral P0171289910).

Note: The thread measurement, "½ - 28" appears in the ATF Technical Bulletin 20-21, *Inline Filter Firearm Silencers*, on page 5. A ½ - 28 RH bolt thread can be applied to the following firearms; AR-15, M-16, AR-180, most threaded .223/5.56 rifles, most threaded .22 rifles and pistols, most threaded 9mm pistols, Ruger 10/22 tactical rifle, newer Mini 14 .223/5.56 rifles, MPA57 submachine pistol, and an MPA 9mm submachine pistol.

Upon viewing the contents of the parcel, I noticed a black-colored cylindrical object which had a mono-core baffle with a threaded opening on one end. There was also an outer metal tube, a threaded center marked end cap, a threaded ring, and a plastic tube. On May 12, 2021, I booked the device and its components at Property Division under DR#219913105 (Addenda 3).

Criminalist Fadil Biraimah, Serial No. N3140, Forensic Science Division (FSD), examined the device and its components. Biraimah concluded that the assembly, as received, is a silencer as described in California Penal Code Section 17210 (Addenda 4).

I contacted the California Department of Justice (Cal DOJ) and obtained a list of all firearms that were registered to Walden. According to the list, Walden has 48 registered firearms, many of which are compatible with the ½ - 28 barrel thread sizes. The firearms include 39 handguns, 8 rifles, and 1 shotgun.

On April 28, 2021, I requested that Information Technology Bureau (ITB) conduct an audit of Walden's internet search history on Department computers between January 1, 2020, to April 28, 2021.

ITB produced Excel spreadsheets containing the requested data which included keyword searches for "silencer, fuel filter, solvent trap, China, threaded barrel, firearm, barrel, 33410, and rifle." Walden visited websites that advertised the sale of threaded barrels for weapons that matched several of the handguns that are registered to him, a rifle that is registered to him, and threaded barrels for weapons that are not registered to him.

www.kimberamerica.com website searches

- .45 ACP Stainless Steel Threaded Barrel SKU: 4000005 (Walden has 2 Kimber .45 cal handguns registered to him)
- 9 mm Stainless Steel Threaded Barrel SKU: 4000006 (Walden does not have a Kimber 9mm registered to him)

www.opplanet-trybe.com website searches

- TRYBE Defense Glock 22/31 9mm threaded Conversion Pistol Barrel (Walden has 1 Glock 22 registered to him)
- TRYBE Defense Glock 23/32 9mm threaded Conversion Pistol Barrel (Walden does have a Glock 23/32 registered to him)
- TRYBE Defense Glock 34 9mm match grade threaded Pistol Barrel (Walden has 1 Glock 34 registered to him)
- TRYBE Defense AR Pistol Barrel 9mm (Walden has AR 9mm Pistol registered to him)
- TRYBE Defense Sig Sauer P320 (Walden does not have a Sig Sauer P320 registered to him)

www.pealtier.com website searches

- Aluminum Barrel End Thread Protector for Ruger 1022 10/22 .223 .308 Compensator (Walden has a Ruger .22 rifle registered to him)

The Department computer audit also revealed that Walden visited websites that advertised the sale of "fuel filters." Walden overwhelmingly searched an inner thread size of ½ -28 converting to an outer thread size of 5/8 – 24. The ½ -28 thread size would apply to many of the weapons registered to Walden.

www.pealtier.com website search

- New Fuel Filter Suit for Napa 4003 WIX 24003 5/8"- 24 & ½" Turbo Air Filter Threaded End Cap

www.carid.com website search

- WIX WF10429 Fuel Filter unknown thread size.

www.yhothe.com website search

- Fuel Filter for 4002 WIX ½ -28 5/8 – 24

www.rallyset.com website search

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

www.napa4003solventtraps.com

- Aluminum 12-10-6-extension spiral 12-20-12-28-58-24-m141car fuel filter car solvent trap for Napa 4003 WIX 24003

www.bupuff.com website search

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

www.riorrkids.com website search

- Clearance Price Car Oil Fuel Filter for 4003 WIX ½ -28 5/8 -24

www.kikogift.com website search

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

www.solventtrapfuelfilter.com website search

- Fuel Filter Solvent trap

www.qoopuff.com website search

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

On June 30, 2021, I presented this case to the Los Angeles County District Attorneys Office, Justice System Integrity Division for filing consideration.

ADDENDA

1. A-F ATF Bulletin "Inline Filter" Firearm Silencers, Technical Bulletin 20-01
2. A-H ATF Bulletin "Solvent Traps", Technical Bulletin 17-02
3. Property Report DR#219913105
4. A-C Forensic Science Division Report

SUBMITTED BY:

ROSS NEMEROFF, Detective II
Complaint Investigator
Special Operations Division

APPROVED:

KENNETH CABRERA, Lieutenant
Officer in Charge
Special Operations Division

All information subsequent to this page was obtained in furtherance of an administrative complaint investigation. Pursuant to Penal Code Section 832.7, it is deemed CONFIDENTIAL. The subsequent information herein has not and shall not be used in furtherance of any criminal investigation, unless mandated by applicable law.

Penal Code Section 832.7 (a) states, "The personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. This section shall not apply to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.

INVESTIGATIVE RESPONSIBILITY

The Investigating Officer (I/O) for this case was Sergeant II John Jizmejian, Serial No. 33615, Special Operations Division (SOD). He can be contacted at (323) 276-7115. Any requests for supplemental investigation must be approved by the Commanding Officer, SOD, via an Intradepartmental Correspondence, Form 15.2.00.

STATUTE ISSUES

This case is tolled due to an ongoing criminal investigation.

SUMMARY

Detective II Ross Nemeroff, Serial No. 31679, SOD, was assigned to investigate alleged criminal misconduct by Detective II Luke Walden, Serial No. 34898, Gang and Narcotics Division. On June 30, 2021, Nemeroff presented his investigation to the Los Angeles County District Attorney's Office, Justice System Integrity Division (JSID), for filing consideration.[1]

This case was assigned to the I/O (Jizmejian) for the purposes of interviewing Walden and conducting the administrative investigation.

ALLEGATION

ALLEGATION 1. The Department alleges that on an unknown date, Detective Walden, while on duty or off duty, attempted to obtain a firearm silencer.

STATEMENT

Walden[2] was assigned to GND since April 2009. He worked various assignments in GND, including an abatement unit, the Buy Team, the Gun Unit, and the Federal Bureau of Investigation (FBI) Gang Task Force for approximately the last three years.

Walden was in the process of re-building two vehicles that he owned; a 1985 and a 1983 Toyota Celica. Walden ordered a fuel filter for the 1985 Celica which never arrived. Walden did not recall the vendor or when he ordered the item. He later ordered another fuel filter from Amazon.com which he received. Walden never ordered or attempted to obtain a firearm silencer.

> **Note:** Walden provided pictures of the vehicles he was working on, a picture of the type of fuel filter he ordered and received, and a bracket for the filter. The I/O verified both vehicles were registered to Walden (Addenda 5-7).

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[1] A filing determination was not made by JSID when this investigation was submitted for review.
[2] The I/O conducted a digitally recorded interview of Walden on January 11, 2022. The recording of the interview was placed on a compact disc and booked at Technical Investigation Division, Control No. 771659.

Walden had some knowledge about silencers which he obtained during his assignments; however, he was not an expert. He knew that firearm silencers were illegal to possess. Walden did not dispute the results of the audit of his internet search history by Information Technology Bureau. Walden explained that he utilized a Department computer to conduct internet searches on silencers only for work related reasons. Walden did not recall when he conducted the searches or what keywords he used. Walden explained that he obtained information from sources provided by the FBI regarding suspects wishing to sell "ghost guns" which possibly led to some of the information captured in the audit. Also, on occasion he obtained information or leads which resulted in internet research that may have been captured in the audit as well.

INVESTIGATOR'S NOTE

1. On April 26, 2021, Nemeroff responded to the United States (U.S.) Department of Homeland Security, U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI), office in the San Fernando Valley. Nemeroff took possession of the parcel in question that was addressed to Walden. A photographer assigned to TID responded and photographed the parcel and its contents. The photographs were assigned Control No. D0803173 (Addendum 8).

ADDENDA

5A-D. Pictures of Walden's vehicles, California license plate nos. [redacted] and [redacted].
6A-B. Pictures of the type of fuel filter and bracket Walden ordered.
7A-B. Registration information regarding Walden's vehicles.
8A-F. Photographs, Control No. D0803173.

SUBMITTED BY:

JOHN JIZMEJIAN, Sergeant
Special Operations Division

APPROVED:

2/23/22

AMMON WILLIAMS, Detective
Acting Officer in Charge
Special Operations Division

OMAR BAZULTO, Captain
Commanding Officer
Special Operations Division

INTRADEPARTMENTAL CORRESPONDENCE

January 12, 2023
13.2

TO: Commanding Officer, Gang and Narcotics Division

FROM: Commanding Officer, Special Operations Division

SUBJECT: SUPPLEMENTAL INVESTIGATION, CF No. 21-001144

SUMMARY

Captain III Lillian Carranza, Serial No. 26994, Gang and Narcotics Division (GND), raised the following issues/concerns during adjudication and requested a supplemental investigation. This correspondence was completed to address the investigative issues.

Detective II Ross Nemeroff, Serial No. 31679, Special Operations Division (SOD), conducted the criminal investigation for CF No. 21-001144, and Sergeant II John Jizmejian, Serial No. 33615, SOD, conducted the administrative investigation. Nemeroff provided responses to the issues raised in the Request for Supplemental Investigation that pertained to the criminal portion of the investigation and Jizmejian provided responses to the concerns that pertained to the administrative portion of the investigation. Jizmejian formatted the document and presented it for review.

<u>Issue No. 1</u>
Investigation Page Nos. 4-5, indicate several websites that Walden visited which advertised the sale of threaded barrels for weapons.

- Please indicate the dates that each of these websites were visited. If visited on multiple occasions, please include also. The search results should also be an addenda item.

RESPONSE

December 21, 2020 8:08:15 AM
www.sarcoinc.com/1911-45-threaded-5-barrel/

February 2, 2021 6:10:48 AM
www.pealtier.com/products/aluminum-barrel-end-thread-protector-for-ruger-1022-1022-muzzle-brake-12x28-58x24-750-adapter-combo-223-308-compensator

February 2, 2021 6:10:48 AM
www.facebook.com/tr/?id=406640317076297&ev=PageView&dl=https://www.pealtier.com/products/aluminum-barrel-end-thread-protector-for-ruger-1022-1022-muzzle-brake-12x28-58x24-750-adapter-combo-223-308-compensator

February 3, 2021 6:20:22 AM
www.pealtier.com/products/aluminum-barrel-end-thread-protector-for-ruger-1022-1022-muzzle-brake-12x28-58x24-750-adapter-combo-223-308-compensator

February 3, 2021 6:20:23 AM
t.paypal.com/ts?pgrp=muse:third-party:analytics-xo::JS7ADHMWV292A-1&page=muse:third-party:analytics-xo::JS7ADHMWV292A-1:::&tsrce=tagmanagernodeweb&comp=tagmanagernodeweb&sub_component=analytics&s=ci&item=2ff7ee45-e21a-4b4e-bac1-e39f81025e71&fltp=analytics&mrid=JS7ADHMWV292A&code=CHECKOUT_BUTTON&partner_name=CHECKOUT_BUTTON

February 24, 2021 8:58:45 AM
store.kimberamerica.com/media/catalog/product/cache/2/small_image/295x295/9df78eab33525d08d6e5fb8d27136e95/4/0/4000005_45_threadedbarrel_alt.jpg

February 24, 2021 8:58:45 AM
store.kimberamerica.com/media/catalog/product/cache/2/small_image/295x295/9df78eab33525d08d6e5fb8d27136e95/4/0/4000006_9mmthreadedbarrel.jpg

February 24, 2021 9:07:06 AM
store.kimberamerica.com/45-acp-stainless-steel-threaded-barrel

February 24, 2021 9:07:31 AM
store.kimberamerica.com/45-acp-stainless-steel-threaded-barrel

March 10, 2021, 05:56:56 AM
store.kimberamerica.com/media/catalog/product/cache/2/small_image/295x295/9df78eab33525d08d6e5fb8d27136e95/4/0/4000005_45_threadedbarrel_alt.jpg

March 10, 2021, 05:56:56 AM
store.kimberamerica.com/media/catalog/product/cache/2/small_image/295x295/9df78eab33525d08d6e5fb8d27136e95/4/0/4000006_9mmthreadedbarrel.jpg

March 10, 2021, 05:58:10 AM
store.kimberamerica.com/media/catalog/product/cache/2/thumbnail/50x50/9df78eab33525d08d6e5fb8d27136e95/4/0/4000005_45_threadedbarrel_alt.jpg

March 11, 2021, 06:46:32 AM
op1.0ps.us/70-70-ffffff/opplanet-trybe-defense-glock-22-31-9mm-threaded-conversion-pistol-barrel-1-2-x-28-416r-stainless-steel-black-nitride-tpbconvg22-31-bn-main.jpg

March 11, 2021, 06:46:32 AM
op1.0ps.us/70-70-ffffff/opplanet-trybe-defense-match-grade-non-threaded-pistol-barrel-glock-19-19x-black-nitride-pbg19-bn-main.jpg

March 11, 2021, 06:46:37 AM
op1.0ps.us/70-70-ffffff/opplanet-trybe-defense-glock-23-32-9mm-threaded-conversion-pistol-barrel-1-2-x-28-416r-stainless-steel-black-nitride-tpbconvg23-32-bn-main.jpg

March 11, 2021, 06:46:38 AM
op1.0ps.us/70-70-ffffff/opplanet-trybe-defense-grade-threaded-pistol-barrel-1-2-x-28-thread-glock-34-black-nitride-tpbg34-bn-main-1.jpg

March 15, 2021, 07:15:36 AM
op1.0ps.us/70-70-ffffff/opplanet-trybe-defense-7-5-in-thin-profile-ar-pistol-barrel-9mm-1-2x28-threads-nitride-black-barpist759mm-main.jpg

March 15, 2021, 07:16:10 AM
op2.0ps.us/70-70-ffffff/opplanet-trybe-defense-grade-threaded-pistol-barrel-sig-sauer-p320-1-2-x-28-thread-black-nitride-tpbsig320-bn-main-2.jpg

March 15, 2021, 07:16:10 AM
op1.0ps.us/70-70-ffffff/opplanet-trybe-defense-grade-threaded-pistol-barrel-1-2-x-28-thread-glock-34-black-nitride-tpbg34-bn-main-1.jpg

April 28, 2021 2:33:23 PM
www.brownells.com/items/1911-threaded-barrel.aspx

April 28, 2021 2:33:52 PM
www.brownells.com/handgun-parts/barrel-parts/barrels/1911-45-acp-suppressor-ready-threaded-barrels-prod77975.aspx

Note: The results of the audit by Information Technology Bureau of Walden's internet search history on Department computers was placed on a compact disc (CD) by Nemeroff (Addendum 9).

- Was Walden asked specifically about visiting each of these websites? If so, what was his response to each?

RESPONSE

Walden was not asked specifically about visiting each of these websites. The CO, SOD, made a determination that a re-interview of Walden will not be conducted due to ongoing criminal proceedings.

- Was Walden able to provide a DR number, booking number, or case that required the searches?

RESPONSE

The CO, SOD, made a determination that a re-interview of Walden will not be conducted due to ongoing criminal proceedings.

Issue No. 2

Investigation Page No. 5, lines 7-9, indicated that "Walden overwhelmingly searched an inner thread size of ½ - 28 converting to an outer thread size of 5/8 - 24. The ½ - 28 size would apply to many of the weapons registered to Walden."

- The wording "overwhelmingly" may appear biased. Please give an actual numerical amount for each of the searched items or consider "predominately."

RESPONSE

The word "overwhelmingly" was originally used to account for 26 Uniform Resource Locaters (URL) containing the thread size data of 1/2 - 28 5/8 -24. Senior Systems Analyst David Nuno, Serial No. N6213, Customer Support and IT Security Section, ITD, advised the IO that when date and time stamps of URLs are separated by mere seconds, this would be considered "advertisements rendering automatically." Further explained, if an internet user searched a website and an ad popped up on the screen, without the internet user interacting with the keyboard or mouse, this would automatically generate a new URL similar to the original. URLs separated by minutes could be considered "user actions," meaning with the internet user interacting with the keyboard or mouse.

- Please indicate the dates that each of these items were searched. If visited on multiple occasions, please include also. The search results should also be included as an addenda item.

RESPONSE

In February 2021, Walden searched for thread size data of ½ - 28 5/8 - 24 on five occasions.

February 3, 2021 6:06:31 AM
l.facebook.com/l.php?u=https://www.yhothe.com/products/car-oil-fuel-filter-for-4003-wix---1-2-28-5-8-24

February 3, 2021 6:21:27 AM
www.facebook.com/tr/?id=406640317076297&ev=ViewContent&dl=https://www.pealtier.com/products/new-fuel-filter-suit-for-napa-4003-wix-24003-58-24-12-or-12-28-12-turbo-air-filter-threaded-end-cap

February 24, 2021 8:44:10 AM
www.rallyset.com/products/clearance-price-32.99-last-day-for-napa-4003-wix-24003---1-2-28-5-8-24-fuel-filter-aluminum-solvent-trap

February 24, 2021 8:44:33 AM
www.facebook.com/tr/?id=2397049842031 23&ev=PageView&dl=https://www.rallyset.com/products/clearance-price-32.99-last-day-for-napa-4003-wix-24003---1-2-28-5-8-24-fuel-filter-aluminum-solvent-trap

February 24, 2021 8:46:42
www.facebook.com/tr/?id=2397049842031 23&ev=SubscribedButtonClick&dl=https://www.rallyset.com/checkouts/1575441d37bba5f5002fcf507245e94c?step=shipping_method&rl=https://www.rallyset.com/products/clearance-price-32.99-last-day-for-napa-4003-wix-24003---1-2-28-5-8-24-fuel-filter-aluminum-solvent-trap

In March 2021, Walden searched for thread size data of ½-28 5/8-24 on five occasions.

March 16, 2021 7:10:01 AM
www.napa4003solventtraps.com/products/aluminum-12-10-6-extension-spiral-12-20-12-28-58-24-m141-m141l-car-fuel-filter-car-solvent-trap-for-napa-4003-wix-24003

March 16, 2021 7:21:39 AM
l.facebook.com/l.php?u=https://www.bupuff.com/products/buy-1-get-1-free-%F0%9F%94%A5last-day-%F0%9F%94%A5-for-napa-4003-wix-24003-1-2-28-5-8-24-fuel-filter-aluminum-solvent-trap

March 16, 2021 9:06:29 AM
l.facebook.com/l.php?u=https://www.riorrkids.com/products/clearance-price-car-oil-fuel-filter-for-4003-wix-12-28-58-24

March 16, 2021 9:10:08 AM
l.facebook.com/l.php?u=https://www.kikogift.com/products/buy-1-get-1-free-%F0%9F%94%A5last-day-%F0%9F%94%A5-for-napa-4003-wix-24003-1-2-28-5-8-24-fuel-filter-aluminum-solvent-trap

March 29, 2021 6:01:42 AM
www.qoopuff.com/products/for-napa-4003-wix-24003-1-2-28-5-8-24-fuel-filter-aluminum-solventtrap?fbclid=IwAR3VdO9dlGEUfev6TDp1zfroqyHUDeBNfltzQCkg91TehivOPb7AFZbPN0g

- The statement that the "thread size would apply to many of the weapons registered to Walden" is vague and non-specific. Please clarify what is meant by "apply to" and indicate specifically which weapons registered to Walden that these parts would actually "apply to." There are only a few of the firearms that have threads on the barrel. Therefore, "apply to many of the weapons" would require modification to the firearms which there is no indication that Walden did.

RESPONSE

Refer to page 3, lines 39-41. The ATF Technical Bulletin on thread size of silencers and weapons that they are compatible with.

Refer to page 4, lines 11-14 for information regarding Walden's registered firearms. Walden visited websites that advertised the sale of threaded barrels for weapons that matched several of the handguns that are registered to him, a rifle that is registered to him, and threaded barrels for weapons that are not registered to him.

The specific weapons that the threaded barrel would apply to are indicated on page 4, lines 26-43 and page 5, lines 1-4.

An example of the process of installing a silencer on a handgun is as follows;

1. Determine what handgun you would like to apply a silencer to.
2. In this example, a Glock 34, 9mm.
3. Purchase a threaded barrel that would replace the unthreaded barrel of the Glock 34.
4. Take apart the Glock 34 to the extent authorized for routine cleaning, lubrication, and minor repairs (Field Strip).
5. Remove the unthreaded barrel and replace it with the threaded barrel.
6. Purchase a "solvent trap" "in-line filter" silencer that is compatible with the thread size and diameter to the Glock 34 barrel.
7. Screw the female end of the silencer on the male end of the threaded barrel.

Note: Nemeroff reviewed information for this supplemental investigation regarding Walden's registered firearms and discovered additional firearms registered to Walden than indicated in the original report (page 4, lines 11-14). Nemeroff discovered 41 handguns, one shotgun, and 12 rifles registered to Walden (Addenda 10-11).

- Indicate if any of these "fuel-filters" researched would fit either of the two older model Toyota Celica vehicles owned by Walden.

RESPONSE

On June 17, 2022, Jizmejian met with Acting General Automotive Supervisor Gregory Field, Serial No. N1304, Motor Transport Division. Field reviewed the websites Walden visited that advertised the sale of "fuel filters" as indicated on page 5, lines 11-43 and page 6, lines 1-7 of the original report. Field advised that Napa was a retailer for auto parts and WIX was a company that produced auto filters. However, the dimensions indicated on the websites visited by Walden were not consistent with any fuel filter for a vehicle.

Issue No. 3.

The allegation, as framed is vague. Depending on the date range the queries were made as indicated in the audit, the allegation should be re-framed to conform to proof as such:

ALLEGATION 1. The Department alleges that between xxxxx dates, Detective Walden, attempted to obtain a firearm silencer in violation of California State law.

RESPONSE

After further review, a determination was made to provide a date for the alleged misconduct. Please see the heading "ADDITIONAL" of this Intradepartmental Correspondence for the rationale of this determination. Therefore, ALLEGATION 1 was re-framed as such:

ALLEGATION 1. The Department alleges that on March 17, 2021, Detective Walden, while off duty, attempted to obtain a firearm silencer in violation of California State law.

Note: Walden's duty status at the time of the alleged misconduct was obtained via the Deployment Planning System (Addendum 12).

Issue No. 4.

Investigation Page No. 8, lines 33-37, indicated that Walden ordered a fuel filter for the 1985 Celica which never arrived. Walden stated he did not recall when he ordered the item. Walden should be re-interviewed to address the following questions if not already asked.

- Was Walden asked to check his bank and or credit card statements to look for the charge? If so, what was his response?

RESPONSE

The CO, SOD, made a determination that a re-interview of Walden will not be conducted.

- Was he [Walden] asked what form of payment he used to buy the (intercepted) item and how much he paid for the filter he never received?

RESPONSE

The CO, SOD, made a determination that a re-interview of Walden will not be conducted.

- Was he [Walden] asked if he attempted to call about or locate the missing package? Did he take any action to cancel the transaction for a product not received like contact his credit card company and report it was not received?

RESPONSE

The CO, SOD, made a determination that a re-interview of Walden will not be conducted.

- What were the dates that the searches occurred in relation to the date the item was intercepted by Customs and Border Patrol.

RESPONSE

The "solvent trap" and "in-line" filter searches spanned from January 13, 2021 through March 29, 2021. The package was intercepted on April 22, 2021.

- Was there a date indicated on the mailing label of the original package identified in Addendum A.

RESPONSE

There was no date indicated on the mailing label of the original package.

- The package was intercepted on April 22, 2021. Did the intercepted item match any of the items that Walden queried in the audit? If so, which item(s)?

RESPONSE

The intercepted item referenced contained the following characters on the shipping label: 螺旋1/2-28單芯汽車燃油濾清器. A search of those characters on the internet website "Google Translate," interpreted this as "Spiral ½ - 28 single-core automobile fuel filter (6-inch ½"– 28-black spiral P0171289910). This "fuel filter" measurement was a common search noted in the audit.

- Was there any attempt by the IO to contact the vendor and ascertain the date of the order?

RESPONSE

The phone number on the package, 86135540123 was not a working number. The country code for China is 86. The area code for Hanyang, Wuhan is 7212, thus the phone number on the label is incorrect.

The address, 206 Hao, Hanyang, Wuhan, Hubei, China, does not exist on a google map web search. The China Post (the official postal service of China) did not produce any results on sender information.

- Was there a search warrant served on Walden's personal computer or cloud to determine research conducted or items ordered?

RESPONSE

No search warrant was conducted on Walden's personal computer as the Department audit produced extraordinary results related to this case.

- Was the item intercepted photographed at all angles? Did it have indentations?

RESPONSE

The item was photographed at multiple angles by Photographer 3 Karen Coogle, Serial No.V8680, Forensic Sciences Division. She took 17 photos of the packaging as well as the items contained within the package.

This item was inspected on March 15, 2022, by Lieutenant II Eric Bixler, Serial No. 33309, GND.

- Did the item contain instructions?

RESPONSE

No.

- Did the item intercepted fit a 1985 Celica?

RESPONSE

Field reviewed the photographs taken by Coogle of the item (Addendum 8) and concluded that the item was not a fuel filter for a vehicle and that it would not fit on a 1985 Celica.

ADDITIONAL

Nemeroff conducted an additional review of Walden's internet searches in response to the Request for Supplemental Investigation. The review resulted in the discovery of a website link of PayPal.com that succeeded internet searches for either threaded barrel or fuel filter. On June 2, 2021, Nemeroff obtained a search warrant for Walden's PayPal account records. A search of the records revealed that on March 17, 2021, at 0828 hours, a transaction was completed for $45.96 for the purchase of a "NAPA 4003 WIX 24003-1/2-28 5/8-24 FUEL FILTER ALUMUNUM SOLVENT TRAP / 1 / 2-28-XH-." On July 12, 2022, Nemeroff provided the additional information to the Los Angeles County District Attorney's Office, Justice System Integrity Division (JSID), for filing consideration (Addendum 13).

On November 14, 2022, Nemeroff obtained a Probable Cause Arrest Warrant for Walden and a search warrant of his residence. On November 15, 2022, SOD personnel arrested and booked Walden for 33410 Penal Code (PC), Possession of a Silencer, Booking No. 6502060. SOD personnel conducted a search of Walden's home which resulted in no additional evidentiary material for this investigation. On November 16, 2022, the Los Angeles County District Attorney's Office, JSID, filed one felony count of Attempted Possession of a Silencer, in violation of PC Sections 664 and 33410.

INVESTIGATOR'S NOTES

1. Some of the of the URLs referenced in this document have been abbreviated to preserve the continuity of this investigation. A complete list of the URLs is contained within Addendum 9.

2. Jizmejian placed a copy of the results of the search warrant conducted by Nemeroff of Walden's PayPal account records and the photographs of the item by Coogle onto Addendum 9.

ADDENDA

9.	CD.
10A-R.	Email dated April 22, 2021, from California Department of Justice for Walden's registered firearms.
11A-B.	List of Walden's registered firearms prepared by Nemeroff.
12.	Daily Worksheet Portrait, dated March 17, 2021, with Walden's work hours.
13.	Follow-Up Investigation dated July 12, 2022.

SUBMITTED BY:

JOHN JIZMEJIAN, Sergeant
Special Operations Division

APPROVED:

JAMIE BENNETT, Lieutenant
Officer in Charge
Special Operations Division

OMAR BAZULTO, Captain
Commanding Officer
Special Operations Division

LETTER OF TRANSMITTAL
CF No. 21-001144

ADJUDICATION

Complainant: Madoyan, Razmik

The Complaint Investigation, CF No. 21-001144, resulted in one allegation of misconduct against one Department employee:

Detective II Luke Walden — Gang and Narcotics Division (GND)
Serial No. 34898

The allegation is listed below with recommendations for classification and supporting rationale.

ALLEGATION 1 . The Department alleges that on March 17, 2021, Detective Walden, while off duty, attempted to obtain a firearm silencer.

CLASSIFICATION

It is recommended that Allegation No. 1 be classified as **SUSTAINED**.

RATIONALE

Between January 2021 and March 2021, Detective Walden searched for Napa 4003 and WIX 2403 on a Department computer. These are from different Chinese websites. He searched for silencers, fuel filters and solvent traps. Even though the Napa 4003 and WIX 24003 are listed as fuel filter/solvent traps, the pictures show that they are firearm silencers and internet searches show that the items are firearm silencers.

On March 17, 2021, Detective Walden used his PayPal account to purchase a WIX 24003 fuel filter and input his home address as to where the item should be shipped. On April 22, 2021, Customs and Border Protection intercepted a batch of silencers from the same company, listed as "fuel filter." One of the packages was addressed to Luke Walden and had his home address. The package was turned over to HSI Agent Raznmik Madoyan. Madoyan discovered that the recipient, Luke Walden, was employed by the Los Angeles Police Department and subsequently notified Internal Affairs Division who took over investigative responsibility of the case. Inside the package labeled, "fuel filter," Forensic Science Division, Criminalist Fadil Biraimay, determined that the package contained a firearm silencer, not a fuel filter. Acting General Automotive Supervisor, Gregory Field, reviewed the websites delineating what the WIX 24003 filter was and opined that the item is not consistent with any fuel filter for a vehicle. California Penal Code Section 664/33410 states that it is illegal to attempt to possess a silencer.

Therefore, this allegation is best classified as *Sustained.*

DIGITAL IN-CAR VIDEO/BODY WORN VIDEO/AUDIO RECORDINGS

N/A.

EMPLOYEE DEVELOPMENT PLAN:

N/A.

PENALTY

Due to the serious nature of the allegation, it is recommended that Walden be ordered to a Board of Rights with the recommendation of Removal.

WORK HISTORY ANALYSIS

Detective Walden has been with the Department for over 24 years and had been assigned to GND for approximately 12 years at the time of occurrence. A review of Walden's complaint history revealed no prior complaints of a similar nature.

Walden has a total of 155 citizen and Department commendations. He has 9 prior pursuits, 21 non-categorial Uses of Force and 1 categorical Use of Force. The analysis did not identify any risk management or pattern of conduct issues.

WORK PERMIT REVIEW

A review of Detective Walden's work permit history revealed that he does not have any current work permits. There were no conflict-of-interest concerns, impairment of performance or efficiency issues identified.

RELIEF FROM DUTY RECOMMENDATIONS

It is recommended that Walden be relieved of duty pending the outcome of the Board of Rights.

DOWNGRADE CONSIDERATIONS

None.

APPROVED BY:

LILLIAN L. CARRANZA, Captain
Commanding Officer
Gang and Narcotics Division

02-21-23
Date

RATIONALE ON FINDINGS

LUKE WALDEN, #34898

B.F. NO. 31674

C.F. NO. 21-001144

WEDNESDAY, FEBRUARY 14, 2024

. . . . .

MS. AMIN: SO NOW THE BOARD IS NOW READY IN THE MATTER OF LUKE WALDEN, BOX 31674. THE BOARD WILL NOW PROVIDE THE RATIONALE ON ITS FINDINGS.

THIS CASE WAS HEARD DURING TWO HEARING DATES AND INCLUDES THE TESTIMONY FROM THE FOLLOWING FIVE WITNESSES: JOHN JIZMEJIAN, LUKE WALDEN, GREG FIELD, FADIL BIRAIMAH, AND ERIC BIXLER. THE BOARD ADMITTED INTO EVIDENCE DEPARTMENT'S EXHIBITS 1 THROUGH 18, ACCUSED EXHIBITS A THROUGH E, AND BOARD EXHIBIT NO. 1.

THE BOARD HAS CONSIDERED AND CAREFULLY REVIEWED AND WEIGHED ALL OF THE EVIDENCE INTRODUCED. ALTHOUGH OUR RATIONALE INCLUDES CITATIONS TO THE RECORD TO HIGHLIGHT PARTICULAR TESTIMONY OR EXHIBITS, THE BOARD'S FINDINGS AND CONCLUSIONS ARE NOT BASED SOLELY ON THOSE SPECIFIC RECORD CITATIONS BUT RATHER ON THE BOARD'S REVIEW OF THE ENTIRE RECORD OF THIS CASE.

FURTHER, THE BOARD NOTES THAT ITS FINDINGS OF FACT ENCOMPASS THE CREDIBLE TESTIMONY AND EVIDENCE

PRESENTED AT THE HEARING, AS WELL AS LOGICAL INFERENCES DRAWN THEREFROM. A CREDIBILITY DETERMINATION MAY RELY ON A VARIETY OFF FACTORS, INCLUDING THE CONTEXT OF THE WITNESS' TESTIMONY, THE WITNESS' DEMEANOR, THE WEIGHT OF THE RESPECTIVE EVIDENCE, ESTABLISHED OR ADMITTED FACTS, INHERENT PROBABILITIES, AND REASONABLE INFERENCES THAT MAY BE DRAWN FROM THE RECORD AS A WHOLE. CREDIBILITY FINDINGS NEED NOT BE AN ALL-OR-NOTHING PROPOSITION. INDEED, NOTHING IS MORE COMMON IN ALL KINDS OF ADJUDICATORY DECISIONS THAN TO BELIEVE SOME, BUT NOT ALL, OF A WITNESS' TESTIMONY.

THE DEPARTMENT HAS THE BURDEN TO PROVE BY A PREPONDERANCE OF THE EVIDENCE FOR COUNT 1 THAT "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

THE ESSENCE OF THE PARTIES' POSITION IS THAT, ON THE ONE HAND, THE DEPARTMENT ALLEGES THAT WALDEN ATTEMPTED TO PURCHASE A FIREARM SILENCER, WHEREAS DETECTIVE WALDEN MAINTAINED THAT HE INTENDED TO PURCHASE A HIGH-PERFORMANCE FUEL FILTER. DETECTIVE WALDEN EXPLAINED THAT HE IS A CAR ENTHUSIAST, WHO REBUILDS CARS AND HAS A NUMBER OF PENDING AND INCOMPLETE PROJECTS. AMONG OTHER THINGS, HE IS ALSO A WELDER AND HAS BEEN QUALIFIED AS A GUN EXPERT FOR THE

PURPOSES OF TESTIFYING IN STATE COURT PROCEEDINGS.

GREG FIELD, A SENIOR AUTOMOTIVE SUPERVISOR, TESTIFIED THAT THE ITEM CONFISCATED BY CBP CANNOT BE USED AS A FUEL FILTER BECAUSE IT HAS NO FILTRATION COMPONENT INSIDE IT. HE BELIEVED THAT, ACCORDING TO THE ONLINE SEARCHES, THE ITEM PURCHASED, WHICH WAS A NAPA 4003, INTENDED USE IS AS A FIREARM SILENCER.

BOARD EXHIBIT 1 DEPICTS A FEW OF THE URL WEBSITES DETECTIVE WALDEN SEARCHED PRIOR TO THE SUBJECT PURCHASE. MR. FIELD BELIEVED THEM NOT TO BE FUEL FILTERS.

MR. BIRAIMAH, THE FIREARM ANALYST, EXPLAINED THAT THE NAPA 4003 IS A CODE WORD FOR SUPPRESSORS KNOWN TO FIREARM BUYERS. HE FURTHER EXPLAINED THAT FUEL FILTERS AND SOLVENT TRAPS CANNOT BE INTERCHANGEABLY USED. MR. BIRAIMAH EXAMINED THE CONFISCATED ITEM AND DETERMINED IT TO BE A FIREARM SUPPRESSOR COMPATIBLE WITH A NUMBER OF FIREARMS. AND UPON EXAMINING DETECTIVE WALDEN'S LIST OF PURCHASED FIREARMS, MR. BIRAIMAH FOUND A NUMBER OF THOSE FIREARMS COULD BE USED IF MODIFIED.

ERIC BIXLER TESTIFIED THAT ONE OF DETECTIVE WALDEN'S RESPONSIBILITIES WAS TO IDENTIFY SUPPRESSORS, AND THAT DETECTIVE WALDEN WOULD HAVE BEEN AWARE OF THE CONFISCATED ITEM'S PURPOSE AS A SUPPRESSOR.

IN CONCLUSION, THE BOARD FINDS YOU UNANIMOUSLY GUILTY ON COUNT 1.

THIS CONCLUDES THE RATIONALE FOR THE FINDINGS PHASE OF THIS BOR CASE.

--OOO--

RATIONALE ON PENALTY

LUKE WALDEN, #34898

B.F. NO. 31674

C.F. NO. 21-001144

THURSDAY, FEBRUARY 15, 2024

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

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

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

DETECTIVE WALDEN'S RECORD SHOWS 24 YEARS OF SERVICE WHERE HE HAS RECEIVED TWO MAJOR COMMENDATIONS AND 155 MINOR COMMENDATIONS FROM CITIZENS, THE BUREAU, AREA AND OTHERS. HIS DISCIPLINARY HISTORY CONSISTED

OF MINOR SUSTAINED ADMONISHMENT FOR A TRAFFIC COLLISION IN 2002.

WE HEARD FROM THE FOLLOWING CHARACTER WITNESSES: RETIRED DETECTIVE JAMES MCSORLEY WHO WAS WITH THE DEPARTMENT FOR 30 YEARS AND WORKED AS DETECTIVE WALDEN'S CO-SUPERVISOR IN THE GND DEPARTMENT IN 2015; RETIRED LIEUTENANT JESSE KANE, WHO WAS ON THE JOB FOR 28 YEARS; DETECTIVE CRAIG MARQUEZ, WHO HAS BEEN ON THE JOB FOR 28 YEARS, WAS WITH GND FOR FOUR YEARS, AND WORKED WITH DETECTIVE WALDEN ON THE GUN UNIT; RETIRED LIEUTENANT SCOTT MCNIEL, WHO WAS EMPLOYED BY LAPD FOR NEARLY 27 YEARS, HE WORKED WITH GND AS A DETECTIVE III, AND WAS WALDEN'S DIRECT SUPERVISOR FOR TWO YEARS; LASTLY, WE HEARD FROM DETECTIVE HUGO AYON, WHO WORKS GND ON THE FBI TASK FORCE, AND HAS BEEN ON THE JOB FOR 24 YEARS.

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

STANDARD OF REVIEW FOR POST IS OF A CLEAR AND CONVINCING, WHEREAS THE BOARD IS BY A PREPONDERANCE OF THE EVIDENCE.

WE ALSO HEARD FROM CAPTAIN YASIR GILLANI WHO HAS BEEN ON THE DEPARTMENT FOR 25 YEARS AND IS A COMMANDING OFFICER OF RISK MANAGEMENT. HE EXPLAINED THAT THERE IS A CONCERN AND POSSIBLY A NEGATIVE EFFECT OF THE MISDEMEANOR CONVICTION AND OUR GUILTY FINDING IN THIS CASE. HE ALSO EXPLAINED THAT ONCE A PERSON IS PLACED ON BRADY, IT MAY AFFECT HIS ABILITY TO TESTIFY, HOWEVER, THAT WOULD BE UP TO THE DA'S DEPARTMENT TO DETERMINE HIS ABILITY TO TESTIFY. ONCE ON BRADY, IT'S NOT A DONE DEAL AND IT IS POSSIBLE TO BE REMOVED FROM A BRADY LIST.

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

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

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

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

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

THEREFORE, IT IS THE UNANIMOUS

RECOMMENDATION OF THIS BOARD TO THE CHIEF OF POLICE THAT THE PENALTY IMPOSED BE A SUSPENSION OF 30 DAYS.

THIS CONCLUDES THE BOARD OF RIGHTS.

--OOO--

BEFORE THE LOS ANGELES POLICE DEPARTMENT

BOARD OF RIGHTS

SONIA AMIN, CHAIRMAN

IN THE MATTER OF:	)
	)
	)
LOS ANGELES POLICE DEPARTMENT	) **B.F. NO. 31674**
BOARD OF RIGHTS HEARING	) **C.F. NO. 21-001144**
	)
IN RE: LUKE WALDEN #34898,	)
	)

TRANSCRIPTION OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

TUESDAY, FEBRUARY 13, 2024

REPORTED BY:

ANNA M. SANCHEZ
CSR NO. 8516

APPEARANCES:

FOR THE DEPARTMENT: SERGEANT DANIEL SLATER
AND
DCA SNEZHANNA DIDICH
DEPARTMENT ADVOCATES
201 N. FIGUEROA STREET
16TH FLOOR
LOS ANGELES, CA 90012

FOR THE ACCUSED: BILL SEKI
ATTORNEY AT LAW
600 WILSHIRE BOULEVARD
SUITE 1250
LOS ANGELES, CA 90017

BOARD MEMBERS: SONIA AMIN
DANIEL ORTEGA
PATRICIA STRONG-FARGAS

ALSO PRESENT:

SGT. GIPSON
SGT. VILLAFANA
JASMINE RICHAU

I N D E X

FOR THE DEPARTMENT:	DIRECT	CROSS	REDIRECT	RECROSS
SGT. JOHN JIZMEJIAN	20	51	71, 77, 80, 81	79
SGT. LUKE WALDEN	84	128	145, 154	169, 152

E X H I B I T S

DEPARTMENT'S:	DESCRIPTION	MARKED	ENTERED
1	PHOTOGRAPH	23	23
2	ATF BULLETIN 1702, 8 PAGES	25	25
3	ATF BULLETIN 20-01, 6 PAGES	26	26
4	PROPERTY REPORT	28	28
5	PHOTOGRAPHS, 21 PAGES	29	29
6	LABORATORY REPORT SID 21-007329	30	30
7	A DISK	32	32
8	PAYPAL RECORDS,	35	35
9	DOCUMENT TITLED, "FOLLOW UP INVESTIGATION DR21991310	35	35
10	E-MAIL, 20 PAGES	40	40
11	DOCUMENT TITLED, "GND/ FBI GANG TASK FORCE DAILY WORKSHEET PORTRAIT	44	44

(CONT'D) I N D E X

E X H I B I T S

DEPARTMENT'S:	DESCRIPTION	MARKED	ENTERED
12	TRANSCRIPT OF LUKE WALDEN'S INTERVIEW, 22 PAGES	46	46
13	DISK OF TRANSCRIPT OF LUKE WALDEN'S INTERVIEW	46	46
14	PRELIMINARY HEARING MINUTES, 5 PAGES	48	48
15	MINUTE ORDER, DATED SEPTEMBER 29, 2023, 4 PAGES	50	50
16	MANUAL SECTION 210.35, CONDUCT UNBECOMING AN OFFICER	85	85
17	STANDARD BASE ASSESSMENT FROM OCTOBER 7, 2017 TO OCTOBER 6 2018 OF DETECTIVE LUKE WALDEN, 6 PAGES	87	87
18	DOCUMENT TITLED, "ASSAULT WEAPON IDENTIFICATION GUIDE," 6 PAGES	90	90

ACCUSED'S:	DESCRIPTION	MARKED	ENTERED
A	PHOTOGRAPHS, 21 PAGES	57	57
B	ADDENDA 6-A, 2 PAGES	61	61
C	PHOTOGRAPHS, 10 PAGES	134	134

LOS ANGELES POLICE DEPARTMENT

B.F. NO. 31674

C.F. NO. 21-001144

. . . . . .

THE MATTER OF LUKE WALDEN, #34898, DETECTIVE I, CAME ON REGULARLY FOR HEARING BEFORE THE BOARD OF RIGHTS ON TUESDAY, FEBRUARY 13, 2024, AT 1200 HOURS, IN BOARDROOM NO. 5, FIGUEROA PLAZA BUILDING; THE BOARD CONSISTING OF:

SONIA AMIN, CHAIRMAN

DANIEL ORTEGA, ASSOCIATE

PATRICIA STRONG-FARGAS, ASSOCIATE

. . . . . .

SERGEANT DANIEL SLATER APPEARED AS THE DEPARTMENT ADVOCATE; BILL SEKI, ATTORNEY AT LAW, APPEARED AS THE DEFENSE REPRESENTATIVE; THE ACCUSED BEING PRESENT.

. . . . . .

ANNA M. SANCHEZ, CSR NO. 8516, HAVING BEEN DULY APPOINTED AND SWORN BY THE CHAIRMAN OF THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER TO REPORT IN SHORTHAND WRITING THE TESTIMONY AND PROCEEDINGS UPON THE HEARING, WAS DIRECTED BY SAID DEPARTMENT

ADVOCATE TO THEREAFTER REDUCE SAID SHORTHAND NOTES INTO TYPING.

. . . . . .

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

. . . . . .

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

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

(REPORTER SWORN.)

MS. AMIN: ALL PARTIES ARE HERE. WE HAVE A FULL HOUSE. LET'S GO AHEAD AND INTRODUCE OURSELVES FOR THE RECORD SO WE KNOW WHO ALL IS HERE.

I'M SONIA AMIN, I'M GOING TO BE CHAIR.

TO THE LEFT, I HAVE?

MR. ORTEGA: DAN ORTEGA.

MS. STRONG-FARGAS: PATRICIA STRONG-FARGAS.

MS. AMIN: AND FOR THE DEPARTMENT?

SGT. SLATER: FOR THE DEPARTMENT, I'M SERGEANT DANIEL SLATER.

MS. AMIN: AND YOUR CO-CHAIR?

MS. DIDICH: MY NAME IS SNEZHANNA DIDICH, I'M A DEPUTY CITY ATTORNEY ALSO WITH THE DEPARTMENT.

MS. AMIN: OKAY. NICE TO SEE YOU.

ALL RIGHT. AND BEHIND YOU, SECOND ROW?

SGT. GIPSON: SECOND ROW, SERGEANT GIPSON, ADVOCATE.

SGT. VILLAFANA: SERGEANT VILLAFANA, I'M JUST HERE TO OBSERVE.

MR. SEKI: GOOD MORNING, BILL SEKI. OR GOOD AFTERNOON, MY NAME IS BILL SEKI. AND TO MY LEFT IS DETECTIVE WALDEN.

MS. AMIN: OKAY. GREAT. DOES THE ACCUSED WANT TO HEAR HIS RIGHTS OR DO YOU WAIVE?

MR. SEKI: WE WILL WAIVE READING OF THE RIGHTS.

MS. AMIN: SOUNDS GOOD.

WE HAVE BEFORE US ONE COUNT, WHICH IS, "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

HOW DO YOU PLEA TO THAT?

DET. WALDEN: NOT GUILTY.

MS. AMIN: AND IS THE DEPARTMENT READY TO PROCEED?

SGT. SLATER: THE DEPARTMENT IS READY, MA'AM.

MS. AMIN: WOULD YOU LIKE TO DO AN OPENING STATEMENT?

SGT. SLATER: YES, MA'AM.

MS. AMIN: ALL RIGHT. GO AHEAD.

SGT. SLATER: GOOD MORNING, OR AT THIS POINT, GOOD AFTERNOON. MY NAME IS SERGEANT DANIEL SLATER. I WILL BE REPRESENTING THE DEPARTMENT IN THE MATTER BEFORE THIS BOARD OF RIGHTS.

THE DEPARTMENT ALLEGES ONE COUNT OF MISCONDUCT AGAINST DETECTIVE LUKE WALDEN FOR ACTIONS HE TOOK WHILE OFF DUTY. REGARDING THE COUNT BEFORE THIS BOARD, "ON OR ABOUT MARCH 17TH, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

WHAT YOU WILL HEAR THROUGH THIS BOARD IS THAT DETECTIVE WALDEN'S ACTIONS WERE NOT OF MOMENTARY LAPSE IN JUDGMENT, RATHER, DETECTIVE WALDEN'S ACTIONS WERE DELIBERATE AND CALCULATED, BUT MORE THAN THAT, THEY WERE AN ABUSE OF THE POSITION OF TRUST HE IS IN FOR HIS OWN INTENTIONAL PERSONAL GAIN THAT RESULTED IN A VIOLATION OF THE LAW. THE VERY SAME LAWS THAT DETECTIVE WALDEN WAS ENTRUSTED WITH UPHOLDING EVERY DAY THAT HE PUT ON HIS UNIFORM.

YOU WILL HEAR FROM SERGEANT JOHN JIZMEJIAN OF THE LOS ANGELES POLICE DEPARTMENT SPECIAL OPERATION DIVISION AND SERGEANT JIZMEJIAN WILL EXPLAIN THAT

THERE HAD BEEN AN INFLUX OF FIREARM SILENCERS BEING BROUGHT INTO THIS COUNTRY ILLEGALLY, THAT POSSESSION OF A SILENCER IS ILLEGAL AND THAT THERE IS NO EXEMPTION FOR LAW ENFORCEMENT OFF DUTY TO OWN OR POSSESS A LAW ENFORCEMENT -- OR SILENCER IN THE STATE OF CALIFORNIA.

SERGEANT JIZMEJIAN WILL EXPLAIN HOW THESE FIREARM SILENCERS ARE DISGUISED OFTEN AS INNOCUOUS FUEL FILTERS IN AN ATTEMPT TO PASS THROUGH CUSTOMS AND BORDER PROTECTION, AND THAT LAW ENFORCEMENT WAS AWARE OF THIS METHOD OF CIRCUMVENTING THE LAW.

SERGEANT JIZMEJIAN WILL DETAIL WHY AND HOW ONE SUCH ITEM WAS INTERCEPTED BY CUSTOMS AND BORDER PROTECTION ADDRESSED TO DETECTIVE WALDEN, INCLUDING DETECTIVE WALDEN'S HOME ADDRESS AND NAME. SERGEANT JIZMEJIAN WILL ALSO EXPLAIN ON TOP OF THE INCREASED ENFORCEMENT BY CUSTOMS AND BORDER PROTECTION, THAT THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS RECENTLY RELEASED SEVERAL LAW ENFORCEMENT BULLETINS DETAILING HOW INDIVIDUALS WERE SECRETLY IMPORTING THESE OTHERWISE ILLEGAL FIREARM ACCESSORIES.

THESE ATF BULLETINS WERE AVAILABLE TO THE LAPD, AND WHAT YOU'LL LEARN IS AS A MEMBER OF THE ELITE GUN UNIT, DETECTIVE WALDEN WOULD HAVE HAD ACCESS AND KNOWLEDGE OF THESE THINGS. YOU WILL SEE THAT

MR. WALDEN'S PAYPAL RECORDS WILL MAKE CLEAR THAT HE DID, IN FACT, PURCHASE THE ITEM, EVEN THOUGH IT WAS LABELED AS A FUEL FILTER, THAT WAS INTERCEPTED BY CUSTOMS AND BORDER PATROL.

SERGEANT JIZMEJIAN WILL ALSO TELL YOU, IN THE COURSE OF HIS INVESTIGATION, HE LEARNED MR. WALDEN HAS NUMEROUS FIREARMS REGISTERED TO HIM, MANY OF WHICH WILL BE COMPATIBLE WITH THE INTERCEPTED ITEM WITH A SIMPLE CONVERSION. CONVENIENTLY ENOUGH, DETECTIVE WALDEN'S COMPUTER SEARCH HISTORY SHOWS HIM SEARCHING FOR FIREARMS AND THE ACCESSORIES THAT WOULD MAKE THE CONVERSION TO ACCEPT THE SILENCER ACCEPTABLE.

SERGEANT JIZMEJIAN WILL TELL YOU THAT DETECTIVE WALDEN WAS CONFRONTED WITH ALL THE INFORMATION AGAINST HIM AND HE DENIED ATTEMPTING TO PURCHASE A FIREARM SILENCER, AND INSTEAD, CLAIMED THE ITEM WAS A FUEL FILTER FOR A VEHICLE HE WAS REBUILDING. HOWEVER, YOU WILL HEAR FROM DIRECTOR OF POLICE TRANSPORTATION, GREG FIELD, WHO WILL EXPLAIN THAT HE REVIEWED THE ITEM AND HE DETERMINED THERE WAS NO WAY THE RECOVERED DEVICE COULD BE USED AS A FUEL FILTER AND HE WILL EXPLAIN TO YOU WHY NOT.

YOU WILL THEN HEAR FROM FORENSIC SCIENCE DIVISION, CRIMINALIST III, FADIL BIRAIMAH. CRIMINALIST BIRAIMAH WILL EXPLAIN TO YOU THAT HE

SPECIFICALLY WAS TASKED WITH EXAMINING FIREARMS AND FIREARMS COMPONENTS, INCLUDING SILENCERS AS PART OF HIS DUTIES WITH THE LAPD. HE WILL TELL YOU THAT HE REVIEWED THE ITEMS RECOVERED AND ADDRESSED TO MR. WALDEN AND IT WAS ABUNDANTLY CLEAR THAT DETECTIVE WALDEN HAD PURCHASED A FIREARM SILENCER BASED ON SPECIFIC CONSTRUCTION AND DESIGN ELEMENTS WITHIN THE RECOVERED ITEM.

AFTER THE DEPARTMENT HAS PRESENTED ALL THIS EVIDENCE, I AM CONVINCED THAT YOU WILL SEE THAT DETECTIVE WALDEN ATTEMPTED TO UTILIZE HIS POSITION AND KNOWLEDGE TO CIRCUMVENT THE SAME LAWS HE TOOK AN OATH TO UPHOLD. THOUGH OFF DUTY, THIS ACTION IS A BLEMISH ON THE DEPARTMENT AND NOT JUST DETECTIVE WALDEN. AS POLICE OFFICERS, WE ARE TASKED WITH FOLLOWING THE LAW AND WE ARE HELD TO A HIGHER STANDARD THAT DETECTIVE WALDEN DID NOT MEET. THANK YOU.

MS. AMIN: THANK YOU, SERGEANT.

MR. SEKI?

MR. SEKI: GOOD AFTERNOON BOARD MEMBERS, SIMPLY PUT, DETECTIVE WALDEN IS A VICTIM OF BIAS POLICING. IT'S BIAS POLICING, TYPICALLY WE THINK OF BIAS POLICING WHERE OFFICERS FOCUS ON SOMEBODY BECAUSE OF THEIR RACE, ETHNICITY, RELIGION, GENDER. AND IN THIS PARTICULAR CASE, THE FOCUS WAS PUT ON DETECTIVE

WALDEN BECAUSE OF HIS EMPLOYMENT AS A POLICE OFFICER, AND ALONG WITH IT CAME CERTAIN ASSUMPTIONS BY THE DEPARTMENT WITHOUT FACTS.

IN FACT, WHAT YOU'LL LEARN IS THAT FACTS THAT WERE PRESENTED TO THE DEPARTMENT AS PART OF THEIR INVESTIGATION WERE IGNORED, IGNORED IN ORDER TO CATCH THE BOOGEY MAN, SOMEBODY THEY BELIEVED WAS COMMITTING A CRIME IN THEIR MIDST.

NOW, ONE OF THE THINGS YOU'LL LEARN IS DETECTIVE WALDEN HAS BEEN A MEMBER OF THIS DEPARTMENT FOR OVER 25 YEARS, HE'S HAD A NUMBER OF DIFFERENT POSITIONS, DEALING WITH TASK FORCE, GANG INVESTIGATION, AND ALSO, AS WAS MENTIONED, HE WORKED THE GANG NARCOTIC DIVISION, FOR ONE YEAR HE WORKED IN THE GANG UNIT. THEY END UP FOCUSING ON GUNS THAT ARE SEIZED FROM GANG MEMBERS AND OTHER CRIMINALS IN DETERMINING WHETHER OR NOT THEY ARE COMPLIANT WITH THE LAW, SUCH AS ASSAULT WEAPONS, THINGS LIKE THAT.

NOW, ONE OF THE THINGS THAT YOU'LL LEARN ABOUT DETECTIVE WALDEN IS NOT ONLY IS HE A POLICE OFFICER, BUT HE'S ONE OF THOSE NEIGHBORS, ONE OF THOSE NEIGHBORS WHO YOU MIGHT NOT WANT IN YOUR NEIGHBORHOOD. DURING THE COURSE OF THIS YOU'LL GET SOME PHOTOGRAPHS, WHICH WERE PRESENTED TO THE DEPARTMENT, WHICH THEY SAW, WHERE DETECTIVE WALDEN IS A TINKERER. HE'S AN

AMATEUR CAR BUILDER. HE'S GOT CARS IN HIS FRONT YARD, ON THE SIDE OF HIS HOUSE, IN THE BACK OF HIS HOUSE, ALL IN DIFFERENT STATES OF REPAIR. HE'S THE TYPE OF GUY WHO WILL HAVE A CAR SITTING UP ON BLOCKS, HE'LL BE TINKERING WITH THEM ON WEEKENDS, LEARNING HOW TO CHANGE THEM, FIX THEM, EVEN WORKING ON THEM WITH HIS SON. THAT'S ONE OF THE FACTS THAT YOU'LL LEARN THAT THE DEPARTMENT IGNORED AS PART OF THEIR INVESTIGATION.

NOW, ONE OF THE THINGS HE HAD WAS HE HAD A COUPLE OF CELICAS, TOYOTA CELICAS, IN HIS DRIVEWAY. ONE OF THEM, AN '85 CELICA, HE WAS CHANGING COMPLETELY. IF YOU'RE A CAR BUFF, YOU'LL UNDERSTAND THIS. CELICAS COME WITH A FOUR-CYLINDER ENGINE. HE WAS REMOVING THAT FOUR-CYLINDER ENGINE AND HE WAS GOING TO PUT A V8 IN THERE, A WINDSOR 351, A SUBSTANTIAL BIGGER ENGINE. IN FACT, WITH THAT, HE WAS GOING TO HAVE TO TAKE OUT THE FUEL TANK, PUT A DIFFERENT FUEL TANK IN, AND HE WAS GOING TO HAVE TO CREATE A FUEL SYSTEM IN ORDER THAT GAS COULD BE PUMPED THROUGH THAT WITH ENOUGH GAS TO POWER THE 351 IN HIS CARBURETORS.

AS MOST TINKERERS OR MECHANICS, THEY'RE LOOKING FOR THINGS THAT THEY CAN USE, MAYBE SOMETHING THEY HAVEN'T USED BEFORE. ONE OF THE THINGS HE KNEW HE HAD TO GET IS A FUEL FILTER, SOMETHING THAT WOULD

HELP WITH THE PRESSURE, 'CAUSE THE PRESSURE CHANGES FROM THE FUEL TANK ALL THE WAY TO THE ENGINE. ALWAYS LOOKING FOR DIFFERENT ITEMS. AND AN ITEM THAT HE FOUND ONLINE WAS, YOU'RE GOING TO SEE PHOTOGRAPHS OF IT, AND MAYBE EVEN IN REAL LIFE, WHAT WAS DESCRIBED AS A FUEL FILTER.

YOU GOT TO LEARN THAT THESE FUEL FILTERS, ANOTHER FACT THAT THE DEPARTMENT IGNORED, WERE WIDELY ADVERTISED THROUGHOUT THE INTERNET. IN FACT, YOU'RE GOING TO HEAR FROM A WITNESS, HE'LL TELL YOU THAT THESE WERE EVEN SOLD BY WALMART. SO THESE SO-CALLED ILLEGAL THINGS KNOWN AS FUEL FILTERS WAS SOLD BY ONE OF THE LARGEST COMPANIES ONLINE IN THE UNITED STATES.

HOWEVER, DETECTIVE WALDEN FOUND ONE SIMILAR, HE LIKED IT, HE ENDED UP BUYING IT. YOU'RE GOING TO LEARN THAT THESE FUEL FILTERS ARE DESIGNED IN A MANNER WHICH CAN BE ALTERED FOR THEM TO BE USED AS SILENCERS, IN FACT, YOU'LL HEAR THERE ARE ONLINE VIDEOS, YOU TUBE VIDEOS, THINGS LIKE THAT, TO TELL YOU HOW YOU CAN MODIFY THEM. YOU HAVE TO DRILL THIS, YOU HAVE TO GET A DIFFERENT BARREL FOR THE GUN, IT HAS TO MATCH UP, ALL THESE DIFFERENT THINGS.

WHEN HE ORDERED THAT FUEL FILTER, HE ORDERED IT FOR THIS PROJECT. AND LIKE MANY THINGS THAT ARE ORDERED FROM CHINA ONLINE, HE NEVER RECEIVED IT.

YOU'LL LEARN THAT IN APRIL OF '21, CUSTOMS AND BORDER PATROL AT THE AIRPORT HAD A FOCUS ON ITEMS COMING IN FROM CHINA. I BELIEVE IT WAS APRIL 21ST, A CUSTOMS AGENT NOTICED A LARGE NUMBER OF THESE FUEL FILTERS COMING FROM AN AREA OF CHINA AND THEY BELIEVED THAT THESE WERE SILENCERS. 13 ITEMS HAD BEEN ORDERED BY DIFFERENT PEOPLE.

WHEN THEY RAN PEOPLE, THEY FOUND OUT THAT DETECTIVE WALDEN WAS A POLICE OFFICER AND THEREIN STARTED THE BIAS POLICING. YOU'LL LEARN THAT UNLIKE THE OTHER INDIVIDUALS WHO HAD ORDERED THOSE ITEMS AND RECEIVED JUST A LETTER FROM CUSTOMS SAYING, "HEY, YOU KNOW WHAT, YOU MAY HAVE VIOLATED OUR LAWS OF THE UNITED STATES, YOU MAY HAVE ORDERED SOMETHING WHICH MAY BE ILLEGAL." DETECTIVE WALDEN DIDN'T GET THAT. THE FOCUS WAS ON HIM. AND ONCE THEY RAN HIM, THEY REALIZED HE HAD A LOT OF GUNS. HE HAS GUNS, IT'S A SILENCER, HE MUST BE GUILTY OF IT, ASSUMPTIONS THAT WERE MADE THAT YOU'LL LEARN ABOUT.

BUT ONE OF THE OTHER FACTS THAT THE DEPARTMENT HAS IGNORED THROUGH ALL OF THIS IS THAT WHEN HE DIDN'T GET THAT FUEL FILTER, HE REALIZED, "I NEED TO ORDER IT FROM A MORE REPUTABLE PLACE." SO IN AUGUST, FOUR MONTHS AFTER THAT PARCEL WAS SEIZED, AND HE WAS NEVER INFORMED ABOUT IT BEING SEIZED, FROM

AMAZON, HE ORDERED A FUEL FILTER, ALONG WITH THE BRACKET, EVIDENCE THAT HE INTENDED TO BUY A FUEL FILTER FOR HIS PROJECT, SOMETHING WHICH THE DEPARTMENT HAS IGNORED IN THEIR INVESTIGATION. IT WASN'T UNTIL JANUARY OF '23, WHEN HE WAS INTERVIEWED BY INTERNAL AFFAIRS, THAT IT WAS FOUND OUT THAT THE PARCEL THAT HE HAD ORDERED WAS ACTUALLY SEIZED.

DURING HIS INTERVIEW WITH JOHN JIZMEJIAN, HE WAS FORTHRIGHT, YOU'RE GOING TO HEAR THAT INTERVIEW, AND HE DESCRIBED FOR HIM THIS WAS FOR A PROJECT OF MINE. IN FACT, HE DESCRIBED IN DETAIL THAT HE WAS WORKING ON AN '85 CELICA, CHANGING THE ENGINE OUT FROM A FOUR CYLINDER TO AN EIGHT CYLINDER, AND HE HAD TO CREATE A FUEL SYSTEM FOR IT, SOMETHING TO HELP WITH THE PRESSURE AND EQUALIZER. HE EVEN PROVIDED THEM WITH THE SAME THING THAT I'M SHOWING YOU RIGHT NOW, THIS RECEIPT FROM AMAZON, WHICH SHOWS HIM ORDERING IT AND EVEN SHOWS THE PRODUCT.

BUT YOU'LL LEARN, THAT INSTEAD OF TAKING HIS WORD FOR IT, INSTEAD OF LOOKING AT THE FACTS IN FRONT OF THEM, THE DEPARTMENT CONTINUED WITH THEIR WITCH HUNT TO THE POINT WHERE THEY CHARGED HIM CRIMINALLY WITH ATTEMPTING TO OBTAIN A SILENCER.

NOW, ONE OF THE THINGS I TOLD YOU ABOUT IS THE PRODUCT, AS IT COMES IN, DOESN'T ATTACH TO ANY

GUN, IN FACT, YOU'RE GOING TO LEARN A LITTLE BIT MORE ABOUT GUNS THAN YOU EVER ANTICIPATED YOU'RE GOING TO KNOW. YOU HAVE TO HAVE A BARREL THAT'S THREADED. MOST PISTOL DON'T COME WITH THREADED BARRELS, IN FACT, IT'S ILLEGAL TO HAVE THAT. YOU'RE GOING TO LEARN THAT THE 43 GUNS THAT HE HAD, THEY COULDN'T FIND ONE SINGLE GUN THAT MATCHED THE THREADING ON THIS.

IN FACT, YOU'RE GOING TO FIND THAT HE DIDN'T HAVE ANY THREADED BARRELS IN HIS HOUSE, THAT HE HADN'T ORDERED ANY THREADED BARRELS, THAT THERE WAS NOTHING THAT WOULD HAVE FIT THIS. YOU'RE GOING TO LEARN THAT THE THREADING, IN FACT, IS DIFFERENT, THERE'S METRIC THREADING VERSUS, I GUESS, IT'S U.S. THREADING AND THEN THEY HAVE TO BE COMPATIBLE, THREADING LEFT, THREADING RIGHT, WHATEVER IT IS. YOU'RE GOING TO HEAR THERE WAS AN END CAP ON THIS, THAT THIS END CAP HAS TO BE MILLED. THERE MAY BE A MARK ON THERE, BUT IT HAS TO BE DRILLED IN ORDER FOR THAT TO BE USED AS A SILENCER. YOU'RE GOING TO HEAR HE NEVER GOT THIS ITEM AND INSTEAD HAD TO ORDER THIS SECONDARY FUEL FILTER.

THE DEPARTMENT, IN THEIR INVESTIGATION, IS GOING TO CALL SOMEBODY FROM THE MOTOR POOL AND HE'S GOING TO BASICALLY TELL YOU THAT THIS PARTICULAR ITEM, THE ONE THAT WAS SEIZED, WOULD HAVE WORKED AS A FUEL FILTER FOR A CELICA. BUT WHAT THE DEPARTMENT DIDN'T

ASK HIM TO DO WAS TO DETERMINE WHETHER OR NOT A FUEL FILTER, A HIGH VOLUME FUEL FILTER, COULD BE USED IN A MODIFICATION WHERE A FUEL TANK IS BEING CHANGED TO GO TO A V8, WHERE A FUEL SYSTEM HAS TO BE BUILT TO ALLOW THE FUEL TO GET TO THE CARBURETOR. HE'LL TELL YOU THIS IS NOT ONE OF THOSE FUEL FILTERS THAT WOULD GET FROM AUTO ZONE, SOMEWHERE ELSE, A LITTLE PLASTIC THING, AND BECAUSE OF THAT, THIS WOULD NOT BE USEABLE.

IN THE END, YOU'RE GOING TO LEARN THAT THERE WERE A LOT OF ASSUMPTIONS THAT WERE MADE ABOUT DETECTIVE WALDEN AND HIM ORDERING THAT ITEM. YOU'RE GOING TO LEARN THAT THESE ASSUMPTIONS AND THESE BIASES AND STEREOTYPES WERE BUILT IN. AND YOU'RE GOING TO SEE THAT PURSUANT TO BOARD OF RIGHTS MANUAL 363.70, THAT ANY EVIDENCE HAS TO BE CREDIBLE AND OF SOLID VALUE. AND INFERENCES, BASED ONLY ON POSSIBILITY, SUSPICION, SPECULATION, IMAGINATION, GUESSWORK, ET CETERA, HAVE TO BE REJECTED.

WE'RE CONFIDENT, IN THE END, WHEN YOU SEE ALL THE EVIDENCE, THAT THE DEPARTMENT HAS A MASS, IT'S ALL BASED UPON SUPPOSITION, CONJECTURE AND GUESSWORK, AND ULTIMATELY, THE FACTS THAT WERE IN FRONT OF HIM, THAT HE IS A PROJECT GUY, A TINKERER, THE FACT THAT HE ORDERED A SECOND FUEL FILTER ONLY FOUR MONTHS AFTER HE DIDN'T RECEIVE THE OTHER ONE. THE FACT THAT HE IS

REBUILDING A CELICA, NOT WITH THE SAME ENGINE, BUT WITH A COMPLETELY DIFFERENT SYSTEM, ENGINE, FUEL TANK, ET CETERA, ARE ALL IGNORED.

AND LASTLY, YOU'RE GOING TO LEARN THAT WHILE HE MAY HAVE WORKED THE GUN UNIT, HIS SUPERVISOR WILL COME IN AND TELL YOU THAT AT THE TIME THAT HE WAS THERE, THEY NEVER RECEIVED ANY TRAINING REGARDING THIS PARTICULAR DEVICE BEING ILLEGAL OR BEING A SILENCER.

IN THE END, YOU'LL HAVE NO OTHER CHOICE BUT TO FIND THAT THE DEPARTMENT'S CASE AGAINST DETECTIVE WALDEN IS BIAS POLICING. IGNORE THE EVIDENCE TO FIND THE BOOGEY MAN, GUESSWORK AND SUPPOSITION AND YOU'LL HAVE TO RETURN A FINDING OF NOT GUILTY. THANK YOU.

MS. AMIN: OKAY. SERGEANT SLATER, ARE YOU READY TO CALL YOUR FIRST WITNESS?

SGT. SLATER: WE ARE. THE DEPARTMENT WOULD LIKE TO CALL SERGEANT JOHN JIZMEJIAN.

(PAUSE IN THE PROCEEDINGS.)

MS. AMIN: GOOD AFTERNOON, SERGEANT, HOW ARE YOU?

SGT. JIZMEJIAN: GOOD. HOW ARE YOU?

MS. AMIN: CAN YOU TELL US YOUR FULL NAME.

SGT. JIZMEJIAN: JOHN, J-O-H-N, JIZMEJIAN, J-I-Z-M-E-J-I-A-N.

MS. AMIN: ALL RIGHT. DO YOU SOLEMNLY SWEAR

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

SGT. JIZMEJIAN: I DO.

MS. AMIN: THANK YOU. PLEASE HAVE A SEAT. YOUR WITNESS, PLEASE.

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

DIRECT-EXAMINATION

BY SGT. SLATER:

Q. SERGEANT JIZMEJIAN, WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. I'M A SERGEANT WITH SPECIAL OPERATIONS DIVISION.

Q. AND WHAT IS SPECIAL OPERATIONS DIVISION?

A. IT'S A DIVISION WITHIN THE POLICE DEPARTMENT THAT HANDLES CRIMINAL ALLEGATIONS AGAINST DEPARTMENT PERSONNEL, IT ALSO DOES WORKERS' COMP FRAUD BY DEPARTMENT PERSONNEL AND SOD, SPECIAL OPERATIONS DIVISION, HAS AN INTERNAL SURVEILLANCE COMPONENT, AS WELL.

Q. THANK YOU. HOW LONG HAVE YOU WORKED THAT ASSIGNMENT, SIR?

A. ABOUT THREE AND A HALF YEARS.

Q. THANK YOU. CAN YOU, JUST FOR THE BOARD'S KNOWLEDGE, GIVE US A BRIEF OVERVIEW OF YOUR DEPARTMENT CAREER, SUPERVISORY CAREER?

A. PRIOR TO INTERNAL AFFAIRS OR PRIOR TO SOD, I WAS ASSIGNED TO INTERNAL AFFAIRS. I WORKED THE CRIMINAL AND ADMINISTRATIVE SECTIONS, PRIOR TO THAT, I WAS A SUPERVISOR AT RAMPART DIVISION, THERE I WORKED PATROL, AS A PATROL SUPERVISOR IN THE VICE UNIT.

Q. OKAY. WERE YOU ASSIGNED TO INVESTIGATE A C.F. NO. 21-001144?

A. YES.

Q. WHO WAS THE ACCUSED OFFICER IN THAT CASE?

A. DETECTIVE LUKE WALDEN.

Q. OKAY. WHAT WERE YOUR RESPONSIBILITIES IN THAT INVESTIGATION?

A. TO DO THE ADMINISTRATIVE INVESTIGATION.

Q. NOW, YOU SAY "THE ADMINISTRATIVE INVESTIGATION," CAN YOU CLARIFY A LITTLE BIT WHAT THAT MEANS?

A. SO THERE'S TWO PARTS, THERE WERE TWO PARTS TO THIS INVESTIGATION, ONE WAS THE CRIMINAL PART AND ONE WAS THE ADMINISTRATIVE PART.

Q. OKAY. AND WHEN YOU SAY YOU WERE ASSIGNED THE ADMINISTRATIVE INVESTIGATION, WHY ARE THEY SEPARATED?

A. THEY'RE SEPARATED TO PROTECT THE CRIMINAL INVESTIGATION, TO PROTECT THE OFFICER'S RIGHTS.

Q. WERE YOU EVENTUALLY BRIEFED INTO THE CRIMINAL INVESTIGATION?

A. I WAS.

Q. AND WHO WERE YOU BRIEFED INTO THAT INVESTIGATION BY?

A. BY THE -- MY COLLEAGUE WHO CONDUCTED THE CRIMINAL INVESTIGATION, DETECTIVE ROSS NEMEROFF.

Q. AND DID YOU REVIEW DETECTIVE NEMEROFF'S INVESTIGATION?

A. I DID.

Q. OKAY. HOW DID YOU BECOME AWARE OF THE ALLEGATION AGAINST MR. WALDEN?

A. I BECAME AWARE OF IT FROM DETECTIVE NEMEROFF.

Q. AND HOW DID HE BECOME AWARE OF IT?

A. CUSTOMS AND BORDER PATROL X-RAYED A BIN OF PARCELS, PACKAGES COMING INTO THE U.S. FROM OVERSEAS, THEY FOUND 13 PACKAGES WITHIN THAT BIN THAT WERE LABELED AS FUEL FILTERS, BUT THEY SUSPECTED THEY WERE FIREARM SILENCERS. ONE OF THE PACKAGES WAS ADDRESSED

TO DETECTIVE LUKE WALDEN, CUSTOMS AND BORDER PATROL THEN NOTIFIED HSI, HOMELAND SECURITY INVESTIGATIONS, AND THEY NOTIFIED THE POLICE DEPARTMENT.

Q. DO YOU KNOW IF THE RECOVERED PACKAGE WAS PHOTOGRAPHED?

A. IT WAS.

SGT. SLATER: ALL RIGHT. AT THIS TIME, I'D LIKE TO MARK AND ENTER DEPARTMENT'S 1, A ONE-PAGE PHOTOGRAPH OF A RECOVERED PARCEL.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. IT WILL BE ADMITTED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 1, A PHOTOGRAPH, 1 PAGE, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. CAN YOU TAKE A MOMENT TO REVIEW THIS PHOTOGRAPH.

A. OKAY. I REVIEWED IT.

Q. IS THIS THE PACKAGE THAT WAS RECOVERED?

A. YES.

Q. WHO WAS THIS PACKAGE ADDRESSED TO?

A. LUKE WALDEN.

Q. AND WHERE WAS THE PACKAGE ADDRESSED TO?

A. HIS HOME ADDRESS.

Q. WAS THERE ANY OTHER WRITING ON THIS PACKAGE THAT YOU REVIEWED?

A. THERE WAS SOME CHINESE WRITING.

Q. DID YOU GET THAT CHINESE TRANSLATED?

A. I DID NOT.

Q. DID SOMEBODY GET THAT CHINESE WRITING TRANSLATED?

A. YES.

Q. WHO WAS THAT?

A. ROSS NEMEROFF.

Q. AND IF YOU RECALL, WHAT WAS THIS TRANSLATED TO?

A. I WOULD HAVE TO REFER BACK TO THE REPORT TO REFRESH MY MEMORY. THE CHINESE WRITING WAS TRANSLATED TO "SPIRAL, 1/2-28, SINGLE CORE AUTOMOBILE FUEL FILTER (SIX INCH, ONE-HALF INCH-28 BLACK SPIRAL "P0171289910.)"

Q. THANK YOU. NOW, YOU MENTIONED THIS WAS SCREENED BECAUSE IT WAS LABELED AS A FUEL FILTER BY CUSTOMS AND BORDER PROTECTION. WHY WERE PACKAGES LABELED AS FUEL FILTERS BEING SCREENED?

MR. SEKI: OBJECTION; CALLS FOR SPECULATION.

MS. AMIN: IF YOU CAN ANSWER IT, GO AHEAD.

SGT. JIZMEJIAN: ACCORDING TO CUSTOMS AND BORDER PATROL, THEY INTERCEPTED THOUSANDS OF PARCELS

FROM CHINA LABELED AS FUEL FILTERS, FILTERS, SOLVENT TRAPS THAT WERE IN ACTUALITY FIREARM SILENCERS.

Q. YOU HOW DID YOU COME TO KNOW THAT INFORMATION?

A. I TALKED TO MY COLLEAGUE, ROSS NEMEROFF, WHO WAS DOING THE CRIMINAL INVESTIGATION, HE BRIEFED ME ON THAT. I READ HIS REPORT, AS WELL. AND I ALSO READ TWO TECHNICAL BULLETINS FROM ATF, ALCOHOL, TOBACCO, FIREARMS, ABOUT SILENCER.

Q. WHEN YOU SAY YOU READ TWO TECHNICAL BULLETINS, ARE YOU --

I'D LIKE TO MARK AND ENTER TWO SEPARATE TECHNICAL BULLETINS, ATF TECHNICAL BULLETIN 1702, AN 8-PAGE DOCUMENT, DATED APRIL 20TH, 2017; AND TECHNICAL BULLETIN 20-01, A 6-PAGE DOCUMENT DATED OCTOBER 30TH, 2019.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. IT WILL BE ADMITTED INTO EVIDENCE AS EXHIBIT 2 AND 3.

SGT. SLATER: BILL, I DIDN'T WRITE ON IT, BUT THE "17" WILL BE "NO. 2."

(DEPARTMENT'S EXHIBIT NO. 2, ATF BULLETIN 1702, 8 PAGES WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

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(DEPARTMENT'S EXHIBIT NO. 3, ATF BULLETIN 20-01, 6 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. HAVE YOU REVIEWED THE TWO TECHNICAL BULLETINS I PROVIDED?

A. YES.

Q. ARE THOSE THE TECHNICAL BULLETINS YOU REFERRED TO WHEN YOU SAID YOU REVIEWED THEM?

A. YES.

Q. OKAY. REFERRING TO THESE DOCUMENTS, YOU SAID YOU REVIEWED THESE AND THEY BRIEFED -- THESE DOCUMENTS PROVIDED YOU SOME ENLIGHTENMENT ON ITEMS BEING SMUGGLED IN AS SILENCERS?

A. YES.

Q. CAN I HAVE YOU REFER TO TECHNICAL BULLETIN 17.02, MARKED AS DEPARTMENT'S 2.

A. OKAY.

Q. DID THIS DOCUMENT DEFINE A FIREARM SILENCER?

A. IT DID.

Q. ARE SILENCERS LEGAL IN THE STATE OF CALIFORNIA?

A. THEY ARE NOT.

Q. ALL RIGHT. ARE LAW ENFORCEMENT OFFICERS LEGALLY ALLOWED TO POSSESS A SILENCER WHILE OFF DUTY?

A. NO.

Q. WHAT WAS THE SILENCER DEFINED AS, ROUGHLY, BY THIS DOCUMENT?

A. IT'S A DEVICE THAT SUPPRESSES OR LESSENS THE SOUND OF A GUN GOING OFF, THE GUN FIRING, OR IT'S LIKE A COMBINATION OF PARTS THAT DO THE SAME THING BUT AE INTENDED TO ACT AS A SILENCER.

Q. AND AFTER HSI, AND JUST TO BE CLEAR, I DON'T KNOW IF YOU CLARIFIED THIS POINT, WHAT IS HSI?

A. HOMELAND SECURITY INVESTIGATION.

Q. WHY WERE THEY THE ONES TO NOTIFY YOUR PARTNER?

A. THEY HANDLED THE CRIMINAL CASE FROM THEIR END.

Q. OKAY. SO AFTER HSI NOTIFIED YOUR PARTNER OF THE RECOVERED ITEMS, WHAT STEPS WAS TAKEN?

A. DETECTIVE NEMEROFF WENT TO HSI OFFICE AND RECOVERED -- TOOK THE ITEM FROM THEM.

SGT. SLATER: ALL RIGHT. AT THIS TIME, I'D LIKE TO MARK AND ENTER A ONE-PAGE DOCUMENT, A PROPERTY REPORT.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. IT WILL BE ADMITTED INTO EVIDENCE.

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(DEPARTMENT'S EXHIBIT NO. 4, PROPERTY REPORT, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. WHEN DETECTIVE NEMEROFF TOOK THIS ITEM INTO CUSTODY, DID HE COMPLETE A PROPERTY REPORT?

A. YES.

Q. IS THIS THE PROPERTY REPORT THAT HE COMPLETED.

A. IT IS.

Q. ALL RIGHT. WAS THE RECOVERED ITEM ANALYZED?

A. IT WAS.

Q. WHO CONDUCTED THIS ANALYSIS?

A. A TECHNICIAN FROM FORENSIC SCIENCES DIVISION BY THE NAME OF "FADIO BUSILAH."

Q. DO YOU MEAN FADIL BIRAIMAH?

A. YES.

Q. OKAY. AND BEFORE WE GET TO THAT POINT, ACTUALLY, WERE PHOTOGRAPHS TAKEN OF THE ITEM WHEN IT WAS RECOVERED?

A. YES.

SGT. SLATER: I'D LIKE TO MARK DEPARTMENT'S 5, A 21-PAGE DOCUMENT, PHOTOS OF THE RECOVERED ITEM AND PACKAGING THAT IT CAME WITH.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. IT WILL BE ADMITTED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 5, PHOTOGRAPHS, 21 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. ARE THESE THE PHOTOGRAPHS THAT WERE TAKEN OF THE RECOVERED ITEM?

A. YES.

Q. NOW, YOU MENTIONED CRIMINALIST FADIL BIRAIMAH TOOK AN EXAMINATION OF THIS ITEM; IS THAT CORRECT?

A. YES.

Q. DID HE COMPLETE A REPORT IN ANY WAY OF DOCUMENTING THAT?

A. YES.

SGT. SLATER: AT THIS TIME I'D LIKE TO ENTER DEPARTMENT'S NO. 6, A 3-PAGE DOCUMENT TITLED, "LABORATORY REPORT SID 21-007329."

MR. SEKI: NO OBJECTION.

MS. AMIN: ALL RIGHT. ENTERED INTO EVIDENCE.

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(DEPARTMENT'S EXHIBIT NO. 6, A DOCUMENT TITLED, "LABORATORY REPORT SID 21-007329," 3 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. AFTER EXAMINING THIS ITEM, DID THE CRIMINALIST COME TO ANY CONCLUSION?

A. HE DID.

Q. AND I APOLOGIZE FOR GETTING AHEAD OF MYSELF THERE.

WHAT WAS HE ASKED TO ANALYZE THIS ITEM FOR?

A. TO SEE IF IT'S A SILENCER FOR A HANDGUN.

Q. OKAY. WAS IT FOR A HANDGUN --

A. FOR A FIREARM, I'M SORRY.

Q. AND WHAT CONCLUSION DID HE REACH?

A. THAT IT WAS A SILENCER FOR A FIREARM.

Q. AND IS THAT THE REPORT IN FRONT OF YOU THAT WE'RE DISCUSSING?

A. YES.

Q. ALL RIGHT. AFTER YOUR PARTNER RECOVERED THE FIREARM, WHAT OTHER INVESTIGATIVE ACTIONS WERE TAKEN, I MEAN, NOT THE FIREARM, THE ITEM FROM HSI?

A. SO DETECTIVE NEMEROFF CONTACTED OUR INFORMATION TECHNOLOGY BUREAU, IT'S LIKE OUR IT

DEPARTMENT, AND HE HAD THEM QUERY DETECTIVE WALDEN'S INTERNET SEARCH HISTORY USING DEPARTMENT COMPUTERS. HE ALSO CONTACTED THE CALIFORNIA DEPARTMENT OF JUSTICE AND OBTAINED A LIST OF FIREARMS THAT HAVE BEEN REGISTERED TO DETECTIVE WALDEN.

Q. THANK YOU. I JUST NEED ONE SECOND TO FIND WHERE IN HERE A DISK WENT.

(PAUSE IN THE PROCEEDINGS.)

BY SGT. SLATER:

Q. YOU SAID YOUR PARTNER CONTACTED ITD TO DO AN AUDIT OF HIS COMPUTER USAGE, WHAT SPECIFICALLY WAS AUDITED?

A. HIS COMPUTER USAGE DURING A TIME FRAME, I THINK IT WAS JANUARY 1 OF 2020 TO APRIL 28TH OF '21.

Q. AND HOW WAS THAT -- WAS A KEYWORD SEARCHED USED AS THAT AUDIT?

A. THERE WAS CERTAIN KEYWORDS, "SILENCER" AND OBJECTS ASSOCIATED WITH SILENCERS, "THREADED BARREL, FUEL FILTER."

SGT. SLATER: OKAY. AT THIS TIME I WOULD LIKE TO MARK AND ENTER DEPARTMENT'S 7, THE KEYWORD "SEARCH RESULTS." THEY ARE ON A DISK, DUE TO THE SIZE. I WILL PULL THEM UP ON THE SCREEN MOMENTARILY, BUT FOR NOW, I'D LIKE TO MARK AND ENTER THEM AS DEPARTMENT'S 7 ON A DISK.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. ENTERED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 7, A DISK, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. AND IF REQUESTED, LATER IN THE DAY OR AT ANOTHER POINT, I CAN PROVIDE THESE ON A USB OR ANOTHER ITEM. BUT WE HAVE LIMITED USB'S, SO FOR NOW, THEY'RE ON A DISK.

MS. AMIN: IS IT POSSIBLE TO CONDENSE THE FILE AND SEND IT BY E-MAIL?

SGT. SLATER: I SHOULD BE ABLE TO. DON'T QUOTE ME ON THAT UNTIL I CONFIRM.

MS. AMIN: OKAY. SO EACH OF US CAN HAVE A COPY.

SGT. SLATER: BUT WE SHOULD BE ABLE TO SEND THAT ELECTRONICALLY, AS WELL.

ONE SECOND, PLEASE.

(PAUSE IN THE PROCEEDINGS.)

MR. ORTEGA: IS THIS GOING TO PROJECT ON THAT MONITOR?

SGT. SLATER: IT WILL, SIR, IN JUST A MOMENT.

Q. DID YOU GET A COPY OF THAT AUDIT AS PART OF

YOUR INVESTIGATION?

A. I DID, YES.

Q. OKAY. WHAT WERE THE RESULTS OF THAT AUDIT?

A. THERE WERE MULTIPLE SEARCHES FOR THREADED BARREL AND FOR FILTER. AND, ALSO, THERE WERE MULTIPLE HITS FOR THREADED BARREL, MULTIPLE SEARCHES FOR THREADED BARREL, FOR FUEL FILTER, AND ALSO THERE WAS ONE WEBLINK TO A PAYPAL -- A LINK TO A PAYPAL WEBSITE.

Q. THANK YOU. JUST ONE MOMENT, AND I'M GOING TO DIRECT YOU TO THE SCREEN IN FRONT OF YOU.

BUT DIRECTING YOU SPECIFICALLY, I'M GOING TO PULL UP THE KEYWORD SEARCH OF "FUEL" FOR MARCH OF 2021, LINE 330.

CAN YOU SEE THAT FROM HERE?

A. YES.

Q. OKAY. AND IF NECESSARY, WE CAN HAVE YOU WALK CLOSER OR HAVE ANYBODY MOVE CLOSER THAT NEEDS TO SEE IT.

IS THIS ONE OF THOSE SEARCHES THAT YOU REFERENCED?

A. YES.

Q. AND CAN YOU READ WHAT LINE 330 -- WHAT THE URL STARTS WITH?

A. "PAYPAL.COM\TS?PGRP."

Q. THAT'S FINE, THAT'S ENOUGH.

AND THEN THE SECTION IN RED AT THE END OF THAT URL BOX?

A. "CHECKOUT BUTTON."

Q. I APOLOGIZE, THE NEXT SECTION IN RED. IF I NEED, I CAN HAVE YOU MOVE CLOSER.

A. SO THE NEXT RED?

Q. YEAH, THE NEXT RED.

A. "CHECKOUT BUTTON."

Q. AFTER "CHECKOUT BUTTON."

A. "NAPA-4003-WIX240031-2-205-8-245-8-24 FUEL FILTER-ALUMINUM SOLVENT TRAP."

Q. THANK YOU.

AND DIRECTING YOU TO THE LINE IMMEDIATELY PRECEDING THAT, WHAT WAS FIRST IMMEDIATELY BEFORE THE PAYPAL URL?

A. "FACEBOOK.COM."

Q. AND THEN THE LINE DIRECTLY UNDER "FACEBOOK.COM"?

A. "FUEL FILTER ALUMINUM SOLVENT."

Q. THANK YOU.

SO YOU MENTIONED THAT PAYPAL WAS DISCOVERED AS ONE OF THE ITEMS ON THESE SEARCH LISTS, WHAT ACTIONS WERE TAKEN AFTER THE PAYPAL DISCOVERY?

A. MY COLLEAGUE, ROSS NEMEROFF, THEN WROTE A SEARCH WARRANT FOR DETECTIVE WALDEN'S PAYPAL ACCOUNT.

Q. AND HOW WERE THE RESULTS OF THAT SEARCH WARRANT DOCUMENTED?

A. HE WROTE A 3.14 REPORT, WHICH IS A FOLLOW-UP REPORT.

SGT. SLATER: OKAY. AT THIS TIME, I'D LIKE TO MARK AND ENTER DEPARTMENT'S 8, THE PAYPAL RECORDS, ON A DISK, WHICH WILL ALSO BE E-MAILED TO THE BOARD MEMBERS LATER TODAY.

AND DEPARTMENT'S 9, A ONE-PAGE DOCUMENT TITLED, "FOLLOW UP INVESTIGATION DR21991310."

MR. SEKI: I HAVE NO OBJECTION TO EITHER.

MS. AMIN: OKAY. SO EXHIBIT 8 AND 9 WILL BE ADMITTED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 8, A DISK WITH PAYPAL RECORDS, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

(DEPARTMENT'S EXHIBIT NO. 9, A DOCUMENT TITLED, "FOLLOW UP INVESTIGATION DR21991310," WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. DID THE RESULTS OF THAT PAYPAL LOG DOCUMENT WHO THE PAYPAL ACCOUNT BELONGED TO?

A. THE SEARCH WARRANT?

Q. YES.

A. YES.

Q. AND WHO WAS DISCOVERED TO BE THE OWNER OF THAT PAYPAL ACCOUNT?

A. DETECTIVE LUKE WALDEN.

Q. OKAY. AND WAS ANYTHING ELSE DISCOVERED AFTER RECEIVING A COPY OF THE PAYPAL RESULTS?

A. NEMEROFF DISCOVERED THAT A PAYPAL RECORD HAD A PURCHASE OF A FUEL FILTER.

Q. STANDBY ONE SECOND.

AND DID YOU REVIEW THOSE PAYPAL TRANSACTIONS, AS WELL?

A. YES.

Q. I'M GOING TO PUT ON THE SCREEN THE PAYPAL TRANSACTIONS, SPECIFICALLY LINE 79. REFERRING TO LINE 79, UNDER THE COLUMN THAT SAYS, "NET," WHAT DO YOU SEE?

A. NEGATIVE SIGN AND THEN $45.96, USD.

Q. OKAY. AND THEN MOVING THROUGH THAT, ON LINE 79, UNDER "SHIPPING ADDRESS," WHAT ADDRESS WAS LISTED THERE, AS WELL AS WHAT INDIVIDUAL?

A. IT HAS DETECTIVE WALDEN'S NAME WITH HIS HOME ADDRESS.

Q. AND UNDER ITEM TITLE, WHAT ITEM IS LISTED IN LINE 79?

A. IT SAYS, "BUY 1 GET 1 FREE," SAYS, "LAST DAY

FOR NAPA-4003-WIX-4003-1-2-28-5/8-24 FUEL FILTER ALUMINUM SOLVENT TRAP."

Q. THANK YOU.

DIRECTING YOU BACK TO THE ATF TECHNICAL BULLETIN 20-01, WHICH WAS DEPARTMENT'S 3, MAY I HAVE YOU REFER TO DEPARTMENT'S 3, PLEASE.

A. OKAY.

Q. IS THE NAPA 4003 FUEL FILTER REFERENCED IN THIS BULLETIN ANYWHERE?

A. IT IS.

Q. DO YOU RECALL WHAT PAGE THAT WAS ON?

A. IT'S THE LAST PAGE.

Q. WHEN YOU SAY "THE LAST PAGE," ARE YOU REFERRING TO PAGE 6?

A. YES.

Q. OKAY. AND WHAT IS THE REFERENCE ON PAGE 6 REFERRING TO?

A. THE SIZE OF THE THREADING, 3/4 OF AN INCH.

Q. OKAY. WHEN YOU SAY "THREAD 3/4 OF AN INCH," HOW DID YOU COME TO KNOW WHAT 3/4 OF AN INCH MEANS?

A. I DID AN INTERNET RESEARCH.

Q. OKAY. ON PAGE 4 OF THIS DOCUMENT, I'M GOING TO DIRECT YOU TO 4, IS THE NAPA 4003 FILTER REFERENCED ON PAGE 4?

A. YES.

Q. AND WHAT DID THIS DOCUMENT HAVE TO SAY ABOUT ITEMS MARKED AS A NAPA 4003 FILTER?

A. SO IT SAYS, ACCORDING TO THE ATF, THE PEOPLE WHO WROTE THIS DOCUMENT, WHEN YOU DO AN INTERNET SEARCH FOR NAPA 4003, THE RESULTS COME UP WITH DIFFERENT WEBSITES SELLING FIREARM SILENCERS UNDER THE GUISE OF FUEL FILTERS, CLAIMING TO BE FUEL FILTERS.

Q. AND ON THE ONES THAT ARE SOLD AS FIREARM FUEL FILTERS, WHAT IS THE THREAD SIZE ON THOSE ITEMS?

A. FIREARMS -- CAN YOU REPEAT THAT QUESTION.

Q. YOU REFERENCED THAT ON PAGE 4, THE ATF IDENTIFIED ITEMS MARKETED AS NAPA THAT ARE ACTUALLY SILENCERS, DID THIS DOCUMENT REFERENCE THE THREAD SIZE OF THE ITEMS THAT ARE SILENCERS?

A. IT DID.

Q. AND WHAT WAS THAT?

A. HALF-INCH BY 28.

Q. ARE THERE OTHER OPTIONS FOR THE SILENCERS THAT THREAD SIZE?

A. YES.

Q. WOULD IT BE SAFE TO SAY, THEN, THAT 1/2 BY 28 IS A COMMON THREAD SIZE FOR FIREARMS?

A. I WOULD BELIEVE SO.

MR. SEKI: OBJECTION; LACKS FOUNDATION. CALLS FOR SPECULATION. HE'S NOT AN EXPERT IN THIS.

SGT. SLATER: LET ME REPHRASE MY QUESTION THEN.

Q. DID THE ATF IN THIS DOCUMENT IDENTIFY 1/2 BY 28 AS A THREAD SIZE USED ON FIREARM SUPPRESSORS?

A. YES.

Q. AND TO BE CLEAR, THAT'S DIFFERENT THAN THE 3/4 THREAD THAT WAS MARKETED AS THE FUEL FILTER SIZE, CORRECT?

A. CORRECT.

Q. THANK YOU.

AND WHAT WAS THE THREAD SIZE WHEN WE TRANSLATED THE CHINESE WRITING ON THE ITEM THAT WAS INTERCEPTED?

A. 1/2 BY 28.

Q. NOW, YOU MENTIONED THAT YOUR PARTNER CONTACTED SOMEBODY ABOUT THE FIREARMS OWNED BY DETECTIVE WALDEN?

A. YES.

Q. WHO DID HE CONTACT?

A. HE CONTACTED THE CALIFORNIA DOJ, DEPARTMENT OF JUSTICE.

Q. AND WHY WOULD HE CONTACT THE DEPARTMENT OF JUSTICE?

A. BECAUSE THEY -- WHEN YOU BUY A GUN IN CALIFORNIA, YOU HAVE TO REGISTER IT, AND THEY HAD THE

DATABASE FOR THE REGISTERED FIREARMS.

Q. SO IF I'M HEARING YOU CORRECTLY, WHAT YOU'RE SAYING IS THAT THE DOJ TRACKS FIREARMS OWNED BY INDIVIDUALS?

A. YES.

Q. AND AFTER HE CONTACTED THEM, WHAT HAPPENED?

A. IT PROVIDED DETECTIVE NEMEROFF A LIST OF THE GUNS OR THE FIREARMS REGISTERED -- THAT WERE REGISTERED TO LUKE WALDEN.

SGT. SLATER: AT THIS TIME, I'D LIKE TO MARK AND ENTER DEPARTMENT'S 10, A 20-PAGE DOCUMENT CONTAINING AN E-MAIL REQUESTING A FIREARMS RUN AND THE RESULTS OF THAT FIREARM RUN.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. ADMITTED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 10, AN E-MAIL, 20 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. SO I'D LIKE TO REFER YOU TO DEPARTMENT'S 10, THE DOCUMENT I JUST GAVE YOU, REFERRING TO PAGES 19 AND 20, CAN YOU EXPLAIN WHAT THESE TWO PAGES ARE?

A. THESE TWO PAGES WERE PREPARED BY MY CO-WORKER, ROSS NEMEROFF.

Q. OKAY. CAN YOU BREAK DOWN WHAT EACH OF THESE COLUMNS IS SUPPOSE TO REPRESENT?

A. NEMEROFF LOOKED INTO EACH FIREARM THAT THE DOJ PROVIDED HIM AS BEING REGISTERED TO LUKE WALDEN. HE RAN THE SERIAL NUMBERS FOR THE HISTORY OF THE FIREARMS AND MADE A DETERMINATION IF THEY WERE BOUGHT OR SOLD.

Q. OKAY. SO IF I'M UNDERSTANDING YOU CORRECTLY, THE FIRST COLUMN INDICATES IF AT SOME POINT MR. WALDEN HAD BOUGHT OR SOLD ONE OF THESE GUNS, THE SECOND COLUMN IS THE TYPE OF GUN, AS IN THE MANUFACTURER, THE THIRD IS THE CALIBER, THE FOURTH COLUMN WOULD BE THE PRODUCT TYPE, SO WITHIN A MANUFACTURER, THE TYPE OF GUN IT IS, AND THEN THE DOT COLUMN WOULD BE THE DATE OF TRANSFER, FINALLY THE SERIAL, AND THEN IF IT'S DOCUMENTED WITH THE DOJ, A DOCUMENTED TRANSFER TO ANOTHER INDIVIDUAL, CORRECT?

A. CORRECT.

Q. SO CIRCLING BACK TO DEPARTMENT'S 3 ONE MORE TIME, DID THIS DOCUMENT IDENTIFY THE COMMON THREAD SIZES OF CERTAIN FIREARM BARRELS?

A. IT DID.

Q. WHAT WAS IDENTIFIED AS THE THREAD SIZE FOR NINE-MILLIMETER HANDGUNS?

A. 1/2 BY 28.

Q. AND WHAT WAS IDENTIFIED AS THE THREAD SIZE FOR AR-15 TYPE RIFLES?

A. 1/2 BY 28.

Q. AND WHAT WAS THE THREAD SIZE FOR RUGER 1022 RIFLES?

A. THE SAME, 1/2 BY 28.

Q. DID MR. WALDEN OWN ANY NINE-MILLIMETER HANDGUNS?

A. YES.

Q. DID MR. WALDEN OWN ANY AR-STYLE RIFLES?

A. YES.

Q. DID MR. WALDEN OWN ANY RUGER 1022'S?

A. YES.

Q. NOW, IN THE OPENING, MR. SEKI, THE DEFENSE ATTORNEY, MENTIONED THAT A THREADED BARREL WAS NECESSARY TO AFFIX THINGS TO A PISTOL IN THE STATE OF CALIFORNIA?

MR. SEKI: I'M GOING TO OBJECT AS VAGUE TO "THINGS," I DON'T KNOW WHAT "THINGS" ARE.

BY SGT. SLATER:

Q. TO ATTACH FIREARM BARREL ATTACHMENTS TO FIREARMS IN THE STATE OF CALIFORNIA; IS THAT CORRECT?

MR. SEKI: WELL, I GUESS THAT'S IRRELEVANT. BARREL ATTACHMENTS, I DON'T KNOW WHAT BARREL ATTACHMENTS ARE. IF YOU'RE SPECIFICALLY ASKING ABOUT

SILENCERS, THEN ASK ABOUT SILENCERS, BUT BARREL ATTACHMENTS CAN BE A NUMBER OF THINGS.

MS. AMIN: SUSTAINED.

BY SGT. SLATER:

Q. IN HIS OPENING, MR. SEKI ADDRESSED THAT A THREADED BARREL WOULD BE NECESSARY TO ATTACH A FIREARM SILENCER TO A BARREL; IS THAT CORRECT?

MR. SEKI: OBJECTION; LACKS FOUNDATION. WE DON'T KNOW THAT HE'S AN EXPERT ON THAT OR IF HE HAS KNOWLEDGE OF IT.

MS. AMIN: IF YOU HAVE KNOWLEDGE OR ABILITY TO ANSWER, THAT'S FINE.

SGT. JIZMEJIAN: REPEAT THE QUESTION, PLEASE.

BY SGT. SLATER:

Q. ARE THREADED BARRELS -- I'LL MOVE ON. I'LL ADDRESS THIS THROUGH ANOTHER WITNESS.

ALL RIGHT. I WANT TO DIRECT YOU NOW TO MR. WALDEN'S WORK STATUS, DOES THE DEPARTMENT TRACK WHEN ITS EMPLOYEES ARE WORKING?

A. YES.

Q. HOW DOES THE DEPARTMENT TRACK WHEN EMPLOYEES ARE WORKING?

A. WE HAVE AN INTERNAL DATABASE CALLED DEPLOYMENT PLANNING SYSTEM.

Q. AND WHAT IS -- WHAT DOES DEPLOYMENT PLANNING SYSTEM TRACK ON TOP OF IF AN EMPLOYEE IS WORKING?

A. IT TRACKS THEIR WORK HOURS, AS WELL.

SGT. SLATER: I'D LIKE TO MARK AND ENTER A ONE-PAGE DOCUMENT TITLED, "GND/FBI GANG TASK FORCE DAILY WORKSHEET PORTRAIT" FOR WEDNESDAY, MARCH 17, 2021.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. IT'S ADMITTED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 11, DOCUMENT TITLED, "GND/FBI GANG TASK FORCE DAILY WORKSHEET PORTRAIT," WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. HAVE YOU SEEN THIS DOCUMENT BEFORE, SIR?

A. YES.

Q. IS LUKE WALDEN'S WORK STATUS FOR THAT DAY DOCUMENTED ON THIS SHEET?

A. YES.

Q. WHAT TIME WAS LUKE WALDEN SCHEDULED TO BEGIN HIS SHIFT THAT DAY?

A. 0600.

Q. WHAT TIME DID HE ACTUALLY BEGIN HIS SHIFT?

A. 0900.

Q. SO ACCORDING TO THIS DOCUMENT, WAS LUKE WALDEN ON DUTY AT 0828 A.M. ON MARCH 17, 2021?

A. HE WAS NOT.

Q. AND AS PART OF YOUR INTERVIEW INTO THIS MATTER, I MEAN, INVESTIGATION INTO THIS MATTER, DID YOU CONDUCT AN INTERVIEW WITH DETECTIVE WALDEN?

A. I DID.

Q. ONE SECOND, PLEASE.

WAS THAT INTERVIEW RECORDED?

A. IT WAS.

SGT. SLATER: AT THIS TIME, I'D LIKE MARK AND ENTER DEPARTMENT'S 12, A 22-PAGE TRANSCRIPT OF A RECORDED INTERVIEW OF LUKE WALDEN. AND DEPARTMENT'S 13, A DISK OF THAT INTERVIEW.

MR. SEKI: SO THIS IS THE FIRST I'M SEEING OF THE TRANSCRIPT. I HAVEN'T BEEN PROVIDED THIS TRANSCRIPT.

SGT. SLATER: THE DEPARTMENT --

MR. SEKI: YOU KNOW WHAT, LET ME RETRACT. I DID GET IT. I'M SORRY. I HAVE NO OBJECTION TO 12 OR 13.

MS. AMIN: OKAY. THAT WILL BE ADMITTED INTO EVIDENCE.

MR. ORTEGA: DID YOU SAY 12 AND 13?

SGT. SLATER: 13 WILL BE THE DISK, 12 WILL BE THE TRANSCRIPT.

(DEPARTMENT'S EXHIBIT NO. 12, TRANSCRIPT OF LUKE WALDEN INTERVIEW, 22 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

(DEPARTMENT'S EXHIBIT NO. 13, DISK OF TRANSCRIPT OF LUKE WALDEN'S INTERVIEW, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. DURING YOUR INTERVIEW, WAS DETECTIVE WALDEN'S WORK HISTORY EVER DISCUSSED?

A. YES.

Q. WAS WALDEN EVER ASSIGNED TO THE GUN UNIT?

A. YES.

Q. WAS WALDEN EVER ASSIGNED TO A FEDERAL TASK FORCE?

A. YES.

Q. DID DETECTIVE WALDEN TELL YOU HE HAD QUALIFIED AS A COURT EXPERT ON FIREARMS AND TESTIFIED BEFORE ON SUCH MATTERS?

A. YES.

Q. DID YOU DISCUSS THE INTERCEPTED ITEM DURING YOUR INTERVIEW?

A. YES.

Q. WHAT DID DETECTIVE WALDEN TELL YOU THE ITEM WAS FOR?

A. HE SAID HE WAS REBUILDING AN OLDER VEHICLE, AN '85 TOYOTA CELICA, AND HE THOUGHT HE ORDERED A FUEL FILTER FOR THE VEHICLE, BUT HE NEVER RECEIVED THE ITEM.

Q. FOLLOWING YOUR INTERVIEW WITH DETECTIVE WALDEN AND HIS STATEMENT THAT HE PURCHASED THE ITEM AS A FUEL FILTER FOR A VEHICLE HE WAS REBUILDING, DID YOU TAKE ANY INVESTIGATIVE ACTIONS?

A. I WENT AND INTERVIEWED A SUPERVISOR GREG FIELD OR FIELDS, HE'S ASSIGNED TO MOTOR TRANSPORT DIVISION, THAT'S THE DIVISION THAT HAS OUR MECHANICS, OUR AUTOMOTIVE PEOPLE, AND I ASKED HIM -- I SHOWED HIM THE WEBLINKS THAT MY COLLEAGUE, NEMEROFF, DISCOVERED DURING HIS ITD INQUIRY OF DETECTIVE WALDEN'S INTERNET SEARCHES, SPECIFICALLY THE FUEL FILTER SEARCHES, AND I ALSO SHOWED HIM PICTURES OF THE DEVICE THAT WAS RECOVERED, AS WELL.

Q. SO WHEN MR. FIELD --

A. OR ITEM RECOVERED, I'M SORRY.

Q. SO WHEN MR. FIELD REVIEWED THE PHOTO OF THE ITEM RECOVERED, DID HE COME TO A CONCLUSION?

A. YES.

Q. AND WHAT WAS THAT CONCLUSION?

A. HE SAID THAT THE ITEM IS NOT A FUEL FILTER FOR A VEHICLE.

Q. OKAY. WAS THIS CASE -- WHAT WE'VE HEARD, AS MENTIONED IN THE OPENING, THIS WAS PRESENTED FOR CRIMINAL FILING, ARE YOU AWARE OF WHAT OCCURRED WITH THAT CRIMINAL FILING?

A. I AM.

Q. ALL RIGHT. WAS THIS CASE -- WAS A PRELIMINARY HEARING HELD IN THIS MATTER?

A. YES.

Q. AND WHAT IS A PRELIMINARY HEARING?

A. IT'S A HEARING WITH A JUDGE TO DETERMINE IF THERE'S ENOUGH EVIDENCE TO MOVE TO TRIAL.

SGT. SLATER: OKAY. AT THIS TIME I'D LIKE TO MARK AND ENTER A FIVE-PAGE DOCUMENT AS DEPARTMENT'S 14, AND THIS IS THE MINUTES FROM THE PRELIMINARY HEARING.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. IT WILL BE ENTERED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 14, PRELIMINARY HEARING MINUTES, 5 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. WAS A PRELIMINARY HEARING HELD ON THIS MATTER ON MARCH 9TH OF 2023?

A. YES.

Q. AND WHAT WAS THE OUTCOME OF THAT PRELIMINARY HEARING?

A. DETECTIVE WALDEN WAS HELD TO ANSWER.

Q. AND THEN AFTER THE PRELIMINARY HEARING AND BEING HELD TO ANSWER, DO YOU KNOW WHAT HAPPENED WITH THE COURT CASE?

A. DETECTIVE WALDEN PLED OUT TO AN OFFENSE.

Q. DO YOU KNOW WHAT OFFENSE HE PLED OUT TO?

A. POSSESSION -- ATTEMPT POSSESSION OR POSSESSION OF ASSAULT WEAPON.

SGT. SLATER: AT THIS TIME I'D LIKE TO MARK AND ENTER A 4-PAGE DOCUMENT, DEPARTMENT'S NO. 15, THE MINUTES FROM THE SEPTEMBER 29, 2023 PROCEEDINGS OR, YEAH.

MR. ORTEGA: I HAVE A QUESTION.

SGT. SLATER: YES.

MR. ORTEGA: IS THE TERM "HELD TO ANSWER," AS THE NON-LAWYER HERE, DOES THAT REQUIRE YOU TO SAY GUILTY OR NOT GUILTY?

MR. SEKI: NO. IT'S BASICALLY A FINDING BY THE COURT THAT ALLOWS THE CASE TO PROCEED FORWARD, SO

IT'S A CHECK ON THE POWERS OF THE GOVERNMENT.

BY SGT. SLATER:

Q. AND JUST TO BE CLEAR, I KNOW YOU SAID IT, BUT IN CASE THERE'S ANY QUESTIONS FOR THE BOARD, ULTIMATELY WHEN YOU SAY "HE PLEAD OUT," WHAT DOES "PLEAD OUT" MEAN?

A. HE -- HE ARRANGED AN AGREEMENT WITH THE PROSECUTORS TO BE FOUND CULPABLE OF AN OFFENSE.

MR. ORTEGA: YEAH, I DO KNOW WHAT PLEAD OUT MEANS.

SGT. SLATER: JUST COVERING THE BASIS FOR IT.

MR. ORTEGA: I APPRECIATE IT.

MS. AMIN: ANY OBJECTION TO 15?

MR. SEKI: OH, I'M SORRY, NO OBJECTION.

MS. AMIN: SO ADMITTED.

(DEPARTMENT'S EXHIBIT NO. 15, MINUTE ORDER, DATED SEPTEMBER 29, 2023, 4 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

SGT. SLATER: NO FURTHER AT THIS TIME.

MS. AMIN: WE'LL BE BACK IN 10.

(RECESS TAKEN.)

MS. AMIN: BACK ON THE RECORD.

MR. SEKI, IT'S YOUR CROSS.

MR. SEKI: THANK YOU.

CROSS-EXAMINATION

BY MR. SEKI:

Q. SO SERGEANT JIZMEJIAN, LET ME KIND OF -- I'M NOT GOING TO REPEAT EVERYTHING, BUT KIND OF BACKTRACK FROM THE BEGINNING. WE HAVE DEPARTMENT'S NO. 1, WHICH IS A PHOTOGRAPH OF A PARCEL THAT WAS SEIZED BY CUSTOMS AND BORDER PATROL, CORRECT?

A. YES.

Q. AND IN TERMS OF THIS PARTICULAR PARCEL, DID YOU DO ANY RESEARCH REGARDING THE ORIGINS OF THIS MEANING, WHERE THIS CAME FROM, THE COMPANY IT CAME FROM, ANYTHING LIKE THAT?

A. I, PERSONALLY?

Q. YES.

A. I DID NOT.

Q. DO YOU KNOW IF DETECTIVE NEMEROFF AT ANY POINT DID ANY RESEARCH ON IT?

A. I BELIEVE HE DID AN INTERNET SEARCH OF THE PHONE NUMBER AND MAYBE THE ADDRESS OF THE -- OF THE SENDER. I'D HAVE TO REFER TO MY REPORT TO REFRESH MY MEMORY.

Q. ONE OF THE THINGS THAT YOU SAID, AND MAYBE IT WASN'T CLEAR TO EVERYBODY, BUT CUSTOMS AND BORDER PATROL FOCUSED ON A BIN OF 13 ITEMS FROM THIS

PARTICULAR COMPANY; IS THAT CORRECT?

A. I BELIEVE THERE WAS A BIN WITH MULTIPLE ITEMS, 13 THAT WERE OUT OF THE BIN WERE IDENTIFIED BY CUSTOMS AND BORDER PATROL AS SUSPECTED FIREARM SILENCERS.

Q. DO YOU KNOW WHETHER OR NOT THEY WERE ALL FROM THE SAME COMPANY?

A. I DON'T.

Q. AND DO YOU KNOW WHAT WAS CONTAINED IN THOSE OTHER ITEMS?

A. WHICH OTHER ITEMS?

Q. THE 12 ITEMS THAT WERE SEIZED.

A. ACCORDING TO CUSTOMS AND BORDER PATROL, THEY SUSPECTED ALL 13 TO BE FIREARM SILENCERS.

Q. BUT YOU DON'T KNOW IF, IN FACT, THEY OPENED THEM UP, USED THEM, ANALYZED THEM?

A. I DON'T.

Q. YOU ONLY KNOW ON THIS PARTICULAR CASE, THIS ONE PACKAGE WAS IDENTIFIED AND THEN TURNED OVER TO LAPD; IS THAT CORRECT?

A. YES.

Q. AND IS IT CORRECT TO SAY THAT HOMELAND SECURITY ENDED UP DOING SOME RESEARCH IN DETERMINING THAT DETECTIVE WALDEN WHOSE NAME APPEARS ON HERE, THEY DETERMINED HE WAS A LAW ENFORCEMENT OFFICER?

A. YES.

Q. AND THEN THEY CONTACTED LAPD?

A. YES.

Q. AND THEN LAPD TOOK IT FROM THERE TO CONDUCT THEIR INVESTIGATION, CORRECT?

A. CORRECT.

Q. ONE OF THE THINGS THAT WAS SHOWN TO YOU BY SERGEANT SLATER HAD TO DEAL WITH INTERNET SEARCHES, USING KEYWORDS SUCH AS "FUEL FILTER, THREADED BARREL," ET CETERA?

A. CORRECT.

Q. AND YOU FOUND ONE WHICH HAD A WEBLINK TO A PAYPAL ACCOUNT, CORRECT?

A. DETECTIVE NEMEROFF FOUND THAT WEBLINK.

Q. DID DETECTIVE NEMEROFF GO TO THAT WEBSITE TO SEE WHAT WAS BEING ADVERTISED?

A. I DON'T KNOW.

Q. YOU WERE SHOWN A PAYPAL DATABASE OR RECORDS FOR DETECTIVE WALDEN AND, AGAIN, IT CAME UP WITH A PURCHASE OF A NAPA 4003 WIX, AND THERE'S SOME OTHER STUFF, FUEL FILTER, ALUMINUM SOLVENT TRAP, CORRECT?

A. YES.

Q. WERE YOU EVER ABLE TO FIND THE WEBSITE ASSOCIATED WITH THAT?

A. I DIDN'T LOOK.

Q. DO YOU KNOW IF DETECTIVE NEMEROFF LOOKED?

A. I DON'T KNOW.

Q. ONE OF THE THINGS THAT YOU SAID THAT THERE WAS A SEARCH ASSOCIATED WITH FACEBOOK.COM FOR A FUEL FILTER, CORRECT?

A. YES.

Q. AND APPARENTLY THERE WAS ON MARCH 17TH OF 2021?

A. YES.

Q. WERE YOU ABLE TO FIND THAT FACEBOOK.COM WEBSITE TO SEE WHAT WAS BEING ADVERTISED?

A. I DON'T KNOW. I DIDN'T DO -- I HAD ADMINISTRATIVE INVESTIGATIVE RESPONSIBILITIES TO DO THE ADMINISTRATIVE INVESTIGATION FOR THIS CASE, DETECTIVE NEMEROFF HAD THE CRIMINAL PORTION. I DON'T KNOW IF HE DID WHAT MR. SEKI IS ASKING.

Q. CORRECT ME IF I'M WRONG, JUST SO THE BOARD UNDERSTANDS, YOU HAVE PARALLEL INVESTIGATIONS, ADMINISTRATIVE INVESTIGATION AND CRIMINAL INVESTIGATION, CORRECT?

A. THEY'RE NOT PARALLEL.

Q. WELL, I MEAN, YOU'RE BASICALLY CONDUCTING AN ADMINISTRATIVE INVESTIGATION FOR THE SAME SUBJECT AS THE CRIMINAL INVESTIGATION; IS THAT CORRECT?

A. YES.

Q. OKAY. AND WHILE THEY'RE NOT, AS YOU SAY, PARALLEL, BASICALLY YOU'RE INVESTIGATING THE SAME THINGS, CORRECT?

A. YES.

Q. YOU DON'T HAVE TO RELY SOLELY ON WHAT THE CRIMINAL INVESTIGATOR DOES, YOU CAN CONDUCT YOUR OWN INVESTIGATION, CORRECT?

A. IT'S STANDARD PRACTICE TO DO WHAT I DID.

Q. WELL, I DON'T KNOW WHAT THAT MEANS, "TO DO WHAT I DID," WHAT DOES THAT MEAN?

A. TO CONDUCT ADMINISTRATIVE INVESTIGATION, NOT TO REHASH OR RECONDUCT THE CRIMINAL INVESTIGATION.

Q. SO IF YOU'RE GIVING INFORMATION AS PART OF THE ADMINISTRATIVE INVESTIGATION, YOU CAN FOLLOW UP ON THAT, CAN'T YOU?

A. YES.

Q. NOW, ONE OF THE THINGS YOU LEARNED IN TERMS OF A TIMELINE HERE, WE HAVE MARCH 17TH, WHICH IS APPARENTLY WHEN THIS ITEM WAS ORDERED THROUGH PAYPAL, CORRECT?

A. YES.

Q. AND YOU UNDERSTAND THAT APRIL 22ND, 2021 IS WHEN CUSTOM AND BORDER PATROL ENDED UP SEIZING THAT ITEM, CORRECT?

A. CORRECT.

Q. AND THEN I THINK WE HAVE A PROPERTY RECEIPT DATED MAY 11TH IS WHEN LAPD TOOK CUSTODY OF THE PARCEL THAT'S DEPICTED IN DEPARTMENT'S 1, CORRECT?

A. THAT'S THE DATE THAT THE REPORT WAS WRITTEN.

Q. OKAY. NOW, WHEN YOU INTERVIEWED DETECTIVE WALDEN, HE INDICATED TO YOU THAT HE HADN'T RECEIVED A FUEL FILTER THAT HE HAD ORDERED, CORRECT?

A. YES.

Q. IN FACT, HE SAID THAT HE ORDERED A DIFFERENT ONE, CORRECT --

A. YES.

Q. -- FROM AMAZON, BECAUSE HE KNEW THAT IF IT GOT LOST, HE CAN GET HIS MONEY BACK, CORRECT?

A. I DON'T KNOW IF HE -- IF HE EXPLAINED WHY -- IF HE EXPLAINED IT THAT WAY. I DON'T RECALL IF I ASKED HIM, EITHER, BUT HE SAID HE ORDERED ANOTHER ONE BECAUSE THE OTHER ONE DIDN'T ARRIVE.

Q. AND YOU ASKED HIM TO PROVIDE YOU WITH PHOTOGRAPHS OR PROOF THAT HE HAD ORDERED THAT ITEM, CORRECT?

A. YES.

Q. AND HE DID THAT, DIDN'T HE?

A. YES.

Q. IN FACT, HE PROVIDED YOU WITH PHOTOGRAPHS OR SHOTS THAT INDICATED THAT ON AUGUST 21ST OF 2021, HE

ORDERED A FUEL FILTER FROM AMAZON, CORRECT?

A. YES. HE GAVE ME A PICTURE OF AN ITEM THAT HE -- THAT HE PURCHASED.

MR. SEKI: SO I HAVE A 4-PAGE DOCUMENT HERE I'D LIKE MARKED AS ACCUSED A.

LET ME HAVE A MOMENT, PLEASE.

(PAUSE IN THE PROCEEDINGS.)

MR. SEKI: DO YOU HAVE AN OBJECTION?

SGT. SLATER: DID I NOT SAY THAT? NO OBJECTION. I'M SORRY, THAT'S ON US.

MS. AMIN: NO OBJECTION. IT'S ADMITTED INTO EVIDENCE.

(ACCUSED EXHIBIT A, PHOTOGRAPHS, 4 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY MR. SEKI:

Q. SO SERGEANT JIZMEJIAN, I'M HAVING YOU LOOK AT WHAT'S BEEN MARKED AS ACCUSED A, AND JUST REALLY AT THE FIRST PAGE, THERE'S TWO PHOTOGRAPHS THAT ARE DEPICTED THERE.

DO YOU RECALL SEEING SOMETHING -- DID YOU RECEIVE SOMETHING SIMILAR TO THE ITEMS DEPICTED ON PAGE 1 OF ACCUSED A?

A. YEAH, YOU SENT ME AN E-MAIL SIMILAR BUT NOT THIS.

Q. AND WHEN YOU RECEIVED THAT, DID YOU END UP SHOWING THAT PARTICULAR ITEM, THE EVIL ENERGY INLINE 100 MICRON FUEL FILTER, DID YOU END UP SHOWING THAT TO THE FORENSIC EXPERT?

A. SO YOU SENT ME A PICTURE OF AN ITEM, I BELIEVE YOU SAID IT'S SIMILAR TO WHAT WALDEN HAD PURCHASED, I DIDN'T SHOW THAT TO THE FORENSIC EXPERT, NO.

Q. IS THERE A REASON YOU DIDN'T SHOW IT TO HIM?

A. I DIDN'T -- NO THERE ISN'T.

Q. I MEAN, ONE OF THE THINGS HERE, WE WANT TO DETERMINE WHETHER OR NOT DETECTIVE WALDEN IS PURCHASING SILENCERS OR FUEL FILTERS, CORRECT?

A. CORRECT.

Q. OKAY. AND SO WE'VE GOT THIS ITEM THAT WAS LISTED AND IT'S LISTED AS A FUEL FILTER ON AMAZON, RIGHT?

A. RIGHT.

Q. AND YOU'VE GOT THIS FIREARM OR TECHNICAL BULLETIN, WHICH IS MARKED AS DEPARTMENT'S 3, DEALING WITH INLINE FILTER FIREARM SILENCERS, AND YOU HAVE PICTURES OF ITEMS; THE ITEM THAT'S DEPICTED HERE, DOES IT LOOK SIMILAR TO ANY OF THE ITEMS THAT WERE IN THE TECHNICAL BULLETIN THAT YOU RECEIVED?

A. IT LOOKS SIMILAR TO INLINE FILTER.

Q. AND HE TOLD YOU THAT BECAUSE HE, AND WHEN I SAY "HE," DETECTIVE WALDEN, TOLD YOU THAT WHEN HE DIDN'T RECEIVE A FUEL FILTER THAT HE ORDERED, HE ENDED UP ORDERING THIS ONE?

A. HE SAID HE ORDERED ANOTHER ONE. I DON'T KNOW IF IT WAS THIS ONE OR NOT.

Q. BUT YOU GAVE IT -- HE SENT YOU PICTURES, RIGHT?

A. I THINK YOU SENT AN E-MAIL OF A LIKE ITEM THAT --

Q. RIGHT.

A. -- YOU SAID THAT HE PURCHASED.

Q. BUT YOU DIDN'T FOLLOW THROUGH TO DETERMINE WHETHER OR NOT THAT, IN FACT, WAS A FUEL FILTER?

A. WHAT YOU E-MAILED ME?

Q. CORRECT.

A. I DID NOT.

Q. ONE OF THE THINGS THAT YOU SAID YOU DID WAS YOU ENDED UP GOING TO -- YOU ENDED UP GOING TO, IS HE A MECHANIC AT THE MOTOR POOL?

A. HE'S A SUPERVISORY MECHANIC.

Q. AND YOU ASKED -- YOU SHOWED HIM THE PICTURE OF THE ITEM THAT HAD BEEN SEIZED BY THE CUSTOMS AND BORDER PATROL, CORRECT?

A. ALL THE PICTURES, YEAH.

Q. DID YOU ASK HIM IF IT WAS A FUEL FILTER OR DID YOU ASK HIM IF IT WAS A FUEL FILTER THAT WOULD FIT A CELICA?

A. SO HE SAID THAT IT'S NOT A FUEL FILTER, PERIOD, FOR A VEHICLE.

Q. DID HE ACTUALLY SEE THE ITEM?

A. THE PHYSICAL ITEM?

Q. YES.

A. NO, JUST PICTURES.

Q. SO WHAT'S DEPICTED IN ACCUSED A, THAT PARTICULAR FILTER, DID YOU SHOW THAT TO MR. FIELD TO DETERMINE WHETHER OR NOT THAT WAS A FUEL FILTER THAT COULD BE USED WITH AN AUTOMOBILE?

A. SO WHAT I'M LOOKING AT IS NOT WHAT YOU SENT ME.

MR. SEKI: OKAY. SO HERE'S WHAT I'LL DO, THEN, I HAVE ADDENDA 6-A FROM THE ADMINISTRATIVE INVESTIGATION, I DON'T HAVE COPIES OF IT, BUT WE CAN MARK THIS AS ACCUSED B, 2 PAGES, AND WE CAN MAKE COPIES ON A BREAK.

MS. AMIN: ALL RIGHT. NO PROBLEM.

SGT. SLATER: NO OBJECTIONS.

MS. AMIN: OKAY. EXHIBIT B --

BY MR. SEKI:

Q. LET ME GET THIS IN FRONT OF YOU

(INDICATING).

A. OKAY.

MS. AMIN: -- IS ENTERED INTO EVIDENCE.

(ACCUSED EXHIBIT B, ADDENDA 6-A, 2 PHOTOGRAPHS, WERE MARKED FOR IDENTIFICATION.)

BY MR. SEKI:

Q. I WILL PUT THIS IN FRONT OF YOU, B. YOU SEE THOSE TWO PHOTOGRAPHS, CORRECT?

A. YES.

Q. OR COPIES?

A. YES.

Q. THAT'S WHAT WAS SENT TO YOU, CORRECT?

A. YES.

Q. DID YOU SHOW MR. FIELD WHAT'S DEPICTED ON PAGE 1, WHICH IS LISTED ON 6-A, THE FUEL FILTER, DID YOU SHOW THAT TO HIM TO DETERMINE WHETHER OR NOT THAT WAS A FUEL FILTER?

A. I DID NOT.

Q. IS THERE A REASON YOU DIDN'T?

A. IT DIDN'T OCCUR TO ME, AND I BELIEVE IT WAS A FUEL FILTER.

Q. WELL, YOU GOT THIS -- LET ME LOOK AT THIS. YOU INTERVIEWED DETECTIVE WALDEN JANUARY 11TH, 2022, CORRECT?

A. I DON'T RECALL, BUT --

Q. IF YOU LOOK AT THE TRANSCRIPT THAT'S IN FRONT OF YOU, WHICH HAS BEEN MARKED AS DEPARTMENT'S 12.

A. I'LL TAKE YOUR WORD FOR IT.

Q. OKAY. AND THIS WAS -- THE ITEMS YOU HAVE IN FRONT OF YOU, THE TWO PICTURES --

A. YES.

Q. -- WERE SENT TO YOU SHORTLY AFTER, CORRECT?

A. I BELIEVE SO, YES.

Q. WHEN DID YOU MEET WITH GREG FIELD?

A. IT WAS MONTHS LATER. I HAVE TO LOOK AT MY NOTES OR LOOK AT A DOCUMENT, BUT IT WAS A WHILE LATER.

Q. OKAY. IS IT FAIR TO SAY, THEN, YOU BELIEVE THE ITEM IN FRONT OF YOU, WHICH HAS BEEN MARKED AS ACCUSED B, WAS, IN FACT, A FUEL FILTER, YOU HAD NO QUESTIONS ABOUT THAT?

A. WELL, I'M NOT SAYING THAT, BUT I'M SAYING, IT LOOKS LIKE A FUEL FILTER BASED UPON MY VERY LIMITED KNOWLEDGE IN THIS MATTER.

Q. AND IF I GO TO WHAT'S BEEN MARKED AS DEPARTMENT'S 3, AND I GO TO PAGE 3 OF 6, YOU HAVE DEPARTMENT'S 3 IN FRONT OF YOU?

A. I'M SORRY?

Q. THAT'S THE TECHNICAL BULLETIN, THE ONE DATED

OCTOBER 30TH OF 2019.

A. OKAY.

Q. CAN I HAVE YOU TURN TO PAGE 3.

A. OKAY.

Q. YOU SEE THERE'S SOMETHING THAT SAYS, "THREADED ADAPTER" AND "NAPA 4003 IFF"?

A. YES.

Q. AND KIND OF LOOKS SIMILAR TO WHAT'S DEPICTED IN ACCUSED B; ISN'T THAT CORRECT?

A. CORRECT.

Q. HERE, THIS IS LISTED AS AN EXAMPLE OF A FIREARM SILENCER, CORRECT?

A. YES.

Q. AND YET, WHEN YOU WERE GIVEN A PICTURE OF WHAT HE HAD ORDERED, YOU ASSUMED IT WAS A FUEL FILTER; IS THAT CORRECT?

A. YES.

Q. DID YOU EVER FOLLOW UP ON AMAZON TO DETERMINE WHETHER OR NOT THIS ITEM WAS SOLD BY AMAZON?

A. I DID NOT.

Q. DID YOU EVER SEARCH THE WEB TO DETERMINE WHETHER OR NOT THAT ITEM THAT'S IN ACCUSED B COULD BE USED AS A FUEL FILTER OR HOW IT WOULD BE USED AS A FUEL FILTER?

A. NO.

Q. ONE OF THE THINGS THAT HAPPENED DURING THE INTERVIEW OF DETECTIVE WALDEN ON JANUARY 11TH, 2022, AND I'M GOING TO REFER YOU TO PAGE 8 OF THAT -- OF DEPARTMENT'S 12 OF THE TRANSCRIPT. SO DEPARTMENT'S 12, THE TRANSCRIPT, PAGE 8.

A. OKAY.

Q. STARTING WITH LINE 1, YOU HAD A DISCUSSION WITH DETECTIVE WALDEN ABOUT THE FACT THAT HE WAS BUILDING TWO CARS, CORRECT?

A. YES.

Q. THEY WERE BOTH CELICAS, CORRECT?

A. YES.

Q. AND HE WAS ACTUALLY BUILDING ONE WITH HIS SON, CORRECT?

A. I BELIEVE THAT'S WHAT HE TOLD ME.

Q. AND THEN IF WE GO DOWN TO LINE 15.

A. OKAY.

Q. HE DESCRIBES THAT -- STARTS OFF WITH "ANSWER, WE ARE DOING IT AS A FAMILY PROJECT, SOMETHING I LEARNED FROM MY DAD. AND THEN I HAVE AN '85 CELICA," CORRECT?

A. YES.

Q. AND HE DESCRIBED FOR YOU THAT THE WORK HE WAS DOING ON THE '85 CELICA WAS BASICALLY TAKING THE WHOLE CAR APART, RIGHT?

A. YES.

Q. YOU SAID HE'S SWITCHING THE MOTOR TO GET A BIGGER ENGINE, A SUPER ENGINE, BECAUSE THE CELICA HAD A FOUR-CYLINDER ENGINE, CORRECT?

A. YES.

Q. AND THEN HE ALSO INDICATED TO YOU THAT HE WAS TRYING TO UPDATE THE FUEL SYSTEM SO THE CAR CAN TAKE THE FUEL, BECAUSE IF YOU PUT A BIGGER ENGINE, YOU NEED MORE GAS, RIGHT?

A. RIGHT.

Q. DID YOU EVER DISCUSS THAT WITH MR. FIELD --

A. I DIDN'T.

Q. -- ABOUT MODIFYING A VEHICLE, PUTTING A NEW ENGINE IN, MAYBE PUTTING A NEW FUEL TANK IN AND SETTING UP A FUEL SYSTEM FOR THAT CAR?

A. I DID NOT.

Q. ARE YOU A MECHANIC YOURSELF?

A. NO.

Q. SO FAIR TO SAY, THEN, BUILDING A FUEL SYSTEM FOR A MODIFIED ENGINE AND FUEL TANK IS SOMETHING YOU HAVE NO KNOWLEDGE OF?

A. I KNOW MAYBE ZERO, A LITTLE ABOVE ZERO IN REGARDS TO THAT.

Q. IS THERE A REASON YOU DIDN'T ASK MR. FIELD ABOUT THAT, WHETHER OR NOT, IF YOU'RE EXCHANGING AN

ENGINE AND A FUEL TANK THAT YOU HAVE TO -- WHAT WOULD BE NEEDED TO CREATE A FUEL SYSTEM?

A. I DID NOT.

Q. ONE OF THE THINGS THAT DETECTIVE WALDEN DESCRIBES FOR YOU IS THAT YOU HAVE TO DEAL WITH PRESSURE IF YOU'RE PUTTING A NEW ENGINE AND A NEW FUEL TANK, CORRECT?

A. I DON'T RECALL THAT EXACTLY, BUT IF YOU REFER -- IF YOU SHOW ME THE LINES --

Q. SURE.

A. -- IT WILL REFRESH MY MEMORY.

Q. PAGE 9.

A. OKAY.

Q. AND WE'LL START WITH LINE 16.

AND HIS ANSWER WAS, "YEAH, UNIVERSAL FUEL FILTER. SINCE THE ONE NEVER CAME, I PURCHASED ANOTHER ONE FROM AMAZON. I HAVE PHOTOS OF THAT ALL, IF YOU GUYS NEED IT" --

A. OKAY.

Q. -- RIGHT?

AND THEN IF YOU GO DOWN TO LINE 20, IT SAYS, "BUT, BASICALLY, IT'S JUST SO THAT IT COULD RUN THE FUEL OR ENOUGH FUEL BECAUSE PRESSURE CHANGES ON FUEL FILTERS, DEPENDING ON WHAT YOU USE," RIGHT?

A. YES.

Q. AND THEN HE GOES ON, ON LINE 23, "SO IF YOU BUY A CHEAP ONE THAT'S LIKE 50 BUCKS, THE FILAMENT INSIDE, WHATEVER'S IN THERE, IT WON'T ALLOW ENOUGH PRESSURE TO GET" -- "IF YOU PUT A V-8 OR A 6-CYLINDER, A BIGGER ENGINE THAN WHAT'S IN THE CAR," RIGHT?

A. YES.

Q. SO ONE OF THE CONCERNS THAT HE EXPRESSED TO YOU ABOUT BUYING A UNIVERSAL FILTER IS TRYING TO GET ENOUGH FLOW TO HELP EQUALIZE THE PRESSURE, ET CETERA, CORRECT?

A. CORRECT.

Q. BUT YOU DIDN'T ASK MR. FIELD ABOUT THAT?

A. I DID NOT.

Q. IN RESEARCHING FOR THIS CASE OR CONDUCTING YOUR INVESTIGATION, YOU UNDERSTAND THAT ITEMS THAT WERE IDENTIFIED AS NAPA 4003 WIX FUEL FILTERS COULD BE USED AS SILENCERS, CORRECT?

A. SO ACCORDING TO THE ATF BULLETIN, IF YOU GOOGLE NAPA 4003, THE RESULTS SHOW WEBSITES THAT SELL FIREARM SILENCERS UNDER THE GUISE OF FUEL FILTERS.

Q. NOW, THE WAY YOU PHRASE THAT, I WANT TO MAKE SURE, DO THEY SAY, WHEN YOU GOOGLE THEM, THIS IS A SILENCER BUT WE'RE SELLING IT AS A FUEL FILTER OR DO THEY SELL IT AS A FUEL FILTER?

A. THEY SELL IT AS A FUEL FILTER.

Q. DID YOU YOURSELF CHECK ANY WEBSITES?
A. YES.
Q. AND THERE WERE A NUMBER OF WEBSITES, RIGHT?
A. A LOT, YES.
Q. DID YOU DETERMINE THAT THEY WERE EVEN SOLD ON COMMERCIAL INTERNET MARKETING SITES LIKE WALMART, TARGET, ANYTHING LIKE THAT?
A. THAT, I DIDN'T SEE.
Q. HAD YOU LEARNED THAT IN YOUR INVESTIGATION THAT THEY AT ONE TIME BEEN SOLD THROUGH WALMART?
A. I WASN'T AWARE OF THAT, IF THAT'S TRUE.
Q. SO IF THESE ARE TO BE USED AS SILENCERS -- LET ME REPHRASE.

IN YOUR REVIEW OF WEBSITES, DID YOU DETERMINE WHETHER ANY AMERICAN BASED COMPANIES WERE SELLING THESE SILENCERS?
A. I DON'T KNOW. I DID A VERY LIMITED REVIEW.
Q. YOU PRESENTED SOMETHING THAT YOUR PARTNER DID, DEPARTMENT'S 10, SO THIS HAS TO DEAL WITH THE DOJ RUN THAT WAS DONE, DO YOU SEE THAT? DO YOU HAVE IT?
A. YES.
Q. YOU SAID IT TALKED ABOUT REGISTERING OR GUNS THAT WERE REGISTERED TO WALDEN, BUT BASICALLY WHAT THIS IS, PARTY TRANSACTIONS, SALES OF WEAPONS, CORRECT?

A. YEAH, TRANSACTIONS, YES.

Q. AND DO YOU KNOW -- LET ME REPHRASE THIS.

AS PART OF THE CRIMINAL INVESTIGATION, THERE WAS A SEARCH WARRANT FOR HIS HOME, CORRECT?

A. YES. MY COLLEAGUE, ROSS NEMEROFF, AUTHORED A SEARCH WARRANT FOR DETECTIVE WALDEN'S HOME.

Q. AND A NUMBER OF WEAPONS, APPROXIMATELY 43 WEAPONS, WERE SEIZED AS A RESULT OF THAT, CORRECT?

A. I'M NOT AWARE OF ANY WEAPONS, 43 WEAPONS BEING SEIZED.

Q. DO YOU KNOW IF 43 WEAPONS WERE FOUND OR ANY WEAPONS SEIZED?

A. I'M NOT AWARE OF 43 WEAPONS BEING SEIZED. I THINK THEY SEIZED ONE WEAPON.

Q. DO YOU KNOW IF ANY COMPARISON OF THE WEAPONS FOUND WAS DONE TO THIS PARTICULAR LIST TO DETERMINE WHETHER OR NOT THIS LIST WAS ACCURATE?

A. I'M NOT AWARE OF WHAT DETECTIVE NEMEROFF DID AS FAR AS THE WEAPONS PRESENT AT MR. -- DETECTIVE WALDEN'S HOUSE.

Q. AND JUST TO BE CLEAR, YOU'RE NOT A FIREARMS EXPERT, RIGHT?

A. I AM NOT.

Q. YOU'VE NEVER TESTIFIED AS A FIREARMS EXPERT?

A. I HAVE NOT.

Q. WHATEVER LIMITED KNOWLEDGE YOU HAVE IS BASICALLY FROM READING ITEMS IN THIS PARTICULAR CASE; IS THAT CORRECT?

A. IN REGARDS TO SILENCERS, MR. SEKI, OR FIREARMS, IN GENERAL?

Q. WELL, IN TERMS OF -- LET'S START WITH SILENCERS AND THE USE OF SILENCERS.

A. JUST LIMITED TO MY -- WHAT I DID ON THIS CASE.

Q. IT WOULD BE LAWFUL TO POSSESS THE SILENCER IF YOU REGISTERED IT OR IF YOU WERE REGISTERED, CORRECT?

A. I BELIEVE IF YOU'RE REGISTERED OUT OF STATE, NOT IN CALIFORNIA.

Q. ARE YOU SURE?

A. THAT'S MY UNDERSTANDING.

Q. OKAY. FROM THE QUESTIONS I JUST ASKED YOU, IS IT FAIR TO ASSUME, AGAIN, I HATE ASSUMING, BUT IS IT FAIR TO ASSUME THAT YOU DID NOT PARTICIPATE IN THE SEARCH OF DETECTIVE WALDEN'S RESIDENCE?

A. I WAS AT THE SEARCH, HOWEVER, I DIDN'T PARTICIPATE IN LOOKING AT THE FIREARMS PRESENT AT HIS RESIDENCE.

Q. SO DID YOU PARTICIPATE IN SEARCHING?

A. I HELPED OUT SEARCHING, I BELIEVE, THE

GARAGE.

Q. DID YOU -- IS IT FAIR TO SAY, AT HIS RESIDENCE, HE HAD A NUMBER OF CARS THAT WERE IN DIFFERENT STAGES OF MODIFICATION?

A. YES, I DID OBSERVE THAT.

Q. HE HAD CARS THAT WERE UP ON BLOCKS, RIGHT?

A. YES.

Q. HE HAD FRONT ENDS OR THINGS HANGING IN HIS GARAGE?

A. HE HAD A BUNCH OF CARS -- MANY CAR PARTS IN HIS GARAGE.

Q. OKAY. FAIR TO SAY, IT LOOKED LIKE HE WAS SOMEBODY WHO WORKED ON CARS A LOT?

A. YES.

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

MS. AMIN: SERGEANT?

SGT. SLATER: JUST A COUPLE OF THINGS.

REDIRECT-EXAMINATION

BY SGT. SLATER:

Q. FIRST, I WANT TO DIRECT YOU TO THE TRANSCRIPT WE JUST SPOKE ABOUT. REFERRING TO DEPARTMENT'S NO. 12, AGAIN, PAGE 9, AND I'M GOING WITH STARTING AT LINE 23.

DID YOU DISCUSS -- GIVE ME A MOMENT TO THINK

HOW TO WORD THIS.

DID MR. WALDEN EXPLAIN ANYTHING ABOUT THE PRICE OF FILTERS AND THE BENEFITS OF CERTAIN PRICES OF FILTERS TO YOU DURING YOUR INTERVIEW WITH HIM?

A. HE SAID IF YOU BUY A CHEAP ONE, IT'S LIKE 50 BUCKS, THE FILAMENT INSIDE, WHATEVER IS IN THERE, WON'T ALLOW ENOUGH PRESSURE FOR THE ENGINE TO WORK, BASICALLY. AND THEN THE CHEAP ONE, HE'S TALKING ABOUT A FUEL FILTER.

Q. SO HE SAID "CHEAP ONE," REFERRING TO 50 BUCKS, WAS NOT SUFFICIENT FOR WHAT HE BELIEVED HE WOULD NEED, CORRECT?

A. THAT'S WHAT HE SAID, YEAH.

Q. ALL RIGHT. THEN I'M GOING TO DIRECT YOU BACK TO DEPARTMENT'S 8, BUT IT WILL BE ON THE SCREEN FOR YOU.

HOW MUCH WAS THE ITEM IN LINE 79 PURCHASED FOR?

A. 45.96.

Q. AND, ALSO, DOES THAT DESCRIPTION OF THAT ITEM, DID IT HAVE ANY INDICATION OF HOW MANY ITEMS YOU GOT IF YOU PURCHASED THAT, AGAIN, REFERRING TO LINE 79 UNDER "ITEM TITLE"?

A. IT SAID, "BUY 1 GET 1 FREE, LAST DAY."

Q. SO IT'S INDICATING THAT YOU CAN GET TWO FOR

THE PRICE OF $45, IF I'M CORRECT?

A. THAT'S WHAT IT SAYS.

Q. OKAY. WAS THERE ANY BRACKET INCLUDED WITH THAT PURCHASE?

A. I DON'T RECALL. CAN YOU SCROLL FURTHER TO THAT, PLEASE.

Q. YES. I'LL DO THIS, ACTUALLY, JUST TO MAKE IT A LITTLE CLEARER. IF YOU LOOK AT THE TOP, IT HAS --

A. OKAY.

Q. WAS THERE ANY BRACKET INCLUDED IN THAT?

A. IT DOESN'T SAY A BRACKET IS INCLUDED.

Q. SO I JUST WANT TO BE CLEAR, THE ITEM MARKED AS ACCUSED A LISTS A BRACKET, AS WELL AS A FUEL FILTER?

A. ACCUSED A IS WHAT MR. SEKI GAVE ME.

Q. THE ORIGINAL SET OF PAPERS HE GAVE YOU TODAY, NOT THAT ONE.

MR. SEKI: THE OTHER ONE.

BY SGT. SLATER:

Q. THE STAPLED TWO PAGES.

A. I'M SORRY. YEAH, IT HAD A LIST OF BRACKET FOR 10.99.

Q. OKAY. AND HOW MUCH IS THE FUEL FILTER ON HERE?

A. 25.99.

Q. OKAY. AND THEN ADDITIONALLY YOU MENTIONED THAT THE PHOTOS HE PROVIDED, YOU ASSUMED WAS A FUEL FILTER, WHY DID YOU ASSUME THAT WAS A FUEL FILTER?

A. BECAUSE IT'S COMING FROM AN ATTORNEY OF THE PERSON WHO WE'RE INVESTIGATING.

Q. OKAY.

SGT. SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: MR. SEKI?

MR. SEKI: NOTHING BASED ON THAT.

MS. AMIN: ALL RIGHT. LET ME ASK MY ASSOCIATE CHAIRS.

EXAMINATION

BY MR. ORTEGA:

Q. I HAVE ONE QUESTION, AND MAYBE I'M JUST MIXED UP, BUT I BELIEVE THAT THERE WAS AN EXHIBIT FROM THE DEPARTMENT THAT I CAN'T FIND, THAT APPEARED TO LIST, IF I'M UNDERSTANDING THE DOCUMENT CORRECTLY, FIREARMS THAT WERE PURCHASED BY OFFICER WALDEN, IS THAT CORRECT OR AM I IMAGINING IT, BECAUSE I CAN'T FIND THAT?

SGT. SLATER: SO THAT'S GOING TO BE --

MR. SEKI: NO. 10.

SGT. SLATER: -- DEPARTMENT'S 10.

AND JUST FOR THE BOARD'S CLARIFICATION, THE FIRST MAJORITY OF THE PAGES LIST THE TRANSFERS IN THEIR, BASICALLY THE APPEARANCE THAT WE GET THEM, AND THEN THE LAST COUPLE OF PAGES, FROM WHAT SERGEANT JIZMEJIAN EXPLAINED, ARE HIS PARTNER SUMMARIZED THEM INTO A SET OF COLUMNS FOR EASIER VIEWING.

BY MR. ORTEGA:

Q. I'M SORRY, I WAS LOOKING THROUGH THE PAGES. IS THIS -- ARE THESE ITEMS THAT WERE PURCHASED BY OFFICER WALDEN?

SGT. SLATER: THEY WERE -- I'LL HAVE --

SERGEANT JIZMEJIAN, I'LL HAVE YOU ANSWER THAT FIRST SO THEN I'M NOT TESTIFYING.

SGT. JIZMEJIAN: DETECTIVE NEMEROFF MADE THAT LIST AND HE MADE THAT BASED UPON A CHECK THROUGH DEPARTMENT RESOURCES OF THE SERIAL NUMBERS FOR THE FIREARMS.

BY MR. ORTEGA:

Q. AND ARE THESE SERIAL NUMBERS ITEMS THAT WERE PURCHASED BY OFFICER WALDEN?

A. DETECTIVE NEMEROFF LISTED WHICH ONES IN THE FIRST COLUMN, WHICH ONES HE HAD BOUGHT AND WHICH ONES HE HAD SOLD.

Q. YEAH.

A. AND THE DATES OF THEM.

Q. SO THESE ARE TRANSACTIONS BY OFFICER WALDEN?
A. YES.
Q. GOT YOU. I JUST WANTED DO MAKE SURE THAT I WAS UNDERSTANDING THESE DOCUMENTS.
THAT'S ALL THE QUESTIONS I HAVE.
MS. STRONG-FARGAS: I DON'T HAVE ANY QUESTIONS.

EXAMINATION

BY MS. AMIN:
Q. THE FUEL FILTER THAT CAME FROM ASIA, THAT ITEM CANNOT BE USED AS A FUEL FILTER?
A. ACCORDING TO THE DEPARTMENT EMPLOYEE, I INTERVIEWED MR. FIELD, HE SAID IT'S NOT A FUEL FILTER FOR A CAR.
Q. BUT CAN IT BE USED AS A FUEL FILTER, DO YOU KNOW?
A. I DON'T KNOW.
Q. WAS IT BECAUSE OF THE THREADS AT THE END?
A. HE TOLD --
Q. DO YOU KNOW WHY?
A. I DON'T -- I DON'T RECALL IF I ASKED THEM WHY, NO.
Q. BUT IT'S ADVERTISED ON THE WEB AS A FUEL FILTER?
A. YES.

Q. IS IT ADVERTISED ANYWHERE AS A FIREARM SILENCER?

A. NOT THAT I'M AWARE OF.

Q. SO IF I WANTED TO BUY A FIREARM SILENCER, HOW WOULD I KNOW THAT THIS FUEL FILTER CAN BE USED AS A SILENCER, JUST WONDERING?

A. I MEAN, IF YOU DON'T KNOW ANYTHING ABOUT CARS OR SILENCERS, THEN I DON'T THINK YOU'D BE ABLE TO KNOW.

Q. SO YOU DON'T HAVE TO KNOW ABOUT CARS AND SILENCERS TO BE ABLE TO BUY THIS FUEL FILTER TO USE IT AS A SILENCER?

A. THAT'S POSSIBLE, YES.

MS. AMIN: NOTHING FURTHER FROM ME.

DEPARTMENT, ANY QUESTIONS?

SGT. SLATER: YES. I HAVE MAYBE ONE, MAYBE A COUPLE OF QUICK FOLLOW UP.

FURTHER REDIRECT-EXAMINATION

BY SGT. SLATER:

Q. AS PART OF YOUR INVESTIGATION IN THIS MATTER, DID YOU WATCH ANY YOU TUBE VIDEOS RELATED TO THIS PRODUCT?

A. YES.

Q. AND WHAT DID THOSE VIDEOS DEPICT?

A. THEY SHOWED HOW SIMILAR ITEMS WERE ATTACHED

TO A GUN AND SHOT.

Q. AND DID THEY SHOW ANY USE OF THIS ITEM AS A FUEL FILTER ON A CAR?

A. NOT THE VIDEOS I LOOKED AT.

Q. AND JUST TO CLARIFY, YOU SAID THAT THE ATF HAD PUSHED OUT MATERIAL EXPLAINING THESE ITEMS THAT WERE BEING MARKETED AS FUEL FILTERS BUT NOT HAVE FUEL FILTER CAPABILITIES, CORRECT?

A. CORRECT.

Q. DO YOU KNOW WHY THEY WERE BEING MARKETED AS FUEL FILTERS?

A. MY ASSUMPTION OR --

MR. SEKI: I'M GOING TO OBJECT. IT CALLS FOR SPECULATION, JUST BASED ON "MY ASSUMPTION."

MS. AMIN: IF YOU CAN ANSWER, GO AHEAD.

SGT. JIZMEJIAN: WHAT I THINK IS BECAUSE --

MR. SEKI: AGAIN, I THINK THAT'S SPECULATION, HE HAS NO FOUNDATION OR KNOWLEDGE.

MS. AMIN: WELL, HE DID SOME RESEARCH IN HIS INVESTIGATION OF THE CASE, SO IF WHATEVER YOU WERE ABLE TO DISCOVER, IF YOU CAN RESPOND TO THE QUESTION, GO AHEAD.

SGT. JIZMEJIAN: I THINK THAT THEY'RE NOT -- THEY'RE ADVERTISING THEM AS FUEL FILTERS BECAUSE ADVERTISING THEM AS SILENCERS WOULD BE ILLEGAL IN SOME

STATES.

BY SGT. SLATER:

Q. DID DETECTIVE NEMEROFF EVER BRIEF YOU ON THAT FACT?

A. HE BRIEFED ME ON THIS CASE.

Q. AND DID HE SPEAK TO HSI ABOUT THAT FACT?

A. YES, ACCORDING TO HIS REPORT.

SGT. SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: YEAH, REAL QUICKLY.

RECROSS-EXAMINATION

BY MR. SEKI:

Q. YOU SAID YOU LOOKED AT YOU TUBE VIDEOS TO SEE HOW TO MODIFY THE FILTER TO BE USED AS A SILENCER, CORRECT?

A. NO. I LOOKED AT YOU TUBE VIDEOS TO SEE HOW THESE ITEMS OR THESE TYPES OF ITEMS ARE BEING USED AS SILENCERS.

Q. RIGHT. DID YOU EVER SEARCH THROUGH VIDEOS OR ANYWHERE ON THE INTERNET TO SEE HOW YOU WOULD USE IT AS A FUEL FILTER?

A. I DID NOT.

Q. HOW COME?

A. 'CAUSE I DID A SEARCH OF SILENCERS AND I VIEWED THE VIDEOS THAT CAME UP FOR SILENCERS.

Q. OKAY.

MR. SEKI: NOTHING ADDITIONAL.

MS. AMIN: DEPARTMENT, ANYTHING ELSE?

FURTHER REDIRECT-EXAMINATION

BY SGT. SLATER:

Q. I WANT TO BE CLEAR, DID YOU SPECIFICALLY SEARCH SILENCERS OR DID YOU JUST SEARCH NAPA 4003 AND SILENCER VIDEOS CAME UP?

A. BOTH. I KEYED -- PUT IN SILENCER, THE KEYWORD, AND THEN I ALSO DID NAPA 4003.

Q. SO WHEN YOU SEARCHED JUST NAPA 4003, VIDEOS OF IT BEING USED AS A SILENCER?

A. YES.

SGT. SLATER: NO FURTHER. THANK YOU.

MS. AMIN: MR. SEKI?

MR. SEKI: NOTHING.

MS. AMIN: BOARD MEMBERS?

FURTHER EXAMINATION

BY MR. ORTEGA:

Q. I HAVE ONE QUESTION, DOES EVERY POLICE OFFICER HAVE ACCESS TO THIS BULLETIN TO TELL THEM, HEY, THERE ARE FUEL FILTERS THAT ARE BEING SORT OF SOLD AS -- THERE ARE DEVICES THAT CAN BE USED AS SILENCERS THAT ARE BEING SOLD AS FUEL FILTERS; DOES EVERYBODY HAVE THIS OR WOULD YOU HAVE TO KNOW THIS

YOURSELF?

SGT. SLATER: I'M GOING TO HAVE THE IO, SO I'M NOT TESTIFYING.

SGT. JIZMEJIAN: SO THE INFORMATION CONTAINED IN THOSE TECHNICAL BULLETINS, THEY'RE NOT COMMON KNOWLEDGE WITH LAW ENFORCEMENT PERSONNEL, AND I WASN'T AWARE OF ALL THE INTRICACIES REGARDING SILENCERS AND FUEL FILTERS UNTIL READING THOSE AND BEING BRIEFED BY ROSS NEMEROFF.

BY MR. ORTEGA:

Q. THESE TECHNICAL BULLETINS ARE ISSUED BY, I GUESS, ATF, WHO IS THE TARGETED RECIPIENT OF THIS INFORMATION?

A. THAT, I DON'T KNOW IF IT'S AN INTERNAL DOCUMENT OR FOR OTHER POLICE AGENCIES, AS WELL. I DON'T KNOW.

MR. ORTEGA: OKAY. THANK YOU.

MS. AMIN: DEPARTMENT, ANYTHING ELSE?

FURTHER REDIRECT-EXAMINATION

BY SGT. SLATER:

Q. JUST TO REFER YOU TO THE BOTTOM OF ATF TECHNICAL BULLETIN, SO EITHER DEPARTMENT'S 3 OR DEPARTMENT'S 2.

A. OKAY.

Q. WHAT IS "UNCLASSIFIED LAW

ENFORCEMENT/SENSITIVE" MEAN?

A. THAT IT'S FOR DISBURSEMENT TO LAW ENFORCEMENT AGENCIES.

Q. OKAY. SO THESE TYPES OF DOCUMENTS DO GET DISBURSED TO LAW ENFORCEMENT AGENCIES EVEN IF YOU DIDN'T PERSONALLY SEE IT?

MR. SEKI: WELL, I'M GOING TO OBJECT, HE DOESN'T KNOW -- HE DOESN'T WORK FOR ATF, HE DOESN'T KNOW WHAT THEIR DISBURSAL IS. EVERYTHING WOULD BE AN ASSUMPTION OR SPECULATION. AND IT'S LEADING, ALSO.

MS. AMIN: SUSTAINED.

SGT. SLATER: NO FURTHER FROM THE DEPARTMENT.

MS. AMIN: MR. SEKI?

SGT. SLATER: OUR ONLY REQUEST IS THAT WE'D BE ABLE TO RECALL THE WITNESS IF NEEDED.

MS. AMIN: ALL RIGHT. MR. SEKI?

MR. SEKI: NO QUESTIONS.

FURTHER EXAMINATION

BY MS. AMIN:

Q. DID THIS REPORT COME FROM THE ATF WEBSITE, DO YOU KNOW?

A. MY COLLEAGUE, ROSS NEMEROFF, OBTAINED THOSE DOCUMENTS, MA'AM. I DON'T KNOW HOW HE OBTAINED THEM.

Q. WOULD YOU KNOW IF A GUN EXPERT FROM YOUR GUN

DEPARTMENT WOULD HAVE ACCESS TO THE ATF WEBSITE?

A. I WOULD NOT KNOW THAT. I DON'T KNOW THAT.

MS. AMIN: ALL RIGHT. THAT'S FINE. THANK YOU.

ANYBODY ELSE HAVE ANY MORE QUESTIONS?

ALL RIGHT. SO YOU'RE NOT GOING TO BE EXCUSED, BECAUSE WE MAY CALL YOU BACK, SO YOU'RE EXCUSED FOR NOW. THANK YOU VERY MUCH.

SGT. JIZMEJIAN: OKAY. THANK YOU.

MS. AMIN: ALL RIGHT. CAN WE GO AHEAD WITH OUR NEXT WITNESS.

SGT. SLATER: YES. THE DEPARTMENT WOULD LIKE TO CALL DETECTIVE LUKE WALDEN, HOWEVER, CAN WE HAVE LIKE A FIVE-MINUTE BREAK?

MS. AMIN: YES. LET'S COME BACK AT 2:10.

(RECESS TAKEN.)

MS. AMIN: BACK ON THE RECORD.

SGT. SLATER: THE DEPARTMENT CALLS DETECTIVE WALDEN.

MS. AMIN: DETECTIVE, COULD YOU PLEASE STATE YOUR FULL NAME.

DET. WALDEN: LUKE BAXTER WALDEN.

MS. AMIN: DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE TESTIMONY YOU SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE

TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

DET. WALDEN: YES, MA'AM.

MS. AMIN: THANK YOU. HAVE A SEAT.

DETECTIVE LUKE WALDEN,

WAS CALLED AS A WITNESS BY

THE DEPARTMENT, HAVING BEEN

FIRST DULY SWORN, WAS EXAMINED

AND TESTIFIED AS FOLLOWS:

DIRECT-EXAMINATION

BY SGT. SLATER:

Q. GOOD AFTERNOON, DETECTIVE WALDEN.

A. GOOD AFTERNOON.

Q. HOW LONG HAVE YOU BEEN EMPLOYED BY THE LAPD?

A. 24 YEARS AND 11 MONTHS.

Q. AND WHEN DID YOU PROMOTE TO DETECTIVE?

A. OH, GOOD GRIEF, I DON'T REMEMBER.

Q. WOULD IT BE ACCURATE TO SAY 2012?

A. YEAH.

Q. AND ARE YOU A DEPARTMENT SUPERVISOR OR WERE YOU A DEPARTMENT SUPERVISOR EVER?

A. I WAS, YES.

Q. AND ARE YOU FAMILIAR WITH THE DEPARTMENT MANUAL SECTION 210.35, CONDUCT UNBECOMING AN OFFICER?

A. YES.

SGT. SLATER: I'D LIKE TO MARK AND ENTER

THIS AS DEPARTMENT'S 16, IT'S A ONE-PAGE DOCUMENT.

MR. SEKI: THANK YOU. NO OBJECTION.

MS. AMIN: OKAY. ADMITTED INTO EVIDENCE.

(DEPARTMENT'S EXHIBIT NO. 16, MANUAL SECTION 210.35, CONDUCT UNBECOMING AN OFFICER, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. DID YOU TAKE AN OATH OF OFFICE WHEN YOU JOINED THE DEPARTMENT?

A. YES, I DID.

Q. AND TO BE CLEAR, WAS THAT OATH TO UPHOLD THE CONSTITUTION OF BOTH THE UNITED STATES AND THE STATE OF CALIFORNIA?

A. YES, SIR, IT WAS.

Q. AND JUST FOR THE RECORD, IT WAS EARLIER MENTIONED THAT SOMETHING WAS SHIPPED TO [redacted] STREET, IS THAT AN ADDRESS OF YOURS?

A. YES.

Q. HOW LONG HAVE YOU LIVED THERE?

A. OVER 20 YEARS.

Q. WHAT WAS YOUR RANK AND ASSIGNMENT IN MARCH OF 2021?

A. I WAS A DETECTIVE/SUPERVISOR RUNNING THE FBI JOINT TASK FORCE WITH THE LA COUNTY SHERIFF'S

DEPARTMENT, LAPD AND THE FBI.

Q. AND PRIOR TO THAT, HAVE YOU EVER WORKED THE GUN UNIT?

A. YES, FOR ABOUT A YEAR.

Q. WHAT IS THE PURPOSE OF THE DEPARTMENT'S GUN UNIT?

A. PURPOSE OF THE GUN UNIT IS, AT THE TIME WHEN I WAS THERE, I DON'T KNOW IF THE MISSION HAS CHANGED, BUT WE TARGETED PROHIBITED POSSESSORS, PEOPLE WHO ARE NOT SUPPOSE TO OWN FIREARMS, EX-CONS, FELONS, [redacted] WE WOULD DO INVESTIGATIONS AND ULTIMATELY WRITE SEARCH WARRANTS AND SERVE THE WARRANTS ON THEIR HOUSE BASED ON THE INFORMATION THAT WE GOT [redacted] THEN WE'D FIND ADDITIONAL FIREARMS AND AMMUNITION AT THE RESIDENCE ABOUT 100 PERCENT OF THE TIME.

Q. WAS ONE OF THE DUTIES IN THE GUN UNIT TO ASSIST WITH ASSAULT WEAPON INVESTIGATIONS?

A. YES.

Q. AND DID YOU, IN YOUR TIME IN THE GUN UNIT, HAVE ANY RATINGS COMPLETED?

A. YES.

Q. WHAT IS A RATING?

A. A RATING IS BASICALLY A PERFORMANCE EVALUATION AND IT'S DONE ANNUALLY, UNLESS YOU TRANSFER, AND IT HAS TO BE DONE "TRANSFERRED."

SGT. SLATER: AT THIS TIME, I'D LIKE TO MARK AND ENTER DEPARTMENT'S NO. 17, A 6-PAGE DOCUMENT, A STANDARD BASE ASSESSMENT FROM OCTOBER 7, 2017 TO OCTOBER 6, 2018 FOR DETECTIVE WALDEN.

MR. SEKI: THANK YOU. DID YOU SEND ME THIS?

SGT. SLATER: I DID.

MR. SEKI: DO YOU REMEMBER WHEN?

SGT. SLATER: IF YOU GIVE ME A MOMENT, I CAN VERIFY WHEN.

MR. SEKI: I GOT IT. I GOT IT.

NO OBJECTION.

MS. AMIN: OKAY. SO ADMITTED.

(DEPARTMENT'S EXHIBIT NO. 17, A STANDARD BASE ASSESSMENT FROM OCTOBER 7, 2017 TO OCTOBER 6 2018 OF DETECTIVE LUKE WALDEN, 6 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. CAN I HAVE YOU REVIEW THE JOB DESCRIPTION ON THIS DOCUMENT, PLEASE.

A. OKAY.

Q. WAS ONE OF YOUR DUTIES IN THE GUN UNIT INVOLVED WITH MODIFIED GUNSMITHING OF FIREARMS?

A. WHERE'S THAT AT? I DON'T SEE IT UNLESS YOU WANT TO --

Q. CAN I DIRECT YOU TO THE SECOND PARAGRAPH, STARTING WITH THE SECOND TO THE LAST LINE, "TEAM LEADER."

A. OH, YES.

Q. AND WAS ONE OF YOUR DUTIES THE ASSEMBLING AND DISASSEMBLING OF FIREARM COMPONENTS?

MR. SEKI: I DON'T THINK HE ANSWERED THE FIRST ONE.

SGT. SLATER: I BELIEVE HE SAID "YES," UNLESS I MISHEARD HIM.

MR. SEKI: I THINK HE SAID "YES," HE SEES IT.

MS. AMIN: HOW ABOUT YOU ASK HIM THE QUESTION AGAIN.

BY SGT. SLATER:

Q. LET ME RE-CLARIFY, THEN.

WAS ONE OF YOUR DUTIES IN THE GUN UNIT INVOLVED WITH MODIFIED GUNSMITHING?

A. YES.

Q. OKAY. AND WAS ONE OF YOUR DUTIES TO BE FAMILIAR WITH THE ASSEMBLY AND DISASSEMBLING OF

FIREARMS, INCLUDING FIREARM COMPONENTS?

A. CLARIFY "COMPONENTS."

Q. YOUR RATING SAYS YOU WERE FAMILIAR WITH FIREARM COMPONENTS, WHAT IS A FIREARM COMPONENT TO YOU?

A. MAGAZINES, BARRELS, SLIDES, INTERNALS FOR THE FIREARM.

Q. WOULD THAT INVOLVE SILENCERS?

A. NO.

Q. NO. OKAY. WERE YOU A GUN EXPERT?

A. YES, FOR SPECIFIC FIREARMS.

Q. WERE YOU FAMILIAR WITH ASSAULT WEAPON LAWS?

A. YES.

Q. OKAY. SO BY BEING FAMILIAR WITH ASSAULT WEAPON LAWS, YOU WOULD BE FAMILIAR WITH THE COMPONENTS OF AN ASSAULT WEAPON, CORRECT?

A. YES.

Q. DOES THE DEPARTMENT HAVE ASSAULT WEAPON IDENTIFICATION GUIDE ON IT'S INTER DEPARTMENT WEBSITE?

A. I DON'T KNOW.

Q. YOU WERE IN THE GUN UNIT, CORRECT?

A. YEAH, BUT I DON'T KNOW IF THEY HAVE ONE, IF IT WAS PUT OUT, WHAT TIME OR WHEN AND WHAT DATE.

SGT. SLATER: AT THIS TIME, I'D LIKE TO MARK AND INTRODUCE DEPARTMENT'S 18, A 6-PAGE DOCUMENT

TITLED, "ASSAULT WEAPON IDENTIFICATION GUIDE." THAT WAS PULLED FROM THE DEPARTMENT'S INTER WEB, UNDER THE GND WEBSITE ON THAT INTER WEB. AND I SHOULD REPHRASE MY STATEMENT, AN EXCERPT FROM THE DEPARTMENT'S ASSAULT WEAPON IDENTIFICATION GUIDE.

MS. AMIN: EXCERPT?

SGT. SLATER: EXCERPT.

MR. SEKI: NO OBJECTION.

MS. AMIN: OKAY. SO ENTERED.

(DEPARTMENT'S EXHIBIT NO. 18, DOCUMENT TITLED, "ASSAULT WEAPON IDENTIFICATION GUIDE," 6 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY SGT. SLATER:

Q. SO ACCORDING TO YOUR RATING, YOU WERE AN EXPERT ON ASSAULT WEAPON LAWS AND YOU MENTIONED THAT IDENTIFYING ASSAULT WEAPONS WAS ONE OF YOUR RESPONSIBILITIES IN THE GUN UNIT, AM I CORRECT?

A. YES.

Q. ALL RIGHT. SO WITH THAT BEING SAID, DID YOU REFER TO THIS ASSAULT WEAPON IDENTIFICATION GUIDE DURING YOUR IDENTIFICATION OF ASSAULT WEAPONS?

A. YES. AND THE PENAL CODE.

Q. AND THE PENAL CODE?

A. YES.

Q. BUT YOU'VE SEEN THIS DOCUMENT, THOUGH?

A. I DON'T KNOW WHEN THEY PRODUCED THIS. I KNOW ONE OF THE GUYS WAS WRITING IT, BUT I DON'T KNOW WHEN IT GOT PRODUCED.

Q. SO ON THE FIRST PAGE, I'D LIKE TO REFER YOU TO THE 3RD EDITION, NOVEMBER 2001.

A. OKAY. I DON'T RECALL EVER HAVING THIS, ME, PERSONALLY.

Q. OKAY. SO HOW DID YOU FAMILIARIZE YOURSELF WITH WHAT AN ASSAULT WEAPON WAS THERE, THEN?

A. WELL, THERE'S A PENAL CODE AND IT SPEAKS ABOUT THE OFFENDING FEATURES, SO BACK IN 1999, SB123, I BELIEVE IT'S 123, THEY OUTLAWED ASSAULT WEAPONS IN THE STATE OF CALIFORNIA AND THEY GO BY CLASSIFICATION BY SPECIFIC NAME, AR-15, THEN THEY WENT TO A SECOND SECTION IN THE PENAL CODE SECTION THAT TALKS ABOUT -- 'CAUSE THE FIREARMS COMPANIES WERE CHANGING NAMES, SO THEY HAD AN AR-15, AND THEN THEY CHANGED IT TO THE COLT SPORTER TO MAKE IT SOFTER FOR PEOPLE TO BUY. AND THEN JUST PLAYED THIS GAME WITH THE FEDERAL GOVERNMENT AND THE STATE OF CALIFORNIA TO CHANGE THE NAMES SO THAT THEY COULD GET BY SELLING THESE FIREARMS LEGALLY.

AND THEN THERE'S ANOTHER SECTION IN THERE WHERE THEY'VE CHANGED IT TO -- MOST OF THE FIREARMS

THAT WE DEAL WITH WERE A AK-47 TYPES OR AK-47 VARIANTS, AR-15 OR AR-15 VARIANTS, AND THAT'S PRETTY MUCH FOR THE ASSAULT WEAPONS, IF THAT MAKES ANY SENSE.

Q. CAN A PISTOL BE AN ASSAULT WEAPON?

A. YES.

Q. YOU SAID "OFFENDING FEATURES," WHAT ARE THE OFFENDING FEATURES ON A PISTOL THAT WOULD BE AN ASSAULT WEAPON?

A. IF I REMEMBER CORRECTLY, YOU CAN HAVE A -- IF IT HAS THE ATTACHMENT WHERE YOU CAN PUT A FORWARD GRIP, YOU CAN PUT -- YOU HAVE TO CHANGE OUT THE BARREL AND PUT A THREADED BARREL. I DON'T KNOW THEM ALL OFF THE TOP OF MY HEAD, I HAVE TO REFER TO THEM.

Q. CAN I REFER YOU TO PAGE 5 OF THIS DOCUMENT, THEN. AND BEFORE WE GO DOWN THAT, JUST FOR CLARIFICATION, WHAT IS A PISTOL VERSUS A RIFLE, WHAT'S THE DIFFERENCE?

A. YOU SAID PAGE WHAT, SORRY, OF THE DOCUMENT?

Q. "5" OF THE DOCUMENT.

A. WHAT IS A PISTOL?

Q. LIKE WHAT'S THE DIFFERENCE BETWEEN A PISTOL AND RIFLE, JUST FOR CLARIFICATION?

A. PISTOL IS BASICALLY A HANDGUN, COULD BE A REVOLVER, COULD BE A SINGLE SHOT, COULD BE A SEMIAUTOMATIC, COULD BE A SEMIAUTOMATIC PISTOL; A

RIFLE IS A LONG GUN AND THERE'S SPECIFICATIONS WITHIN THE PENAL CODE SYSTEM DELINEATING LENGTHS OF BARRELS, WHICH MAKES THEM LEGAL TO BE A CERTAIN TYPE OF RIFLE. IF IT'S SHORTER THAN THAT, IT BECOMES A SHORT BARREL RIFLE, AND THESE ARE ILLEGAL IN THE STATE OF CALIFORNIA, AS WELL, UNLESS YOU HAVE DOCUMENTATION FROM DOJ OR THE FEDERAL GOVERNMENT WHERE YOU GET A LICENSE TO PURCHASE SPECIFIC TYPES OF WEAPONS AND MACHINES GUNS, FULLY AUTOMATIC SHORT BARREL RIFLES, UNLESS YOU'RE ASSIGNED TO A LAW ENFORCEMENT AGENCY THAT ISSUES YOU ONE, BUT THAT IS ASSIGNED TO THE AGENCY AND YOU ARE THE RECIPIENT OF THAT SPECIFIC TYPE OF RIFLE.

Q. AND I THANK YOU FOR THAT EXPLANATION. I APOLOGIZE, I MEANT TO SAY PAGE 6 OF THIS DOCUMENT.

A. OH.

Q. IF YOU CAN TURN TO PAGE 6. I SAID 5, BUT I MEANT 6.

SO REFERRING TO PISTOLS, WHAT ARE THE OFFENDING CHARACTERISTICS FOR AN ASSAULT WEAPON ON A PISTOL?

A. I'D HAVE TO REFER TO MY -- IF IT'S OKAY IF I TAKE SOME TIME TO READ IT?

Q. YOU MAY.

A. 'CAUSE I DON'T REMEMBER OFF THE TOP OF MY

HEAD. THERE'S A LOT OF DIFFERENT THINGS IN HERE, MOST OF IT YOU WOULD HAVE A DETACHABLE MAGAZINE THAT COMES IN AND OUT OF THE MAGAZINE, WELL, IT'S SEMIAUTOMATIC, IT CAN HAVE A THREADED BARREL OR EITHER A FLASH SUPPRESSOR, YOU CAN PUT A FORWARD GRIP, BUT THE GUN HAS TO BE ABLE TO ACCEPT IT AS -- THERE'S A GROOVE ON THE TOP OF THE GUN, YOU'LL HAVE TO BE ABLE TO ATTACH IT. I DON'T KNOW VERY MANY PISTOLS, BUT AN AR-15 --

Q. I'LL JUST DIRECT YOU BACK TO PISTOLS. OKAY, REGARDING PISTOLS, WHAT ARE THE OFFENDING FEATURES REGARDING PISTOLS?

A. WELL, AN AR-15 CAN'T BE CLASSIFIED AS A PISTOL.

Q. OKAY.

THE REPORTER: CAN YOU PLEASE USE YOUR MIC, I'M SORRY.

DET. WALDEN: YES, CERTAINLY.

SO BASIC- -- I'M JUST GOING TO GO OFF OF THIS. "SEMIAUTOMATIC PISTOL WITH CAPACITY TO ACCEPT A DETACHABLE MAGAZINE, A THREADED BARREL, CAPABLE OF ACCEPTING A FLASH SUPPRESSOR FOR SILENCER, A SECOND HANDGRIP, A SHROUD SO THAT YOU BASICALLY DON'T BURN YOUR HAND, ACCEPTING A DETACHABLE MAGAZINE AT THE SAME LOCATION OUTSIDE OF THE PISTOL GRIP OR A SEMIAUTOMATIC PISTOL WITH A FIXED MAGAZINE THAT HAS THE CAPACITY TO

ACCEPT MORE THAN 10 ROUNDS."

BY SGT. SLATER:

Q. SO I JUST WANT TO BE CLEAR ON THIS POINT, A THREADED BARREL IS CAPABLE OF ACCEPTING A SILENCER AS ONE OF THE OFFENDING FEATURES ON A ASSAULT PISTOL?

A. YES.

Q. AND YOU TESTIFIED ON YOUR KNOWLEDGE OF COMPLEX WEAPON LAWS AND ASSAULT LAWS, ACCORDING TO THIS RATING, CORRECT?

MR. SEKI: I'M GOING TO OBJECT. I THINK THAT MISSTATES THE EVIDENCE. HE DIDN'T TESTIFY AS TO HIS KNOWLEDGE OF COMPLEX LAWS DEALING WITH THIS.

MS. AMIN: HE DIDN'T REALLY SAY THAT.

SGT. SLATER: OKAY. LET ME REPHRASE THIS, MY STATEMENT.

Q. ACCORDING TO THIS RATING, YOU DEVELOPED AND WERE FAMILIAR WITH ASSAULT WEAPON LAWS, INCLUDING FIREARM COMPONENTS, CORRECT?

A. YES.

Q. THANK YOU.

WHAT TRAINING HAVE YOU HAD RELATED TO FIREARM SILENCER?

A. ZERO.

Q. DO YOU RECALL, IN YOUR INTERVIEW, SAYING YOU HAD TRAINING ON FIREARM SILENCERS?

A. YES. BUT IT'S NOT TRAINING TO HOW THEY WORK. I WENT TO A TRAINING DAY AND I SHOT FIREARMS THAT HAD SILENCERS.

Q. OKAY. AND ON THIS TRAINING DAY WHERE YOU SHOT FIREARM SILENCERS, WHY WERE YOU SHOOTING FIREARM SILENCERS?

A. THE LAPD PUT OUT A TRAINING DAY WITH DIFFERENT VENDORS FOR OUR SPECIALIZED UNIT, SO WHERE I WORK IS A SPECIALIZED DIVISION, THERE'S FEW OF THEM THROUGH THE DEPARTMENT, A LOT OF UNDERCOVER DETECTIVES LIKE MYSELF OR PLAIN CLOTHES DETECTIVES WERE GETTING THE OPPORTUNITY FROM -- TO GO AND TEST THESE WEAPONS, SYSTEMS TO SEE HOW THEY WOULD OPERATE, TO SEE IF THE DEPARTMENT WOULD BE INTERESTED IN PURCHASING THESE TYPES OF WEAPONS FOR OUR USE IN ARRESTS AND TAKEDOWNS AND CONDUCTING SEARCH WARRANTS, AND THEY WERE LOOKING INTO PURCHASING SUPPRESSED WEAPONS FOR THE HEARING ISSUE THAT A LOT OF US DEAL WITH.

IF YOU'VE EVER SHOT A GUN INSIDE OF A CAR OR IN A ROOM WITHOUT HEARING PROTECTION, IT'S VERY PAINFUL. AND HAVING BEEN IN AN OFFICER-INVOLVED SHOOTING IN A CAR, I'VE LOST PART OF MY HEARING FROM IT. SO IT WOULD BE BENEFICIAL, ESPECIALLY MOST OF THE TAKEDOWNS THAT WE DO AND THE ARRESTS THAT WE DO WORK FROM A CAR, IF YOU GET IN A SHOOTING, YOU DON'T HAVE

TIME TO PUT ON YOUR SAFETY GLASSES AND YOUR EAR PLUGS TO SHOOT, SO NOT IN AN OPEN AREA WHERE THE SOUND CAN GO OUT INTO THE VOID, IT STAYS REVERBERATING INSIDE OF THE CAR, SO THAT WAS KIND OF PUSHING WITH THAT KIND OF TRAINING EXPERIENCE.

Q. THANK YOU FOR THAT EXPLANATION.

HAVE YOU DONE ANY RESEARCH INTO FIREARM SILENCERS FOR ANY OTHER REASONS?

A. YES.

Q. WHAT WAS THAT RESEARCH?

A. WHILE I WAS IN THE F.B.I. TASK FORCE PRIOR TO THIS SITUATION HERE, WE WERE GETTING A LOT OF CLUES THAT SILENCERS WERE BEING SOLD AS FIREARMS, AND AS THE FIREARM'S EXPERT, I STARTED RESEARCH IT, BECAUSE I WANTED TO KNOW WHAT TO LOOK FOR IF WE DID PURCHASE THEM, WE PURCHASED A LOT OF GUNS FROM SUSPECTED DEALERS AND GANG MEMBERS, PART OF INVESTIGATIONS THAT WE WORKED IN CRIMINAL ENTERPRISES, SO IF WE GOT THAT, IT WOULD BE KIND OF TO LOOK AT IT AND GO YAY OR NAY, YOU KNOW, OR THIS IS BOGUS OR THIS ISN'T GOING TO WORK, BUT I STILL HAVE LIMITED KNOWLEDGE ON IT. I DIDN'T REALLY GET IT, IT NEVER CAME TO FRUITION ON ANY OF THE INVESTIGATIONS THAT WE HANDLED.

Q. SO YOU MENTIONED THAT YOU TESTIFIED ON ASSAULT WEAPONS BEFORE AS ONE OF YOUR

RESPONSIBILITIES, HOW MANY TIMES DO YOU THINK YOU'VE TESTIFIED AS AN EXPERT ON ASSAULT WEAPONS?

A. MAYBE FOUR, FIVE TIMES.

Q. DO YOU RECALL IN YOUR INTERVIEW TELLING SERGEANT JIZMEJIAN THAT YOU WERE AN EXPERT ON ASSAULT PISTOLS?

A. YES.

Q. DO YOU RECALL TELLING HIM THAT YOU WERE FAMILIAR WITH -- YOU HAD TO FAMILIARIZE YOURSELF WITH YOUR RESPONSIBILITY AS HOW ASSAULT PISTOLS WERE BUILT?

A. I'D HAVE TO REFER TO THE THING.

Q. CAN I REFER YOU TO PAGE 17 IN YOUR TRANSCRIPT. IT'S GOING TO BE DEPARTMENT'S NO. 10 -- NOT 10, STANDBY -- 12.

A. WHAT PAGE? SORRY.

Q. 12, SIR. I'M SORRY. PAGE 17 OF 12.

A. WHAT LINE, SIR?

Q. I'M GOING TO START YOU AT THE BEGINNING OF THE PAGE.

A. OKAY.

Q. AND IN YOUR RESEARCH FOR FIREARM SILENCERS, DO YOU RECALL LOOKING INTO FUEL FILTER WEBSITES AS PART OF THAT?

A. I DIDN'T PURPOSELY LOOK AT FUEL FILTERS OR SOLVENT TRAPS. I PUT IN SUPPRESSORS OR SILENCERS, AND

I LIKE TO GOOGLE PICTURE SEARCH SO I KNOW WHAT I'M LOOKING AT, AS OPPOSED TO A WRITTEN DEFINITION, AND I JUST BASICALLY WENT DOWN A RABBIT HOLE, PICTURES OF STUFF, DIFFERENT STUFF THAT CAN BE USED, TWO LITER BOTTLES, YOUR WATER BOTTLE, POTATO, A WHOLE BUNCH OF STUFF.

Q. SO IN YOUR GOING DOWN THE RABBIT HOLE, AS YOU DESCRIBED IT, DID YOU LOOK AT ITEMS MARKETED AS FUEL FILTERS THAT WERE USED AS FIREARM SILENCERS?

A. YES.

Q. OKAY. AND DID YOU LOOK AT ITEMS MARKETED AS SOLVENT TRAPS USED AS FIREARMS SILENCERS?

A. AT SOME POINT I THINK THAT POPPED UP.

Q. AND WERE YOU ASKED ABOUT THE SPECIFIC KEYWORD SEARCHES YOU WERE DOING DURING YOUR INTERVIEW WITH SERGEANT JIZMEJIAN?

A. I BELIEVE SO, YES, SIR.

Q. ONE MOMENT, PLEASE.

DO YOU RECALL TELLING SERGEANT JIZMEJIAN THAT THERE WAS A SOURCE THAT WAS GOING TO SELL YOU FIREARMS AND SILENCERS?

A. YES.

Q. WHEN WAS THAT BROUGHT TO YOUR ATTENTION?

A. I DON'T KNOW THE DATE, SIR, I JUST KNOW THAT IT WAS SUPPOSE TO HAPPEN AND THE FBI TAKES THEIR TIME,

SO IT DIDN'T HAPPEN.

Q. SO WHEN WORKING WITH THE FBI, ARE THERE OTHER FEDERAL AGENCIES INVOLVED IN YOUR WORK WITH THE FBI?

A. NO, IT'S AN FBI TASK FORCE.

Q. BUT WHILE ON THE FBI TASK FORCE, DO YOU INTERACT WITH OTHER FEDERAL AGENCIES?

A. DO YOU WANT ME TO BE BLUNT?

Q. YES.

A. THE FBI DOESN'T LIKE TO WORK WITH ANYBODY ELSE. THEY -- IT'S REALLY HARD. I HAD TO WORK -- UP UNTIL THE POINT I LEFT, WE WERE TRYING TO GET HSI ONBOARD, BECAUSE WE DEALT WITH MS13 ENTERPRISE AND 18TH STREET, AND A LOT OF THOSE PEOPLE ARE NOT SUPPOSE TO BE HERE, AND THEY HAVE A RED NOTICE OR AN ARREST WARRANT FROM INTERPOL AND WE, LAPD, PER POLICY, CAN'T ARREST THEM. AND THE FBI WON'T DO IT BECAUSE IT'S NOT IN THEIR JOB DESCRIPTION. SO I KIND OF MADE THAT HAPPEN BECAUSE WE COULD MAKE THE ARREST AND HSI CAN DEAL WITH THAT PROBLEM, ESPECIALLY IF WE CAME IN CONTACT WITH SAID PERSONS. BUT OTHER THAN THAT, NO, WE DIDN'T REALLY DEAL WITH OTHER AGENCIES.

Q. OKAY. THANK YOU.

DURING YOUR INTERVIEW WITH SERGEANT JIZMEJIAN, DO YOU RECALL HIM ASKING YOU SPECIFICALLY

IF SEARCHING FUEL FILTER AND SOLVENT TRAPS IS PART OF YOUR FBI TASK FORCE RESPONSIBILITIES?

A. IF I REMEMBER CORRECTLY, I EXPLAINED THAT IT WAS PART OF THE CASES THAT WE WERE GETTING INFORMATION FROM OUR SOURCES AND OTHER PEOPLE WITHIN THE DEPARTMENT THAT WERE EXPLAINING, HEY, THESE ARE THE THINGS TO LOOK OUT FOR, BUT IT NEVER HAPPENED, SO IT WAS BASICALLY POINTLESS.

Q. SO YOU GOT INFORMATION FROM SOURCES TO LOOK OUT FOR FUEL FILTERS AND FIREARM SILENCERS?

A. NO. I GOT, LOOK OUT FOR SUPPRESSORS. I WAS LOOKING FOR SUPPRESSORS ATTACHED TO FIREARMS, NOT SPECIFICALLY THE FUEL FILTERS OR THE SOLVENT TRAPS. I JUST KNOW THAT ALL THAT POPS UP IN THE INTERNET, IF YOU START LOOKING AT SILENCERS, IT'S JUST HUNDREDS OF PICTURES AND PEOPLE CONVERTING EVERYTHING TO DO SO.

Q. YOU SAY "SUPPRESSOR," IS SUPPRESSOR A COMMON NAME FOR SILENCER?

A. YEAH. FROM WHAT I UNDERSTAND, IN THIS INVESTIGATION, AND ME LOOKING IT UP NOW AFTER THE TIME OF ME KNOWING THAT I WAS PART OF AN INVESTIGATION TO RESEARCH TO UNDERSTAND. I UNDERSTAND THE WORD "SILENCER" IS SOMETHING THAT'S USED IN THE FILM INDUSTRY. A GUN SILENCER DOESN'T SILENCE THE BULLET LIKE IT DOES IN THE MOVIES, IT'S NOT QUIET. IT JUST

REDUCES THE DECIBELS OF THE BULLET COMING OUT OF THE GUN.

AND BASED ON WHAT I KNOW NOW, AFTER ALL OF THIS HAPPENING, YOU HAVE TO HAVE A GUN -- A GUN WITH A THREADED BARREL, YOU HAVE TO HAVE A CERTAIN TYPE OF AMMUNITION, WHICH IS SUBSONIC OR LESS THAN THE SOUND -- LESS THAN THE SPEED OF SOUND FEED PER SECOND, I DON'T KNOW THE NUMBER, I'M NOT GOOD AT MATH, AND IT JUST REDUCES THE SOUND SO THAT IT'S NOT PAINFUL TO YOUR EARS WHEN YOU'RE FIRING THE WEAPON.

Q. SO I JUST WANT TO CLARIFY A POINT OFF WHAT YOU SAID.

SO ARE YOU INDICATING THAT PRIOR TO ALL THIS BEGINNING, YOU DIDN'T KNOW YOU NEEDED A THREADED BARREL FOR A SILENCER?

A. NO, I KNEW I NEEDED A THREADED BARREL.

Q. I WANT TO DIRECT YOU, STARTING ON PAGE 17 OF YOUR TRANSCRIPT, ON LINE 24.

A. OKAY.

Q. SO LATER IN YOUR INTERVIEW, SERGEANT JIZMEJIAN ASKED YOU IF YOU HAD HAD YOUR MEMORY REFRESHED REGARDING FUEL FILTERS OR SOLVENT TRAPS, AND YOU SAID -- DO YOU RECALL TELLING HIM, "I DON'T REMEMBER THE SPECIFIC KEYWORDS YOU GUYS ARE TALKING ABOUT. I CAN TELL YOU THAT SOME OF THAT STUFF WAS

PROVIDED TO ME THROUGH WORD OF MOUTH, THROUGH THE SOURCES, 'HEY, CAN YOU LOOK THIS UP,'" YOU KNOW, "WHAT IS THIS?" AND SO YOU START RESEARCHING IT -- "BUT THOSE PIECES, AND I'M GOING TO JUMP TO LINE 9 HERE, "BUT THOSE PIECES NEVER CAME TO FRUITION WITH THE BAD GUYS."

WHAT DO YOU MEAN "THOSE PIECES NEVER CAME TO FRUITION WITH THE BAD GUYS"?

A. THE FIREARMS WHICH IS SUPPRESSORS OR THE SOUNDS, THEY JUST NEVER MATERIALIZED.

Q. BUT THE POINT I'M GETTING AT, SIR, IS YOU REALIZE THAT THE WORD "SUPPRESSOR" AND "FUEL FILTER" WERE ASSOCIATED AT THAT POINT WHEN YOU WERE LOOKING IT UP, CORRECT?

A. NO, I WAS STILL RESEARCHING IT. I DIDN'T HAVE THE SPECIFIC KNOWLEDGE.

Q. BUT YOU HAD RESEARCHED THAT TOPIC, CORRECT?

A. WELL, I DIDN'T HAVE THE SPECIFIC KNOWLEDGE TO PUT TWO AND TWO TOGETHER, AS FAR AS AT THE TIME OF THE RESEARCH, IT WAS IN ITS INFANCY.

Q. BUT YOU HAD BEEN RESEARCHING IT, "YES" OR "NO"?

A. YEAH. TILL --

Q. OKAY. THANK YOU.

WHEN WAS THIS INVESTIGATION HAPPENING?

A. MARCH OF '21 OR MARCH OF '20 -- I THINK IT WAS '21. I'M NOT 100 PERCENT SURE.

Q. DID YOU HAVE ANY DOCUMENTATION OF THAT INVESTIGATION?

A. NO.

Q. ALL RIGHT. I'M GOING TO GET INTO SOME OF THE SPECIFIC THINGS YOU SEARCHED ON YOUR DEPARTMENT COMPUTER AT THAT TIME. JUST ONE SECOND.

SO REFERRING TO THE KEYWORD SEARCH, SPECIFICALLY THE DECEMBER 2020 TAB, I'M GOING TO PUT IT ON THE SCREEN NOW.

A. OKAY.

Q. LINE 1 OF 6, CAN YOU SEE THAT?

A. YES.

Q. ALL RIGHT. NEXT TO YOUR -- OR IN COLUMN D, CAN YOU TELL ME WHAT THAT SEARCH IS?

A. ARE YOU TALKING ABOUT THE "WW"?

Q. YES.

A. I DON'T KNOW WHAT THIS IS, "SARCOINC.COM, 1911-45-THREADED-BARREL-5-BARREL."

Q. WHAT IS A "1911"?

A. IT'S A PISTOL AND 45-CALIBER.

Q. AND WHAT IS THE "5 BARREL" REFERRING TO?

A. WELL, I DON'T KNOW. IT COULD BE 5 INCHES, BUT I'D HAVE TO LOOK AT THE WEBSITE.

Q. WHY WERE YOU SEARCHING THIS ITEM?

A. BECAUSE THAT WAS THE TYPE OF WEAPONS THAT WE WERE COMING IN CONTACT WITH THAT SUPPOSEDLY HAD SUPPRESSORS WHERE THEY WERE GOING TO SELL US WITH SUPPRESSORS.

Q. SO AS EARLIEST OF DECEMBER OF 2020, YOU WERE COMING INTO SALES OF SUPPRESSORS AS PART OF YOUR JOB DUTIES?

A. I WAS NOT.

Q. WELL, THEN, WHY WERE YOU SEARCHING THIS?

A. BECAUSE THE GUYS WERE DOING THAT AND I WAS HELPING OUT WITH GETTING INTEL AND HELPING THEM WITH THEIR CASES.

Q. SO AS EARLY OF 2020, INVESTIGATIONS THAT YOU WERE HELPING WITH WERE COMING INTO CONTACT WITH FIREARMS WITH SUPPRESSORS?

A. YES.

Q. AND DO YOU PERSONALLY OWN ANY 1911S?

A. YES, I DO.

Q. OKAY. IF YOU WERE LOOKING INTO ILLEGAL FIREARM SALES WITH SUPPRESSORS, WHY WERE YOU LOOKING AT A GUN WEBSITE FOR THAT?

A. A GUN WEBSITE -- WELL, I DON'T KNOW WHAT THE WEBSITE HAS, YOU KNOW, I DON'T -- I MEAN, I CAN'T TELL YOU WHAT --

Q. OKAY. WE'LL MOVE PAST THAT POINT, THEN.

WHILE I JUMP INTO THE NEXT ONE, I'M NEXT REFERRING YOU TO THE TAB OR THE SECTION THAT WAS THE FEBRUARY 2021 BARREL?

A. OKAY.

Q. REFERRING YOU TO LINE 7, UNDER COLUMN D, THAT URL, CAN YOU READ ME WHAT THAT URL SAYS?

A. YOU SAID LINE 7, CORRECT?

Q. YES, SIR. I'LL PUT THE TAB ON IT FOR YOU.

A. "WWP" -- I CAN'T EVEN READ THAT -- "PEALTIER.COM/PRODUCTS/ALUMINUM-BARREL-END-THREAD-PROTECTOR-FOR RUGER-1022-MUZZLE-BRAKE." IT LOOKS LIKE, "1-2-X-28-58." I CAN'T READ THAT. I'M SORRY.

Q. THAT'S FINE.

A. MY EYESIGHT IS CRAP.

Q. WHAT IS THE 12 X 28 REFERRING TO?

A. HALF-INCH BY 28, IT'S A THREAD -- A THREAD PITCH.

Q. OKAY. AND WHAT IS A RUGER 1022?

A. IT'S A RIFLE.

Q. WHAT IS A THREAD PITCH?

A. IT'S JUST THE THREADING. SO THERE'S SAE, WHICH IS STANDARD, I CAN'T REMEMBER THE NAME OF IT, AND THEN THERE'S METRIC, AND THEY'RE A DIFFERENT THREADS, LIKE FOR BOLTS, THERE'S FINE, COURSE, AND

THAT BASICALLY JUST DELINEATES HOW MANY THREADS PER INCH, I BELIEVE.

Q. AND WHAT IS THE IMPORTANCE OF A THREAD PITCH?

A. IT JUST MEANS THAT YOU HAVE TO HAVE THE CERTAIN BOLTS OR I'LL JUST USE A BOLT FOR REFERENCE BECAUSE THAT'S WHAT I KNOW.

IF YOU HAVE A BOLT AND YOU HAVE A NUT AND YOU'RE GOING TO SCREW THEM TOGETHER, THEY BOTH HAVE TO BE THE SAME THREAD, OTHERWISE THEY WON'T GO TOGETHER.

Q. I KNOW YOU'RE REFERRING TO A BOLT, BUT WHAT IS THE RELEVANCE OF A THREAD PITCH ON A GUN?

A. WELL, IF YOU HAVE A THREADED BARREL IN A GUN AND IT HAD A RECEPTACLE LIKE FLASH SUPPRESSOR OR A SILENCER, THAT THREAD, THE FEMALE END OF THE THREAD IN THE SUPPRESSOR WOULD HAVE TO -- WOULD BE LIKE THE NUT, AND THAT WOULD GO ON THE BARREL, WHICH WOULD BE LIKE THE BOLT.

Q. OKAY. SO IN FEBRUARY OF 2021, WHY WERE YOU RESEARCHING RUGER 1022 MUZZLE BRAKE WITH A 12 X 28 THREAD PITCH?

A. I DON'T KNOW.

Q. DO YOU OWN A RUGER 1022?

A. YES, I DO.

Q. A LITTLE FURTHER IN THIS DESCRIPTION, I'VE

PUT IT AT THE TOP SO YOU CAN SEE THE WHOLE THING, THERE'S AN ADAPTER COMBO 223-308, WHAT DOES "223" REFER TO?

A. THAT IS -- WELL, THAT'S A CALIBER FOR A RIFLE AND 308 IS A CALIBER FOR A RIFLE.

Q. AND WHAT IS AN ALLUMINUM BARREL THREAD AND PROTECTOR?

A. WELL, BASED ON WHAT'S UP THERE, IF YOU HAVE A THREADED BARREL AND YOU'RE GOING TO HAVE TO PUT A NUT ON THERE SO THAT YOUR THREAD DON'T GET SMASHED OR BEAT UP OR RUINED WHEN YOU'RE USING THE FIREARM WITHOUT THE MUZZLE BRAKE OR THE SUPPRESSOR THAT WOULD BE ON THE END OF THE GUN.

Q. OKAY. I'M GOING TO REFER YOU NOW TO LINE 17. BEAR WITH US AS I TRY AND MAKE THIS VISIBLE ON THE SCREEN.

A. NO WORRIES.

Q. WHAT DAY DO YOU SEE IN COLUMN B?

A. SORRY, 17? FEBRUARY 3RD.

Q. OKAY. AND THEN I'M GOING TO JUST CIRCLE BACK TO THE COLUMN THAT WE WERE JUST LOOKING AT FOR A SECOND.

WHAT DAY DO YOU SEE IN LINE 7?

A. THE 2ND OF FEBRUARY.

Q. AND SO THE NEXT DAY, ON FEBRUARY 3RD, WHAT

IS IN THE URL SEARCH?

A. THE -- IT LOOKS LIKE THE SAME THING.

Q. WHY DID YOU LOOK AT THIS TWO DAYS IN A ROW?

A. I DON'T KNOW.

Q. OKAY. DO YOU HAVE ANY -- NO, THAT'S ENOUGH. I'LL LEAVE THAT AS IT IS.

I'M GOING TO DIRECT YOU TO LINE 33 NOW, THEN. WHAT DAY DO YOU SEE HERE?

A. FEBRUARY 3RD.

Q. ALL RIGHT. LOOKING AT THE COLUMN I'VE HIGHLIGHTED FOR YOU.

A. OKAY.

Q. THERE WAS A DOCUMENTED SEARCH CONTAINING BOTH THE FOLLOWING: FUEL FILTER SWEEP FOR NAPA 4003 WIX 582412 OR 122812 AIR FILTER THREADED, AND ALSO A SEARCH FOR RUGER 1022 MUZZLE BRAKE ADAPTER COMBO 223-308.

WHAT DOES FUEL FILTER SWEEP FOR NAPA 4003 WIX REFER TO?

A. WELL, BASED ON THE ATF PAPERWORK, I GUESS, I DON'T KNOW.

Q. I'M GOING TO RESTATE -- I'M NOT ASKING BASED OFF THE ATF PAPERWORK, THIS IS FROM FEBRUARY 2021.

IN FEBRUARY OF 2021, WHY WERE YOU --

A. WELL, I DON'T KNOW BY SPECIFIC DATES, BUT I

AM GOING TO BELIEVE THAT IT WAS -- I WAS CLICKING ON PICTURES AND THAT'S ALL THE STUFF THAT CAME UP. IT WASN'T SPECIFIC TO LIKE TARGETING THESE SPECIFIC NAMES.

Q. SO WHAT DO YOU MEAN YOU WERE CLICKING ON PICTURES?

A. GOOGLE SEARCH.

Q. SO WHAT WERE YOU SEARCHING FOR?

A. WELL, AT THE TIME, LOOKS LIKE THREADED PROTECTOR FOR RUGER 1022. BUT I DON'T RECALL INDEPENDENTLY. I'M JUST GOING BY WHAT'S UP THERE.

Q. SO YOU DON'T HAVE ANY INDEPENDENT RECOLLECTION OF WHY YOU WERE SEARCHING FOR BOTH THE NAPA 4003 WIX AND A RUGER THREADED PROTECTOR?

A. NO.

Q. BUT WOULD IT BE SAFE TO SAY, AS OF FEBRUARY 2021, YOU HAD SEARCHED NAPA 4003 WIX IN CONJUNCTION WITH A THREADED BARREL?

A. WELL, I DON'T BELIEVE THAT I SEARCHED THAT SPECIFIC THING, BUT BASED ON THIS, YES.

Q. THIS IS A -- WHEN YOU WERE INTERVIEWED BY SERGEANT JIZMEJIAN, DID HE ASK YOU IF THIS WAS YOUR INTERNET HISTORY?

A. I DON'T BELIEVE SO.

Q. ONE MOMENT, PLEASE. CAN I REFER YOU TO

PAGE 18, LINE 18.

A. 18/18?

Q. YES.

A. OKAY.

Q. WAS IT -- DID YOU SAY THAT IT WAS SAFE TO SAY WHATEVER YOU WERE SEARCHING WAS PART OF WHAT YOU ANTICIPATED GETTING AS PART OF YOUR JOB DUTIES?

MR. SEKI: I'M GOING TO OBJECT. I THINK WITHIN THE FIRST QUESTION WAS THAT HE WAS SHOWN THIS DOCUMENT. I DON'T KNOW THAT THIS DOCUMENT WAS EVER SHOWN TO HIM, NOR IS IT REFLECTED IN THIS TRANSCRIPT.

MS. AMIN: CAN YOU RESTATE YOUR QUESTION.

BY SGT. SLATER:

Q. WHEN ASKED BY SERGEANT JIZMEJIAN, YOU SAID THAT YOU TOLD HIM YOU LOOKED UP SOME OF THIS STUFF BECAUSE YOU HAD HEARD ABOUT IT THROUGH SOURCES OR THROUGH WORD OF MOUTH, AND THEN YOU WERE ASKED BY YOUR ATTORNEY, MR. SEKI HERE, ON LINE 14, WHATEVER SEARCHES WERE DONE WAS WORK-RELATED, CORRECT?

A. YES.

Q. SO THE SEARCHES THAT WERE RECOVERED WERE WORK-RELATED IS WHAT YOUR EXPLANATION WAS?

A. YES.

Q. SO AS PART OF YOUR WORK DUTIES, YOU LOOKED UP NAPA 4003 WIX, THEN?

MR. SEKI: WELL, I'M GOING TO OBJECT. I THINK THAT MISSTATES THE EVIDENCE. I THINK THE EVIDENCE IS THAT HE CLICKED ON PICTURES.

MS. AMIN: WELL, YOU CAN ASK, DID YOU LOOK IT UP.

BY SGT. SLATER:

Q. HOW DID YOU GET TO THESE PICTURES?

A. SUPPRESSOR AND YOU CLICK ON PICTURES AND GOOGLE, AND THEN IT GOES INTO ALL THESE DIFFERENT WEBSITES. YOU GO TO ONE PICTURE, THE NEXT PICTURE, IT'S LIKE WATCHING THINGS ON YOU TUBE, YOU JUST GO DOWN THIS, YOU'VE WASTED 45 MINUTES OF YOUR TIME.

Q. OKAY. ON MULTIPLE DAYS, YOU LOOKED INTO, AT LEAST, THE THREADED BARREL, CORRECT?

A. YES.

Q. I'M GOING TO REFER YOU NOW TO LINE 91, AGAIN, IN COLUMN D OR 92.

WHAT WAS SEARCHED ON THAT COLUMN?

A. THAT WAS A PICTURE OF A KIMBER --

THE REPORTER: A WHAT?

DET. WALDEN: A PICTURE OF A KIMBER 1911-45 THREADED BARREL.

BY SGT. SLATER:

Q. WHAT MAKES YOU THINK IT WAS A PICTURE?

A. 'CAUSE I REMEMBER IT POPPED UP ON THE

PICTURES AND I CLICKED ON IT.

Q. IS THERE ANY INDICATION ON THIS URL THAT IT'S A PICTURE?

A. NO. I REMEMBER INDEPENDENTLY DOING IT BECAUSE I THOUGHT, OH, THAT'S NICE.

Q. SO I JUST WANT TO BE CLEAR, YOU REMEMBER AN INDEPENDENT RECOLLECTION OF LOOKING AT A SPECIFIC PICTURE, BUT YOU DON'T REMEMBER WHY YOU WERE LOOKING AT THE NAPA 4003?

A. NO, I WASN'T LOOKING AT THE NAPA 4003 AS SPECIFIC, I WAS LOOKING AT PICTURES AND ALL OF THAT STUFF POPPED UP. I REMEMBER THE KIMBER BECAUSE IT LOOKED NICE.

Q. WHY WERE YOU SEARCHING FOR KIMBER THREADED BARREL?

A. BECAUSE THERE'S SPECIFIC FIREARMS THAT WERE SUPPOSED TO BE SOLD TO US AND THEY WERE 1911 VARIANTS AND THAT'S WHAT POPPED UP WHEN I WAS CLICKING ON PICTURES. IT WASN'T SPECIFIC TO THE KIMBER.

Q. I'M GOING TO REFER YOU TO ANOTHER SET OF SEARCHES NOW. I APOLOGIZE THAT WE'RE DOING SO MANY SEARCHES, BUT THERE WAS A LOT COVERED.

REFERRING YOU TO THE MARCH 2021 KEYWORD SEARCH "FUEL."

A. OKAY.

Q. LINE 306, WHAT DAY IS THIS?
A. THAT'S THE 16TH.
Q. OF?
A. 2021.
Q. AND WHAT PRODUCT IS BEING SEARCHED IN LINE 306?
A. WAIT. OH, SORRY, I WAS LOOKING AT 305. IT SAYS, "ALUMINUM," I CAN'T -- OH, "NAPA4003SOLVENT TRAPS.COM."
Q. I APOLOGIZE. IT'S KIND OF A LONG URL, MOVING FURTHER PAST THAT, AFTER THE NAPA 4003, WHAT NEXT IS -- OH, SORRY.
A. THAT'S ALL RIGHT.
Q. I'M JUST GOING TO HOLD IT HERE.
A. OKAY. "ALUMINUM-10-12-SIX-EXTENSION-SPIRAL," I DON'T KNOW WHAT THAT IS, "12-20-12-28-58-24-M141-M141-CAR-FUEL-FILTER-CAR-SOLVENT-," THAT'S ALL I GOT, "TRAP-FOR-NAPA-4003- WIX-24003."
Q. SO WE'VE COVERED FROM DECEMBER TO MARCH, JUST A PORTION OF THE THINGS YOU SEARCHED AT THIS TIME. BUT DURING THAT ENTIRE FOUR-MONTH PERIOD, YOU WERE SEARCHING NAPA 4003 AND YOU DON'T RECALL WHY?
A. IT WASN'T SPECIFIC TO THAT NUMBER.
Q. OKAY. AND YET THEY KEEP POPPING UP?
A. YEAH, BECAUSE THAT'S WHAT POPS UP ON ALL THE

WEBSITES.

Q. AND WHY WERE THEY POPPING UP ON ALL THE WEBSITES?

A. I DON'T KNOW.

Q. BUT THIS WAS PART OF YOUR INVESTIGATION IN THE SILENCERS OR SUPPRESSORS, AS YOU CALLED THEM, CORRECT?

A. YES.

Q. SO OVER A FOUR-MONTH WINDOW, YOU REPEATEDLY SAW THIS DURING YOUR INVESTIGATION INTO SUPPRESSORS?

A. YES.

Q. ALL RIGHT. DOES THE DEPARTMENT RECEIVE UNCLASSIFIED LAW ENFORCEMENT SENSITIVE DOCUMENTS FROM OTHER AGENCIES?

A. DEPENDS IF YOU WORK WITH THAT AGENCY.

Q. OKAY. BUT DO THEY RECEIVE SUCH DOCUMENTS?

A. YES.

Q. DOES THE GUN UNIT WORK WITH THE ATF?

A. YES.

Q. DID YOU WORK -- I WANT TO BE CLEAR ABOUT THIS, YOU WORKED THE GUN UNIT, CORRECT?

A. YES.

Q. HAVE YOU SEEN THOSE TWO DOCUMENTS BEFORE, THE TECHNICAL BULLETINS?

A. NO, I HAVE NEVER SEEN THEM.

Q. DURING YOUR TIME WITH THE GUN UNIT, DID YOU INTERACT WITH THE ATF, HOWEVER?

A. NO, I DID NOT.

Q. NOT AT ALL?

A. NO.

Q. NOT WHEN YOU TESTIFIED IN FEDERAL CASES?

A. I NEVER TESTIFIED IN FEDERAL CASES.

Q. ONE SECOND. CAN I REFER YOU TO PAGE 5 OF YOUR TRANSCRIPT?

A. PAGE 5?

Q. YES, PLEASE. CAN I HAVE YOU READ LINES 13, PLEASE.

A. "PROSECUTED. I WORKED WITH THE ATF, DEA, FBI, HSI AND CURRENTLY I'M ASSIGNED DETECTIVE SUPERVISOR FOR GND/FBI TASK FORCE."

Q. SO AGAIN, DID YOU WORK WITH THE ATF?

A. I DIDN'T PERSONALLY WORK WITH THE ATF. THERE WERE PEOPLE ASSIGNED IN THE GUN UNIT THAT WERE ATF TFO'S, THEY WORKED WITH THE ATF. I NEVER WAS ALLOWED TO BECAUSE I WASN'T A TFO.

Q. SO WHY DOES YOUR TRANSCRIPT SAY, "I WORKED WITH THE ATF," THEN?

A. BECAUSE THOSE PEOPLE THAT WERE ASSIGNED TO THE GUN UNIT AT LAPD, THEY WERE ATF TFO'S AND I WORKED WITH THEM.

MR. SEKI: CAN YOU EXPLAIN WHAT A TFO IS?

DET. WALDEN: A TFO IS TASK FORCE OFFICER, SO BASICALLY WHEN I WAS A TASK FORCE OFFICER WITH THE FBI, YOU GO THROUGH AN EXTENSIVE BACKGROUND AND YOU DO A POLY, ALL THIS STUFF, AND THEN THEY SWEAR YOU IN, AND NOW YOU'RE ALLOWED TO MAKE ARRESTS FEDERALLY AND ALSO LOCALLY. THEY USED TFO'S IN THE STATE OF CALIFORNIA, BECAUSE CALIFORNIA CONSTITUTION DOESN'T ALLOW AGENTS TO MAKE STATE ARRESTS, SO THEY USE US TO MAKE THE STATE ARRESTS. A LOT OF TIMES WE GO MAKE AN ARREST ON A CASE, WHATEVER WE'RE DOING, AND IF THE AUSA, USA ATTORNEY, DOESN'T WANT TO FILE A CASE AT THE FEDERAL LEVEL, THEY REFER IT TO THE STATE LEVEL AND THEN WE WOULD HAVE TO TESTIFY IN THE CASE.

Q. OKAY. SO THEN WHY DIDN'T YOU SAY, "I WORK WITH TFO'S," WHY DID YOU SAY, "I WORK WITH THE ATF"?

A. 'CAUSE THEY'RE ATF TFO'S AND TECHNICALLY I'M NOT WORKING DIRECTLY WITH THEM.

Q. WE'LL MOVE PAST THAT.

JUST BEFORE THAT POINT, STARTING AT LINE 8, YOU SAID, "I WAS ASSIGNED TO THE GUN UNIT WHERE I GAINED EXPERTISE" --

A. YES.

Q. -- "AND AKAR VARIANTS AND WEAPONS SYSTEMS TO TESTIFY AS A COURT QUALIFIED EXPERT ON VARIOUS CASES,

NOT ONLY THE ONES IN THE GUN UNIT, BUT ALSO TO ASSIST CASES FOR, YOU KNOW, THE ONES THAT GO FEDERALLY PROSECUTED."

A. YES.

Q. SO DID YOU ASSIST AND TESTIFY IN CASES THAT WENT FEDERALLY PROSECUTED?

A. NO, I NEVER TESTIFIED IN A FEDERAL CASE.

Q. THEN WHY DOES THIS SAY, "TESTIFY AS A COURT QUALIFIED EXPERT"?

A. BECAUSE I DID TESTIFY IN COURT --

Q. ON ONES THAT WERE FEDERALLY PROSECUTED?

MR. SEKI: NO, I THINK THAT'S SEMANTICS; THAT'S ARGUMENTATIVE. THAT'S TOTALLY INAPPROPRIATE.

SGT. SLATER: WE'LL MOVE PAST THAT POINT.

MS. AMIN: RIGHT.

BY SGT. SLATER:

Q. SO FROM DECEMBER TO MARCH, YOU REPEATEDLY LOOKED UP PHOTOS THAT INCLUDED NAPA 4003 WIX, CORRECT?

MR. SEKI: ASKED AND ANSWERED.

DET. WALDEN: YES.

BY SGT. SLATER:

Q. AND THEN WE'VE HEARD TESTIMONY THAT YOU ORDERED THROUGH YOUR PAYPAL A NAPA 4003 WIX FUEL FILTER; IS THAT CORRECT?

A. YES.

Q. IS THERE ANY REASON WHY THE FUEL FILTER ORDERED IS THE SAME AS THE ONE YOU WERE LOOKING INTO AS PART OF YOUR JOB DUTIES FOR SUPPRESSORS?

MR. SEKI: I'M GOING TO OBJECT AS TO VAGUE. WHAT "IS THE SAME"?

MS. AMIN: RESTATE IT, PLEASE.

BY SGT. SLATER:

Q. 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?

A. WELL, I ORDERED A FUEL FILTER FOR MY CAR, WHATEVER THE CODE DELINEATION FOR THAT PART, I DON'T REMEMBER WHAT IT WAS.

Q. SO, AGAIN, REFERRING TO DEPARTMENT'S 8, THE PAYPAL TRANSACTIONS WHICH ARE NOW ON UP ON THE SCREEN AGAIN, ON LINE 79, IT SPECIFICALLY SAYS, UNDER ITEM TITLE, "BUY ONE, GET ONE FREE, NAPA-4003-WIX-1-2-X-28-X-24-FUEL FILTER SOLVENT TRAP."

OKAY. AND THAT IS THE SAME ITEM YOU WERE LOOKING INTO AS PART OF YOUR INVESTIGATION OF SUPPRESSORS AS YOU STATED, CORRECT?

A. BASED ON THAT, THAT'S THE RECEIPT FOR -- I NEVER SEEN BEFORE. AND I DIDN'T PURPOSELY LOOK FOR NAPA 4003, I LOOKED FOR A FUEL FILTER, AND I PURCHASED A FUEL FILTER FOR MY CAR, SO I DIDN'T GOOGLE OR LOOK

UP OR WRITE, HEY, I WANT TO BUY THAT NAPA 4003, I LOOKED AND BOUGHT A FUEL FILTER FOR MY CAR, IT JUST HAPPENS TO BE IN THE DESCRIPTION OF THE PURCHASE ON PAYPAL.

Q. OKAY. AND WHERE DID YOU BUY THIS FUEL FILTER FROM?

A. I DO NOT RECALL.

Q. ONE SECOND. WHAT KIND OF FUEL FILTER WERE YOU TRYING TO BUY?

A. A HIGH FLOW FUEL FILTER.

Q. SO THE THREAD ON PURCHASE, IF I'M CORRECT, IS 1/2 BY 28, CORRECT?

A. I NEVER GOT IT, SO I DON'T KNOW.

Q. SO YOU DON'T KNOW SPECIFICALLY WHAT YOU BOUGHT, YOU JUST BOUGHT AN ITEM WITHOUT KNOWING WHAT IT WAS?

A. I BOUGHT AN ITEM I NEVER RECEIVED, SO I COULDN'T VERIFY WHAT YOU'RE ASKING.

Q. SO ON THE ITEM YOU WERE TRYING TO BUY, WHAT WOULD THE THREAD BARREL OR THE THREAD TPI HAVE BEEN?

A. WELL, I WAS HOPING THE THREAD WOULD BE HALF-INCH BY 28.

Q. WHY WERE YOU HOPING HALF-INCH BY 28?

A. BECAUSE IT'S A COMMON STANDARD SIZE.

Q. COMMON STANDARD SIZE FOR WHAT?

A. FOR THREADING.
Q. FOR THREADING FOR WHAT?
A. FOR FUEL FILTERS, FOR FUEL CONNECTORS.
Q. OKAY. I'M GOING TO REFER YOU TO DEPARTMENT'S 3, PAGE 6.
A. IS THAT THE ATF?
Q. YES.
A. PAGE 6.
Q. YES. UNDER "COMMON FUEL FILTER THREADS," CAN YOU POINT OUT TO ME WHERE IT SAYS 1/2 BY 28?
A. NO.
Q. OKAY. WHAT NUMBER DO YOU SEE UNDER "COMMON FILTER THREADS FOR NAPA 4003"?
A. IT'S THREE-QUARTERS.
Q. OKAY. SO WHERE DID YOU HEAR THAT 1/2 BY 28 WAS COMMON FOR A FUEL FILTER?
A. BECAUSE THERE'S A REDUCER FOR THE INLET, SO ON A FUEL FILTER, YOU HAVE THE FILTER, AND THEN THERE'S REDUCERS, JUST LIKE THE ONE THAT I PURCHASED AND I TOLD THE DEPARTMENT ABOUT, FOR DIFFERENT SIZE FUEL LINES. YOU BUY THE FUEL FILTER, YOU GET HALF-INCH, BASICALLY THERE'S -- IT'S A -- I FORGOT WHAT IT'S CALLED, IT'S, I CALL IT A NIPPLE, BUT IT'S BASICALLY A BOLT WITH A HOLE THROUGH THE MIDDLE OF IT, ONE SIZE IS THE HALF-INCH BY 28, AND THAT SCREWS INTO

THE SIDE OF THE FUEL FILTER, THEN THE FUEL GOES THROUGH THAT HOLE, AND THERE'S A NIPPLE THAT BASICALLY, IT'S A MALE END THAT COMES OUT, IT'S IN THE PICTURE OF THE THING I BOUGHT.

AND THEN YOU HAVE ANOTHER FEMALE NUT AND BASICALLY YOU SLIDE THAT ONTO THE FUEL LINE, YOU CUT THE FUEL LINE AND YOU USE A FUEL LINE EXPANSION THING THAT BASICALLY ALLOWS THE FUEL LINE TO BE OPENED UP, AND WHEN YOU PULL THE NUT OVER IT AND YOU PUT THE FUEL FILTER ON THERE, YOU CAN TIGHTEN IT AND IT BASICALLY -- IT'S LIKE A GAS LINE ON A HOUSE. THERE'S A NIPPLE, IT HAS A NUT AND IT PRESSURIZES THE SYSTEM SO IT WON'T LEAK OUT, BECAUSE YOU CAN'T JUST PUT TWO NUTS TOGETHER, IT WILL LEAK CONSTANTLY, LIKE ON YOUR DRYER OR ON YOUR GAS LINE FOR YOUR STOVE.

Q. IT'S BEEN MENTIONED THAT YOU'RE, AS IT WAS QUOTED, "A TINKERER," DO YOU OFTEN BUY CAR PARTS ONLINE?

A. YES.

Q. WHERE DO YOU NORMALLY BUY YOUR CAR PARTS ONLINE FROM?

A. EVERYWHERE.

Q. EVERYWHERE?

A. YES.

Q. I'M GOING TO NOW AGAIN DIRECT YOU TO ANOTHER

KEYWORD SEARCH OF MARCH OF 2021, ON LINE 26. WHAT DAY WAS THAT? IT MAY STILL NEED A SECOND TO APPEAR ON THE SCREEN.

A. SORRY. CAN YOU DO THAT?

Q. I'LL --

A. YEAH. IT JUST SAYS -- I'M ASSUMING IT'S MARCH 11TH.

Q. IF I GET CLOSE, THAT'S FINE.

A. NO, CAN YOU JUST SLIDE IT OVER.

Q. YEAH.

A. TO WHERE YOU WANT ME TO -- OH, ARE YOU LOOKING AT -- NO, GO BACK.

Q. SORRY. THAT'S WHY I DIDN'T WANT TO MOVE IT.

A. IT HAS A BUNCH OF NUMBERS.

Q. LOOK AT THE TOP, I CLICKED ON IT, WHAT DATE DO YOU SEE?

A. WHERE ARE YOU AT?

Q. OKAY. MARCH 11TH, 2021. SO ON MARCH 11TH YOU SEARCHED FOR "OPPPLANET-TRYBE-DEFENSE-GRADE-1-2-X-28-GLOCK-34-NITRIDE." WHY DID YOU SEARCH THIS?

A. BECAUSE THOSE ARE COMMON BARRELS FOR THE GHOST GUNS THAT WE RECOVER IN INVESTIGATIONS, SO.

Q. AND IN THIS, WHAT DID THE "1-2-X-28-THREAD" REFER TO?

A. I DON'T -- I'M ASSUMING IT'S A THREADED

BARREL. OH, YEAH, "THREADED PISTOL BARREL, 1-2-X-28 THREADED-GLOCK-34-BARREL" OR "BLACK-NITRIDE."

Q. DO YOU RECALL WHY YOU WERE SEARCHING FOR THIS ITEM?

A. YES.

Q. WHY WAS THAT?

A. THAT IS A COMMON BARREL FOR A GLOCK OR GLOCK CLONE THAT CAN BE PUT INTO A GLOCK OR GLOCK CLONE OR AN EIGHT PERCENTER OR A GHOST GUN, AND YOU CAN PUT IT IN THE GUN AND YOU CAN HAVE A THREADED BARREL, EITHER PUT A FLASH SUPPRESSOR, WHICH IF YOU BUILD A COMPETITION PISTOL, FLASH SUPPRESSOR HELPS REDUCE THE RECOIL OF THE PISTOL SO YOU CAN STAY ON TARGET AND DELIVER MORE ROUNDS DOWN RANGE SO IT REDUCES THE RECOIL OR YOU CAN PUT A SILENCER ON IT.

Q. SO, AGAIN, THE THREAD FOR SILENCERS WOULD BE 1/2 BY 28 THREAD, IS WHAT YOU'RE SAYING?

A. IT DEPENDS ON THE GUN.

Q. FOR THIS NINE-MILLIMETER, THOUGH, IT WOULD BE 1/2 BY 28?

A. I'M ASSUMING.

Q. DO YOU OWN ANY NINE-MILLIMETER GLOCK 34'S?

A. YES, I DO.

Q. YOU MENTIONED THAT YOU NEEDED A FUEL FILTER FOR YOUR CELICA, THAT'S WHY YOU ORDERED THIS ITEM.

HOW DOES THAT FUEL FILTER WORK?

A. WELL, A FUEL FILTER, BASED ON MY KNOWLEDGE OF TAKING THEM APART AND PUTTING THEM BACK TOGETHER, THE FUEL IS TAKEN FROM THE GAS TANK, IT RUNS THROUGH THE FUEL LINE, IT GOES THROUGH A FILTER SYSTEM TO KEEP ALL THE DEBRIS AND SETTLEMENT THAT YOU GET, SO WHEN YOU GO TO THE GAS STATION, YOU BUY GAS, THERE'S SEDIMENT IN THE BOTTOM OF THOSE TANKS, AND HERE IN THE LOVELY STATE OF CALIFORNIA, THEY HAVE CHANGED THE GAS CHEMICAL MAKE UP TO MORE ETHANOL IN IT AND RAISED THE PRICES SO WE CAN BE GREENER OR CLEANER, THAT ETHANOL GOES UP OUR FUEL SYSTEMS, INJECTION SYSTEMS AND ALL THE STUFF WE HAVE TO DEAL WITH WHICH CAUSES MORE MAINTENANCE, IT'S ONLY HERE IN CALIFORNIA, DON'T ASK ME WHY. THE FUEL GOES THROUGH THE FUEL FILTER, YOU NEED PRESSURE AND VOLUME OF AN AMOUNT OF FUEL TO GET TO THE FRONT OF THE CAR. THERE MAY BE A RETURN SYSTEM THAT COMES BACK TO THE FUEL TO THE GAS TANK, DEPENDING ON THE SYSTEM.

WHAT'S A FUEL FILTER? YOU HAVE A FUEL FILTER THAT'S IN THE LINE, YOU'LL HAVE A FUEL FILTER NEXT TO EITHER THE CARBURETOR OR THE INJECTION SYSTEM, BECAUSE THE LAST THING YOU WANT IS DIRT OR SEDIMENT IN YOUR INJECTORS OR IN YOUR CARBURATION WITHIN YOUR NEEDLE SYSTEM FOR THE OLD CARS THAT WILL GUM UP YOUR

CAR AND IT WON'T WORK.

Q. SO ARE YOU INDICATING THAT YOUR -- WELL, LET ME -- BEFORE I GET AHEAD OF THE TOPIC.

SO IF I'M HEARING YOU CORRECTLY, A FUEL FILTER NEEDS TO BE ABLE TO FILTER WITH SOME SORT OF FILTRATION DEVICE, CORRECT?

A. BASED ON MAY KNOWLEDGE, YES.

Q. OKAY. AND WHEN WE LOOKED AT YOUR PAYPAL RECORDS, YOU INDICATED YOU DON'T REMEMBER SPECIFICALLY PAYING FOR THAT ITEM, BUT THOSE ARE YOUR PAYPAL RECORD ITEMS, CORRECT?

A. YES.

Q. SO ARE YOU INDICATING THAT YOUR PAYPAL ITEMS ARE INCORRECT BY SAYING THAT YOU DON'T RECALL ORDERING THAT ITEM WITH THE 1/2 BY 28?

MR. SEKI: OBJECTION; MISSTATES THE EVIDENCE.

MS. AMIN: SUSTAINED.

BY SGT. SLATER:

Q. IF IT WAS RECORDED ON YOUR PAYPAL TRANSACTIONS, IS THAT AN ITEM YOU ORDERED?

A. YES.

Q. AND WHEN YOU SAW YOUR PAYPAL RECORDS, DID YOU ALERT ANYONE THAT YOU DID NOT RECALL ORDERING THAT ITEM?

MR. SEKI: OBJECTION --

BY SGT. SLATER:

Q. THE NAPA 4003 FILTER WE POINTED TO ON LINE 79?

MR. SEKI: OBJECTION; VAGUE AS TO WHEN, WHAT TIME THEY SAW HIS PAYPAL RECORDS.

MS. AMIN: WELL, HE REFERRED TO LINE 79, SO YOU MIGHT HAVE TO SHOW HIM TO REFRESH HIS MEMORY.

BY SGT. SLATER:

Q. THIS PURCHASE YOU SEE AT THE TOP BOX, YOU SAID YOU DIDN'T RECALL THAT?

A. NO. I SAID I BOUGHT A FUEL FILTER. I DON'T REMEMBER IT SAYING ANY OF THAT BECAUSE I DIDN'T LOOK AT MY PAYPAL RECORDS, I BOUGHT A FUEL FILTER. YOU'RE GOING OFF THE RECORDS, I'M GOING OFF OF I PURCHASED A FUEL FILTER ONLINE.

DOES THAT MAKE SENSE?

Q. SOMEWHAT. ONE MOMENT, PLEASE.

SO IN PREPARATION FOR THIS HEARING OR YOUR CRIMINAL CASE, DID YOU REVIEW YOUR PAYPAL RECORDS?

A. NO.

SGT. SLATER: I THINK THE DEPARTMENT HAS NO FURTHER FOR NOW.

MS. AMIN: MR. SEKI?

MR. SEKI: ANNA, YOU NEED A BREAK?

THE REPORTER: CAN WE TAKE A BREAK?

MS. AMIN: OKAY. SURE. 10 MINUTES?

THE REPORTER: YES.

MS. AMIN: WE'RE OFF.

(RECESS TAKEN.)

MS. AMIN: OKAY. MR. SEKI, YOUR WITNESS.

MR. SEKI: THANK YOU.

CROSS-EXAMINATION

BY MR. SEKI:

Q. IF YOU CAN FIND IT IN THERE, ACCUSED A.

A. THIS ONE?

Q. YES. YOU GOT A COUPLE OF THINGS IN FRONT OF YOU. SO THERE IS THE TWO PHOTOS WHICH WE WILL MAKE COPIES OF, WHICH ARE ACCUSED B.

DO YOU RECOGNIZE THOSE?

A. YES.

Q. AND WERE THOSE PROVIDED TO SERGEANT JIZMEJIAN AT HIS REQUEST?

A. YES. --

Q. AND THE REASON FOR PROVIDING THEM WERE WHAT?

A. TO SHOW THAT I HAD PURCHASED ANOTHER FUEL FILTER BECAUSE I DIDN'T GET THE FIRST ONE.

Q. AND ESSENTIALLY, ACCUSED A DEPICTS THOSE TWO ITEMS THAT ARE IN B; IS THAT CORRECT?

A. YES.

Q. OKAY. SO LET'S LOOK AT "A." A IS THE SCREEN SHOT THAT YOU CREATED?

A. ARE YOU TALKING ABOUT THE BIG ONE OR THE LITTLE ONE?

Q. JUST THE FIRST PAGE.

A. YES.

Q. AND WHAT DOES IT REFLECT?

A. IT REFLECTS A SPECIFIC -- IT'S THE ORDER DETAILS OF THE FUEL FILTER AND THE BRACKET.

Q. SO IS IT FAIR TO SAY PAGE 1 AND PAGE 2 SHOW THAT YOU ORDERED IT FROM AMAZON, CORRECT?

A. YES.

Q. DID YOU EVER RECEIVE IT?

A. YES.

Q. I'M GOING TO HAVE YOU TURN TO PAGE 3 AND PAGE 4. TELL US WHAT PAGE 3 AND PAGE 4 ARE?

A. PAGE 3 IS THE BOX THAT THE ITEM COMES IN, FUEL FILTER. AND THEN PAGE 4 IS THE BOX OPENED WITH THE FUEL FILTER IN IT AND SOME DIRECTIONS ON HOW TO INSTALL IT.

Q. OKAY. ONE OF THE THINGS THAT YOU WERE EXPLAINING WHEN ASKED BY SERGEANT SLATER WAS HOW A FUEL FILTER WORKS, YOU TALKED ABOUT THE HALF-INCH BY 28, YOU SAID IT'S A STANDARD SIZE, AND THEN YOU STARTED TALKING ABOUT WHAT YOU DESCRIBED AS NIPPLES,

RIGHT, THE CONNECTORS?

A. YES.

Q. AND IF WE LOOK AT PAGE 1 OF ACCUSED A, WHERE IT SAYS, "EVIL ENERGY INLINE 100," IT APPEARS TO DEPICT THE FUEL FILTER AND THERE SEEMS TO BE 1, 2 3, 4, 6 ITEMS UNDERNEATH THEM, RIGHT? WHAT ARE THE SIX ITEMS?

A. SO THE SIX ITEMS, WHICH IS HERE, THEY'RE CUT OFF HERE, BUT THESE ARE THE NIPPLES THAT GO ON -- I'M SORRY -- SO THESE ARE THE NIPPLES THAT ARE THREADED ONE STANDARD SIZE WITH AN O-RING THAT GOES AND ATTACHES ON EITHER SIDE OF THE FUEL FILTER SO THAT YOU CAN CUT YOUR FUEL LINE OR YOUR NEW FUEL LINE WHEN YOU INSTALL IT, AND THEN YOU HAVE TO HAVE AN ADDITIONAL, I'LL CALL THEM NUTS THAT YOU WOULD PUT ON THE FUEL LINE, YOU WOULD CHANGE THE FUEL LINE TO BE ABLE TO ATTACH IT AND PUT IT IN PLACE, AND THEN THE BRACKET IS TO HOLD IT UP THERE SO IT DOESN'T JUST FLY ALL OVER THE PLACE.

Q. YOU HAD MENTIONED THE TERM "HIGH FLOW FUEL FILTER," IS WHAT'S DEPICTED IN ACCUSED A AND B A HIGH FLOW FUEL FILTER?

A. YES.

Q. CAN YOU EXPLAIN WHY YOU WOULD NEED A HIGH FLOW FUEL FILTER?

A. OKAY. SO BASED ON, I'LL CALL IT, FRANKENSTEIN THE CAR, YOU'RE TAKING A CAR THAT NORMALLY COMES WITH A FOUR-CYLINDER ENGINE WITH MAYBE 180 HORSEPOWER, AND WHAT I'M DOING IS I'M PUTTING A V8, WHICH IS FOUR MORE PISTONS, AND IT WILL HAVE ROUGHLY 400 MORE HORSEPOWER, SO I'M BASICALLY BUILDING A RACE CAR. SO TO SUPPLY THE AMOUNT OF FUEL THAT YOU WOULD TAKE FROM THE GAS TANK TO GO TO THE ENGINE, YOU NEED MORE VOLUME OR MORE FUEL, SO YOU WOULD HAVE TO CHANGE, AT THE VERY LEAST, YOU WOULD HAVE CHANGE THE FUEL FILTER TO ALLOW THE VOLUME OF FUEL TO GO THROUGH THERE, BECAUSE IT GETS PRESSURIZED, YOU'RE GOING TO HAVE, AT THE FUEL, AT THE GAS TANK, YOU'RE GOING TO HAVE A FUEL PUMP AND THAT PUMPS ELECTRONICALLY, YOU'LL HEAR IT TURN ON, DEPENDS ON WHAT KIND OF CAR, IT PUMPS THE FUEL AND PRESSURIZES THE SYSTEM AND YOU NEED THE VOLUME OF FUEL TO GET TO THE ENGINE, OTHERWISE IT WILL START THE ENGINE AND YOU WON'T BE ABLE TO RUN THE CAR.

Q. SO IF I CAN SIMPLIFY IT, THE AMOUNT OF FLOW NEEDED FOR A FOUR-CYLINDER WOULD BE DIFFERENT FOR THE AMOUNT OF FLOW FOR AN EIGHT-CYLINDER, WOULD THAT BE ACCURATE?

A. YES.

Q. YOU SAID YOU'RE FRANKENSTEINING, SO, AS I UNDERSTAND, YOU'RE NOT USING THE CELICA ENGINE,

BECAUSE YOU'RE PUTTING A BIGGER ENGINE IN, CORRECT?

A. YES.

Q. YOU'RE NOT USING THE FUEL TANK OR FUEL CYLINDER THAT COMES WITH THE CELICA, BUT YOU'RE USING A DIFFERENT ONE?

A. YES.

Q. AND YOU DON'T HAVE A STOCK OR A STANDARD MANUFACTURER FUEL SYSTEM, YOU HAVE TO CREATE YOUR OWN?

A. YES.

Q. AND SO BY ORDERING THIS HIGH VOLUME OR HIGH FLOW FUEL SYSTEM, YOU WERE TRYING TO GET MORE GAS TO THE ENGINE, THE CARBURETOR, FUEL INJECTOR, WHATEVER IT MAY BE; IS THAT CORRECT?

A. YES.

Q. AND YOU'RE ALSO GOING TO HAVE ANOTHER FUEL FILTER SOMEWHERE DOWN THE LINE?

A. YES.

Q. AND WHAT'S THE PURPOSE OF THE SECOND FUEL FILTER?

A. SO THE SECOND ONE WILL ALLOW FOR ANY SEDIMENT THAT THE FIRST ONE, HIGH FLOW, DIDN'T CATCH, SO DEPENDS ON THE FILTRATION SYSTEM. SO IT'S BASICALLY YOU'RE PROTECTING YOUR INJECTION SYSTEM, WHICH IS WHAT SPRAYS THE GAS INTO YOUR PISTONS OR YOUR CARBURETOR FROM BEING FOULED UP, 'CAUSE IF THAT

HAPPENS, THEN YOU GOT TO TAKE THE WHOLE FUEL SYSTEM OFF AT THE ENGINE, CLEAN IT, AND THEN PUT IT BACK ON. SO YOU'RE TRYING TO ELIMINATE EXTRA WORK FOR YOURSELF TO GET IT RUNNING AND BE SERVICEABLE.

Q. AT THE TIME YOU ORDERED THIS FUEL FILTER, AUGUST 21ST OF 2021 FROM THE AMAZON, DID YOU KNOW THAT THE FIRST FILTER YOU HAD ORDERED HAD BEEN CONFISCATED OR SEIZED BY CUSTOMS AND BORDER PATROL?

A. NO.

Q. WHAT DID YOU THINK HAPPENED TO IT?

A. WELL, EITHER IT NEVER WAS SENT OR PORCH PIRATES GOT IT OR IT FELL OFF THE TRUCK. I DON'T KNOW.

Q. DID YOU DO ANYTHING TO TRY AND RESEARCH WHAT HAPPENED OR FIGURE OUT WHERE IT WAS?

A. NO. I WAS SO BUSY WITH WORK, IT JUST TOTALLY SLIPPED MY MIND.

Q. SO YOU HAD THIS OTHER ONE, HAVE YOU USED IT YET?

A. NO. I'M BASICALLY DISASSEMBLING THE ENTIRE CAR RIGHT NOW.

Q. WHEN YOU ORDERED THE FIRST FUEL FILTER THAT DIDN'T COME TO YOU, WERE YOU LOOKING FOR A HIGH VOLUME OR HIGH FLOW FUEL FILTER?

A. YES.

Q. AND IS THAT WHAT YOU THOUGHT YOU WERE GOING TO GET?

A. YES.

Q. HOW MANY CARS DO YOU HAVE?

A. EIGHT OR SEVEN.

Q. THAT'S AT YOUR HOUSE?

A. WELL, SEVEN AT THE HOUSE.

MR. SEKI: I HAVE 10 PAGES HERE WHICH PURPORTS TO DEPICT THE WALDEN RESIDENCE AND DIFFERENT ITEMS, CARS, ET CETERA, AROUND THE HOUSE, AND I'D LIKE TO HAVE THIS MARKED NEXT IN LINE AS ACCUSED C, I BELIEVE.

SGT. SLATER: NO OBJECTION.

MS. AMIN: OKAY. SO ENTERED.

(ACCUSED EXHIBIT C, PHOTOGRAPHS, 10 PAGES, WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

BY MR. SEKI:

Q. DETECTIVE WALDEN, I'VE PROVIDED YOU WITH 10 PAGES THAT HAS BEEN MARKED AS ACCUSED C, CAN YOU WALK US THROUGH THE DIFFERENT PAGES THAT ARE THERE.

A. SURE. PAGE 1 IS A FRONT VIEW OF MY HOUSE WITH MY 1967 MUSTANG HATCHBACK; AND THE '85 CELICA, WHICH IS UP ON JACK STANDS BECAUSE I'M DISASSEMBLING IT, ALONG WITH MY SON'S '83 CELICA, WHICH WE'RE

BUILDING TOGETHER, SO WE'RE DOING TWO AT THE SAME TIME, AND MY TRUCK.

Q. LET'S TURN TO PAGE 2.

A. PAGE 2 IS JUST THE TWO CELICAS THAT ARE BEING WORKED ON. SO THE BLUE ONE IS THE '85 AND THE RED ONE THAT HAS MULTIPLE COLORS IS MY SON'S CAR.

Q. AND JUST BEFORE WE GO THERE, THE '85 IS THE ONE WHERE YOU'RE ACTUALLY CHANGING OUT THE ENGINE, THE FUEL TANK, EVERYTHING?

A. YES.

Q. OKAY. AND THAT'S WHAT THE FUEL FILTER WAS GOING TO BE USED FOR?

A. YES.

Q. PAGE 3?

A. THAT'S MY SON, MR. PICKLE'S CAR, BEFORE IT WAS CHANGED.

Q. OKAY. PAGE 4?

A. PAGE 4 IS A 1985 FIERO THAT HAS A FERRARI BODY CONVERSION THAT'S NOT FINISHED.

Q. NEXT PAGE.

A. PAGE 5 IS MY 1970 240Z.

Q. OKAY. PAGE 6?

A. PAGE 6 IS 355 FERRARI CHASSIS.

Q. PAGE 7?

A. PAGE 7 IS THE HONDA 750 CHASSIS ON A CHASSIS

OR FRAME.

Q. THAT'S A MOTORCYCLE?

A. YEAH, THAT'S MY MOTORCYCLE.

Q. NEXT PAGE.

A. NEXT PAGE IS PAGE 8, THAT'S THE INDEPENDENT REAR SUSPENSION FOR MY SUPRA, THAT'S NOT IN ANY OF THE PICTURES.

Q. OKAY. AND THEN, PAGE 9?

A. PAGE 9 IS THE BACK GARAGE WHICH HAS THE F40 BODY AND UNDERNEATH THAT, YOU CAN'T TELL THAT THERE'S A FERRARI CHASSIS UNDER THERE.

Q. AND THEN THE LAST PAGE?

A. LAST PAGE, PAGE 10, IS THE REAR HALF OF THE FERRARI.

Q. SO IT LOOKS LIKE YOU HAVE A LOT OF DIFFERENT PROJECTS GOING ON AT ONE TIME?

A. YES.

Q. NONE TO COMPLETION?

A. WELL, I WAS WORKING A LOT, SO, NO.

Q. OWNING A SILENCER, IS THAT LEGAL IN CALIFORNIA?

A. DEPENDS.

Q. WHAT DO YOU MEAN?

A. WELL, YOU HAVE TO HAVE A LICENSE FROM THE ATF AND YOU HAVE TO REGISTER IT, FROM WHAT I

UNDERSTAND, AND JUST LIKE A MACHINE GUN. SO IF YOU HAVE A GUN THAT'S FULLY AUTOMATIC, YOU HAVE TO HAVE A CERTAIN TYPE OF LICENSE THROUGH THE ATF AND YOU HAVE TO PAY SOME MONEY AND THEY DO A BACKGROUND AND THEY SAY YOU CAN OWN THESE TYPES OF WEAPONS. AND THERE'S ANOTHER ONE CALLED CURIO AND RELIC, THOSE ARE FOR GUNS THAT ARE VERY VINTAGE, YOU KNOW, THAT ARE EXPENSIVE FOR MOST PEOPLE.

THE REPORTER: CAN YOU USE YOUR MIC, I'M SORRY.

DET. WALDEN: YEAH, SURE.

SO CURIO, I DON'T KNOW HOW TO SPELL IT, AND RELIC, THOSE ARE -- THAT'S A LICENSE THAT YOU GET, AND THERE'S JUST DIFFERENT LICENSES AND YOU HAVE TO GO THROUGH BACKGROUND CHECK AND PAY FOR THE REGISTRATION, BUT SOME PEOPLE CAN OWN SUPPRESSORS IN THE STATE OF CALIFORNIA. I DON'T REMEMBER THE CLASS AND THE NUMBER ASSOCIATED WITH THE LICENSE OFF THE TOP OF MY HEAD.

BY MR. SEKI:

Q. I THINK ONE OF THE THINGS THAT WE'VE COME TO LEARN FROM THE QUESTIONING IS THAT IN ORDER TO USE A SUPPRESSOR, YOU HAVE TO -- IT HAS THREADS ON IT, IT HAS THREADS ON THE END OF BARREL; IS THAT CORRECT?

A. YES.

Q. WOULD THAT MEAN THE BARREL ITSELF WILL BE

THREADED?

A. YES.

Q. AND IF YOU LOOK AT WHAT'S BEEN MARKED AS DEPARTMENT'S 18 AND GO TO PAGE 6, UNDER "PISTOLS, 4-A," IT SAYS THAT HAVING A THREADED BARREL -- A PISTOL WITH A THREADED BARREL WOULD BE CONSIDERED AN ASSAULT WEAPON; IS THAT CORRECT?

A. YES.

Q. DO YOU OWN ANY PISTOLS WITH A THREADED BARREL?

A. NO.

Q. HAVE YOU ORDERED ANY THREADED BARRELS?

A. NO.

Q. SO YOU DON'T HAVE ANY PISTOLS THAT WOULD BE IDENTIFIED AS AN ASSAULT WEAPON; IS THAT CORRECT?

A. I BELIEVE I HAVE ONE, BUT IT'S REGISTERED.

Q. OKAY. DOES IT HAVE A THREADED BARREL?

A. NO, IT DOESN'T.

Q. IN ORDER FOR YOU TO ATTACH THIS SILENCER THAT WAS CONFISCATED BY CUSTOMS AND BORDER PATROL, THAT'S THE SUBJECT OF THIS, WHAT WOULD YOU HAVE TO DO TO ATTACH IT TO ANY OF YOUR GUNS?

A. I WOULD HAVE TO BUY A THREADED BARREL, TAKE THE GUN APART, INSTALL THE THREADED BARREL, DEPENDING ON WHAT TYPE OF GUN IT IS, AND MAKE SURE THAT IT'S

OPERABLE AND THE GUN WORKS AND DOESN'T GO TO CATASTROPHIC FAILURE, AND THEN YOU CAN ATTACH THE SILENCER OR SUPPRESSOR.

Q. THREADED BARRELS. ARE THREADED BARRELS STANDARD AT THE 1/2 BY 28, I GUESS, THE THREADED ON THIS SILENCER OR THIS FUEL FILTER?

A. FOR SPECIFIC CALIBERS, BASED ON WHAT I'VE LEARNED SINCE THIS, I WAS AWARE OF THIS INVESTIGATION ON ME.

Q. YOU DIDN'T ANSWER. I MEAN, YOU'RE SAYING THERE ARE GUNS THAT HAVE THAT SPECIFIC THREADING?

A. YES, BUT NOT ALL OF THEM.

Q. OKAY. IT WAS BROUGHT UP DURING SOME OF THESE INTERNET SEARCHES WHERE YOU'RE CLICKING ON THINGS, THERE WAS A KIMBER 1911, WHAT IS A KIMBER 1911?

A. KIMBER IS A MANUFACTURER, SO IT WOULD BE LIKE FORD OR KIA OR TOYOTA. AND 1911 IS JUST THE TYPE OF FIREARM, SO IT'S THE STYLE. AND IT'S A STANDARD WEAPON THAT WAS USED OR COPIED FROM WORLD WAR, I THINK IT WAS, II. IT WAS STANDARD ISSUE IN WORLD WAR II.

Q. DO YOU KNOW IF -- AND YOU OWN KIMBERS?

A. YES.

Q. 1911'S?

A. YES, SIR.

Q. BUT NONE WITH A THREADED BARREL?
A. NO, SIR.
Q. DO YOU KNOW IF THE THREADED BARREL FOR A KIMBER IS STANDARD WITH THAT THREADING THAT WOULD MATCH THE SILENCER?
A. NO, IT'S COMPLETELY DIFFERENT THAN THE 1/2 BY 28.
Q. SO WHAT WOULD YOU HAVE TO DO TO GET IT TO FIT?
A. IT WON'T WORK.
Q. WHAT ABOUT GLOCKS, DO YOU OWN ANY GLOCKS?
A. YES, I DO.
Q. NONE WITH THREADED BARRELS?
A. NO, NO THREADED BARRELS.
Q. BASED UPON YOUR RESEARCH, ARE THERE THREADED BARRELS THAT WOULD FIT THE SILENCER FOR A GLOCK?
A. YES.
Q. SO THOSE YOU WOULD HAVE TO ORDER, RIGHT?
A. YES.
Q. AND IN THE STATE OF CALIFORNIA, OWNING A THREADED BARREL IS ILLEGAL ON A PISTOL, CORRECT?
A. YOU CAN OWN A THREADED BARREL AND YOU CAN OWN THE PISTOL, BUT IF YOU PUT THEM TOGETHER, THAT MAKES THEM ILLEGAL, BUT SIDE BY SIDE, NO.
Q. OTHER STATES DON'T HAVE THE SAME LAWS OR

RULES, CORRECT?

A. CORRECT.

Q. AND, IN FACT, IN OTHER STATES, YOU CAN OWN A SILENCER, RIGHT?

A. YES.

Q. WOULD YOU EVER BUY A SILENCER?

A. NO.

Q. WHY NOT?

A. IT'S ILLEGAL.

Q. ONE OF THE THINGS WE HEARD ABOUT WAS, AS A RESULT OF THIS INVESTIGATION, YOU WERE PROSECUTED CRIMINALLY; IS THAT CORRECT?

A. YES.

Q. WHAT HAPPENED WITH YOUR CRIMINAL MATTER?

A. THE DISTRICT ATTORNEY DECIDED TO CHANGE THE CHARGE AND GIVE ME A MISDEMEANOR.

Q. SO THAT WAS PART OF A PLEA BARGAIN?

A. YES.

Q. AND I BELIEVE IF WE LOOK AT DEPARTMENT'S 15, THE MINUTES FROM THAT, YOU ENDED UP ENTERING A PLEA OF NO CONTEST; IS THAT CORRECT?

A. YES.

Q. AND THE REASON YOU ENTERED A PLEA OF NO CONTEST?

A. WELL, 'CAUSE I'M NOT GUILTY.

Q. SO WHY DID YOU END UP PLEADING IF YOU'RE NOT GUILTY?

A. BECAUSE I CAN'T AFFORD OVER $100,000 IN LEGAL FEES. I HAVE TWO KIDS AND A MORTGAGE, AND SO I JUST CAN'T AFFORD IT, SO I TOOK THE EASY WAY OUT IN HOPES THAT I CAN GO BACK TO WORK AND SUPPORT MY FAMILY.

Q. WHEN YOU WERE INTERVIEWED BY SERGEANT JIZMEJIAN, WERE YOU TRUTHFUL?

A. YES.

Q. AT ANY POINT IN TIME, DID YOU KNOWINGLY ORDER A SILENCER FROM CHINA?

A. NO.

Q. A COUPLE OF THINGS BEFORE WE -- I'M DONE WITH YOU, I JUST WANT YOU TO EXPLAIN, BECAUSE YOU USED A COUPLE OF TERMS, I WANT TO MAKE SURE THE BOARD UNDERSTAND? IN ONE OF YOUR ANSWERS, YOU DESCRIBED A CLONE, I THINK WE KIND OF UNDERSTAND WHAT A CLONE IS BUT CAN YOU EXPLAIN WHAT A CLONE GUN IS?

A. SO THERE ARE SPECIFIC MANUFACTURERS OR TYPES OF WEAPONS, WHEN I TALK ABOUT AK-47'S, AR-15'S, GLOCKS, AND THEN THERE'S 1911'S, THOSE ARE THE FOUR MAIN GUNS THAT ARE CLONED OR MADE INTO AN 80-PERCENTER.

WHAT AN 80-PERCENTER IS, IT'S A FIREARM

PIECE, BUT IT'S NOT YET A FIREARM, IT'S JUST A PIECE THAT THAT 80-PERCENTER OF THE WORK IS DONE TO MAKE IT A GUN, AND YOU, AS THE PURCHASER, YOU BUY IT AND YOU DRILL OUT WHERE THEY GIVE YOU A GUIDE, AND THEN YOU CAN BUILD THE REST OF THE GUN SO IT'S AN OPERABLE FIREARM, WE CALL THOSE CLONES.

80-PERCENTERS OR GHOST GUNS, THOSE GUNS DEPENDING ON THE CONFIGURATION, THEY'RE NOT ILLEGAL TO OWN, UNLESS THEY'RE MADE INTO WHAT WOULD BE UNDER THE ASSAULT WEAPONS, THEY HAVE THE OFFENDING FEATURES. AND BASICALLY THOSE ARE THE FOUR TYPES OF GUNS, AK, AR, 1911 AND CLOCK COPIES, AND THAT'S BASICALLY WHAT A LOT OF PEOPLE DO.

THEY'RE CALLED GHOST GUNS BECAUSE THEY DON'T HAVE SERIALS, SERIAL NUMBERS ATTACHED TO THEM. IF YOU WANT TO BUILD ONE IN THE STATE OF CALIFORNIA, GET ON THE WEBSITE, YOU HAVE TO GET PERMISSION AND THEN YOU OPT FOR A SERIAL NUMBER, THEY GIVE YOU A SERIAL NUMBER AND THEN YOU BUILD THE GUN AND YOU REGISTER IT WITH THE STATE OF CALIFORNIA SO THAT THEY HAVE A RECORD OF THE FIREARM.

Q. AND JUST QUICKLY, IN TERMS OF THE TECHNICAL BULLETINS WHICH HAVE BEEN MARKED AS DEPARTMENT'S 2 AND DEPARTMENT'S 3, PRIOR TO THIS CASE COMING TO EXIST, HAD YOU EVER SEEN EITHER OF THESE?

A. NO, I'VE NEVER SEEN EITHER ONE OF THESE.
Q. AND HAD YOU EVER HAD SPECIFIC TRAINING ON SILENCERS BEING BUILT FROM FUEL FILTERS?
A. NO.
Q. WHEN I LOOK AT WHAT'S BEEN MARKED AS DEPARTMENT'S 3, AND IT TALKS ABOUT INLINE FIREARM SILENCERS, ACTUALLY LET ME GO TO, I'M SORRY, DEPARTMENT'S 2, SOLVENT TRAPS, AND I'LL GO TO PAGE 2.
WHAT'S DEPICTED THERE, LOOKS LIKE AN OIL FILTER, RIGHT?
A. YES.
Q. AND SO AN OIL FILTER CAN BE MODIFIED TO BE USED AS A SILENCER?
A. BASED ON THIS BULLETIN, I'M ASSUMING SO.
Q. OKAY. AND IS IT ILLEGAL TO BUY AN OIL FILTER?
A. NO, SIR.
Q. ARE THERE OTHER ITEMS THAT CAN BE USED AS "SILENCERS" THAT YOU ARE AWARE OF THAT ARE SOLD JUST REGULARLY IN PUBLIC?
A. YES.
Q. LIKE?
A. TWO LITER COKE BOTTLE, POTATO. I KNOW IT SOUNDS DIFFERENT, BUT A POTATO HAS BEEN USED FOR A SILENCER. FLASHLIGHTS CAN BE MODIFIED, LIKE THOSE BIG

STREAM LIGHTS, THEY CAN BE MODIFIED AND TURNED INTO A SILENCER. AT THE TOP OF MY HEAD, I CAN'T REALLY THINK, BUT --

Q. ONE OF THE THINGS THAT YOU DESCRIBED IN TERMS OF A SILENCER, YOU SAID IT WAS MORE LIKE A SOUND SUPPRESSOR, RIGHT, AS OPPOSED TO TRULY BEING SILENT?

A. YES.

Q. AND YOU TALKED ABOUT HAVING TO USE SUBSONIC AMMUNITION IN ORDER FOR IT TO BE EFFECTIVE, CORRECT?

A. YES.

Q. DO YOU OWN ANY SUBSONIC AMMUNITION?

A. NO, SIR.

Q. HAVE YOU EVER OWNED ANY SUBSONIC AMMUNITION?

A. NO, SIR.

Q. WHERE DO YOU GET SUBSONIC AMMUNITION, IF YOU KNOW?

A. I DON'T KNOW.

MR. SEKI: I DON'T HAVE ANYTHING ELSE TO ASK YOU. THANK YOU.

MS. AMIN: SERGEANT?

SGT. SLATER: YES, PLEASE. THANK YOU.

REDIRECT-EXAMINATION

BY SGT. SLATER:

Q. I'D LIKE TO REFER YOU TO DEPARTMENT'S 14, PLEASE. THAT IS THE MINUTES FROM YOUR PRELIM,

SPECIFICALLY PAGE 5.

A. LET ME FIND IT.

Q. I KNOW THERE'S A LOT OF DOCUMENTS THERE.

A. SORRY. LAST STACK.

Q. NO PROBLEM AT ALL.

CAN I HAVE YOU REVIEW PAGE 5, PLEASE. LET ME KNOW WHEN YOU HAD TIME.

A. OKAY.

Q. DURING YOUR PRELIMINARY HEARING, WAS THAT A MOTION TO DISMISS DUE TO INSUFFICIENT EVIDENCE?

A. YES.

Q. WAS THAT MOTION GRANTED?

A. NO.

Q. AFTER THAT MOTION, DID YOU THEN TAKE A PLEA DEAL?

A. NO.

Q. NOT NECESSARILY THAT DAY, BUT AT SOME POINT AFTER THAT MOTION, DID YOU TAKE A PLEA DEAL?

MR. SEKI: AFTER THE MOTION OR AFTER THE PRELIMINARY HEARING?

SGT. SLATER: AFTER THE PRELIMINARY HEARING.

DET. WALDEN: REPEAT THE QUESTION, PLEASE. SORRY.

BY SGT. SLATER:

Q. YOU TESTIFIED THAT IN YOUR PRELIMINARY

HEARING THERE WAS A MOTION TO DISMISS BASED OFF INSUFFICIENCY OF EVIDENCE AND THAT WAS DENIED. AT SOME POINT, AFTER THAT POINT, DID YOU SUBMIT YOUR PLEA?

A. YES.

Q. THANK YOU.

IN YOUR TESTIMONY TODAY, YOU STATED YOU WERE A TINKERER AND YOU ORDERED PARTS FROM NUMEROUS DIFFERENT WEBSITES, YET YOU DIDN'T FOLLOW UP WHEN THE ITEM DIDN'T ARRIVE. CAN YOU EXPLAIN TO ME WHY YOU WOULDN'T FOLLOW UP ON A $50 ITEM THAT DIDN'T ARRIVE?

A. WELL, IT DIDN'T ARRIVE, SO I DIDN'T FOLLOW UP BECAUSE I WAS SO BUSY AT WORK. AT THE TIME, I WAS WORKING A TASK FORCE AND OUR HOURS CHANGED ALL THE TIME, SO MONDAY I WOULD COME IN AT 3:00 A.M. AND WE'D DO SURVEILLANCE ALL DAY, AND I HAD TO DO SUPERVISOR DUTIES; AND THEN TUESDAY WE'D COME IN AT 10:00; AND WEDNESDAY WE'D COME IN AT 3:00 A.M.; AND THURSDAY WE'D COME IN AT NOON AND WORK ALL NIGHT; FRIDAY, SOMETIMES WE GOT CALLED SATURDAY, SO I WAS ALWAYS AT WORK, DEPENDING ON, YOU KNOW, THE HAVES AND NEEDS. I WAS ONE OF THE ONLY FIELD SUPERVISORS. THERE WAS A DIII, BUT I WAS THE ONE ALWAYS AT WORK.

Q. THANK YOU.

SO YOU NEVER FOLLOWED UP WITH THE WEBSITE

FROM THE PRODUCT YOU ORDERED DESPITE RECEIVING IT?

A. NO.

Q. IT WAS -- I JUST WANT TO BE CLEAR ON THIS, IT WAS ALSO YOUR TESTIMONY YOU DON'T REMEMBER WHAT WEBSITE YOU SPECIFICALLY PURCHASED THAT FROM?

A. YEAH, THAT IS CORRECT.

Q. AND YET YOU ORDERED A REPLACEMENT FROM AMAZON?

A. YES.

Q. YOU MENTIONED ON, I BELIEVE, IT'S DEFENSE A OR ACCUSED A, THAT THE FILTER YOU ORDERED CAME WITH VARIOUS, AS YOU CALLED THEM, ATTACHMENTS AT THE END; WHAT SIZE ARE THOSE ATTACHMENTS, THE THREADS ON THOSE?

A. I DON'T KNOW. I HAVEN'T REVIEWED THE THREADING ON THOSE.

Q. OKAY. THEN WHY WOULD YOU ORDER IT IF YOU DON'T KNOW WHAT THE THREAD SIZE WAS?

A. BECAUSE IT COMES WITH THE NIPPLES THAT -- I DON'T NEED TO WORRY ABOUT THE THREADS --

Q. LET ME REPHRASE MY STATEMENT.

WHAT SIZE DID THOSE NIPPLES COME IN?

A. WELL, THEY COME IN VARIOUS SIZES. THE HOLE IN THE MIDDLE OF THE NIPPLE, THAT IS WHAT -- SO THE BIGGER THE HOLE, THE BIGGER THE THREAD, SO I DIDN'T NEED TO BECAUSE IT GAVE ME AN ASSORTMENT TO CHANGE MY

FUEL LINE TO A BIGGER FUEL LINE, SO I DIDN'T REALLY NEED TO WORRY ABOUT THE THREAD SIZE BECAUSE IT COMES WITH THE PARTS THAT I NEEDED. I WOULD HAVE HAD TO BUY THEM FOR THE OTHER FUEL FILTER, BUT THEY DIDN'T HAVE IT.

Q. OKAY. LET ME REPHRASE MY STATEMENT, THEN.

THE NIPPLES, DO YOU KNOW WHAT SIZE THEY CAME IN?

A. NO, I DIDN'T CHECK IT.

Q. OKAY. AND THIS ITEM, YOU ORDERED A BRACKET WITH IT, DID YOU ORDER A BRACKET WITH THE OTHER FUEL FILTER THAT DIDN'T ARRIVE?

A. IT WAS NOT AN OPTION.

Q. OKAY. DO YOU HAVE A SUPPRESSOR LICENSE?

A. NO, I DO NOT.

Q. YOU MENTIONED YOU PLED OUT BECAUSE IT WAS THE CHEAPER OPTION. WHY WOULD YOU TAKE A -- LET ME REPHRASE THAT QUESTION.

DOES THE DEPARTMENT HAVE PROCEDURES IN PLACE IF A CASE IS FOUND NOT TO HAVE ENOUGH EVIDENCE TO DISMISS A CASE?

MR. SEKI: OBJECTION. I DON'T UNDERSTAND THE QUESTION.

SGT. SLATER: I'LL REWORD IT.

Q. AS A DETECTIVE SUPERVISOR, DID YOU HAVE THE

ABILITY TO DISMISS CASES IF THERE WAS NOT SUFFICIENT EVIDENCE?

A. NO.

Q. DO YOU KNOW WHAT A 17(B)4 IS?

A. YEAH. BUT I DON'T DO THAT, THE DA DOES THAT. SO YOU DO ALL THE WORK. I DON'T JUDGE MY WORKERS AND SAY, "YOU DON'T HAVE ENOUGH TO FILE." I LISTEN, I READ THE REPORTS, IF THE PROBABLE CAUSE IS THERE TO MAKE THE ARREST, THEN I DO, THEN THEY TAKE IT TO THE DISTRICT ATTORNEY, JUST LIKE I DID, AND THE DISTRICT ATTORNEY SAYS, "NO, WE WILL FILE THIS." OR "YES, WE WILL FILE THIS" OR "NO, THERE'S NOT ENOUGH." AND THEY'LL DO A KICKBACK AND THEY'LL ASK FOR ADDITIONAL EVIDENCE TO BOLSTER THE CASE OR MAKE THE CASE STRONGER. OR, DEPENDING ON THE COURT, IT COULD BE SENT TO THE CITY ATTORNEY FOR CONSIDERATION AND IT WILL GO FROM WHATEVER FELONY TO A MISDEMEANOR, UNLESS IT WAS A MISDEMEANOR, THEN THE CITY ATTORNEYS HANDLE IT.

Q. SO IF I'M UNDERSTANDING WHAT YOU'RE SAYING, IF THERE WASN'T ENOUGH EVIDENCE, THE DA WOULD HAVE NOTIFIED THE DEPARTMENT, CORRECT?

A. I ASSUME SO. I HOPE SO.

Q. ONE SECOND, PLEASE.

IS ONE OF THE CORE VALUES "INTEGRITY IN ALL

WE SAY AND DO"?

A. YES.

Q. WOULD TAKING A PLEA DEAL --

MR. SEKI: I'M GOING TO OBJECT; ARGUMENTATIVE. I THINK IT GOES TO ATTORNEY-CLIENT PRIVILEGE. I THINK IT GOES INTO A BUNCH OF OTHER --

MS. AMIN: HE DIDN'T FINISH HIS QUESTION. YOU READ HIS MIND?

MR. SEKI: ABSOLUTELY. I THINK IT AN ABSURD QUESTION TO ASK. I THINK IT'S REALLY RIDICULOUS TO ASK SOMETHING LIKE THAT.

MS. AMIN: ALL RIGHT. LET HIM FINISH THE QUESTION, THOUGH, FIRST.

WHAT WAS YOUR QUESTION?

BY SGT. SLATER:

Q. WOULD TAKING A PLEA DEAL WHEN YOU'RE INNOCENT DEMONSTRATE INTEGRITY IN ALL YOU SAY AND DO?

MR. SEKI: OBJECTION; ARGUMENTATIVE. I THINK IT'S INAPPROPRIATE. I THINK IT GETS INTO ISSUES OF ATTORNEY-CLIENT PRIVILEGE. I THINK IT'S GETS INTO A LOT OF OTHER DEALS. I THINK HE'S ALREADY EXPLAINED IT, SO I THINK IT'S INAPPROPRIATE.

MS. AMIN: THAT'S OUR JUSTICE SYSTEM IN ITSELF, SO WE'LL SUSTAIN THAT.

YOU CAN ASK A DIFFERENT QUESTION.

SGT. SLATER: ONE MOMENT.

Q. IT'S BEEN ASKED, BUT I WANT TO BE CLEAR ON THIS POINT, DO YOU BELIEVE YOU ORDERED A SILENCER?

A. NO, I BELIEVE I ORDERED A FUEL FILTER.

Q. AND THROUGHOUT THIS INVESTIGATION, DO YOU BELIEVE YOU DEMONSTRATED THE INTEGRITY EXPECTED OF A POLICE OFFICER?

A. YES.

SGT. SLATER: NO FURTHER AT THIS TIME.

MS. AMIN: MR. SEKI?

RECROSS-EXAMINATION

BY MR. SEKI:

Q. DID YOU TESTIFY AT YOUR PRELIMINARY HEARING?

A. NO.

Q. DID YOU PRESENT A DEFENSE AT YOUR PRELIMINARY HEARING?

A. I DID NOT.

Q. YOU HAVE THE RIGHT NOT TO PRESENT ANYTHING, CORRECT?

A. YES, SIR.

Q. AND THIS IS REALLY, ASIDE FROM YOU BEING INTERVIEWED IN YOUR INTERNAL AFFAIRS INTERVIEW WITH SERGEANT JIZMEJIAN, THIS IS YOUR FIRST OPPORTUNITY TO REALLY TELL WHAT HAPPENED, RIGHT?

A. YES.

Q. AND IS IT YOUR UNDERSTANDING THAT THE ADMINISTRATIVE INTERVIEW WHICH YOU DID WITH SERGEANT JIZMEJIAN WAS NOT PART OF THE CRIMINAL MATTER?

A. YES.

Q. IN FACT, YOU UNDERSTAND THE LAW AS THEY CANNOT BE CONNECTED, CORRECT?

A. YES.

Q. THE FACT THAT YOU TURNED OVER EXCULPATORY EVIDENCE, POTENTIAL EXCULPATORY EVIDENCE TO JIZMEJIAN, IT WAS YOUR UNDERSTANDING HE COULD NOT PROVIDE THAT TO THE CRIMINAL MATTER BECAUSE IT WAS ADMINISTRATIVELY DONE?

A. YES.

Q. SO THE DA OR THE PROSECUTOR HAD NO IDEA THAT YOU ORDERED A SECOND FUEL FILTER; IS THAT CORRECT?

A. YES, SIR.

Q. WHY DID YOU USE AMAZON FOR THE SECOND FILTER?

A. WELL, I ALREADY LOST 50 BUCKS SO I FIGURED IF I DIDN'T GET IT, THEY WOULD REPLACE IT.

MR. SEKI: THANK YOU. NOTHING FURTHER.

MS. AMIN: DEPARTMENT?

SGT. SLATER: JUST ONE QUICK FURTHER.

///

FURTHER REDIRECT-EXAMINATION

BY SGT. SLATER:

Q. SO IF I'M UNDERSTANDING YOUR TESTIMONY, YOU'RE SAYING YOU LOST 50 BUCKS BUT YOU NEVER BOTHERED TO CHECK THE WEBSITE THAT YOU GOT IT FROM OR CHECK STATUS OF THE ITEM?

A. HAVING PURCHASED THINGS IN THE PAST, SOMETIMES THEY TAKE THREE, FOUR, FIVE MONTHS, IT DEPENDS. SOMETIMES THEY DON'T SHOW UP. BUT I WAS SO BUSY, I'M A SINGLE PARENT, I'M DOING AN ADDITION TO MY HOUSE, I'M BUILDING CARS, IT ESCAPED MY MIND. IT'S NOT THE MOST IMPORTANT -- CLEARLY IT IS NOW, BUT AT THE TIME, IT WAS NOT THE MOST IMPORTANT ISSUE IN MY LIFE. I HAVE CHILD CUSTODY STUFF I HAVE TO DEAL WITH, NOW I'M DEALING WITH CRIMINAL STUFF, NOW I MAY LOSE MY JOB, AND I TOLD THE TRUTH.

Q. ONE LAST THING.

SO AS WE DISCUSSED AND AS YOUR TESTIMONY HAS POINTED OUT TODAY, DESPITE BEING AN ASSAULT WEAPON -- OR ASSAULT WEAPON EXPERT AND CONTINUOUSLY SEARCHING ITEMS AS PART OF YOUR DUTIES AS PART OF A TASK FORCE AND ASSAULT WEAPONS EXPERT, ARE YOU CLAIMING YOU DON'T KNOW ANYTHING ABOUT THIS NAPA 4003 USED AS A SILENCER?

A. WELL, NOW I KNOW.

Q. AND AT THE TIME YOU WERE SEARCHING NAPA 4003

ON YOUR WORK COMPUTER, DID YOU NOT KNOW THAT?

A. NO. I SEARCHED SUPPRESSORS, I DIDN'T SEARCH NAPA 4003. YOU KEEP HONING IN ON A SPECIFIC NUMBER, THAT'S NOT WHAT I LOOKED FOR. I LOOKED FOR SPECIFIC THINGS AND I LOOKED AT PICTURES ON THE INTERNET TO BETTER FAMILIARIZE MYSELF WITH WHAT SILENCERS WERE, BECAUSE I DIDN'T WANT TO GO TO A HOUSE AND BE THE WEAPONS EXPERT AND BE THERE LIKE, WHAT ARE THESE TUBES FOR? SO I STARTED LOOKING INTO IT. BUT IT NEVER HAPPENED, SO I STOPPED. IT NEVER CAME TO FRUITION, NONE OF THE CASES CAME TO FRUITION.

I WORKED UNDERCOVER NARCOTICS, I DID THAT FOR LIKE 15 YEARS, PEOPLE WHO SAY, HEY, THERE'S DOPE AT THIS HOUSE, OH, NO, THE DOPE IS GONE, IT'S THAT FAST. SAME WITH FIREARM STYLES IN THE STREET, HEY, I HAVE A GUN. IF YOU'RE NOT THERE WITHIN THE FIRST HOUR, THE GUN IS GONE.

WE TRY TO BUY GUNS THAT WERE USED IN MURDERS, WE'VE DONE IT SOMETIMES SUCCESSFULLY, SOMETIMES IT DIDN'T WORK OUT BECAUSE THE BAD GUY, WHOEVER HAS THAT GUN, HE DOESN'T WANT TO -- OR HE DOESN'T WANT THESE ITEMS BECAUSE THEY'RE ILLEGAL AND HE WANTS HIS MONEY.

WE'RE TALKING BOTTOM OF THE BARREL, THESE ARE NOT FIREARM SUPPLIERS, LIKE ARMS SUPPLIERS THAT

YOU WOULD HAVE TO DEAL WITH. THESE ARE GUYS, HEY, I GOT A GUN, YOU WANT TO BUY IT. AND THE INFORMANT WOULD BE, YEAH, BUT IF WE DON'T GO NOW WITH THE INFORMATION, WE'LL LOSE IT. SAME WITH DOPE, SAME WITH ANY OTHER CONTRABAND THAT WE'RE DEALING WITH.

Q. OKAY. BUT THE QUESTION WAS, WERE YOU LOOKING AT NAPA 4003 OR ANYTHING THAT COULD BE A FUEL FILTER USED AS A SILENCER DURING THAT TIME?

A. NOT FUEL FILTER USED AS A SILENCER. I WAS LOOKING UP SILENCERS OR SUPPRESSORS, AND I LOOKED AT PICTURES, DIDN'T LOOK UP SPECIFIC, HEY, THIS THING.

SGT. SLATER: THANK YOU. NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: NOTHING.

MS. AMIN: ALL RIGHT. I'M GOING TO INVITE MY ASSOCIATE MEMBERS HERE, DO YOU HAVE ANY QUESTIONS?

MS. STRONG-FARGAS: NOT AT THIS TIME.

MR. ORTEGA: I HAVE A COUPLE.

EXAMINATION

BY MR. ORTEGA:

Q. CAN YOU TELL ME WHAT DAY YOU BECAME AWARE THAT YOU WERE BEING INVESTIGATED FOR ATTEMPTING TO BUY A SILENCER?

A. I DON'T -- IF I CAN LOOK AT MY PHONE, I HAVE IT SAVED IN MY RECORDS.

Q. SURE.

A. BUT I KNOW IT WAS AFTER -- I GOT AN E-MAIL FROM JIZMEJIAN, IS THAT CORRECT HOW YOU SAY HIS NAME, AND I SAVED IT. WHOOPS, BACK, IF I CAN FIND IT. I BELIEVE IT WAS IN SEPTEMBER, BUT I'LL HAVE TO FIND IT. OH, GOOD GRIEF. THERE'S A BUNCH OF CAR PICTURES. OH, HERE IT IS. SEPTEMBER 14TH IS WHEN I GOT AN E-MAIL FROM JOHN JIZMEJIAN SAYING I WAS AN ACCUSED IN A COMPLAINT.

MS. AMIN: OF '21?

DET. WALDEN: YES, MA'AM. SO ALMOST A MONTH OR TWO-THIRDS OF A MONTH AFTER I HAD BOUGHT THE REPLACEMENT FILTER.

BY MR. ORTEGA:

Q. AND I HAVE ANOTHER QUESTION, THIS EVIL ENERGY INLINE 100 MICRON FUEL FILTER, HAVE YOU INSTALLED IT IN THE SUPRA?

A. NO, BECAUSE I'M DOING THE WHOLE FUEL SYSTEM, SO I'M TAKING OUT THE ENGINE, TRANSMISSION, THE FUEL SYSTEM, AND I WAS GOING TO DO A, BASICALLY TAKE THE FUEL FILTER, PUT IT IN AND SEE IF IT WOULD ALLOW THE FLOW, BUT I NEVER GOT TO THAT POINT BECAUSE ALL THIS STUFF HAPPENED AND I WAS WORKING AND DEALING WITH CHILD STUFF.

Q. OKAY. AND YOU MENTIONED EARLIER THAT THE

SUPRAS, YOU NEVER FINISHED WORKING ON THEM?

A. RIGHT NOW I'M WORKING ON THE CELICA, SO I'VE BASICALLY TAKEN THE COMPLETE SUSPENSION OFF AND I'M REBUILDING THE REAR END, SO IT WILL -- SO EVERYTHING HAS TO CHANGE, YOU PUT A BIGGER MOTOR, YOU NEED A FUEL SYSTEM, FUEL FILTERS, FUEL CELLS.

I'M IN THE PROCESS OF REBUILDING THE REAR END AND I'M USING AN 8.8 MUSTANG REAR END AND THE ORIGINAL REAR END HAD DRUM BRAKES, THIS ONE IS GOING TO HAVE DISK BRAKES SO IT CAN TAKE MORE TORQUE, AND THEN THE FRONT SUSPENSION IS BEING REBUILT, SO IT'S ALL IN PIECES. BUT ONCE YOU START TAKING ONE PART OFF, THEN YOU START -- THEN YOU GO, OH, I HAVE TO CLEAN IT, NOW I HAVE TO PAINT IT, BECAUSE IF YOU WANT TO PUT IT BACK TOGETHER, YOU WANT IT TO BE NICE.

Q. OKAY. I HAVE ANOTHER QUESTION FOR YOU, WHY WOULD YOU ORDER THE FIRST ONE FROM CHINA THREE YEARS AGO AND THEN ANOTHER ONE A FEW MONTHS AFTER THAT AND NOT INSTALL THEM?

A. WELL, ORIGINALLY I WAS GOING TO INSTALL THEM, BUT THEN WE WERE GETTING CALLED OUT ON THE WEEKENDS AND WORKING EXTRA OVERTIME.

Q. SO IT WAS WORK, BASICALLY?

A. I JUST NEVER HAD THE TIME.

MR. ORTEGA: I KNOW HOW THAT IS. OKAY.

THAT'S ALL THE QUESTIONS I HAVE.

EXAMINATION

BY MS. AMIN:

Q. WHEN WERE YOU OFF THE JOB FROM THE DEPARTMENT?

A. ASSIGNED HOME?

Q. YES, ASSIGNED HOME.

MR. SEKI: DO YOU HAVE THE COMPLAINT SHEET?

MS. STRONG-FARGAS: YEAH, IT'S HERE.

DET. WALDEN: I WANT TO SAY --

BY MS. AMIN:

Q. WHEN YOU WERE SERVED?

MR. SEKI: APRIL 21ST OF '23.

BY MS. AMIN:

Q. AND WHEN YOU ORDERED THE ITEM FROM AMAZON, YOU ORDERED A BRACKET FOR THE FILTER?

A. YES, MA'AM.

Q. BUT THE FIRST ORDER, THAT COMPANY DIDN'T HAVE A BRACKET, DID YOU ORDER A BRACKET FROM SOMEBODY ELSE?

A. NO, I JUST FIGURED I WAS GOING TO HARDLINE IT IN AND THEN BUILD MY OWN BRACKET. I'M A CERTIFIED WELDER, I WAS A CERTIFIED WELDER. I WENT THROUGH CERTIFICATION WHEN I WAS 18. I WENT THROUGH ELECTRICAL DISTRIBUTION ENGINEERING THROUGH DWP. SO

PRIOR TO BEING A COP AT 18 YEARS OLD, I DID ALL THAT STUFF. I CAN FABRICATE ANY CAR STUFF, THAT'S BASICALLY WHY I DO THE FABRICATION, BUT YOU CAN'T REALLY FABRICATE FUEL PARTS, YOU CAN FABRICATE FUEL LINES BECAUSE THEY'RE METAL.

MR. ORTEGA: CAN YOU FABRICATE A SILENCER?

DET. WALDEN: POSSIBLY, YES, IF I KNEW WHAT I WAS DOING.

MR. ORTEGA: WOULD YOU KNOW HOW TO DO IT?

DET. WALDEN: I'D HAVE TO RESEARCH IT.

BY MS. AMIN:

Q. CAN YOU MAKE A BARREL FOR THE SILENCER?

A. NO.

Q. OR THE THREADING?

A. NO, I WOULDN'T EVEN ATTEMPT THAT.

Q. ON YOUR EXHIBIT C, ACCUSED C, WHEN WERE THE PICTURES TAKEN, WHAT DATE, WHAT YEAR?

A. THIS YEAR, EXCEPT FOR TWO, THREE, THOSE ARE OLDER PICTURES FROM -- THESE ARE THE ONES THAT I SENT TO JIZMEJIAN.

Q. AT THE TIME OF YOUR INTERVIEW?

A. YES, MA'AM.

MS. AMIN: GO AHEAD.

///

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EXAMINATION

BY MS. STRONG-FARGAS:

Q. YOU WERE TALKING ABOUT, YOU KNOW, YOUR POSITION IN THE GUN UNIT DEPARTMENT?

A. YES, MA'AM.

Q. AND YOU WERE SAYING THAT A LOT OF THE INDIVIDUALS THAT YOU HAVE ARRESTED OR BEEN INVOLVED IN WHEN THEY DO SOMETHING WRONG WAS HARD CORE, MAYBE YOU DIDN'T SAY IT THAT WAY, BUT THEY'RE NOT THE GREATEST PEOPLE ON EARTH.

DID YOU EVER -- MAYBE YOU DIDN'T SAY IT THAT WAY, OKAY, MAYBE I'M ADDING THAT PART, BUT YOU CAN CORRECT ME AFTER THAT. BUT DID YOU EVER COME ALONG AND FIND SILENCERS WHEN YOU WERE DEALING WITH THOSE INDIVIDUALS THAT YOU CALL THEM SOMETHING, BUT DID YOU EVER --

A. NO, I NEVER CAME ACROSS ANY SILENCERS OR SUPPRESSORS OR ANYTHING WITH THAT WHEN DEALING WITH THE PEOPLE I DEALT WITH. AND THE MAJORITY OF THE PEOPLE WOULD BE, WE CALL THEM TOP 10-PERCENTERS, THEY REPEAT CRIMES, THERE'S VERY FEW OF THEM. BUT THERE ARE PEOPLE WHO COMMITTED A BURGLARY WHEN THEY WERE 18, YOU KNOW, 30 YEARS AGO, AND THEN THEY WERE UNAWARE OF THEIR RIGHTS AS FAR AS OWNING FIREARMS AND BULLETS AND STUFF LIKE THAT, AND THEY WERE LIKE, HEY, MAN, THAT

WAS A LONG TIME AGO, WE HAD TO EDUCATE THEM. WE DIDN'T ALWAYS ARREST EVERYBODY. WE WOULD SEIZE THE FIREARMS AND GIVE THEM A RECEIPT AND WE WOULD TALK WITH THE DISTRICT ATTORNEY'S OFFICE AND SEE IF THEY WERE GOING TO WANT TO PROSECUTE OR NOT. THEY WERE THE FINAL SAY, BUT SOMETIMES WE HAD THE LEEWAY OF SAYING, HEY, THIS GUY HAS A BURGLARY, IT WAS LIKE WHEN HE WAS, YOU KNOW, 18 AND HE WAS STUPID AND, YOU KNOW, OR WHATEVER, OR AS A JUVENILE, WHATEVER. I DON'T REALLY SEE WHY RUIN HIS LIFE EVEN FURTHER. SO SOME MERCY WAS AT LEAST TRIED WHEN WE DID OUR CASES IN THE GUN UNIT.

Q. HAVE YOU EVER BEEN AROUND GHOST GUNS?

A. YES, MA'AM.

Q. YEAH, A LOT OF GHOST GUNS?

A. YEAH, THERE'S A TON OF THEM OUT THERE. WE WERE PURCHASING THEM FROM -- BEFORE I LEFT, THAT'S -- I THINK WE BOUGHT 150 GUNS. AND WHEN WE TALKED TO -- HE WAS TALKING ABOUT PISTOLS, AN AR-15 CAN BE IN PISTOL CONFIGURATION, SO THEY CONSIDERED IT A PISTOL, BASED ON THE DESCRIPTIONS AND STUFF LIKE THAT, SO IT'S THE LENGTH OF THE BARREL, BUT IT'S REALLY AN ASSAULT RIFLE, BUT IF YOU TAKE THE -- IT'S VERY SPECIFIC, IF YOU TAKE THE STOCK OFF, IT'S NOW A PISTOL, YOU KNOW, IT'S SEMANTICS WITH THE LAW.

Q. SO YOU'RE SAYING YOU'RE VERY KNOWLEDGEABLE

ABOUT GHOST GUNS AND HOW --

A. YEAH, THE GUN PART, YES, MA'AM.

Q. SILENCERS?

A. NO, NOT SILENCERS.

Q. NOT KNOWLEDGEABLE ABOUT THAT AT ALL?

A. WELL, NOW, AFTER ALL THIS, I HAD TO RESEARCH --

Q. OH.

A. YEAH, IT WAS IN ITS INFANCY.

Q. SO WHEN YOU WERE GOING ONLINE --

A. YES, MA'AM.

Q. -- AND THE PICTURES KEPT POPPING UP?

A. IT'S A BLACK TUBE WITH A HOLE IN IT, THAT'S WHAT YOU KEEP GETTING. SOME OF THEM -- A GENERAL SILENCER FROM A SILENCER MANUFACTURER IS ANYWHERE FROM 500 TO $1000, RIGHT, AND THAT'S BECAUSE THEY TAKE THE TIME TO ENGINEER THE PART THAT IT WORKS PROPERLY AND IT DOESN'T GO TO CATASTROPHIC FAILURE WHEN YOU PUT IT ON THE FRONT OF THE GUN. AND THEN THERE'S SPECIFIC SIZES TO SPECIFIC GUNS, LIKE THE HALF-INCH BY 28, WHICH EVERYBODY KEYED IN ON FOR THE THREAD, THAT WILL NOT WORK ON 1911, A 1911 BARREL IS A COMPLETELY DIFFERENT THREAD.

Q. SO WHEN THOSE PICTURES POPPED UP AND YOU KEPT -- IN THOSE THREE TO FOUR MONTHS, YOU KEPT

LOOKING AT THEM, OR AT LEAST WHEN THEY CAME UP YOU LOOKED AT IT, WAS IT BECAUSE -- WAS IT A KNOWLEDGE BASE THAT YOU WERE SEEKING THOSE PICTURES?

A. IT WAS PARTIAL KNOWLEDGE SO THAT I COULD KNOW WHAT TO LOOK FOR WHEN WE WENT TO A HOUSE. OR IF WE PURCHASED IT FROM, YOU KNOW, THE GUY THAT'S SENDING US THE MESSAGE, HEY, I HAVE THESE SILENCERS OR THESE GUNS WITH SILENCERS ON THEM. SO I KNEW WE WEREN'T LOOKING AT SOME GUY WHO TAPED SOMETHING ON THE END OF THE GUNS. 'CAUSE WE HAVE PURCHASED GUNS IN THE PAST AND THEY WERE INOPERABLE OR THEY GAVE US A GUN BUT NO MAGAZINE. OR, I REMEMBER WE BOUGHT SOME LIKE WORLD WAR II RELIC FROM LIKE GERMANY, BOLT-ACTION THING.

Q. SO BEING THAT YOU WERE -- THE PICTURES POPPED UP, YOU KEPT LOOKING FOR A FEW MONTHS TO BE KNOWLEDGEABLE IN CASES FOR YOUR WORK, DID YOU THINK ABOUT THAT SILENCERS WERE ILLEGAL WHEN YOU WERE LOOKING AT THOSE PICTURES?

A. YES, MA'AM.

Q. YOU DID?

A. YEAH.

MS. STRONG-FARGAS: OKAY.

FURTHER EXAMINATION

BY MS. AMIN:

Q. ALL RIGHT. YOU TOLD US EARLIER YOU ATTENDED

A TRAINING DAY WHERE YOU TESTED FIREARM SILENCERS?

A. YES.

Q. OKAY. WHEN WAS THAT?

A. I DON'T KNOW. I'D HAVE TO -- I REALLY DON'T KNOW THE DATE.

Q. WAS IT 10 YEARS AGO OR WAS IT --

A. NO. IT WAS WITHIN -- WITHIN THE -- LET'S SEE, I WENT TO --

Q. WAS IT DURING THE TIME OF YOUR TASK FORCE?

A. YEAH, TASK FORCE.

MR. ORTEGA: THIS WAS WORK-RELATED, THOUGH?

DET. WALDEN: YES, SIR.

THE TASK FORCE, SO BETWEEN 2020 OR I DON'T KNOW WHEN I GOT THERE, 2020 TO BEFORE I LEFT, SO IT'S EITHER 2019 OR 2020, AND THEN -- BUT IT WAS EARLY ON WHEN I FIRST GOT THERE.

BY MS. AMIN:

Q. OKAY. WELL, YOUR FIRST SEARCH YOU WERE LOOKING AT DECEMBER 2021/2020, THERE WERE BARRELS THAT YOU WERE SEARCHING, SO YOU ATTENDED THE TRAINING SEMINAR SHORTLY BEFORE THAT?

A. IT WAS A WHILE BEFORE, BUT WE JUST TESTED THEM, THEY DIDN'T TAKE THEM APART AND EXPLAIN.

Q. OKAY.

A. WE JUST SHOT THEM TO SEE WHAT THEY WERE

LIKE.

Q. AND YOU WERE INTERESTED IN THAT BECAUSE YOU SUFFERED FROM HEARING LOSS BECAUSE OF THE GUNS THAT YOU HAD, YOU SHOT?

A. NO. THAT'S WHAT THEY WERE TRYING TO EXPLAIN WHEN -- WHY THE DEPARTMENT WANTED TO POSSIBLY INTRICATE SUPPRESSORS INTO THE WORK FORCE BECAUSE A MAJORITY OF US WORK FROM OUR CARS. I SPENT LIKE 16, 17 YEARS WITH SURVEILLANCE, MOSTLY NARCOTICS, AND YOU'RE AT A VERY HIGH LIKELIHOOD THAT YOU MAY ENCOUNTER SOMEONE ELSE IN A NEIGHBORHOOD THAT YOU'RE NOT LOOKING AT AND GET INTO AN OFFICER-INVOLVED SHOOTING, BECAUSE WE DON'T LOOK LIKE THE COPS, WE LOOK LIKE, YOU KNOW, I LOOKED HOMELESS FOR A DECADE, AND SO YOU GET CHALLENGED A LOT, DEPENDING ON THE NEIGHBORHOOD, BECAUSE THEY DON'T KNOW YOU, YOU'RE NOT SUPPOSED TO BE THERE, DEPENDING ON WHERE WE'RE AT, SO SOME SHOOTINGS HAVE HAPPENED THAT WAY, AND A MAJORITY OF THE SHOOTINGS THAT WE'RE INVOLVED IN ARE FROM OUR CAR. SO BECAUSE YOU'RE SITTING THERE AND YOU'RE DOING SURVEILLANCE AND YOU'RE DOWN THE STREET, YOU TRY TO EXIT, BUT THE CAR GIVES YOU SOME FORM OF COVER, SO YOU USE YOUR DOORS AND ALL THAT, AND WHEN YOU'RE UNDERCOVER, LIKE I HAVE BEEN FOR YEARS, YOU'RE NEVER WEARING A VEST, BECAUSE YOU'RE IN AN UNDERCOVER

CAPACITY, BECAUSE A VEST WOULD DEFEAT THE PURPOSE, PEOPLE WOULD BE LIKE, HEY, THAT GUY IS A COP, SO YOU TRY NOT TO DRAW ATTENTION TO YOURSELF.

Q. DID I MISHEAR YOU WHEN YOU SAID --

THE REPORTER: CAN YOU USE YOUR MIC, I'M SORRY.

BY MS. AMIN:

Q. DID I MISHEAR YOU, I THOUGHT YOU SAID THAT YOU HAD SUFFERED HEARING LOSS FROM SHOOTING YOUR GUN?

A. YES. I WAS INVOLVED IN AN OFFICER-INVOLVED SHOOTING OF AN ACTIVE SHOOTER ON MAY 1ST, 2013 AT 9:25 IN THE MORNING AT 5TH AND WALL. THERE WAS A MAN SHOOTING IN A LIQUOR STORE OF PEOPLE, AND I ENGAGED IN THE MAN SHOOTING AT PEOPLE IN THE LIQUOR STORE.

Q. WAS THAT BOTH EARS OR JUST ONE?

A. EXCUSE ME?

Q. WAS THAT BOTH EARS?

A. MOSTLY RIGHT SIDE. YOU'LL CATCH ME GO (INDICATING).

MR. ORTEGA: THIS HAPPENED FROM ONE SHOOTING INCIDENT?

DET. WALDEN: YEAH. BECAUSE ALL OF THE -- THE REVERBERATION, 'CAUSE, OKAY, SO THEY TOLD ME AFTER, YOU SHOULD PROBABLY ROLL DOWN YOUR WINDOWS BECAUSE THE CONCUSSION OF THE BLAST OF THE" -- "THE

EXPLOSION FROM THE GUN NEEDS A PLACE TO ESCAPE, IT'S NOT GOING TO GO OUT THAT WINDOW, IT'S GOING TO GO INTO THE CAB OF THE CAR.

SO, YEAH, I AM -- I HAVE HEARING DAMAGE AND IT'S SOME CERTAIN TONES THAT ARE HARD FOR ME TO HEAR, AND THEN IT SOUNDS LIKE IF YOU TOOK A STYROFOAM CUP AND YOU PUT IT ON THE SIDE OF YOUR HEAD AND YOU'RE LISTENING TO A CONVERSATION. THAT'S 99 PERCENT OF THE TIME. AND I GET TINNITUS VERY BAD, SO IT RINGS VERY BAD IN MY EARS AND IT'S PIERCING.

BY MS. AMIN:

Q. DID CPD OR HOMELAND SECURITY EVER CONTACT YOU ABOUT CONFISCATING YOUR CAR OR YOUR SHIPMENT?

A. NO, MA'AM.

Q. DID YOU HAVE TRACKING ON THE PACKAGE THAT YOU GOT NOTIFICATION THAT IT WAS DELIVERED OR EN ROUTE TO YOUR DELIVERY?

A. I DON'T REMEMBER IF I EVEN CHECKED THE TRACKING. USUALLY MOST THINGS GIVE YOU A TRACKING NUMBER OR THERE'S GOING TO BE A DATE IT'S GOING TO SHOW UP. I JUST DON'T RECALL EVER CHECKING, BECAUSE WE WERE JUST WORKING SO MUCH, SO IT WAS A MOOT POINT.

MS. AMIN: DO YOU HAVE ANY OTHER QUESTIONS?

MS. STRONG-FARGAS: NO.

MR. ORTEGA: NO.

MS. AMIN: OKAY. MR. SEKI?

MR. SEKI: I JUST WANT TO CLARIFY SOMETHING.

FURTHER RECROSS-EXAMINATION

BY MR. SEKI:

Q. DETECTIVE WALDEN, YOU SAID THAT SEPTEMBER 14TH, 2021 IS WHEN YOU RECEIVED AN E-MAIL FROM SERGEANT JIZMEJIAN NOTIFYING YOU THAT YOU WERE AN ACCUSED IN A COMPLAINT, CORRECT?

A. YES, SIR.

Q. BUT IT DIDN'T TELL YOU WHAT YOU WERE ACCUSED OF?

A. THAT'S CORRECT.

Q. AND IT WASN'T UNTIL MUCH LATER WHEN YOU WERE CLOSER TO YOUR INTERVIEW WHEN YOU FOUND OUT WHAT IT WAS?

A. YES, SIR.

Q. AND YOU WERE INTERVIEWED IN JANUARY '22?

A. YES, SIR.

Q. AND SHORTLY BEFORE THEN IS WHEN YOU WERE INFORMED WHAT THE ALLEGATION WAS?

A. YES, SIR.

MR. SEKI: THANK YOU.

MS. AMIN: DEPARTMENT?

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

MS. AMIN: DID YOU KNOW BEFORE ALL OF THIS STARTED THAT CBP X-RAYS PACKAGES?

DET. WALDEN: NO, I NEVER WORKED WITH THEM, SO I DON'T HAVE A CLUE.

MS. AMIN: NOTHING ELSE FROM ME.

ALL RIGHT. ANYONE? NO? OKAY. LOOKS LIKE YOU'RE DONE. THANK YOU VERY MUCH, YOU'RE EXCUSED.

SO LOOKING AT THE HOUR NOW, SINCE IT'S ALMOST 4:30.

DEPARTMENT?

SGT. SLATER: I TOOK THE LIBERTY OF RELEASING MY PENDING WITNESS, SO WE CAN WRAP UP WHENEVER YOU GUYS ARE READY FOR THE DAY AND START AGAIN TOMORROW.

MS. AMIN: IF THERE'S NO BUSINESS, THEN WE'LL CONCLUDE FOR TODAY.

WHAT TIME SHOULD WE MEET TOMORROW?

SGT. SLATER: THE DEPARTMENT IS AVAILABLE WHENEVER THE BOARD IS.

MR. SEKI: 9:00 A.M.?

MS. AMIN: 9:00 A.M.

MS. STRONG-FARGAS: YES.

MS. AMIN: 9:00 A.M. TOMORROW MORNING.

WE'RE OFF THE RECORD.

///

(THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER ADJOURNED 1640 HOURS, AND WAS SCHEDULED TO RECONVENE ON FEBRUARY 14, 2024, AT 0900 HOURS.)

--OOO--

REPORTER'S CERTIFICATE

I, ANNA SANCHEZ, CSR NO. 8516, DO HEREBY CERTIFY: THAT THE FOREGOING PAGES COMPRISE A FULL TRANSCRIPT OF THE BOARD OF RIGHTS TAKEN BEFORE ME ON TUESDAY, FEBRUARY 13, 2024, IN THE MATTER OF LUKE WALDEN, SERIAL #34898, B.F. #31674, AT THE TIME AND PLACE THEREIN SET FORTH; AND WAS TAKEN DOWN BY ME IN SHORTHAND, AND THEREAFTER TRANSCRIBED INTO TYPEWRITING BY ME TO THE BEST OF MY ABILITY;

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

IN WITNESS THEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME THIS 29TH DAY OF MAY, 2025.

ANNA M. SANCHEZ, CSR NO. 8516
CERTIFIED SHORTHAND REPORTER
FOR THE STATE OF CALIFORNIA

BEFORE THE LOS ANGELES POLICE DEPARTMENT

BOARD OF RIGHTS

MS. S. AMIN, CHAIRPERSON

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

TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

WEDNESDAY, FEBRUARY 14, 2024

REPORTED BY:

DENISE C. RIVERA
CSR NO. 7535

APPEARANCES:

FOR THE DEPARTMENT:	SERGEANT DANIEL SLATER DEPARTMENT ADVOCATE 201 NORTH FIGUEROA ST. SUITE 1600 LOS ANGELES, CA 90012
FOR THE ACCUSED:	MR. BILL SEKI ATTORNEY AT LAW 600 WILSHIRE BLVD. SUITE 1250 LOS ANGELES, CA 90017
BOARD MEMBERS:	MS. S. AMIN MR. D. ORTEGA MS. P. STRONG-FARGAS
ALSO PRESENT:	SERGEANT MAYRA VILLAFANA MR. DANIEL LEE MR. JONATHAN NGUYEN MR. HOWARD PARK

I-N-D-E-X

FOR THE DEPARTMENT:	DIRECT	CROSS	REDIRECT	RECROSS
MR. DANIEL FIELD	7	22	28 50 57	31 40 62
MR. FADIL BIRAIMAH	69	85	92 97	102

FOR THE ACCUSED:	DIRECT	CROSS	REDIRECT	RECROSS
LT. ERIC BIXLER	108	112	117	
CHARACTER WITNESSES:				
MR. JAMES MCSORLEY	149	155		
MR. JESSE KANE	162			
DET. CRAIG MARQUEZ	170	176		

E X H I B I T S

DEPARTMENT'S:	FOR IDENTIFICATION	IN EVIDENCE
(NONE)		

ACCUSED'S:	FOR IDENTIFICATION	IN EVIDENCE
D - SCREENSHOT OF FUEL FILTER	140	140
E - SCREENSHOT OF FUEL FILTER	140	140
F - POST ORDER WITHDRAWAL	186	186
BOARD'S:		
1 - SCREENSHOTS OF WEBSITE SEARCH	56	56

LOS ANGELES POLICE DEPARTMENT

B.F. 31674

C.F. 21-001144

. . . . .

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

MS. S. AMIN, CHAIRPERSON

MR. D. ORTEGA, ASSOCIATE

MS. P. STRONG-FARGAS, ASSOCIATE

AT 0911 HOURS, WEDNESDAY, FEBRUARY 14, 2024, AT 201 NORTH FIGUEROA STREET, SUITE 1600, LOS ANGELES, CALIFORNIA.

SERGEANT DANIEL SLATER APPEARED AS THE DEPARTMENT ADVOCATE; MR. BILL SEKI, ATTORNEY AT LAW, APPEARED AS THE DEFENSE REPRESENTATIVE; THE ACCUSED BEING PRESENT.

. . . . . .

DENISE C. RIVERA, CSR NO. 7535, HAVING BEEN DULY APPOINTED AND SWORN BY THE CHAIRMAN OF THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER TO REPORT IN SHORTHAND WRITING THE TESTIMONY AND PROCEEDINGS UPON THE HEARING, WAS DIRECTED BY SAID DEPARTMENT ADVOCATE TO THEREAFTER REDUCE SAID SHORTHAND NOTES INTO TYPING.

. . . . . .

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

. . . . . .

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

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

. . . . . .

MS. AMIN: BACK ON THE RECORD.

LET ME SWEAR IN THE COURT REPORTER.

(REPORTER SWORN.)

MS. AMIN: GOOD MORNING, ALL. AND I SEE WE HAVE SOME NEW FACES SO LET'S INTRODUCE OUR NEW SECOND ROW ATTENDEES. WHO DO WE HAVE BACK THERE?

MR. LEE: HI. MY NAME IS DANIEL LEE. I'M FROM THE CITY ATTORNEY'S OFFICE. I'M GOING TO BE ONE OF THE NEW ADVOCATES JOINING YOU.

MS. AMIN: OKAY. THANK YOU. AND NEXT TO YOU?

MR. NGUYEN: HI. MY NAME IS JONATHAN NGUYEN. I'M ALSO A NEW ADVOCATE WITH THE CITY

ATTORNEY'S OFFICE.

MS. AMIN: OKAY. GREAT.

AND WE'RE READY TO CONTINUE WITH THE NEXT WITNESS FOR THE DEPARTMENT?

SERGEANT SLATER: YES, MA'AM.

MS. AMIN: ALL RIGHT. LET'S GO.

SERGEANT SLATER: THE DEPARTMENT WOULD LIKE TO CALL GREGORY FIELD.

MS. AMIN: PLEASE DO.

(WITNESS ENTERS THE BOARDROOM.)

MS. AMIN: GOOD MORNING.

MR. FIELD: GOOD MORNING.

MS. AMIN: HOW ARE YOU?

MR. FIELD: I'M GOOD.

MS. AMIN: NICE TO SEE YOU. CAN YOU TELL US YOUR NAME, PLEASE?

MR. FIELD: MY NAME IS GREG FIELD.

MS. AMIN: AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GAVE IN THE CASE NOW IN HEARING BEFORE THE BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

MR. FIELD: I DO.

MS. AMIN: HAVE A SEAT, PLEASE. AND IS IT F-I-E-L-D?

MR. FIELD: F-I-E-L-D.

MS. AMIN: GO AHEAD.

MR. SEKI: JUST PRESS THE BUTTON RIGHT IN FRONT OF AND IT WILL TURN GREEN. PERFECT. THANK YOU.

SERGEANT SLATER: THANK YOU.

MR. GREGORY FIELD,

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

DIRECT EXAMINATION

BY SERGEANT SLATER:

Q. GOOD MORNING, MR. FIELD?

A. GOOD MORNING.

Q. SO WHEN YOU ANSWER QUESTIONS, JUST FOR THE BOARD, IF YOU CAN FACE THEM WHEN YOU'RE ANSWERING JUST SO THEY CAN HEAR YOU CLEARLY.

WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. SO MY CURRENT RANK IS DIRECTOR I OF POLICE TRANSPORTATION WITH LAPD MOTOR TRANSPORT DIVISION.

Q. AND WHAT WAS YOUR RANK AND ASSIGNMENT IN 2021?

A. THAT WOULD HAVE SENIOR AUTOMATIVE SUPERVISOR.

Q. AND WHAT IS A SENIOR AUTOMATIVE SUPERVISOR?

A. SO A SENIOR AUTOMOTIVE SUPERVISOR WITHIN M.T.D. IS -- IT'S A POSITION THAT OVERSEES HALF OF THE OPERATION. THERE'S TWO SENIOR AUTOMOTIVE SUPERVISORS, AND THEY SPLIT THE OPERATIONS BETWEEN THE TWO OF THEM.

Q. AND WHEN YOU SAY "OPERATIONS," WHAT ARE YOU REFERRING TO?

A. SO I'M REFERRING TO 26 GARAGES THAT SERVICES AND REPAIR LAPD'S FLEET.

Q. THANK YOU.

AND WHAT IS YOUR TRAINING AND EXPERIENCE WHEN YOU REFER TO SERVICING AND REPAIRING VEHICLES?

A. OKAY. SO I'VE BEEN IN THE AUTOMOTIVE REPAIR INDUSTRY FOR 43 YEARS. DURING THAT TIME I WORKED A LOT IN TUNE-UP SHOPS, INDEPENDENT GARAGES, DEALERSHIPS. AND I WAS A.S.E. CERTIFIED IN ENGINE PERFORMANCE AND BRAKES. I HAD A CERTIFICATION FOR -- FROM THE STATE OF CALIFORNIA AS A BRAKE AND LAMP ADJUSTER, AND ALSO THROUGH THE STATE OF CALIFORNIA BUREAU OF AUTOMOTIVE REPAIR AS A SMOG INSPECTOR.

Q. DID ANY OF YOUR TRAINING HAVE TO DO WITH FUEL SYSTEMS?

A. YES. SO AS AN AUTO MECHANIC, MY SPECIALITY WAS AUTOMATIVE TUNE-UP, AND THAT WAS DEALING MAINLY WITH IGNITION AND FUEL SYSTEMS.

Q. OKAY. WHEN YOU SAY "FUEL SYSTEMS," WOULD

THAT INCLUDE FUEL FILTERS AND FUEL LINES?

A. ABSOLUTELY.

Q. RELATED TO TOYOTA SPECIFICALLY, DO YOU HAVE ANY TRAINING AND EXPERIENCE?

A. SO I WORKED FOR A TOYOTA DEALERSHIP FOR APPROXIMATELY FIVE YEARS, AND THEY SENT US THROUGH TRAINING, ELECTRONIC ENGINE CONTROLS, ENGINE PERFORMANCE, AND TRANSMISSION CLASS. AND THERE'S PROBABLY A COUPLE OTHERS. I DON'T REALLY REMEMBER.

Q. OKAY. SO WOULD YOU BE KNOWLEDGEABLE ON WHAT THE PURPOSE OF A FUEL FILTER IS?

A. YES.

Q. WHAT IS THE PURPOSE OF A FUEL FILTER?

A. SO A FUEL FILTER IS SIMPLY A DEVICE THAT TRAPS DIRT, SEDIMENT, DEBRIS THAT MIGHT BE IN THE FUEL SYSTEM COMING FROM THE FUEL TANK AND TRAVELING UP TO EITHER A CARBURETOR OR A FUEL INJECTION SYSTEM, THE FUEL INJECTORS.

Q. OKAY. HOW MANY FUEL FILTERS DO YOU THINK YOU'VE WORKED ON THROUGHOUT YOUR EXPERIENCE WITH VEHICLES?

A. I WOULDN'T KNOW THE EXACT NUMBER, BUT IT'S IN THE HUNDREDS.

Q. OKAY. AND WHAT ABOUT 1980 MODEL CELICAS, HAVE YOU WORKED ON ANY OF THOSE?

A. 1980?

Q. '80'S.

A. OH, '80'S, YEAH. OH, YEAH.

Q. OKAY. SPECIFICALLY '85?

A. YES.

Q. HOW MANY DO YOU THINK YOU'VE WORKED ON ON THE '85 CELICAS?

A. THOSE WERE PRETTY POPULAR IN THE '80S. I WAS WORKING AT A SMOG SHOP FOR QUITE A WHILE WHERE WE DID A LOT OF TUNE-UPS AND SMOG INSPECTIONS, INCLUDING THOSE YEAR MODELS. I WOULD SAY DOZENS FOR SURE. I COULDN'T SAY EXACTLY HOW MANY, BUT I WOULD SAY FOR SURE DOZENS OF FUEL FILTERS.

Q. AND HAVE YOU KEPT YOUR KNOWLEDGE OF FUEL FILTERS AND FUEL SYSTEMS UP TO DATE?

A. OH, YEAH. NOTHING MUCH HAS CHANGED OVER THE YEARS.

SERGEANT SLATER: AT THIS TIME I'D LIKE TO HAVE THE BOARD QUALIFY MR. FIELD AS AN EXPERT ON FUEL FILTERS?

MS. AMIN: ANY OBJECTION.

MR. SEKI: I'LL SUBMIT.

MS. AMIN: OKAY. YOU'RE QUALIFIED.

MR. FIELD: AWESOME. I'LL TELL MY BOSS WHEN I GET BACK TO WORK.

BY SERGEANT SLATER:

Q. MR. FIELD, WERE YOU EVER ASSIGNED TO CONDUCT AN ANALYSIS AS PART OF AN INVESTIGATION OF DR-219913105?

A. YES.

Q. WHO ASKED YOU TO DO THIS?

A. DETECTIVE JIZMEJIAN.

Q. THANK YOU.

WHAT WAS THE PURPOSE OF THAT ANALYSIS?

A. THE PURPOSE OF THE ANALYSIS WAS TO LOOK AT SOME PHOTOS OF AN OBJECT AND TO DETERMINE WHETHER IT COULD BE A FUEL FILTER.

Q. OKAY. THERE ARE PILES OF PAPER IN FRONT OF YOU. THE ONE ON THE LEFT IS A PILE OF DEPARTMENT EXHIBITS. I'D LIKE TO DIRECT YOU TO DEPARTMENT NO. 5, AND THEY'LL BE NUMBERED IN THE YELLOW TABS.

A. (WITNESS PERUSES DOCUMENT.)

NO. 5.

Q. THANK YOU.

CAN YOU LOOK THROUGH THOSE PHOTOS REAL FAST?

A. SURE. OKAY.

Q. WERE THESE THE PHOTOS YOU REVIEWED IN YOUR EXAMINATION OF THAT ITEM?

A. YES.

Q. AND PRIOR TO THIS HEARING, WERE YOU SHOWN

THE PHYSICAL ITEM, AS WELL?

A. YES. PRIOR TO THIS HEARING I WAS.

SERGEANT SLATER: OKAY. AT THIS TIME I WOULD LIKE TO PROVIDE FOR EXAMINATION -- HOWEVER, IT WON'T BE MARKED AND ENTERED AS IT IS A PHYSICAL ITEM -- THE RECOVERED ITEMS THAT WERE RECOVERED BY DETECTIVE NEMEROFF.

MS. AMIN: OKAY.

BY SERGEANT SLATER:

Q. AFTER REVIEWING THOSE PHOTOGRAPHS, DID YOU MAKE ANY DETERMINATION REGARDING WHETHER OR NOT THE ITEM IN THE PHOTOGRAPHS COULD BE USED AS A FUEL FILTER?

A. YES.

Q. AND WHAT WAS THAT DETERMINATION?

A. THAT THEY COULD NOT.

Q. OKAY. I'M GOING PROVIDE YOU WITH A SERIES OF ITEMS. AND FOR THE COURT REPORTER'S REFERENCE, IT'S ONE BLACK END PIECE, ONE BLUE TUBE, AND A SERIES OF ITEMS WITH A YELLOW "6" THROUGH "8" ON THEM. CAN YOU TELL ME WHY THIS ITEM WOULD NOT WORK AS A FUEL FILTER (INDICATING)?

A. SO THE MAIN REASON WHY THIS COULD NOT BE A FILTER IS THERE IS NO FILTER ELEMENT WITHIN IT TO TRAP AND STOP DEBRIS FROM FLOWING THROUGH.

Q. OKAY. IS THIS ITEM "DISASSEMBABLE"? CAN YOU DISASSEMBLE THIS ITEM?

A. YES. SO IF I CAN?

Q. YOU MAY.

A. SO NORMALLY, IF THIS BODY WERE THE HOUSING OF A FUEL FILTER, WITHIN IT WOULD BE AN ELEMENT THAT COULD TRAP DEBRIS, DIRT, SAND, ANYTHING THAT MIGHT BE IN THE FUEL SYSTEM. SO IN ORDER FOR THAT TO HAPPEN, YOU KNOW, SOME OF THESE FILTERS ARE MEASURED IN MICRONS. SO THIS -- IT COULD BE EITHER A PAPER FILTER ELEMENT OR IT COULD BE A FINE MESH SCREEN OF SOME KIND, EITHER PLASTIC OR METAL. AND -- I MEAN, LOOKING AT THIS, THERE'S -- THIS WOULD JUST BE A FLOW-THROUGH. IF FUEL WERE TO FLOW INTO THIS DEVICE, IT WOULD JUST FLOW THROUGH AND OUT WITHOUT ANY FILTRATION WHATSOEVER. I MEAN, THE HOLES THAT ARE HERE COULD TRAP A PRETTY LARGE OBJECT; BUT THE FUEL FILTER ITSELF IS DESIGNED TO PREVENT SMALL PARTICLES LIKE DIRT, DEBRIS, SAND, THINGS LIKE THAT.

Q. OKAY. AND THE END CAP, NOT THE RING YOU UNSCREWED, BUT THE END CAP, WOULD THAT SERVE ANY PURPOSE IN A FUEL FILTER (INDICATING)?

A. NO.

Q. OKAY.

A. IT WOULD HAVE TO HAVE AN OUTLET. SO THE

FUEL HAS TO COME IN AND GO OUT SOME SOMEWHERE. AND SO IF THERE'S JUST A HOLE GOING IN, LET'S SAY, AND NOWHERE FOR IT TO FLOW BACK OUT, THERE WOULD BE NO WAY IT COULD BE A FUEL FILTER.

Q. WHAT ABOUT THE BLUE TUBE THAT WAS INCLUDED WITH THIS ITEM, WOULD THAT BE IN ANY WAY NEEDED FOR A FUEL FILTER?

A. NO.

Q. DO YOU SEE ANY PURPOSE RELATED TO FUEL SYSTEMS FOR THAT BLUE TUBE?

A. NO.

Q. DO YOU SEE ANY PURPOSE FOR ANY OF THE ITEMS THAT I PROVIDED YOU IN A FUEL SYSTEM?

A. NO.

Q. OKAY. AND I BELIEVE YOU STATED, BUT I JUST WANT TO BE CLEAR, WHEN YOU EXAMINED THE PHOTOGRAPHS, YOU STATED THAT THIS WOULD NOT WORK AS A FUEL FILTER, CORRECT?

A. CORRECT.

Q. AFTER EXAMINING THE ITEM IN ITS PHYSICAL PRESENCE, DO YOU STILL BELIEVE THAT?

A. THAT IT CANNOT BE USED?

Q. YES.

A. YES, I BELIEVE THAT.

Q. ALL RIGHT. IF THIS ITEM WAS ATTACHED TO A

FUEL SYSTEM, DO YOU KNOW WHAT WOULD OCCUR?

A. WELL, IF YOU WERE TO MODIFY IT TO WHERE IT COULD BE ATTACHED TO A FUEL SYSTEM AND, YOU KNOW, IT HAD AN OUTLET, IT WOULD REALLY DO NOTHING.

Q. OKAY.

A. THE FUEL WOULD JUST FLOW THROUGH IT.

Q. WHAT WOULD IT TAKE TO MAKE THIS USABLE AS A FUEL FILTER?

A. WELL, YOU'D HAVE TO -- YOU'D HAVE TO MODIFY IT TO WHERE FUEL LINES COULD BE ATTACHED TO EITHER SIDE, TO EITHER END; AND YOU'D HAVE TO CREATE SOME SORT OF ELEMENT THAT WOULD GO INSIDE THAT COULD ACTUALLY FILTER THE FUEL PROPERLY.

Q. OKAY. WHAT DO YOU MEAN BY "MODIFY" IT?

A. SO DEPENDING ON THE FUEL SYSTEM ITSELF AND ON A CELICA, IF IT WAS CARBURETED, THERE WOULD BE TWO HOSES WITH CLAMPS THAT WOULD HAVE TO HAVE AN INLET NIPPLE AND AN OUTLET THAT THEY WOULD -- THEY WOULD SLIP OVER AND THE CLAMP WOULD CLAMP DOWN ON TOP OF THEM. AND THEN LATER WITH FUEL INJECTION, WHICH OCCURRED IN 1984 AND ABOVE, THEY WENT TO A METAL FILTER, THE BODY BEING PROBABLY DOUBLE THE WIDTH OF THIS (INDICATING), AND THEN THEY USED BANJO FITTINGS ON THAT, B-A-N-J-O.

SO IT'S -- IN ESSENCE, AT THE END OF THE

FUEL LINE, THERE'S A CYLINDRICAL-SHAPED FITTING, AND THAT WOULD GO OVER THE TOP OR THE END OF THE FILTER. AND THEN THERE'S A HOLLOWED OUT BOLT THAT WOULD ALLOW FUEL TO FLOW THROUGH IT THAT WOULD ATTACH IT TO THE END OF THE FILTER. SO THE FUEL WOULD COME THROUGH THE HOSE THROUGH THAT SECURE -- THE BOLT AND THEN DOWN INTO THE FILTER AND THEN BACK OUT THE OTHER SIDE THE SAME WAY (INDICATING).

Q. OKAY.

A. AND THEN WITHIN THAT BODY, IN MOST CASES, IT WAS A PAPER ELEMENT --

Q. OKAY.

A. -- YOU KNOW, THAT FILTERED THE FUEL.

Q. ALL RIGHT. AND TO MAKE ALL THE MODIFICATIONS YOU JUST DESCRIBED TO THIS, WOULD THAT BE ECONOMICALLY AFFORDABLE?

A. NO. THERE'S -- THERE'S ALL KINDS OF COMPANIES OUT THERE THAT MAKE AFTER-MARKET -- THERE'S O.E.M., ORIGINAL EQUIPMENT MANUFACTURER. YOU CAN BUY -- YOU CAN BUY A TOYOTA FILTER EVEN FROM OUTSIDE COMPANIES. YOU DON'T HAVE TO EVEN GO TO TOYOTA. SO -- I MEAN, FROM MY PERSPECTIVE, IF I NEED TO PUT A FUEL FILTER ON A TOYOTA CELICA, IT'S JUST VERY SIMPLE TO GO TO AN AUTO PARTS STORE, TO GO TO A DEALERSHIP, OR EVEN ONLINE, AND FIND THE ORIGINAL EQUIPMENT THAT

JUST BOLTS RIGHT ON. EVERYTHING'S THERE, AND IT WORKS. TO FIND A DEVICE LIKE THIS AND TO MODIFY IT TO THE DEGREE THAT IT WOULD TAKE TO MAKE IT A FILTER WOULD JUST NOT MAKE ANY ECONOMIC SENSE OR TIME FOR THAT MATTER, THE AMOUNT OF LABOR INVOLVED.

Q. THERE'S BEEN TALK THAT THE ACCUSED WAS TRYING TO BUILD WHAT HE DESCRIBED AS A HIGH-PERFORMANCE FUEL SYSTEM. DO YOU SEE ANY USE OF THIS DEVICE IN THE ANY SORT OF HIGH-PERFORMANCE FUEL SYSTEM?

A. NO, I DON'T.

Q. WHY IS THAT?

A. WELL, AGAIN, IF YOU WERE -- EVEN IF YOU WERE TO MODIFY THIS THE WAY IT SITS AND MODIFY IT TO WHERE YOU HAVE FITTINGS ON BOTH SIDES TO WHERE YOU COULD PUT IT INLINE IN A FUEL SYSTEM, IT'S -- IT JUST DOESN'T DO ANYTHING. IT DOESN'T FILTER. IT DOESN'T CREATE MORE PRESSURE. AND, IN FACT, IT WOULDN'T EVEN REDUCE PRESSURE IF YOU WANTED TO DO THAT, WHICH WOULD BE UNUSUAL.

Q. OKAY. I'M NOW GOING TO DIRECT YOU TO THE OTHER PILE. THERE'S A PILE IN FRONT OF YOU LABELED "ACCUSED A." DO YOU MIND TAKING A LOOK AT THAT ITEM?

A. OKAY.

Q. THERE ARE TWO ITEMS ON THAT, ONE LABELED

"EVIL ENERGY INLINE 100 MICRON FUEL FILTER" AND ONE LABELED "EVIL ENERGY 50 MILLIMETER CAR MOUNTING BRACKET SINGLE FILTER." IF YOU CAN, WOULD EITHER OF THOSE ITEMS BE COMPATIBLE WITH THE PHYSICAL ITEM ON THE TABLE IN FRONT OF YOU?

A. WOULD THEY BE COMPATIBLE? WELL, I DON'T SEE ANY COMPATIBILITY WITH THIS -- WITH THE FILTER ITSELF. AND THE BRACKET, I DON'T KNOW THE ACTUAL WIDTH OF THAT; BUT IF YOU'RE ASKING IF IT COULD MOUNT ON HERE AND THEN USE IT AS A MOUNT TO MOUNT IT ON SOMETHING, YEAH, YOU COULD PROBABLY -- YOU COULD PROBABLY USE IT FOR THAT IF THE CIRCUMFERENCE OF THAT CIRCLE IS THE RIGHT SIZE. BUT I WOULDN'T KNOW.

Q. OKAY. YOU WOULDN'T KNOW THE SIZE.

BUT A BRACKET WAS ORDERED WITH THE EVIL ENERGY INLINE 100 FUEL FILTER. WHY WAS A BRACKET -- OR WHY WOULD A BRACKET BE ORDERED WITH A FUEL FILTER?

A. SO THAT YOU COULD MOUNT IT --

Q. OKAY.

A. -- INSIDE -- PROBABLY INSIDE THE ENGINE COMPARTMENT IN MOST CASES.

Q. OKAY.

A. YOU KNOW, YOU CAN MOUNT A FUEL FILTER ANYWHERE BETWEEN THE FUEL TANK AND, IF IT'S CARBURETED OR FUEL-INJECTED, ANYWHERE IN BETWEEN, OR THE FUEL

PUMP, IF IT HAS A FUEL PUMP.

Q. OKAY.

A. SO THAT MOUNT WOULD BE ORDERED TO BE ABLE TO ATTACH THAT FILTER TO THE VEHICLE.

Q. OKAY. SO YOU WOULD NEED -- WHEN YOU'RE ORDERING A FUEL FILTER THEN, IT WOULD BE LOGICAL THAT YOU WANT TO ORDER A MOUNT COMPATIBLE WITH IT?

A. YES.

Q. OKAY.

A. IF YOU'RE ORDERING SOMETHING AFTERMARKET LIKE THIS, YES. IF YOU ORDER THE ORIGINAL EQUIPMENT FUEL FILTER, IT'S ALREADY GOING TO HAVE EVERYTHING YOU NEED ON THE CAR BECAUSE YOU'RE LITERALLY REMOVING THE ONE AND THEN REPLACING THE NEW ONE IN THE SAME EXACT PLACE, THE SAME BRACKET, THE SAME MOUNTING PLACE.

Q. ALL RIGHT.

A. SO EVERYTHING IS THERE FOR YOU.

Q. IF I'M HEARING YOU CORRECTLY -- AND I APOLOGIZE FOR CLARIFYING THIS, BUT IF I HEARD WHAT YOU SAID CORRECTLY, IF YOU ORDER A MODIFIED SYSTEM, YOU WOULD WANT TO ORDER THE APPROPRIATE BRACKET TO MATCH THAT MODIFICATION --

A. YES.

Q. -- CORRECT?

A. YES.

Q. AND LOOKING AT THE EVIL ENERGY INLINE ON ACCUSED A, ARE THERE DIFFERENCES BETWEEN THAT AND THE ITEM ON THE TABLE IN FRONT OF YOU?

A. WELL, ONE OF THE BIG DIFFERENCES IS THE SELECTION OF FITTINGS YOU HAVE THERE, WHICH WOULD ALLOW YOU TO ADAPT THAT TO -- AT LEAST TO A CERTAIN NUMBER OF VEHICLES' FUEL LINES. SO THE BIG DIFFERENCE HERE WOULD BE THE FITTINGS THEMSELVES, I THINK.

Q. OKAY. AND I'LL HAVE YOU LOOK THROUGH THE OTHER PAGES OF EXHIBIT A.

A. (WITNESS PERUSES DOCUMENT.)

OKAY.

Q. WHAT DIFFERENCE DO YOU SEE BETWEEN THAT ITEM AND THE ITEM ON THE TABLE IN FRONT OF YOU?

A. WELL, IT'S INTERESTING THAT THERE'S ACTUAL INSTRUCTIONS TO ATTACH IT TO A VEHICLE, NUMBER ONE. NUMBER TWO, AGAIN, THE MAIN THING FOR ME IS THE FITTINGS; BUT IT ALSO APPEARS TO BE WIDER IN DIAMETER, AT LEAST IT APPEARS TO BE SHORTER IN LENGTH. I THINK THAT'S THE MAIN THING.

Q. DO YOU KNOW WOULD THAT ITEM WORK AS A HIGH-PERFORMANCE FUEL FILTER?

A. WELL, I'M NOT REAL FAMILIAR WITH THIS ITEM; BUT, YES, I MEAN, THEY'RE CALLING IT "100 MICRON FUEL FILTER." THE FACT THAT IT'S A METAL BODY, IT APPEARS

TO BE THAT IT COULD BE, YEAH.

Q. OKAY. WHAT IS A HIGH-PERFORMANCE FUEL SYSTEM?

A. SO A HIGH-PERFORMANCE FUEL SYSTEM WOULD BE A SYSTEM THAT CAN PROVIDE A HIGH VOLUME OF FUEL AND USUALLY AT A HIGHER PRESSURE. SO YOU'RE NORMALLY GOING TO USE THAT IN A CASE WHERE YOU PUT A HIGHER PERFORMANCE ENGINE IN PLACE; RACE CARS, DRAG RACING, EVEN IN YOUR OWN VEHICLE. WHEN THERE'S A NEED FOR A HIGHER VOLUME OF FUEL, YOU MODIFY THE FUEL SYSTEM TO BE ABLE TO PROVIDE THE AMOUNT OF FUEL THAT A HIGH-PERFORMANCE ENGINE NEEDS AS COMPARED TO A STOCK ENGINE.

Q. DO HIGH-PERFORMANCE ENGINES AND FUEL LINES STILL NEED TO BE FILTERED?

A. YES. YOU'RE ALWAYS GOING TO FILTER THE FUEL, YEAH.

Q. WHAT HAPPENS IF YOU DON'T FILTER OR HAVE FILTRATION MEDIA IN THE FILTER?

A. SO IF YOU WERE TO GET CONTAMINATION IN YOUR FUEL TANK, IN YOUR FUEL SYSTEM BY ANY MEANS, YOU RISK DEBRIS AND DIRT GETTING INTO THE FUEL INJECTORS, WHICH CAUSE -- IT WILL START TO CAUSE MISFIRES. IT COULD EVEN CAUSE THE ENGINE NOT TO START AT ALL.

Q. THANK YOU.

AT THIS TIME, NO FURTHER.

MS. AMIN: OKAY. MR. SEKI?

MR. SEKI: THANK YOU.

CROSS-EXAMINATION

BY MR. SEKI:

Q. THANKS FOR BEING HERE, MR. FIELD.

A. YOU'RE WELCOME.

Q. WHEN YOU MET WITH OR SPOKE WITH DETECTIVE JIZMEJIAN, HE TOLD YOU THE FILTER WAS FOR A TOYOTA CELICA, CORRECT?

A. I BELIEVE THAT WAS RIGHT, YEAH.

Q. DID HE TELL YOU THAT THERE WAS A MODIFICATION BEING DONE ON IT WHERE A WINDSOR 351 WAS GOING TO REPLACE THE CELICA ENGINE, IN ADDITION, A FUEL TANK OR FUEL CELL WAS GOING TO BE REPLACED?

A. NO.

Q. DID HE TELL YOU THAT A HIGH VOLUME OR HIGH-FLOW FUEL FILTER WAS -- WHAT WAS BEING ORDERED?

A. NO.

Q. DID HE EVER SHOW YOU THE ITEMS THAT APPEAR IN ACCUSED A, THE EVIL ENERGY?

A. NO. THIS IS THE FIRST TIME I'VE SEEN THAT.

Q. DID HE EVER ASK YOU TO DO ANY RESEARCH REGARDING NAPA 4003 WIX FUEL FILTERS?

A. YES.

Q. OKAY. AND DID YOU LOOK THOSE UP?

A. I DID.

Q. ARE THERE'S A VARIETY OF SITES ON THE INTERNET THAT SELL NAPA 4003 FUEL FILTERS, CORRECT?

A. WELL, I DIDN'T SEE A FUEL FILTER. THIS WOULD POP UP (INDICATING).

Q. WELL, LET ME ASK YOU THIS. I'M GOING TO HAVE YOU LOOK AT SOMETHING IN THE OTHER PILE. IT'S EXHIBIT 3. SO UNDERNEATH THE PURPLE -- NOT IN THAT STACK, THE OTHER STACK (INDICATING). SORRY. WE'RE GOING TO --

A. THAT'S OKAY.

Q. SO THAT'S "2."

A. SO NO. 3?

Q. NO. 3. I'M GOING TO HAVE YOU TURN TO PAGE 3.

A. (WITNESS PERUSES DOCUMENT.)

Q. SO THIS BULLETIN PUTS OUT THINGS THAT ARE IDENTIFIED AS NAPA 4003 FILTERS. AND LOOKING AT THE ONE ON THE BOTTOM, IT SAYS, "INLINE FILTER MARKETED AS NAPA 4003." DO YOU SEE THAT?

A. YES.

Q. OKAY. THERE, IT HAS -- LOOKS LIKE THERE WAS AN INTERNAL ELEMENT THERE, WHICH APPEARS TO BE A

FILTER, RIGHT?

A. YES.

Q. SOMETHING LIKE THAT IS MORE AKIN TO WHAT YOU WANT TO SEE IN SOME SORT OF FUEL FILTER; IS THAT RIGHT?

A. THAT'S CORRECT.

Q. SOME SORT OF AFTERMARKET FUEL FILTER, CORRECT?

A. OR ANY FILTER, YEAH, YOU'D HAVE AN ELEMENT SUCH AS THAT, YES.

Q. AND SAFE TO SAY, TYPICALLY, WHEN YOU LOOK AT O.E.M.'S, OR ORIGINAL EQUIPMENT MANUFACTURER FILTERS, THEY ARE TYPICALLY HOUSED IN LIKE A PLASTIC HOUSING AS OPPOSED TO LIKE THESE METAL HOUSINGS?

A. WELL, NOT IN ALL CASES; BUT THAT WAS COMMON, YES.

Q. RIGHT. AND ESPECIALLY FOR THAT GENRE OF '85 CELICA, CORRECT?

A. SO FOR THE '85 CELICA, IT WOULD HAVE BEEN A METAL HOUSING.

Q. OKAY. SO MUCH SMALLER, RIGHT? THAN THE SIZE OF THE ITEM THAT WAS ORDERED?

A. IT WOULD HAVE BEEN A WIDER BODY --

Q. RIGHT.

A. -- BUT PROBABLY SHORTER.

Q. RIGHT.

A. PROBABLY SHORTER A LITTLE BIT THAN THAT.

Q. OKAY. WHEN YOU SAW -- WHEN YOU ENDED UP DOING THE RESEARCH ON THE INTERNET AND FOUND, I GUESS, THE ITEMS, THE 4003, DID MOST OF THEM LOOK LIKE WHAT'S IN FRONT OF YOU, THE PHYSICAL ITEM OR DID THEY LOOK LIKE WHAT'S PICTURED ON PAGE 3 HERE?

A. MOST OF THEM LOOKED LIKE THIS ITEM HERE.

Q. DO YOU FIND ANY THAT WERE SIMILAR TO PAGE 3?

A. I DID NOT.

Q. OKAY. DO YOU FIND ANY THAT WERE MARKETED BY COMPANIES THAT WERE BASED IN THE UNITED STATES?

A. YOU KNOW, I DON'T RECALL SEEING WHERE THEY CAME FROM.

Q. I'M GOING TO HAVE YOU FLIP BACK -- AND I'M SORRY -- TO THE EVIL ENERGY ONE. SO YOU'RE DONE WITH THAT DOCUMENT (INDICATING).

A. GOT IT.

Q. ARE YOU FAMILIAR WITH THE EVIL ENERGY FILTER?

A. TODAY I LEARNED ABOUT THIS.

Q. OKAY. SO YOU HAVEN'T SEEN IT BEFORE?

A. I HAVE NOT.

Q. HAVE YOU -- BEING IN THE INDUSTRY AS LONG AS

YOU HAVE AND HAVING THE EXPERIENCE YOU HAVE, AT ANY POINT IN TIME HAVE YOU PUT TOGETHER A RACE ENGINE?

A. YOU KNOW, THAT'S SOMETHING I WAS NEVER REALLY INVOLVED WITH.

Q. SO DID YOU EVER STRIP A CAR APART AND LIKE REPLACE THE ORIGINAL ENGINE WITH ANOTHER ENGINE, REPLACE THE FUEL CELL AND HAVE TO BUILD A FUEL SYSTEM?

A. NO. I NEVER PERSONALLY HAVE DONE THAT.

Q. LOOKING AT WHAT'S IN FRONT OF YOU, "A," THE EVIL FUEL FILTER, IT DOESN'T SHOW YOU ANY PICTURES OF WHAT'S INSIDE. IT JUST SAYS IT'S 100 MICRON FUEL FILTER, CORRECT?

A. THAT'S CORRECT.

Q. ONE OF THE RISKS -- WOULD YOU AGREE ONE OF THE RISKS OF BUYING THINGS ONLINE IS YOU DON'T KNOW WHAT THE INTERIOR NECESSARILY LOOKS LIKE?

A. YEAH, I MEAN -- YES, I THINK THERE IS -- THERE'S ALWAYS A RISK IF YOU DON'T KNOW EXACTLY WHAT'S IN THERE.

Q. AND HAVE YOU EVER BOUGHT AFTERMARKET PARTS ONLINE OR DO YOU NORMALLY JUST GO TO THE SHOP, YOU KNOW, AUTO ZONE OR WHATEVER ELSE, PEP BOYS?

A. I -- FOR THE MOST PART, I -- I'M TRYING TO THINK IF I'VE ORDERED AUTO PARTS ONLINE. I DON'T THINK SO. I'M JUST HAPPY GOING DOWN TO THE LOCAL AUTO

PARTS STORE --

Q. OLD SCHOOL.

A. -- FOR THE MOST PART.

Q. YEAH.

A. I MEAN, NOWADAYS YOU CAN LOOK UP ON YOUR PHONE AND EVEN SEE IF THEY -- LIKE AUTO ZONE, FOR EXAMPLE --

Q. RIGHT?

A. -- IF THEY EVEN HAVE IT IN STOCK. YOU CAN BUILD YOUR OWN LIBRARY OF VEHICLES, YOU KNOW. THAT'S THE JUST THE WAY I DO IT.

Q. OKAY. SO YOU HAD NO IDEA THAT THE CAR THAT WAS BEING LOOKED AT WAS NOT GOING TO HOUSE A CELICA ENGINE BUT WAS GOING TO HOUSE A WINDSOR 351?

A. NO, I DID NOT KNOW THAT.

Q. YOU KNOW WHAT A WINDSOR 351 IS, RIGHT?

A. IT'S A FORD V-8, YEAH.

Q. AGAIN, HIGH-PERFORMANCE ENGINE, RIGHT?

A. WELL, IT CAN BE, YES.

Q. ESPECIALLY --

A. IF IT'S BUILT UP.

Q. -- IN A SMALL CAR LIKE A CELICA?

A. THAT WOULD BE A MONSTER.

Q. AND YOU HAVE TO HAVE THE RIGHT FLOW. YOU COULDN'T USE THE TOYOTA FUEL SYSTEM FOR THAT.

A. PROBABLY NOT.

Q. YOU'D HAVE TO MODIFY SOMETHING.

A. I WOULD SAY YES.

Q. ARE YOU FAMILIAR WITH FUEL SYSTEMS HAVING TWO FILTERS, MORE THAN JUST ONE FILTER, BUT MAYBE MULTIPLE FILTERS ATTACHED?

A. PERSONALLY, NO. IS THAT POSSIBLE, YEAH. YOU COULD PUT MORE THAN ONE FILTER --

Q. SEVERAL PUMPS ATTACHED, FUEL PUMPS?

A. NORMALLY THERE'S ONE FUEL PUMP, YOU KNOW. EVEN IN A PERFORMANCE ENGINE, YOU'RE GOING TO HAVE A HIGH-VOLUME, HIGH-PRESSURE BUMP.

Q. AND ONE OF THE IMPORTANT THINGS IS MAINTAINING PRESSURE, RIGHT? MAINTAINING THE PRESSURE FROM THE FUEL CELL, THE FUEL TANK, ALL THE WAY TO WHATEVER CARBURETION DEVICE YOU HAVE.

A. YES.

Q. THANK YOU VERY MUCH.

A. YOU'RE WELCOME.

MS. AMIN: OKAY. REDIRECT?

SERGEANT SLATER: YES, PLEASE.

REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. MR. FIELD, YOU MENTIONED -- YOU WERE ASKED

IF THIS ITEM HAD POPPED UP AND YOU STARTED TO GIVE AN ANSWER. WHAT DID POP UP WHEN YOU SEARCHED THE ITEM ONLINE?

A. SO ON YOUTUBE THERE WAS SEVERAL VIDEOS, AND ALL OF THEM REFER TO IT AS A SUPPRESSOR OR A SOLVENT -- I CAN'T REMEMBER THE OTHER WORD. BUT THE WORD SUPPRESSOR WAS USED AND -- I MEAN, VIDEOS THAT STAND OUT ACTUALLY SHOW IT ATTACHED TO FIREARMS.

Q. DID YOU SEE ANY VIDEOS IT WAS ATTACHED TO A VEHICLE?

A. NO.

Q. IF THIS ITEM HAD BEEN ATTACHED TO A WINDSOR 351 V-8 ENGINE, WHAT WOULD IT HAVE THIS -- WHAT IMPACT WOULD THIS HAVE ON A FUEL SYSTEM?

A. IN THIS STATE IT WOULD HAVE NONE. IT WOULD FREE-FLOW WITHOUT REALLY, YOU KNOW, ANY CAUSE OR EFFECT. I MEAN, WORSE CASE SCENARIO, IT COULD BE A LITTLE RESTRICTIVE IF YOU WANT A HIGH-FLOW, HIGH-VOLUME, HIGH-PRESSURE FUEL SYSTEM. BUT AS FAR AS FILTRATION, IT WOULDN'T DO ANYTHING.

Q. OKAY. AS FAR AS FILTRATION, IF THIS HAD BEEN ATTACHED TO MULTI-PUMP FUEL SYSTEM, WHAT BENEFITS WOULD IT HAVE?

A. NONE.

Q. OKAY.

NO FURTHER AT THIS TIME. ACTUALLY, ONE FURTHER QUESTION.

THE WORD "MICRON" HAS BEEN MENTIONED A COUPLE OF TIMES. WHAT IS A MICRON?

A. IT'S A MEASUREMENT -- IT'S A MEASUREMENT OF, I GUESS, A DIAMETER. VERY, VERY SMALL.

Q. OKAY. AND THAT DIAMETER IS USED FOR WHAT?

A. IT'S USED FOR -- I MEAN, FOR AN EXAMPLE, IT WOULD BE USED FOR -- IN CASE OF FILTERS, LET'S SAY YOU HAD -- JUST PICTURE LIKE A WINDOW SCREEN, RIGHT, THAT MESH. IN MICRONS IT WOULD BE A SMALLER -- THE HOLE THAN A WINDOW SCREEN, IF YOU WANT TO CALL IT THAT. AND THEN IF YOU PICTURE THAT INSIDE THIS BODY, THAT COULD, IN ESSENCE, BE USED AS A FILTER MEDIA TO TRAP DIRT AND DEBRIS. SO THEY MEASURE IN MICRONS BECAUSE IT'S VERY TINY, AND YOU WANT TO BE ABLE TO TRAP EVEN THE SMALLEST PARTICLE OF DEBRIS IN A FUEL SYSTEM, ESPECIALLY IN A PERFORMANCE MODEL.

Q. AND IN A PERFORMANCE MODEL, ARE ANY OF THE HOLES IN THAT DEVICE IN FRONT OF YOU FUEL FILTER MICRON SIZE?

A. NO.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

RECROSS EXAMINATION

BY MR. SEKI:

Q. WHEN YOU SAID YOU SEARCHED ONLINE, YOU MENTIONED YOUTUBE VIDEOS. DID YOU JUST LOOK AT YOUTUBE VIDEOS OR DID YOU LOOK --

A. SO I ALSO SEARCHED -- OH, I'M SORRY.

Q. I DIDN'T FINISH THE QUESTION.

A. YES, SIR.

Q. OR DID YOU LOOK AT -- DO A SEARCH TO PURCHASE ITEMS?

A. YES. SO, YOU KNOW, IF YOU PUT IN THE NAPA 4003, THIS ITEM WOULD COME UP (INDICATING).

Q. OKAY. AND THERE WERE MANY SITES WHERE YOU COULD PURCHASE IT FROM, CORRECT?

A. I BELIEVE THERE WERE. I DON'T REMEMBER EXACTLY. I DIDN'T PAY MUCH ATTENTION TO THE ACTUAL SITES THEMSELVES.

Q. AND WERE THEY LISTED AS A FUEL FILTER OR SOLVENT CATCHER?

A. YEAH, THAT SOUNDS RIGHT.

Q. OKAY. SO THE ADDITIONAL RESEARCH YOU DID WAS GOING INTO YOUTUBE TO SEE HOW YOU WOULD USE THIS; IS THAT CORRECT?

A. CORRECT.

Q. OKAY. BUT JUST IN TERMS OF PURCHASING THE

ELEMENTS, JUST A GOOGLE SEARCH OR AN INTERNET SEARCH, IT WOULD PULL UP THESE TYPES OF ITEMS THAT'S IN FRONT YOU; IS THAT CORRECT?

A. YES.

Q. WITHOUT ANY FURTHER DESCRIPTION, JUST A FILTER?

A. I BELIEVE THAT'S CORRECT, YES.

Q. THANK YOU.

A. UH-HUH (INDICATING YES).

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT. THANK YOU.

MS. AMIN: LET ME INVITE MY ASSOCIATE MEMBERS. ANY QUESTIONS?

EXAMINATION

BY MS. STRONG-FARGAS:

Q. AFTER YOU EXAMINED THE INFORMATION ON A-1, AND IT WAS QUOTED PREVIOUSLY THAT -- YOU BEING THE PROFESSIONAL ON IT, YOU COULD TAKE THIS ITEM AND SUPE UP -- LET ME SEE IF I CAN GET IT RIGHT -- SUPE UP THE CAR TO, YOU KNOW, FILTRATION FROM ONE 4-CYLINDER TO AN 8-CYLINDER. AND THE REPLY WAS -- THE ANSWER IS "NO," IS THAT CORRECT, THAT YOU GAVE TO THE OFFICER PREVIOUSLY?

A. OKAY. I'M A LITTLE CONFUSED.
Q. OKAY.
A. ARE YOU ASKING IF THIS COULD BE USED AS A PERFORMANCE FILTER (INDICATING)?
Q. YES.
A. IT APPEARS SO.
Q. OKAY.
MS. AMIN: "THIS" MEANING ACCUSED EXHIBIT A.
MS. STRONG-FARGAS: "A."
MR. FIELD: YES.
MR. ORTEGA: NO. HE'S POINTING AT --
MR. SEKI: THE EVIL ENERGY.
MS. STRONG-FARGAS: THE EVIL --
MR. ORTEGA: HE'S POINT TO --
THE REPORTER: WAIT. ONE AT A TIME.
MS. STRONG-FARGAS: I'M SORRY.
MR. ORTEGA: OKAY. I'M SORRY.
MR. FIELD: YEAH, THE EVIL ENERGY INLINE --
MS. STRONG-FARGAS: IS THE --
THE REPORTER: WAIT, WAIT.
MR. FIELD: I'M SORRY.
THE REPORTER: ONE AT A TIME.
THANK YOU. GO AHEAD.
MR. FIELD: OKAY. COULD YOU REPEAT THE QUESTION SO I CAN --

BY MS. STRONG-FARGAS:

Q. I'M TRYING TO SAY THE PROPER WORDS THAT WERE USED HERE.

AFTER EXAMINING THE EVIL ENERGY INLINE 100 MICRON, COULD THIS ITEM BE USED TO SUPE UP A 4-CYLINDER TO AN 8-CYLINDER?

A. I'M NOT AN EXPERT ON THAT PARTICULAR PIECE, BUT IT DOES APPEAR TO BE SOMETHING THAT YOU COULD DO THAT WITH.

Q. OKAY.

A. I MEAN, YOU REALLY -- YOU'D HAVE TO HAVE MORE INFORMATION TO REALLY KNOW EXACTLY WHAT IT CAN BE USED FOR. YOU NEED TO KNOW HOW MUCH FUEL TO CONTROL. SO WHEN YOU BUILD AN ENGINE, WHEN YOU HAVE A PROJECT LIKE THAT, PART OF THE PROCESS IS UNDERSTANDING HOW MUCH FUEL AND HOW MUCH PRESSURE YOU NEED TO GET TO THE CARBURETOR OR THE FUEL INJECTORS IN ORDER FOR IT TO WORK PROPERLY. SO ONCE YOU KNOW THAT, THEN YOU START TO RESEARCH WHAT KIND FILTRATION WOULD I WANT THAT CAN ALLOW THAT TYPE OF VOLUME, RIGHT? SO -- I MEAN, WITHOUT KNOWING EXACTLY WHAT THIS IS CAPABLE OF DOING -- I DON'T KNOW IF I WOULD CHOOSE THAT, BUT --

Q. OKAY.

A. BUT IT LOOKS LIKE IT COULD BE USED IN THAT PURPOSE, YOU KNOW, DEPENDING ON THE APPLICATION.

Q. OKAY. YOU KIND OF ANSWERED MY NEXT QUESTION. MY NEXT QUESTION IS BEING THE MECHANIC THAT YOU ARE AND HAVE WORKED WITH THIS, I WAS GOING TO ASK WOULD YOU USE THIS OR IS THERE SOMETHING I CAN GO TO AUTO ZONE AND PURCHASE THAT COULD DO IT BESIDES DOING ALL THE CHANGES HERE?

A. THERE MAY BE SOMETHING AT AUTO ZONE; BUT IF YOU WERE -- NORMALLY, IF YOU'RE BUILDING A PERFORMANCE ENGINE, YOU'RE USING A LOT OF AFTERMARKET COMPONENTS. YOU'RE GOING TO REPLACE, YOU KNOW -- I MEAN, ESPECIALLY A CELICA BEING CONVERTED TO A V-8 FORD ENGINE, THERE'S GOING TO BE A LOT OF MODIFICATIONS DONE.

MS. STRONG-FARGAS: OKAY.

MS. AMIN: MR. ORTEGA?

MR. ORTEGA: YEAH, I HAVE A COUPLE.

EXAMINATION

BY MR. ORTEGA:

Q. IS IT NORMAL TO BE ABLE TO DISASSEMBLE FUEL FILTERS LIKE THAT? BECAUSE THE MESH -- THE ONES THAT I HAVE SEEN -- FIRST, ALL THE ONES I'VE SEEN WERE PLASTIC. MAYBE THEY WERE CHEAP. BUT THEY WERE SELF-CONTAINED UNITS THAT WHEN YOU NEEDED TO REPLACE THEM, YOU DIDN'T TAKE THE PAPER OUT. YOU JUST TOOK IT

OUT AND REPLACED THE WHOLE UNIT. IS THAT TYPICALLY HOW FUEL FILTERS COME OR CAN YOU DISASSEMBLE THEM?

A. SO MOST OF THEM ARE SEALED LIKE YOU SAID. SO IF YOU WERE TO GO AND REPLACE A FUEL FILTER ON MOST VEHICLES, IT WOULD BE -- YOU WOULD REMOVE IT FROM THE VEHICLE. THE NEW ONE IS INSTALLED. THERE IS NO DISASSEMBLY.

Q. RIGHT.

A. NOW, THERE IS SUCH A THING AS CANISTER-TYPE FILTERS WHERE YOU CAN TAKE THEM APART. AND THE FILTER ELEMENT IS REMOVED, BUT THAT'S PRETTY RARE.

Q. BECAUSE YOU RISK CONTAMINATION OF THE FILTER --

A. IT JUST DEPENDS ON THE STYLE. SO I'LL JUST SAY THAT ALL THE FUEL FILTERS I'VE EVER REPLACED WERE LIKE YOU JUST DESCRIBED. THEY WERE SEALED UNITS. THEY CAME SEALED. THE ELEMENT IS SEALED INSIDE WHETHER IT'S PLASTIC OR METAL, AND YOU SIMPLY REPLACE THAT WHOLE PIECE.

Q. YEAH. THAT'S WHAT I WAS USED TO, AS WELL.

ONE MORE QUESTION. FOR A PERSON WHO IS A TINKERER OF CARS, SOMEBODY WHO KNOWS AUTO MECHANICS, WOULD SOMEONE WITH THAT LEVEL OF EXPERIENCE LOOK AT SOMETHING LIKE THIS AND BE ABLE TO TELL THAT THIS IS NOT A FUEL FILTER (INDICATING)?

A. I THINK SO. YOU KNOW -- I THINK SO, YOU KNOW. I THINK YOU'RE TALKING ABOUT DO-IT-YOURSELFERS. THEY CALL THEM "DIY-ERS" NOW.

Q. RIGHT.

A. OKAY. SO IN MY OPINION, MY PROFESSIONAL OPINION, PEOPLE LIKE THAT ARE GOING TO BE KNOWLEDGEABLE ENOUGH TO BE ABLE TO REPLACE SOME OF THE PARTS ON THEIR CAR, INCLUDING FUEL FILTERS. AND IN MOST CASES, FROM MY EXPERIENCE, THEY WOULD SIMPLY BUY A LIKE ITEM AND REPLACE IT DIRECTLY WITH THE ONE THAT'S ON THE CAR.

SO TO GO TO THE LENGTH OF MODIFICATION, IT GETS UP -- YOU KNOW, IT GETS TO ANOTHER LEVEL OF TECHNICALITY. AND IF YOU'RE JUST TINKERING AND YOU'RE A DIY-ER, YOU'RE BASICALLY JUST MAINTAINING YOUR VEHICLE FOR THE MOST PART. YOU START GETTING INTO HIGHER LEVELS OF MAJOR MODIFICATIONS, THEN, YOU KNOW -- I'M NOT SAYING IT'S IMPOSSIBLE FOR SOMEBODY LIKE THAT TO NOT BE ABLE TO VIEW THAT AND MAKE AN ASSUMPTION OR DECISION ABOUT IT. BUT I THINK FOR MOST PEOPLE, YEAH, IT WOULDN'T EVEN COME INTO PLAY.

Q. OKAY. THANK YOU.

SERGEANT SLATER: I'D JUST LIKE TO INTERRUPT. FOR THE RECORD, THE ITEM THAT YOU WERE JUST POINTING TO, SIR, WAS DEPARTMENT'S 3, PAGE 4,

CORRECT?

MR. ORTEGA: CORRECT.

SERGEANT SLATER: THANK YOU.

EXAMINATION

BY MS. AMIN:

Q. OKAY. SO IF AN ONLINE SHOPPER IS LOOKING FOR A FUEL FILTER AND COMES ACROSS A PICTURE OF JUST THAT BARREL, GOT ALL THE LITTLE DETAILS, AND INTENDS TO BUY IT AS A FUEL FILTER, WOULD THEY KNOW BY LOOKING AT THE ONLINE PICTURE THAT IT SAYS "NAPA 4003 FUEL FILTER," WOULD THAT PERSON KNOW THAT IS NOT A FUEL FILTER?

A. THAT'S A GOOD QUESTION. I GUESS THAT WOULD DEPEND ON THEIR LEVEL OF KNOWLEDGE AND EXPERIENCE. I MEAN, IF YOU'RE LOOKING FOR A SPECIFIC PART AND YOU KNOW WHAT YOU'RE LOOKING FOR, THEN THAT WOULD BE OBVIOUS THAT IT'S NOT WHAT YOU'RE LOOKING FOR. IF YOU DO AN ARBITRARY SEARCH FOR A FUEL FILTER AND THAT COMES UP, WOULD YOU KNOW WHETHER IT IS OR NOT? I WOULD SAY -- AND I DON'T REMEMBER -- IF THE PHOTOGRAPHS SHOW THE INTERNAL, THIS BAFFLE, IF YOU WANT TO CALL IT THAT, THEN THEY SHOULD KNOW THAT THAT CANNOT FILTER FUEL.

Q. RIGHT.

A. IF IT JUST SHOWED THIS CYLINDER, WHICH IS SORT OF SIMILAR TO THIS EXHIBIT A-1, THE ASSUMPTION COULD BE MADE THAT THERE'S A FILTER INSIDE THERE.

Q. BUT WE DON'T KNOW WHAT THE WEBSITE ADVERTISEMENT DEPICTED FROM THE PURCHASE?

A. NO. I DON'T KNOW.

Q. YOU'VE NEVER SEEN IT, NEVER TRIED TO TRACK DOWN THE ACTUAL SITE THAT IT WAS PURCHASED FROM?

A. NO, NO. I DID A QUICK SEARCH AND, YOU KNOW, I DIDN'T GO MUCH FURTHER.

Q. SO IF I UNDERSTAND YOU CORRECTLY, SIMILAR TO EXHIBIT ACCUSED A, FIRST PAGE, IF IT ONLY SHOWED A BARREL LIKE THIS, IT'S POSSIBLE THAT THE BUYER WOULD THINK THAT IT'S A FUEL FILTER AS ADVERTISED?

A. YES. AND -- BUT KEEP IN MIND, THIS HAS ALL OF THOSE FITTINGS THAT SHOWED THAT THERE IS A WAY TO ADAPT THE FUEL LINES. THERE'S A -- I MEAN, THAT'S A BIG CLUE.

MS. AMIN: SO I WOULD LIKE TO ASK THE DEPARTMENT IF YOU'RE ABLE OPEN UP THE WEBSITE THAT THEY SHOWED US FROM THE SEARCH THAT SHOWED NAPA 4003 FUEL FILTER, WHAT DOES IT LOOK LIKE?

SERGEANT SLATER: SO "YES" AND "NO." THE DEPARTMENT, AFTER YESTERDAY'S TESTIMONY, IS TRYING TO -- IS WORKING ON ACQUIRING SOME OF THE STILLS. THE

WEBSITE LINKS AS THEY ARE NO LONGER FUNCTIONAL. BUT THE -- UPON OUR REVIEW OF THE MINUTE ORDER OF THE PRELIMINARY HEARING, WE SAW FIVE ITEMS WERE ENTERED AS PHOTOGRAPHS. THE CRIMINAL INVESTIGATOR HAS SINCE RETIRED. SO WE'RE ATTEMPTING TO GET THOSE ITEMS AND ENTER THEM AND THEN WE'LL NEED TO -- WE'LL LAY A FOUNDATION, BUT WE NEED TO VERIFY THAT.

MS. AMIN: WELL, CAN YOU GO TO THE VENDOR'S WEBSITE THAT'S ON THE PACKAGING AND SEE -- SEARCH THEIR FUEL FILTER NAPA 4003 -- WHATEVER THE NUMBER IS?

SERGEANT SLATER: I WILL VERIFY. I BELIEVE THAT THAT WEBSITE WAS NO LONGER FUNCTIONING, AS WELL, BUT I WILL VERIFY THAT.

MS. AMIN: OKAY. THANK YOU.

I HAVE NO OTHER QUESTIONS. DEPARTMENT, DO YOU HAVE ANY QUESTIONS?

SERGEANT SLATER: NO FURTHER AT THIS TIME.

MS. AMIN: MR. SEKI?

MR. SEKI: YEAH. I JUST WANT TO CLARIFY SOMETHING.

FURTHER RECROSS EXAMINATION

BY MR. SEKI:

Q. WHEN YOU WERE EXPLAINING, MR. FIELD, TO MR. ORTEGA IN TERMS OF FUEL FILTER, YOU TALKED ABOUT

"DIY-ERS," "DO-IT-YOURSELFERS," WHICH IS DIFFERENT FROM SOMEBODY WHO IS CREATING A WHOLE NEW HIGH-PERFORMANCE SYSTEM, RIGHT?

A. I WOULD SAY YES. I MEAN, SOMEBODY THAT'S TAKING ON A PROJECT OF THAT NATURE, YEAH, THEY'RE PROBABLY A LITTLE MORE KNOWLEDGEABLE ABOUT AUTOMOTIVE SYSTEMS.

Q. WHEN YOU'RE LOOKING AT RACING ENGINES OR DOING STUFF, I MEAN, PEOPLE WHO DO THOSE THINGS HAVE THE ABILITY TO MODIFY, FABRICATE, DO OTHER THINGS?

A. MANY DO.

Q. THEY CAN FIGURE OUT -- AND CORRECT ME IF I'M WRONG, IN YOUR EXPERIENCE, THEY CAN GET SOMETHING AND FIGURE OUT A WAY TO MAKE IT WORK.

A. IN MANY CASES, YES. I WOULD SAY IN MANY CASES, YES.

Q. AND DEALING WITH CREATING A FUEL SYSTEM FROM SCRATCH, THERE'S A LOT OF TRIAL AND ERROR --

A. WELL --

Q. -- IF YOU KNOW. I DON'T KNOW -- YOU HAVEN'T DONE IT, RIGHT?

A. I JUST -- FROM MY PERSPECTIVE, THERE'S JUST SO MANY SYSTEMS AND PIECES AND PARTS AVAILABLE THAT YOU COULD CHOOSE FROM. ALMOST ANY PROJECT, IT WOULD BE EASY TO FIND THOSE ITEMS AND BUILD YOUR SYSTEM WITH

WHAT ALREADY EXISTS. GOING TO THE LENGTHS OF A LOT OF MODIFICATIONS -- I MEAN, THERE MIGHT BE CASES, DEPENDING ON THE PROJECT. BUT THERE'S A LOT OF PARTS AND EQUIPMENT AVAILABLE FOR PERFORMANCE --

Q. SURE.

A. -- AVAILABLE. SO MOST PEOPLE, AT LEAST PEOPLE THAT I KNOW FROM MY PERSPECTIVE, ARE NOT GOING TO GO TO THIS HUGE LENGTH OF MODIFYING THINGS. THEY'RE GOING TO PURCHASE SOMETHING THEY KNOW THEY CAN BOLT IN EASILY BECAUSE -- YOU KNOW, AS MUCH FUN AS THEY'RE HAVING DOING THIS PROJECT, THEY ALSO WANT IT TO BE EFFICIENT. THEY WANT -- THE ESTHETICS ARE IMPORTANT, AND THEY ALREADY HAVE THE KNOWLEDGE OF SYSTEMS THAT ARE OUT THERE AND AVAILABLE. SO IN MOST CASES THAT I'M AWARE OF --

Q. SO --

A. -- IF SOMEBODY SETS OUT TO DO A PROJECT, THEY SORT OF MAP OUT HOW THEY'RE GOING TO DO IT, INCLUDING FUEL SYSTEMS. AND THEY PROBABLY, IN MOST CASES, HAVE ALREADY PICKED OUT A FUEL CELL, WHICH IS THE TANK, THE FUEL LINES THEY'RE GOING TO USE, THE FILTER, THE PUMP, WHATEVER THEY'RE DOING. IT'S ALL AVAILABLE.

Q. OKAY. BUT YOU YOURSELF HAVE NEVER DONE THAT; IS THAT CORRECT?

A. I HAVE NEVER DONE ONE PERSONALLY, NO.

Q. AND ONE OF THE THINGS YOU TALKED ABOUT, THERE ARE PRODUCTS THAT ARE OUT THERE, IF YOU'RE INTO RACING, YOU WOULD PROBABLY ASSUME SOMEBODY WOULD GO TO A RACING SITE, RIGHT, OR A SITE THAT SPECIALIZES IN RACING?

A. YES.

Q. ARE YOU FAMILIAR WITH RACING SITES?

A. I CAN'T NAME ONE OFF THE TOP OF MY HEAD RIGHT NOW.

Q. ARE YOU FAMILIAR WITH SUMMIT RACING?

A. I'VE HEARD OF SUMMIT RACING, YES.

Q. OKAY. GIVE ME ONE SECOND HERE.

I DON'T KNOW IF THERE'S A WAY TO PUT THIS UP ON THE SCREEN OR NOT.

SERGEANT SLATER: DOES YOUR COMPUTER HAVE AN HG MIC ON IT?

BY MR. SEKI:

Q. YOU SEE WHAT'S ON THE SCREEN?

A. YES.

Q. SO IT'S SUMMIT RACING EQUIPMENT. AND YOU GOT A NUMBER OF DIFFERENT FUEL FILTERS THAT ARE PICTURED THERE, CORRECT? SO WHEN YOU SAY YOU CAN GO TO A SITE, YOU CAN GO TO A SITE LIKE THIS AND LOOK FOR THINGS LIKE THIS THAT HAVE DIFFERENT FUEL FILTERS; IS

THAT CORRECT (INDICATING)?

A. YES.

Q. AND I'M GOING TO CLICK ON -- THERE'S ONE HERE, "K.R.C. RACING FUEL FILTER HOUSING." IT SAYS IT CAN BE SPECIAL ORDERED, 54.99. BASICALLY, IT JUST GIVES YOU THIS PICTURE WITHOUT ANY FURTHER DESCRIPTION. SO WHEN YOU SEE SOMETHING LIKE A HOUSING AND IT DOESN'T HAVE FITTINGS OR ANYTHING ELSE WITH IT, IT JUST BASICALLY HAS ITS HOUSING, WHAT'S YOUR UNDERSTANDING OF WHAT THIS WOULD BE USED FOR?

A. WELL, I MEAN, I'M NOT FAMILIAR WITH THAT ITEM. THEY'RE DESCRIBING IT AS A FUEL FILTER HOUSING. SO I WOULD HAVE TO ASSUME THAT YOU COULD MAYBE PUT AN ELEMENT INSIDE OF THAT HOUSING. THERE MAY BE DIFFERENT CHOICES PERHAPS OF ELEMENTS TO GO INSIDE IT.

Q. NOW, THIS IS MORE LIKE WHAT YOU -- WHAT'S IN FRONT OF YOU, IT SAYS -- "INVICTA FILTER" IS THE SITE.

A. OKAY.

Q. "ALLUMINUM FUEL FILTER, MONOCORE SOLVENT TRAP FUEL FILTER, SOLVENT TRAP KIT, NAPA 4003 WIX." THIS IS THE TYPE OF THING THAT YOU ENDED UP SEEING; IS THAT CORRECT?

A. YES.

Q. AND LET ME SEE IF I CAN -- SO IF SOMEBODY WERE TO LOOK AND SEE SOMETHING LIKE THIS, IT'S GOT

BASICALLY ALL THESE THINGS -- IT LOOKS LIKE -- IF YOU DON'T KNOW ANY BETTER, IT LOOKS LIKE IT CAN BE USED FOR SOMETHING, RIGHT?

A. WELL, IN THIS CASE, THEY'RE ACTUALLY SHOWING THE INSERT, WHICH PEOPLE WITH KNOWLEDGE WOULD KNOW THAT THAT CAN'T FILTER FUEL.

Q. IF YOU DO A GOOGLE SEARCH FOR HIGH-VOLUME FUEL FILTERS, YOU COME UP WITH -- THERE'S ITEMS HERE THAT LOOK KIND OF LIKE WHAT YOU WERE TALKING ABOUT THAT ARE HOUSED, A LITTLE SMALLER, FATTER. YOU HAVE THIS ONE UP HERE, IT'S NISHIMOTO HIGH-FLOW FUEL FILTER. HERE'S A WIX ONE. AND THEN YOU HAVE A.E.M. ELECTRONICS. A.E.M. UNIVERSAL HIGH-VOLUME FUEL FILTER. ANOTHER ONE, HIGH-FLOW. SO THESE -- YOU HAVE TO KIND OF GO THROUGH DIFFERENT THINGS AND FIND SOMETHING THAT YOU LIKE OR SOMETHING THAT YOU THINK WOULD WORK FOR YOU; IS THAT CORRECT?

A. YES.

Q. HERE -- YOU CAN SEE THIS ONE HERE WHICH IS FLIPPING THE NAPA 4003 WIX FUEL FILTER TITANIUM. IS THIS THE TYPE OF SEARCH THAT YOU DID?

A. I DON'T RECALL THESE EXACT SCREENS THAT CAME UP FOR ME; BUT, YES, IT WAS SIMILAR.

Q. OKAY. AND THEN YOU'RE LOOKING AT THINGS THAT ARE SIMILAR IN TERMS OF SIZE. I'M JUST -- THIS

GOES BACK TO SUMMIT, BUT IT DEALS WITH SOMETHING THAT HAS AN ELEMENT IN IT, FITTINGS, THINGS LIKE THAT, RIGHT (INDICATING)?

A. YES. SO IN THE CASE WHERE YOU SEE AN ACTUAL FILTER ELEMENT, THAT'S A GOOD CLUE.

Q. OKAY. NOW I'M GOING TO TURN YOU TO -- BACK TO DEPARTMENT'S 3, AND IT HAS THIS INLINE FUEL FILTER. OBVIOUSLY, YOU'RE NOT AN EXPERT IN WEAPONS, RIGHT?

A. CORRECT.

Q. OKAY. ACCORDING TO WHAT THE A.T.F. HAS PUT OUT HERE, IT LOOKS SIMILAR IN THIS PICTURE TO KIND OF WHAT WE JUST LOOKED AT ON SCREEN, RIGHT?

A. YES.

Q. THEY CLAIM THIS IS NOT A FUEL FILTER.

A. OKAY.

Q. BUT YOU SEE A FUEL ELEMENT IN THERE, RIGHT?

A. I DO.

Q. SO SOMEBODY WOULD LOOK AT THAT AND SEE THAT FUEL ELEMENT, IT WOULD MAKE SENSE, "OH, MAYBE THAT'S A FUEL FILTER," RIGHT?

A. THAT COULD DEFINITELY BE DECIDED, YES.

Q. OKAY. WOULD YOU AGREE THEN JUST BASED UPON YOUR TESTIMONY THAT SOMEBODY WHO IS DOING A COMPLETE MODIFICATION, MAYBE BUILDING A RACE CAR OR SOMETHING LIKE THAT, THEY COULD POINT TO A SITE SIMILAR TO ONES

WE JUST LOOKED AT?

A. THEY COULD.

MR. SEKI: OKAY.

MS. AMIN: BEFORE YOU DISCONNECT, I HAVE A QUESTION.

EXAMINATION

BY MS. AMIN:

Q. THAT ALLUMINUM ONE THAT MR. SEKI WAS FLASHING THROUGH THAT HAD THE HOUSING AND THAT INNER TUBE WITHOUT THE FILTER AND THE ATTACHMENTS WIT THE BLUE STRIP AT THE ENDS LOOKS EXACTLY LIKE WHAT YOU HAVE ON THE DESK EXCEPT SILVER.

A. VERY SIMILAR.

Q. SO YOU'RE SAYING THAT THAT'S NOT A FUEL FILTER LIKE THEY'RE ADVERTISING BUT A SILENCER?

A. I'M NOT SAYING THAT.

Q. OKAY. BUT IT'S NOT A FUEL FILTER.

A. WELL, I'D HAVE TO GO BACK AND REFERENCE AGAIN, BUT --

Q. IT'S THAT SECOND --

MR. SEKI: I'M SORRY. LET ME GO BACK TO WHERE WE WERE.

MS. AMIN: IT'S THE ALUMINUM FUEL FILTER, THE SECOND ONE (INDICATING).

SERGEANT SLATER: AND THE DEPARTMENT WOULD LIKE SCREENSHOTS CAPTURED OF THESE ITEMS.

MR. FIELD: YOU'RE TALKING ABOUT THIS ONE HERE (INDICATING)?

MS. AMIN: YEAH. SO THOSE --

MR. FIELD: SO HERE --

THE REPORTER: ONE AT A TIME.

BY MS. AMIN:

Q. SO THOSE FIVE ITEMS IN THE PICTURE WHICH ARE THE FIVE ITEMS, EXCEPT DIFFERENT COLOR, OR MAYBE SIZE, LENGTHS. I DON'T KNOW.

A. RIGHT.

Q. BUT PRETTY MUCH THE SAME ITEM.

A. SAME, YES.

Q. SO THAT'S NOT A FUEL FILTER?

A. NO, NO.

MR. SEKI: YOU CAN SEE THE GOOGLE SEARCH ON TOP IS "HIGH-VOLUME FUEL FILTER."

MS. AMIN: YEAH.

MR. SEKI: RIGHT?

MR. FIELD: OKAY. YES.

MR. SEKI: OKAY. I DON'T HAVE A GOOD SCREENSHOT.

SERGEANT SLATER: I'M NOT FAMILIAR WITH YOUR COMPUTER.

MS. AMIN: YOU CAN USE YOUR CELL PHONE AND TAKE A PICTURE AND E-MAIL IT.

MR. SEKI: YOU MUST HAVE KIDS.

MS. AMIN: YEAH.

MR. ORTEGA: I HAVE -- AGAIN, ONE LAST QUESTION. SOMEBODY WHO KNOWS CARS, EVEN A WEEKEND TINKERER, SHOULD KNOW THAT THAT BAFFLE INSIDE ISN'T GOING TO FILTER ANYTHING, RIGHT?

MR. FIELD: I AGREE WITH THAT, YES.

MS. AMIN: SO IT'S FALSE ADVERTISING.

MR. ORTEGA: YEAH. THAT'S --

MR. FIELD: WELL, YEAH, IT IS.

MS. AMIN: IF I DON'T KNOW THE DIFFERENCE, TO ME, IT SAYS "FUEL FILTER." OKAY. FUEL FILTER. I'M NOT A TINKERER, BUT --

MR. FIELD: YEAH, THAT'S --

MS. AMIN: WELL, WE DON'T KNOW WHAT --

MR. FIELD: AGAIN, I'M 43 YEARS IN THE BUSINESS. I'VE CHANGED HUNDREDS OF FUEL FILTERS. AND, YOU KNOW, IT'S EASY FOR ME TO SAY THAT'S NOT. IT'S EASY. BUT THAT'S WHY I'M HERE, RIGHT?

MS. AMIN: RIGHT.

ANY MORE QUESTIONS? DEPARTMENT?

SERGEANT SLATER: YES. JUST ONE MOMENT, PLEASE.

FURTHER REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. SO A COUPLE QUICK QUESTIONS. THE ITEM YOU SAW ON THE SCREEN, THAT SILVER DEVICE THAT LOOKS LIKE THE PHYSICAL ITEM ON THE TABLE IN FRONT OF YOU --

A. YES.

Q. -- YOU SAID THAT CAN'T BE USED AS A FUEL FILTER. CAN YOU -- I KNOW YOU'VE TOUCHED ON IT, BUT CAN YOU EXPLAIN TO THE BOARD WHY THAT ITEM COULDN'T BE A FUEL FILTER JUST TO BE CLEAR?

A. SO THE MAIN REASON IS THE CENTER INSERT. IT'S NOT A FILTER MEDIUM.

Q. OKAY.

A. IT'S A WIDE OPEN DEVICE.

MS. AMIN: A HOLE.

MR. FIELD: THERE'S A HOLE TO THIS FILTER. YOU CAN LOOK STRAIGHT THROUGH IT. SO, AGAIN, A FILTER HAS TO HAVE SCREEN OR A PAPER ELEMENT OF SOME TYPE, SOME TYPE OF MEDIA THAT CAN -- USUALLY MEASURED IN MICRONS THAT CAN TRAP AND STOP DEBRIS FROM FLOWING THROUGH THE FUEL SYSTEM.

BY SERGEANT SLATER:

Q. AND THAT WOULD BE READILY APPARENT TO SOMEBODY WHO'S CAPABLE OF REBUILDING THEIR OWN FUEL SYSTEM, CORRECT?

A. I WOULD SAY "YES" TO THAT.

Q. AND THEN IS THAT THE SAME ITEM YOU SAW BEING USED AS A SILENCER IN VIDEOS?

A. YES.

SERGEANT SLATER: NO FURTHER AT THIS TIME.

MS. AMIN: MR. SEKI?

MR. SEKI: NO.

MS. AMIN: MS. STRONG?

MS. STRONG-FARGAS: NO.

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

MR. FIELD: THANK YOU.

MS. AMIN: ALL RIGHT. SHALL WE TAKE A BREAK?

SERGEANT SLATER: YES.

MR. AMIN: BACK IN TEN.

OFF THE RECORD.

(BRIEF RECESS WAS TAKEN.)

MS. AMIN: LET'S GO BACK ON THE RECORD.

DEPARTMENT, DO YOU HAVE ANOTHER WITNESS?

SERGEANT SLATER: WE DO. BUT A MATTER OF BUSINESS BEFORE OUR NEXT WITNESS, LAST NIGHT -- OR FOLLOWING OUR FIRST DAY YESTERDAY, WE DETERMINED AND DISCOVERED THAT LOOKING AT THE PRELIM MINUTES, THERE WERE ITEMS THAT WERE NOT INCLUDED IN THE DISCOVERY WE

RECEIVED. THE DEPARTMENT SENT AN E-MAIL TO THE RETIRED CRIMINAL INVESTIGATOR REQUESTING ON PAGE 4 OF 5, ITEMS 5, 6, 7 AND 8. I HAVE SPOKEN TO OUR DISCOVERY UNIT, AND WE RECEIVED THOSE ITEMS. THEY'RE THE SCREENSHOTS OF PAGES THAT WERE VISITED BY MR. WALDEN IN THE COMPUTER AUDIT. WE HAVE THEM AVAILABLE. WOULD YOU LIKE THEM ENTERED AS BOARD EXHIBITS, SINCE YOU HAD ALSO JUST REQUESTED THOSE ITEMS NOW THAT WE HAVE CONFIRMED WE RECEIVED THEM?

MR. SEKI: I'D LIKE TO SEE THEM FIRST BEFORE --

MS. AMIN: OKAY.

MR. ORTEGA: CAN YOU RESTATE WHAT THAT IS?

SERGEANT SLATER: THE PRELIMINARY HEARING HAD FIVE OR FOUR IMAGES ENTERED RELATED TO THE COMPUTER AUDIT THAT WAS DONE ON MR. WALDEN'S COMPUTER, SPECIFICALLY A ONE-PAGE SCREENSHOT OF A Q-O-O, PUFF, P-U-F-F WEBSITE; A ONE-PAGE SCREENSHOT OF A KIKOGIFT WEBSITE, A ONE-PAGE SCREENSHOT OF KIMBER WEBSITE, AND A ONE-PAGE SCREENSHOT OF SOLVENT TRAP FUEL FILTER WEBSITE THAT WERE FOUND AS PART OF THE KEYWORD QUERY. THEY WERE ENTERED IN THE PRELIMINARY HEARING. THEY WERE NOT PART OF THE DISCOVERY WE RECEIVED WHEN WE GOT OUR ADMINISTRATIVE PACKET. SO AFTER SEEING THIS LAST NIGHT, WE REACHED OUT TO THE RETIRED INVESTIGATOR.

AND THOUGH HE IS NOT AVAILABLE TO TESTIFY, HE DID HAVE THESE ITEMS AND E-MAILED THEM TO US, AND THE BOARD ASKED ABOUT THEM.

MR. ORTEGA: SO IS IT CORRECT -- IS MY UNDERSTANDING CORRECT THAT THESE ARE THE IMAGES THAT ONE WOULD GET WHEN SOMEBODY WOULD ENTER A SEARCH WORD INTO --

SERGEANT SLATER: THESE ARE THE IMAGES THAT WERE PULLED DIRECTLY FROM THE SEARCH WORDS THAT WERE RECOVERED OF MR. WALDEN'S COMPUTER. THESE ARE THE IMAGES AND WEBSITES THAT HE WAS LOOKING AT ACCORDING TO THE PRELIMINARY HEARING.

MS. DIDICH: IF I MAY, IF WE TRY TO LOOK AT THE LINKS NOW, THEY'RE BROKEN. THIS WAS A COUPLE OF YEARS AGO, AND THESE SCREEN-GRABS OCCURRED WHEN THE LINKS WERE STILL FRESH AND AVAILABLE. AND SO THAT'S WHAT THEY ARE OF.

MS. AMIN: SO IT'S NOT REALLY THE WORD SEARCH. IT IS THE LINKS THAT OPEN UP --

SERGEANT SLATER: THE LINKS ARE --

MS. AMIN: WHEN YOU PUT "WW" IN AND THE REST OF THE LINKS, THAT'S WHAT YOU OPEN. IT'S NOT THE ACTUAL WORD IN THE GOOGLE SEARCH LINE.

SERGEANT SLATER: SO FROM THEIR -- I'M TRYING TO THINK HOW TO EXPLAIN IT. THE WORD SEARCH

WAS DONE AND THESE POPPED UP AS THE WEBSITES RELATED TO THOSE WORD SEARCHES IN -- THAT WERE CLICKED ON.

MS. AMIN: RIGHT. BUT YOU DON'T KNOW WHAT THE WORD SEARCHES WERE. ONLY THE LINKS THAT CAME UP.

SERGEANT SLATER: THEY'RE PART OF THE SERIES OF WORD SEARCHES THAT WAS PROVIDED TO THE BOARD YESTERDAY.

MS. AMIN: OKAY.

MR. ORTEGA: SO IN WHAT WE SAW YESTERDAY, ARE YOU ABLE TO TELL US WHAT SOMEBODY TYPED INTO THE KEYBOARD TO GET THAT LINK TO APPEAR?

SERGEANT SLATER: I CAN'T SPECIFICALLY SAY -- IT MAY BE EASIER TO DEMONSTRATE IF I MAY PULL UP A WORD SEARCH.

MS. AMIN: SURE.

MR. SEKI, DID YOU HAVE AN OBJECTION TO THE --

MR. SEKI: I WANT TO SEE WHAT HE'S GOING TO DO FIRST. I WANT TO SEE THE MAGIC HE'S GOING TO MAKE.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: SO AS EXPLAINED YESTERDAY, THE DEPARTMENT DID AN AUDIT OF MR. WALDEN'S COMPUTER USAGE AND DISCOVERED THAT HE HAD VISITED A NUMBER OF WEBSITES. WHAT THE AUDIT WAS BROKEN DOWN INTO WAS THIS EXCEL SHEET DEPICTING WHAT KEYWORD SEARCH WAS

USED TO CORRESPOND TO THE RETURNS. SO THEY DID A KEYWORD SEARCH FOR "FUEL" AND THE FOLLOWING MULTIPLE HUNDRED OF SEARCH RETURNS RETURNED FOR 2021 CONTAINING THE KEYWORD SEARCH "FUEL." WHAT FURTHER THE DEPARTMENT DID WAS BREAK THAT DOWN INTO THE URL THAT WAS VISITED AS PART OF THAT SEARCH. SO IN THIS EXAMPLE, ON LINE 398 OF THE MARCH 2021 KEYWORD "FUEL," A WEBSITE WWW.KIKOGIFT.COM/PRODUCTS/BUY-1-GET-1-FREE, NUMBER SYMBOLS -- CONTINUING TO NAPA 4003 WIX 24003, 1/2-28 WAS VISITED.

SOME OF THOSE WERE ENTERED IN AS SCREEN-GRABS. THE ACTUAL WEBSITE WAS VISITED BY THE CRIMINAL INVESTIGATOR AND ENTERED AS A SCREEN-GRAB INTO THE CRIMINAL COURT PROCEEDING. THESE ARE THE IMAGES FROM VISITING THAT URL. HE ENTERED FOUR DIFFERENT SCREENSHOTS OF WEBSITES HE VISITED FROM THIS WORD SEARCH. DOES THAT MAKE SENSE?

MR. ORTEGA: YES.

SERGEANT SLATER: OKAY.

MS. AMIN: YES, IT MAKES SENSE; BUT IT'S NOT THE ACTUAL WORD SEARCH ENTERED IN THE GOOGLE WORD LINE. IT'S YOUR WORD THAT YOU ENTERED "FUEL" AND CAME UP WITH ALL OF THESE URL'S.

SERGEANT SLATER: THESE ARE ALL HITS CORRESPONDING TO WHEN HE USED THE WORD "FUEL" IN SOME

WAY.

MR. ORTEGA: THAT'S WHAT I UNDERSTAND.

SERGEANT SLATER: IT DOESN'T MEAN NECESSARILY THAT HE SEARCHED THE WORD "FUEL." IT MEANS ANY INTERNET RETURN THAT INVOLVED THE WORD "FUEL" THAT WAS DONE IN CORRESPONDENCE TO ACTIVITY ON HIS WORK COMPUTER.

MS. AMIN: RIGHT. OKAY.

ALL RIGHT. SO ANY OBJECTION TO PAGE 5, 6, 7, 8? IT'S GOING TO BE ADMITTED AS BOARD 1.

MR. SEKI: OKAY.

MR. ORTEGA: IS IT -- OH, BOARD 1.

(BOARD'S EXHIBIT 1 WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

SERGEANT SLATER: IN THAT LIGHT WE WOULD LIKE TO RECALL MR. FIELD AND HAVE HIM TAKE A LOOK AT A COUPLE OF THE IMAGES THAT ARE GOING TO APPEAR.

MS. AMIN: OKAY. CAN WE GET THE EXHIBITS?

SERGEANT SLATER: YES. I'M JUST LABELING THEM NOW.

MR. SEKI: I ALREADY HAVE IT.

SERGEANT SLATER: YOU ALREADY HAVE IT?

MR. SEKI: YOU GAVE IT TO ME.

MS. STRONG-FARGAS: THANK YOU.

SERGEANT SLATER: OF COURSE.

(MR. FIELD IS RECALLED TO THE STAND.)

MS. AMIN: WELL, WE MISSED YOU SO MUCH, YOU HAD TO COME BACK.

MR. FIELD: I DON'T THINK MY BOSS IS GOING TO SAY THE SAME THING WHEN I GET BACK. WE'LL SEE.

MS. AMIN: ALL RIGHT. SO YOU'RE STILL UNDER OATH.

OKAY. WE HAVE ADDITIONAL QUESTIONS FOR YOU

MR FIELD: OKAY.

MS. AMIN: I'M GOING TO TURN YOU OVER TO THE DEPARTMENT.

FURTHER REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. ALL RIGHT. MR. FIELD, THANK YOU FOR YOUR PROMPT RETURN.

A. NO PROBLEM.

Q. IN YOUR PRIOR TESTIMONY YOU WERE ASKED IF YOU LOOKED AT SOME OF THE WEBSITES THAT HAVE BEEN VISITED, IF YOU'D BE ABLE TO IDENTIFY AN ITEM AS A FUEL FILTER. WE HAVE PRESENTED A SERIES OF PHOTOGRAPHS TO THE BOARD. THESE ARE SCREENSHOTS OF WEBSITES VISITED BY HE MR. WALDEN. CAN I HAVE YOU TAKE A LOOK THROUGH THOSE FIVE PAGES? YOU CAN GO PAGE

BY PAGE, PLEASE.

MR. SEKI: YOU WANT HIM TO LOOK AT ALL FIVE PAGES? BECAUSE THE LAST TWO ARE IRRELEVANT, I SUPPOSE.

SERGEANT SLATER: I'D STILL LIKE HIM TO LOOK AT IT. I DON'T INTEND TO ASK HIM ABOUT THOSE, BUT JUST SO HE'S SEEN ALL THE ITEMS THAT WERE ENTERED.

MR. FIELD: (PERUSES DOCUMENTS.)

OKAY.

BY SERGEANT SLATER:

Q. LOOKING AT PAGE 1, SIR -- I REALIZE THE PAGE CUTS OFF, BUT HOW IS THAT ITEM DESCRIBED?

A. WELL, IT'S A NAPA 4003 WIX 24003 1/2-28, 5/8-24 FUEL FILTER ALUMINUM SOLVENT TRAP.

Q. AND LOOKING AT THE PHOTOS, NOT JUST ONE PHOTO BUT THE ENTIRE SET OF PHOTOS ON THIS PAGE, DOES RESEMBLE THE PHYSICAL ITEM THAT WAS PROVIDED TO YOU TODAY?

A. YES.

Q. ALL RIGHT. WOULD THIS ITEM WORK AS A FUEL FILTER?

A. NO.

Q. AND I KNOW IT'S BEEN ASKED BY THE BOARD, BUT CLARIFY FOR THIS ITEM SPECIFICALLY, WOULD SOMEBODY KNOWLEDGEABLE ENOUGH TO CHANGE MULTIPLE COMPONENTS OF

AN ENGINE SETUP RECOGNIZE THIS AS A FUEL FILTER?

MR. SEKI: I'M GOING TO OBJECT. THAT CALLS FOR SPECULATION. HE DOESN'T HAVE THE SAME OR SIMILAR KNOWLEDGE. WE DON'T KNOW THAT HE HAS THE SIMILAR KNOWLEDGE AS MR. WALDEN. HE'S NEVER PUT TOGETHER A HIGH-PERFORMANCE ENGINE ON HIS OWN. THERE'S A LOT OF OTHER THINGS. WE'VE ALREADY HEARD IT'S CUMULATIVE ANYWAY.

MS. AMIN: IT'S SUSTAINED. MAYBE YOU CAN JUST EXPAND ON WHAT SIMILAR KNOWLEDGE, WHAT TYPE OF PERSON YOU JUST -- WHAT DO YOU MEAN?

BY SERGEANT SLATER:

Q. WOULD SOMEBODY DESCRIBED AS A "TINKERER" HAVE KNOWLEDGE THAT THIS IS NOT A FUEL FILTER?

MR. SEKI: I'M GOING TO OBJECT AS TO WHAT A "TINKERER" IS. A "TINKERER" IS AMBIGUOUS, VAGUE. YOU ALREADY HEARD THE TESTIMONY. IT'S --

MS. AMIN: ITS OKAY.

IF YOU CAN ANSWER THE QUESTION, GO AHEAD.

MR. FIELD: OKAY. IN ANY OPINION, THEY WOULD RECOGNIZE THAT THIS IS NOT A FUEL FILTER.

BY SERGEANT SLATER:

Q. OKAY. MOVING TO THE NEXT PAGE, THE QOOPUFF ON PAGE 2, HOW WAS THAT ITEM DESCRIBED?

A. BUY 1 GET 1 FREE FOR NAPA 4003 WIX 24003

1/2-28, 5/8-24 FUEL FILTER, ALUMINUM SOLVENT TRAP.

Q. AND LOOKING AT THIS IMAGE, DOES THIS RESEMBLE THE PHYSICAL ITEM ON THE TABLE IN FRONT OF YOU?

A. A LITTLE DIFFERENT, BUT YES.

Q. WHEN YOU SAY "A LITTLE DIFFERENT," HOW SO?

A. SO THE CENTER PIECE SEEMS TO HAVE A LITTLE BIT DIFFERENT CONFIGURATION TO THE DESIGN. THE BAFFLES, IF YOU WILL.

Q. AND DESPITE THOSE BAFFLES BEING SLIGHTLY DIFFERENT, WOULD THAT ITEM WORK AS A FUEL FILTER?

A. NO.

Q. ALL RIGHT. WOULD A TINKERER RECOGNIZE THAT?

MR. SEKI: OBJECTION. SAME OBJECTION AS LAST TIME.

MS. AMIN: SOMEONE WITH EXPERIENCE WITH REPLACING FUEL LINES.

MR. FIELD: SOMEONE WITH EXPERIENCE IN REPLACING FUEL LINES AND FILTERS WOULD KNOW THAT THAT'S NOT A FILTER.

BY SERGEANT SLATER:

Q. OKAY. MOVING TO PAGE 3, CAN YOU READ WHAT THE WEBSITE AT THE TOP OF THIS PAGE IS?

A. "WWW.SOLVENTTRAPFUELFILTER.COM."

Q. OKAY. AND DOES THE ITEM ON PAGE 3 RESEMBLE

THE PHYSICAL ITEM IN FRONT OF YOU?

A. YES.

Q. WOULD THAT ITEM WORK AS A FUEL FILTER?

A. NO.

Q. ALL RIGHT. ONE MOMENT, PLEASE.

I'M GOING TO DIRECT YOUR ATTENTION TO THE SCREEN. THIS IS MARKED AS DEPARTMENT'S 8. HOWEVER, FOR VIEWING PURPOSES, I PUT IT ON THE SCREEN. SPECIFICALLY, I'M GOING TO DIRECT YOU TO LINE 79, UNDER "ITEM TITLE." THIS WAS THE ITEM THAT WAS PURCHASED BY MR. WALDEN WE'VE HEARD IN TESTIMONY. HOW IS THIS ITEM DESCRIBED?

A. YOU WANT ME TO READ THE SCREEN?

Q. JUST --

MR. SEKI: THE DOCUMENT SPEAKS FOR ITSELF. WE DON'T NEED HIM FOR THAT. YOU ALL HAVE LOOKED AT IT.

MS. AMIN: WE CAN READ IT. WE KNOW WHAT IT SAYS.

SERGEANT SLATER: OKAY.

Q. LOOKING AT THE ITEM TITLE ON LINE 79, WHICH IS RIGHT ABOVE THE PLUS -- AND IF YOU NEED TO GET CLOSER, YOU CAN.

A. OKAY.

Q. IS THAT THE SAME ITEM TITLE YOU JUST -- OR

THE ITEM WEB SHOTS YOU JUST READ?

MR. SEKI: I'M GOING TO OBJECT. IT SPEAKS FOR ITSELF. YOU ALL CAN REACH YOUR OWN CONCLUSION.

MS. AMIN: YOU CAN ANSWER THE QUESTION. OVERRULED.

MR FIELD: YES.

SERGEANT SLATER: OKAY. NO FURTHER AT THIS TIME.

MS. AMIN: MR. SEKI?

FURTHER RECROSS EXAMINATION

BY MR. SEKI:

Q. HAVE YOU EVER SEEN -- IN YOUR SEARCHES, YOU SAID YOU NEVER SAW A SIMILAR FUEL FILTER OR AN ITEM DESCRIBED AS A FUEL FILTER USED AS A FILTER OR ANY PICTURE OF IT USED AS A FILTER; IS THAT CORRECT?

A. I'M SORRY. I DON'T UNDERSTAND THE QUESTION.

Q. DID YOU SEE ANY PICTURE OF THE ITEM OR SIMILAR ITEMS UTILIZED AS A FUEL FILTER?

A. IN THE DESCRIPTION -- I THINK FUEL FILTER WAS THERE IN THE DESCRIPTION.

Q. DID YOU EVER SEE IT HOOKED UP TO ANYTHING OR --

A. NO. WELL, THE ONLY THING -- THE ONLY TIME I SAW IT HOOKED UP TO ANYTHING WAS IN A VIDEO.

Q. SO, IF I CAN, I'VE GOT A SITE HERE I WANT YOU TO TAKE A LOOK AT.

OBVIOUSLY, IF SOMEBODY WERE TO ASK FOR ASSISTANCE AGAIN --

SERGEANT SLATER: CAN I SEE IT BEFORE WE PUT IT ON THE SCREEN? NO OBJECTION.

BY MR. SEKI:

Q. SO THIS IS A WEBSITE NAPAFUELFILET.COM, AND THERE'S A PICTURE HERE --

CAN YOU LOWER THE --

SERGEANT SLATER: GOES AWAY IN A SECOND.

BY MR. SEKI:

Q. YOU GOT SEVERAL DIFFERENT SCREENSHOTS BELOW THE MAIN ONE, WHICH IF I CLICK ON IT, IT'S SIMILAR TO THE ITEM WE'RE LOOKING AT OR THAT'S IN FRONT OF YOU, CORRECT (INDICATING)?

A. YES.

Q. AND IN THIS ONE IT ACTUALLY HAS SOME SORT OF SETUP, WHICH APPARENTLY IS UTILIZING THAT FILTER. DID YOU EVER SEE ANYTHING LIKE THAT?

A. I DON'T RECALL SEEING THAT. CAN I TAKE A CLOSER LOOK?

Q. SURE. I HAVE A SCREENSHOT THAT I'VE TAKEN THAT I'LL CIRCULATE. IS IT POSSIBLE THAT SOMEBODY LOOKING AT THIS SITE MIGHT SAY, "OH, MAYBE THERE IS A

WAY TO USE IT AS A FILTER"?

A. IS IT POSSIBLE, YES. I HAVE A PERSONAL OPINION ABOUT IT.

SERGEANT SLATER: CAN WE HAVE THAT STILL ON THE SCREEN FOR A MINUTE?

MR FIELD: SO --

BY MR. SEKI:

Q. WELL, I'M NOT ASKING FOR YOUR PERSONAL OPINION.

A. OKAY.

Q. WE'VE HEARD YOUR PERSONAL OPINION ALREADY SO --

A. NO PROBLEM.

MR. SEKI: OKAY. I DON'T HAVE ANY ADDITIONAL QUESTIONS.

BY SERGEANT SLATER:

Q. LOOKING AT THAT IMAGE, MR. FIELD, IS THAT A LEGITIMATE FUEL FILTER SETUP?

A. IT WOULD BE NOTHING LIKE I'VE EVER SEEN. AND THE BLUE HOSE COMING OFF, WHICH APPEARS TO BE COMING OFF THE END ON THE RIGHT, IT ALMOST APPEARS TO BE GOING INTO THE AIR INDUCTION HOSE. THAT'S THAT SORT OF BAFFLED BLACK CYLINDER-SHAPED HOSE. YOU SEE THE BLUE HOSE ON THE RIGHT (INDICATING). IF THAT, INDEED, IS HOOKED TO THE AIR INDUCTION SYSTEM, THEN IT

HAS NOTHING TO DO WITH FUEL. THE OTHER THINK I NOTICE IS THAT THE OTHER END, THERE'S NO -- THERE'S NO OUTLET. SO IF THAT'S BEING PORTRAYED AS A FUEL FILTER, THEN IF FUEL'S GOING IN ON THAT RIGHT SIDE, IT'S NOT COMING BACK OUT ANYWHERE.

Q. WOULD PEOPLE WHO ARE FAMILIAR WITH CHANGING FUEL LINES AND FUEL SYSTEMS RECOGNIZE THAT THAT DOES NOT SHOW AN ACCURATE USE OF A FUEL FILTER?

A. YES.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: NO.

MS. AMIN: BOARD MEMBERS? MR. ORTEGA, DO YOU HAVE A QUESTION?

MR. ORTEGA: NOT FOR THIS WITNESS.

MS. STRONG-FARGAS: NO.

EXAMINATION

BY MS. AMIN:

Q. SO ARE YOU SAYING THAT PICTURE WITH THE FUEL FILTER DEPICTED INSIDE OF WHAT LOOKS LIKE AN ENGINE IS FALSE?

A. I'M NOT SAYING IT'S FALSE. I'M SAYING THAT THAT IS NOT SET UP TO FILTER FUEL. I DON'T KNOW WHAT THAT IS.

Q. DO YOU KNOW WHY ANYONE WOULD PORTRAY IT AS A FUEL FILTER IF IT'S NOT A FUEL FILTER?

A. WELL, I CAN GIVE YOU MY OPINION.

Q. OKAY.

A. IT'S TO PROBABLY DECEIVE PEOPLE OR TO FURTHER THE ACT, I WOULD SAY, OF DISPLAYING IT OR SELLING IT. IF IT'S BEING -- SO THIS DEVICE HERE IS BEING SOLD AS A FUEL FILTER. IT IS, OBVIOUSLY, NOT A FUEL FILTER. IT'S JUST ONE MORE WAY OF DISPLAYING IT AS SUCH. IT DOESN'T PROVE THAT IT IS IN MY OPINION.

Q. BUT IN YOUR OPINION, IT PROVES THAT IT IS NOT A FUEL FILTER?

A. I'M SAYING THE WAY IT IS CONNECTED, IT COULDN'T BE, YES.

Q. ALL RIGHT. THANK YOU. I HAVE NOTHING ELSE.

DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: MR. SEKI?

MR. SEKI: NO, NOTHING FURTHER.

MS. AMIN: BOARD. NO?

ALL RIGHT. ONE MORE TIME.

MR FIELD: ARE YOU SURE?

MS. AMIN: MAYBE. THANK YOU VERY MUCH.

SERGEANT SLATER: WE'LL CALL YOU. DON'T

CALL US.

MR FIELD: THANK YOU ALL.

MS. AMIN: ALL RIGHT. TAKE CARE.

(MR. FIELD LEAVES THE BOARDROOM.)

DEPARTMENT, DO YOU HAVE ANY OTHER WITNESSES?

SERGEANT SLATER: THE DEPARTMENT HAS ONE FURTHER WITNESS. HIS NAME IS FADIL BIRAIMAH.

MR. SEKI: AND WITH REGARD TO THIS PARTICULAR WITNESS, THERE'S A LAB REPORT ALREADY ENTERED, DEPARTMENT'S 6. WE WOULD BE WILLING TO STIPULATE THAT THE TESTIMONY HE WOULD PROVIDE IS BASICALLY RELATIVE TO THE LABORATORY, AND WE'D AGREE THAT IT WOULD BE THE SAME. I DON'T KNOW THAT THERE'S ANY NEED TO HAVE HIM. WE ALREADY HAVE THE LAB REPORT IN.

MS. AMIN: SO DO YOU WANT TO GIVE AN OFFER OF PROOF?

SERGEANT SLATER: WELL, WE INTEND TO HAVE HIM SPEAK TO MORE THAN JUST THE LAB REPORT. WE HAVE --

MS. AMIN: OKAY.

MR. SEKI: WELL, AN OFFER OF PROOF. THAT'S NOT AN OFFER OF PROOF.

MS. AMIN: NO. SO YOU HAVE MORE EVIDENCE THAN JUST THE LAB REPORT?

SERGEANT SLATER: YES.

MS. AMIN: OKAY. THEN LET'S HEAR IT.

(MR. BIRAIMAH ENTERS THE BOARDROOM.)

MS. AMIN: GOOD MORNING.

MR. BIRAIMAH: GOOD MORNING.

MS. AMIN: THANK YOU FOR COMING IN. CAN YOU TELL US YOUR NAME, PLEASE?

MR. BIRAIMAH: MY NAME IS FADIL BIRAIMAH.

MS. AMIN: CAN YOU SPELL IT?

MR. BIRAIMAH: FIRST NAME, F-, AS IN FRANK, -A-D-I L; LAST NAME B-, AS IN BOY, -I-R-A-I-M-A-H.

MS. AMIN: OKAY. THANK YOU FOR THAT.

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

MR. BIRAIMAH: I DO.

MS. AMIN: THANK YOU SO MUCH. HAVE A SEAT.

MR. BIRAIMAH: THANK YOU.

MS. AMIN: YOUR WITNESS.

DIRECT EXAMINATION

BY SERGEANT SLATER:

Q. GOOD MORNING, SIR. THANK YOU FOR COMING IN TODAY.

A. GOOD MORNING.

Q. WHEN YOU ANSWER OR TESTIFY, CAN YOU JUST FACE TOWARDS THE BOARD AND USE MICROPHONE SO EVERYBODY CAN HEAR YOU?

A. YES.

Q. THANK YOU SO MUCH.

SIR, WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. I'M A CRIMINALIST III WITH THE FORENSIC SCIENCE DIVISION. I'M ASSIGNED TO THE FIREARM ANALYSIS UNIT.

Q. AND WHAT DOES THE FIREARM ANALYSIS UNIT DO, SIR?

A. WE HANDLE ALL ANALYTICAL REQUESTS WITH REGARDS TO FIREARMS OR SHOOTING SCENES IN THE CITY OF LOS ANGELES. SO WE DO -- OUR MAIN WORK IS THE WORK THAT'S COMMONLY REFERRED TO AS BALLISTIC COMPARISON WITHIN THE LABORATORY.

Q. WHEN YOU SAY "BALLISTIC COMPARISON," WHAT DOES THAT MEAN?

A. SO WE EXAMINE EXPENDED AMMUNITION COMPONENTS IN ORDER TO TRY AND DETERMINE WHETHER THEY'VE BEEN FIRED IN THE SAME FIREARM. THIS CAN APPLY TO BULLETS OR CARTRIDGE CASES. SO THAT'S THE BULK OF OUR WORK IN THE UNIT.

Q. DO YOU DO ANY WORK EXAMINING FIREARMS AND FIREARMS COMPONENTS?

A. YES.

Q. DO SOME OF THOSE COMPONENTS YOU EXAMINE INCLUDE SILENCERS?

A. YES. WE EXAMINE DEVICES IN ORDER TO DETERMINE IF THEY FALL UNDER LEGAL CLASSIFICATIONS FOR RESTRICTIONS. THIS WOULD INCLUDE SILENCERS, AND SO-CALLED SOUND SUPPRESSORS.

Q. AND YOU SAID "SO-CALLED SOUND SUPPRESSORS." ARE THOSE TWO EXPRESSIONS USED SYNONYMOUSLY?

A. ALSO CALLED "SOUND SUPPRESSORS," YES. THEY'RE ESSENTIALLY EXCHANGEABLE. SILENCER IS A LITTLE BIT OF A MISNOMER. THAT WAS SELF-APPLIED EARLY ON BY THE EARLY INVENTORS. SOUND SUPPRESSOR IS A LITTLE MORE TECHNICALLY ACCURATE, BUT THEY'RE -- WE'RE TALKING ABOUT THE SAME DEVICES.

Q. WHAT TRAINING AND EXPERIENCE DO YOU HAVE PERTAINING TO FIREARMS COMPONENTS AND FIREARMS ANALYSIS?

A. WELL, WHEN I TRANSFERRED TO THE DIVISION, I HAD A GENERAL BACKGROUND IN NATURAL SCIENCE. IN ORDER TO PERFORM THE WORK WE CALL "BALLISTICS," IT REQUIRED ME TO TAKE A LENGTHY PROGRAM WE CALL THE FIREARM EXAMINER TRAINING PROGRAM. THIS HAS A DURATION OF

MORE THAN TWO-AND-A-HALF YEARS. IT TRAINS THE EXAMINERS IN THE BASICS OF MECHANICS AND OPERATION OF FIREARMS AND AMMUNITION COMPONENTS, ALL THE WAY THROUGH DIFFERENT FIREARM MECHANISMS, RESTRICTED DEVICES, AS WELL AS THE MICROSCOPIC TECHNIQUES THAT WE ACTUALLY USE TO MATCH ITEMS ON A MICROSCOPE. I COMPLETED THAT PROGRAM IN 2009, AND I'VE COMPLETED ABOUT 300 CASES, EXAMINED MORE THAN 3,000 ITEMS OF EVIDENCE.

Q. AND IN THOSE CASES AND EXAMINATIONS, HAVE YOU EXAMINED ANY SILENCERS OR FIREARM SUPPRESSORS?

A. I HAVE.

Q. OKAY. DO YOU KNOW HOW ANY OF THOSE FIREARM SILENCERS OR SUPPRESSORS WERE MARKETED WHEN THEY WERE RECOVERED?

A. YES.

Q. WERE ANY OF THEM EVER MARKETED OR SOLD AS NAPA 4003?

A. YES. IN RECENT YEARS THERE'S BEEN SORT OF A BLOOM OF A NEW TYPE OF DEVICE THAT WE'VE JUST BEEN BECOMING ACCUSTOMED WITH. THEY ARE COMMONLY SOLD IN PARTIALLY FINISHED CONDITION, AND THEY MAY BE SOLD UNDER NAMES THAT ARE NOT QUITE CONSISTENT WITH THEIR ACTUAL PHYSICAL FEATURES. ONE OF THE SORT OF CODE WORDS FOR THIS TYPE OF DEVICE WOULD BE NAPA 4002, I

BELIEVE. THERE'S A FEW OTHERS. BUT THESE LITTLE WORDS WILL ACTUALLY CONNECT YOU WITH THE MARKETERS OF THE DEVICE ONLINE.

Q. AND YOU SAID "4002." DID YOU MEAN 4003?

A. I'M SORRY. 4003.

Q. THANK YOU.

DO YOU RECEIVE ANY ONGOING CONTINUING EDUCATION AS PART OF YOUR CAREER?

A. YES.

Q. WHAT DOES THAT -- WHAT FORM DOES THAT CONTINUING EDUCATION TAKE?

A. THERE ARE SPECIFIC TRAINING MODULES THAT WE UNDERTAKE WITHIN THE UNIT, AS WELL THERE'S -- IN OUR PROFESSIONAL COMMUNITY, THERE'S LITERATURE PUBLISHED BY ORGANIZATIONS SUCH AS THE ASSOCIATION OF FIREARM AND TOOLMARK EXAMINERS. THIS IS THE PREMIER PROFESSIONAL ORGANIZATION FOR FORENSIC FIREARMS. THEY PUBLISH A SCIENTIFIC JOURNAL AND ALSO HAVE CONVENTIONS AND MEETINGS. SO THEIR MATERIAL IS PARAMOUNT TO OUR TRAINING AND OUR MAINTAINING CURRENT, AS IS THE RESEARCH THAT WE DO AS WE ENCOUNTER NEW CHALLENGES AND CASEWORK. IT'S PART OF OUR JOB TO ADAPT TO THAT. ESPECIALLY IN MY CURRENT ROLE AS CRIMINALIST II, IT'S ALSO A TECHNICAL LEAD POSITION WITHIN THE FIREARMS UNIT. SO I ALSO HAVE, IN ADDITION TO CASEWORK,

PARTICIPATE IN TRAINING OTHER PEOPLE AND SPECIAL PROJECTS AND CASEWORK.

Q. DOES THAT INCLUDE ANY INFORMATION FROM THE A.T.F.?

A. IT HAS.

Q. HAVE YOU RECEIVED ANY TECHNICAL BULLETINS FROM THE A.T.F.?

A. I HAVE REVIEWED A FEW TECHNICAL BULLETINS REGARDING THIS MATERIAL, YES.

Q. IN THE PAPERWORK IN FRONT OF YOU, THERE'S SOME ITEMS LABELED DEPARTMENT 2 AND DEPARTMENT 3. CAN I HAVE YOU REVIEW THOSE?

A. YES.

Q. JUST FOR THE SAKE OF SPEED --

A. YOU SAID DEPARTMENT 3? THANK YOU.

Q. OF COURSE.

A. (WITNESS PERUSES DOCUMENTS.)

YES. I'VE REVIEWED THOSE DOCUMENTS AND I DO RECOGNIZE THEM.

Q. OKAY. CAN I DIRECT YOU TO DEPARTMENT 2, THE A.T.F. TECHNICAL BULLETIN 1702?

A. YES.

Q. WHAT WAS THIS BULLETIN REGARDING?

A. SO THIS IS ABOUT SO-CALLED SOLVENT TRAPS. THIS IS A CLASS OF DEVICE THAT'S SORT OF BLOSSOMED

AFTER THE GHOST GUN ISSUES COME TO LIGHT IN THE PAST FIVE YEARS OR SO. SO THESE ARE DEVICES THAT ARE PHYSICALLY VERY CLOSE TO FINISHED SILENCERS OR SOUND SUPPRESSORS. THEY'RE SOLD UNDER A DIFFERENT TERMINOLOGY AS A GUN CLEANING DEVICE THEY CALL A SOLVENT TRAP.

Q. SO YOU MENTIONED A GUN CLEANING DEVICE. CAN A SOLVENT TRAP HAVE A LEGITIMATE PURPOSE?

A. IT IS POSSIBLE. THERE IS A POSSIBILITY OF ATTACHING ONE OF THESE DEVICES TO A BARREL IN ORDER TO CAPTURE CLEANING FLUID. IT IS NOT A VERY COMMON USE AND THEIR FEATURES ARE VERY PECULIAR TO ACHIEVE THAT FUNCTION.

Q. ARE SOLVENT -- YOU SAID THEY HAVE A PARTICULAR USE THAT COULD BE LEGITIMATE. ARE SOLVENT TRAPS EVER MODIFIED FOR ILLEGITIMATE PURPOSES?

A. YES.

Q. AND WHY IS THAT?

A. THERE ARE VERY SIMPLE FINISHING PROCESSES, NAMELY JUST DRILLING ONE OR A FEW HOLES, THAT CAN RENDER THESE DEVICES FULLY OPERATIONAL AS SOUND SUPPRESSORS.

Q. DO YOU KNOW WHAT AN INDEX MARKING IS?

A. I DO.

Q. AND WHAT IS AN INDEX MARKING?

A. SO WHEN MANUFACTURING -- FINISHING THE MANUFACTURE OF THESE DEVICES, IT'S VERY IMPORTANT TO CLEAR A PASSAGE FOR A BULLET THAT IS VERY CLOSE TO THE CENTER OF THE DEVICE. TO ACHIEVE THAT YOU NEED TO DRILL HOLES THROUGH EITHER THE END CAP OR THE END CAP AND OTHER SURFACES WE CALL "BAFFLES" VERY CLOSE TO THE CENTER OF THOSE ITEMS WHERE A BULLET MAY STRIKE IT AS IT ATTEMPTS TO TRAVERSE THE DEVICE. IN ORDER TO FACILITATE DRILLING THAT HOLE IN A PROPER LOCATION, THE DEVICES THAT I HAVE EXAMINED, AS WELL AS ASSEMBLED, HAVE WHAT'S CALLED AN INDEX MARK. IT'S A SMALL DIVOT IN THE CENTER OF THE ITEM THAT GUIDES THE DRILL SO THAT COULD BE DRILLED IN THE PROPER LOCATION.

Q. AND ARE YOU FAMILIAR WITH FUEL FILTERS, SIR?

A. I AM.

Q. WOULD AN ITEM BE ABLE TO BE USED AS BOTH A FUEL FILTER AND A SOLVENT TRAP?

A. NO. NONE OF THE -- NOT THAT I'M AWARE.

Q. OKAY. AN ITEM WAS RECOVERED AND IT WAS MARKETED AS A FUEL FILTER ALUMINUM SOLVENT TRAP. WOULD THOSE TWO USES BE COMPATIBLE?

A. THESE ARE -- NO. THEY SOMETIMES WILL APPLY DIFFERENT LABELS, AND THESE ARE CONTRADICTORY. A SOLVENT TRAP IS INTENDED TO BE A RECEPTACLE, ESSENTIALLY A BOTTLE. AND THAT'S ALL YOU WOULD HAVE

TO USE TO FULFILL THAT FUNCTION. A FILTER INHERENTLY HAS AN INLET AND AN OUTLET THAT ALLOWS MATERIAL TO GO THROUGH AND BE FILTERED. SO THESE ARE TWO COMPLETELY DIFFERENT FUNCTIONS.

Q. OKAY. CAN I DIRECT YOU TO DEPARTMENT 3, PLEASE, NOW?

A. YES.

Q. CAN I HAVE YOU REVIEW THE FIRST PARAGRAPH OF PAGE 2 UNDER "SOLVENT TRAPS," PLEASE?

A. YES.

Q. WHAT DID THIS PARAGRAPH HAVE TO SAY ABOUT FRONT END -- OR PILOT HOLES OR INDEX MARKERS? WHAT DID THIS EXPLAIN?

A. THIS EXPLAINS THE A.T.F.'S POSITION ON INDEX MARKS THAT -- WITH RESPECT TO THE LEGAL CLASSIFICATION AS THE STATUTES ARE WRITTEN, THE STATUTES COVER DEVICES INTENDED TO BE USED IN THE FABRICATION OF SUPPRESSORS. THE A.T.F. CONTENDS THAT THE INDEX MARK IN AN END CAP OR IN THE BAFFLES FULFILLS THAT REQUIREMENT, MEANING THAT THE DEVICE WOULD, THEREFORE, VIOLATE THE STATUTE AND BE REGULATED.

Q. CAN I HAVE YOU REVIEW THE FOURTH PARAGRAPH OF THIS PAGE UNDER "INLINE FUEL FILTERS" BEGINNING WITH "FUEL DISPENSING SYSTEM HOSES" (INDICATING)?

A. YES.

Q. DID THE A.T.F. IDENTIFY A TYPICAL SIZE FOR FUEL DISPENSING HOLES?

A. YES.

Q. AND WHAT SIZE WAS THAT?

A. THEY IDENTIFIED SOME OF THE SIZES AS 3/4-INCH AND ALSO 1-INCH N.P.T.

Q. AND WHAT IS "N.P.T."?

A. IT IS NATIONAL PIPE TAPERED. IT'S A THREADING CONFIGURATION THAT IS STANDARDIZED I THINK IN THE UNITED STATES TO ALLOW A SECURE FLUID CONNECTION.

Q. OKAY. DID YOU REVIEW AN ITEM AS PART OF THE INVESTIGATION OF D.R. 219913105?

A. YES.

Q. ALL RIGHT.

A. SEVERAL ITEMS, I SHOULD SAY.

Q. CAN I DIRECT YOU TO THE PHYSICAL ITEMS ON THE TABLE IN FRONT OF YOU (INDICATING)?

A. YES.

Q. ARE THOSE THE ITEMS YOU REVIEWED?

A. YES, THEY ARE. ALL THE -- THE FOUR METALLIC ITEMS I'M LOOKING AT ALL BEAR THE CASE INFORMATION, WHICH I INSCRIBED DURING MY EXAMINATION, ALSO MY STYLIZED INITIALS AND SERIAL NUMBER.

Q. ALL RIGHT. WHAT WAS THE PURPOSE OF THE

ANALYSIS OF THESE ITEMS?

A. THEY WERE SUBMITTED AS PART OF A SOUND SUPPRESSOR DETERMINATION ANALYSIS.

Q. AND WHAT WAS THE CONCLUSION YOU REACHED?

A. THE REPORTED CONCLUSION IS THAT THE ASSEMBLY AS I RECEIVED IT IS A SILENCER AS DEFINED BY THE CALIFORNIA PENAL CODE SECTION, I BELIEVE IT IS 17210.

Q. AND WHY DID YOU COME TO THAT CONCLUSION?

A. THIS DETERMINATION IS MADE BASED ON PHYSICAL CHARACTERISTICS OF THE ITEMS. THIS IS A VERY PECULIAR USE TO SUPPRESS SOUND WHILE NOT IMPEDING THE PROGRESS OF A BULLET. IT LEADS TO VERY RECOGNIZABLE PHYSICAL FEATURES AND IT'S A FEW NARROW FAMILIES OF DESIGN THAT CAN ACCOMPLISH THAT ACTUAL FUNCTIONALITY. WE EXAMINE THE STRUCTURE OF THE DEVICES FOR FEATURES THAT ARE CONGRUENT WITH THOSE PATTERNS OF DESIGN. WHEN WE SEE SIGNIFICANT INDICATIONS OF THESE DESIGNS, THEN THAT FULFILLS OUR DETERMINATION THAT IT IS A SOUND SUPPRESSOR, ALSO THAT IT IS COVERED UNDER THE RELEVANT STATUTE.

Q. AND WHAT SIGNIFICANT DESIGN FEATURES LEAD YOU TO BELIEVE THAT WAS A FIREARM SILENCER OR SUPPRESSOR?

A. SO THERE ARE SEVERAL LEVELS TO THAT STATUTE. AN INTACT DEVICE MAY QUALIFY; A COMBINATION OF PARTS

MAY QUALIFY; OR A SINGLE PART BY ITSELF MAY QUALIFY. SO ASSEMBLED IN A CERTAIN WAY, THIS DEVICE QUALIFIES AS AN ASSEMBLED DEVICE. I RECEIVED IT WITH THE ITEM 8 COMPONENT. THIS IS WHAT YOU CALL A "MONOCORE BAFFLE." IT WAS INSERTED INTO THE EXTERIOR TUBE LIKE SO (INDICATING) AND SECURED WITH THE ITEM 6 RING. SO IN THIS CONFIGURATION, THE DEVICE IS CONFIGURED AND READY TO BE ATTACHED TO A FIREARM AND USED. SO IT DOES QUALIFY AS A SINGLE ASSEMBLY AS A SOUND SUPPRESSOR.

THE MOST UNMISTAKABLE FEATURE IS THIS CAREFULLY-MACHINED INTERNAL COMPONENT. IT IS A MONOCORE BAFFLE, MEANING IT IS MACHINED FROM A SINGLE PIECE OF ALUMINUM. YOU CAN TELL THERE'S A LOT OF MATERIAL WASTED TO PRODUCE THAT DEVICE. THE MATERIAL IS REMOVED IN ORDER TO PROVIDE THESE DIVIDERS CALLED "BAFFLES," WHICH WILL THEN COMPARTMENTALIZE THE INSIDE OF THIS TUBE. IT ALSO HAS A CENTRAL PASSAGE THAT IS CLEAR THROUGH THE DEVICE.

I RECEIVED IT ALSO WITH THIS ITEM, ITEM 5 (INDICATING). THIS IS AN END CAP. IT IS SOLID. THERE IS NO HOLES THROUGH THIS ITEM; HOWEVER, AT THE CENTER THERE IS AN INDEX MARK. AGAIN, CONFIGURE THE ITEM WITH ITEM 8, THE BAFFLE INSIDE THE TUBE, AND I CAN AFFIX THE ITEM 5 END CAP (INDICATING). SO AS YOU CAN SEE, IT IS NOT IN OPERABLE CONDITION. HOWEVER,

BASED ON THE FACT THAT THE END CAP HAS THAT INDEX MARK, THIS IS REGARDED AS AN INDICATION THAT IT IS INTENDED TO BE FINISHED BY THE END USER THROUGH A SIMPLE DRILLING PROCESS. I'VE PERFORMED THIS PROCESS AS PART OF A RECONSTRUCTION ON ANOTHER HOMICIDE CASE.

SO THE COMBINATION OF PARTS, INCLUDING THIS ITEM, WOULD ALSO QUALIFY, IN MY OPINION, UNDER THE SECOND CLAUSE WITHIN THE RELEVANT STATUTE.

Q. THANK YOU.

DID YOU EXAMINE -- IN YOUR EXAMINATION DID YOU DETERMINE IF THERE WAS A WAY THIS COULD BE ATTACHED TO A FIREARM?

A. YES.

Q. AND HOW COULD THIS ITEM BE ATTACHED TO A FIREARM?

A. THE DEVICE HAS THE MONOCORE SUPPRESSOR, HAS AN INTERNALLY-THREADED OPENING WE CALL A THREADED COLLAR. IT IS THREADED, WHAT WE CALL, A FEMALE THREADED CONFIGURATION SO THAT ANOTHER ITEM CAN BE SCREWED INTO THAT END OF THE DEVICE AND SECURED. THIS IS HOW SOUND SUPPRESSORS ARE SECURED TO THREADED BARRELS. SO IT DOES HAVE THAT COMPONENT.

Q. DID YOU DETERMINE THE THREAD SIZE OF THAT COLLAR?

A. THERE WAS A THREAD CONFIGURATION MARKED ON

THE BOX CONTAINING THESE ITEMS, AND I DID TAKE A MEASUREMENT OF INTERNAL DIAMETER FINDING THAT THE DIAMETER WAS CONSISTENT WITH THAT MARKED THREAD CONFIGURATION.

Q. AND WHAT WAS THAT MARKED THREAD CONFIGURATION?

A. IT WAS CALLED 1/2 BY 28.

Q. DO YOU KNOW WHAT TYPE OF FIREARMS A 1/2 BY 28 THREAD CONFIGURATION WOULD BE COMPATIBLE WITH?

A. IT IS COMMON WITH SEVERAL CALIBERS. IT IS UP TO THE TRADITIONS OF THE MANUFACTURERS WHICH CALIBERS. BUT I KNOW A 9-MILLIMETER LUGER; ANOTHER CARTRIDGE WOULD BE 223 REMMINGTON. THIS IS A CARTRIDGE THAT IS COMMON IN AR-15 STYLE RIFLES, AS WELL AS 22-RIMFIRE CARTRIDGES, INCLUDING 22 LONG RIFLES. A LESSER-KNOWN NEWER CARTRIDGE IS CALLED 5.7 BY 28 MILLIMETER. THIS IS A NEWER HANDGUN CARTRIDGE THAT HAS BEEN CHAMBERED IN FIREARMS, WHICH ARE PRODUCED WITH THIS THREAD CONFIGURATION.

Q. ARE YOU FAMILIAR WITH THE CONCEPT OF A THREADED BARREL?

A. YES.

Q. WHAT WOULD IT TAKE TO EQUIP A HANDGUN WITH A THREADED BARREL?

A. IT WOULD REQUIRE A BRIEF DISASSEMBLY PROCESS

WE CALL THE FIELD-STRIPPING. I BELIEVE THE NAME IS BECAUSE IT CAN BE DONE IN THE FIELD IF YOU WERE A SOLDIER WITHOUT TOOLS. IT'S A DISASSEMBLY THAT DOESN'T REQUIRE TOOLS. IT JUST BREAKS THE GUN DOWN TO THREE OR FOUR PARTS FOR CLEANING PURPOSES. THIS SIMPLE DISASSEMBLY PROCESS WOULD REQUIRE TO REMOVE THE BARREL AND REPLACE IT WITH A BARREL THAT EXHIBITS A THREADED EXTENSION AT THE MUZZLE END, WHICH CAN BE INSERTED INTO A MUZZLE ATTACHMENT, INCLUDING SOUND SUPPRESSORS.

Q. CAN I DIRECT YOU TO THE PAGES IN FRONT OF YOU TITLED "BOARD 1," PLEASE?

A. BOARD 1?

Q. YES, THAT PACKET. SPECIFICALLY I'D LIKE TO DIRECT YOU TO PAGE 4.

A. OKAY. I'M ON PAGE 4.

Q. THIS IS IDENTIFIED AS A 9-MILLIMETER STAINLESS STEEL THREADED BARREL (INDICATING). WOULD THAT BE COMPATIBLE WITH THE THREAD SIZE ON THE ITEM -- THE PHYSICAL ITEM ON THE TABLE?

A. I DON'T SEE A THREAD SIZE ON THIS PAGE, PAGE 4. IT IS A 9-MILLIMETER CALIBER REPLACEMENT BARREL THAT IS THREADED, BUT IT DOESN'T LIST THE CONFIGURATION ON THIS SHEET.

Q. EARLIER YOU STATED THAT THE STANDARD

9-MILLIMETER THREAD WOULD BE 1/2 BY 28. IS THAT ACCURATE?

A. YES. I'VE -- THE LITERATURE REPRESENTED -- REPRESENTS IT AS THE MOST COMMON THREAD CONFIGURATION FOR THAT CALIBER.

Q. LOOKING AT THE PHYSICAL ITEM ON THE TABLE IN FRONT OF YOU, THE ACCUSED HAS STATED HE ORDERED THAT ITEM AS A FUEL FILTER. IN YOUR OPINION, IS THAT IN ANY WAY POSSIBLE?

A. NO.

Q. WHY NOT?

A. SO THIS ITEM HAS A GENERAL EXTERNAL APPEARANCE SIMILAR TO SOMETHING CALLED AN INLINE FUEL FILTER. HOWEVER, IT HAS THIS OPENING AND THE BAFFLE STRUCTURE PREVENTS FROM FUNCTIONING IN THAT MANNER. SO AN INLINE FUEL FILTER, TO MY KNOWLEDGE, FUEL COMES IN ONE END AND COMES OUT THE OTHER END. IN BETWEEN IT ESSENTIALLY ACTS LIKE A COMMUTER TUNNEL. IMAGINE THAT THERE'S A VEHICLE BROKEN DOWN IN THE CENTER LANE. TRAFFIC HAS TO DIVERT AROUND THAT VEHICLE IN ORDER TO TRAVERSE THE TUNNEL AND THEN IT TRAVERSES BACK TO THE CENTER TO EXIT THE OTHER SIDE. THAT'S HOW A FUEL FILTER WORKS. IT WOULD ACTUALLY INCLUDE SORT OF A TUBE WITHIN THIS TUBE THAT IS THE FILTRATION MEDIA. SO THE TRAFFIC -- THE FUEL WOULD COME IN, DIVERT TO

THE SIDE OF THE TUBE; AND THEN AS IT IS DIVERTED BACK TO THE CENTER TO EXIT THE DEVICE, IT PASSES THROUGH THE MEMBRANE OF THAT ACTUAL FILTER (INDICATING).

SO THAT PHYSICAL PROCESS IS IMPOSSIBLE, IN MY OPINION, WITH THIS DEVICE. IT HAS A CLEAR PASSAGE THROUGH THE CENTER. I'LL POINT THAT OUT TO EACH OF YOU (INDICATING). AND THAT IS THE ONLY PASSAGEWAY THROUGH THE DEVICE. SO THERE IS NO WAY FOR THE FUEL TO DIVERT TO THE EXTERIOR AND FILTER BACK TOWARDS THE INSIDE OF THE DEVICE THROUGH FILTRATION MEDIA.

SO IT IS INTERESTING THAT SOUND SUPPRESSORS ARE ESSENTIALLY THE EXACT OPPOSITE OF A FILTER, BECAUSE FILTERS ARE MEANT TO ALLOW THE FLUID COMPONENTS TO PASS THROUGH WHILE STOPPING THE SOLID COMPONENT. SUPPRESSORS ARE BUILT FOR THE EXACT OPPOSITE FUNCTIONALITY. THEY WANT THE SOLID BULLETS TO BE ABLE TO PASS THROUGH DIRECTLY THROUGH THE ACTUAL CENTER OF THE DEVICE WHILE THE FLUID, HERE THE GAS, IS ALLOWED TO EXPAND, SLOW DOWN, AND DECREASE ITS PRESSURE AND PERCEIVE SOUND.

SO LONG STORY SHORT, PHYSICALLY, IT'S INCOMPATIBLE WITH FILTRATION FUNCTIONALITY.

Q. AND IN YOUR TRAINING AND EXPERIENCE, HAVE YOU ENCOUNTERED ITEMS LIKE THIS BEING MARKETED AS FUEL FILTERS?

A. YES.

Q. ALL RIGHT. AND DESPITE THEM BEING MARKETED AS FUEL FILTERS, DO THEY HAVE THAT FUNCTION?

A. NO.

Q. AND DO YOU HAVE AN OPINION ON WHY THEY WOULD BE MARKETED AS FUEL FILTERS WITHOUT THAT FUNCTION?

A. I BELIEVE IT IS SO THAT THEY CAN MARKET, COMMUNICATE BETWEEN SELLER AND BUYER, WITHOUT STATING A FUNCTION THAT IS REGULATED.

Q. AND HAVE YOU WORKED ANY CASES WHERE AN ITEM WAS RECOVERED MARKETED AS A FUEL FILTER AND WAS USED AS A SILENCER?

A. I'VE WORKED CASES WITH DEVICES OF THIS GENERAL TYPE. I DON'T KNOW SPECIFICALLY HOW THEY WERE MARKETED, BUT THE CONFIGURATION OF THE DEVICES I'VE OBSERVED. I'VE OBSERVED THEM BEING MARKETED ONLINE UNDER A SOLVENT TRAP OR FUEL FILTER MONIKER INTERCHANGEABLY.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: THANK YOU.

CROSS-EXAMINATION

BY MR. SEKI:

Q. MR. BIRAIMAH, HOW MANY GUNS THAT DETECTIVE

WALDEN OWNED WOULD FIT THAT? DID YOU EVER DO A COMPARISON?

A. NO. I WAS ASSIGNED THE EXAMINATION OF ITEMS 2 THROUGH 9. MY REQUEST DID NOT INCLUDE ANY FIREARMS.

Q. AND AS I UNDERSTAND IT, IN ORDER FOR IT TO WORK, YOU HAVE TO HAVE A THREADED BARREL, CORRECT?

A. IN ORDER TO ATTACH IT TO A GUN AND TO OPERATE THE SUPPRESSOR, YES, YOU WOULD NEED A THREADED BARREL MOUNTED ON A FIREARM.

Q. WERE YOU EVER TOLD THAT ANY THREADED BARRELS WERE FOUND AS PART OF A SEARCH OF DETECTIVE WALDEN'S FIREARMS OR HIS HOME?

A. NO. THE INFORMATION I RECEIVED WAS ABOUT THESE PARTICULAR ITEMS AND WAS EXTREMELY BRIEF.

Q. SO IN THIS PARTICULAR CASE, THAT ITEM YOU HAVE IN FRONT OF YOU IS ABOUT SIX INCHES OR SO; IS THAT CORRECT? I THINK YOU MAY HAVE MEASURED IT. WOULD THAT BE ACCURATE?

A. YES. IT'S JUST OVER SIX INCHES WHEN FULLY ASSEMBLED.

Q. AND WOULD YOU BE ABLE TO USE REGULAR AMMUNITION FOR IT TO BE EFFECTIVE OR WOULD YOU HAVE TO HAVE SUBSONIC AMMUNITION FOR IT TO BE EFFECTIVE?

A. IT IS MORE EFFECTIVE WITH SUBSONIC

AMMUNITION. I'VE EXPERIENCED THIS MYSELF. THERE ARE DIFFERENT COMPONENTS TO THE SOUND. SUBSONIC AMMUNITION SIMPLY MEANS THAT IT'S A HEAVIER BULLET. IT IS MOVING SLOWER WHILE STILL REMAINING EFFECTIVE ON THE TARGET. SUBSONIC AMMUNITION REDUCES THE SOUND BY ELIMINATING PART OF THAT WE CALL A SONIC CRACK. AND IT DOES FURTHER REDUCE THE PERCEIVED SOUND AND IMPROVES THE FUNCTIONALITY OF THE DEVICE.

Q. SO AS YOU INDICATED IN THIS PARTICULAR CASE, IT WOULD ONLY -- IT COULD POSSIBLY FIT A THREADED BARREL THAT WOULD BE ASSOCIATED WITH A 9-MILLIMETER 223, .22 RIMFIRE, OR 5.7 BY 28, CORRECT?

A. THOSE ARE THE CALIBERS THAT I'M AWARE OF, MANUFACTURERS CHOOSING TO THREAD BARRELS IN THOSE CALIBERS COMPATIBLE WITH A DEVICE SUCH AS THE MARKINGS HERE. THIS IS UP TO THE WILL OF THE MANUFACTURER. IT'S NOT CONTROLLED HOW THEY THREAD THEIR GUNS. THEY JUST TEND TO ADHERE TO TRADITIONS TO MAKE MARKETING EASIER.

Q. HAVE YOU EVER ACTUALLY UTILIZED ONE OF THOSE TO TEST IT?

A. YES.

Q. OKAY. AND WAS --

A. I'M SORRY. NOT THIS DEVICE.

Q. YEAH, THAT PARTICULAR DEVICE.

A. NOT THIS DEVICE, NO.

Q. HAD YOU EVER SEEN ANY TESTING OF IT, ANY RESULTS OF TESTING TO SEE IF IT'S EFFECTIVE?

A. THIS DEVICE?

Q. YEAH.

A. OPERATION ISN'T REQUIRED FOR IT TO BE COVERED UNDER THE REGULATION. IT'S NOT PART OF OUR NECESSARY ANALYSIS. NO, I HAVE NOT OBSERVED ANY TESTING OF THIS DEVICE WITHIN ACTUAL FIREARMS.

Q. KNOWING WHAT YOU KNOW ABOUT GUNS, KNOWING WHAT YOU KNOW ABOUT WHAT'S EXPELLED WHEN A GUN IS FIRED, KNOWING WHAT YOU KNOW ABOUT SOUND, BULLETS, SPEED, ET CETERA, THE SIZE OF THAT IN THE CONSTRUCTION, DO YOU HAVE AN OPINION ON WHETHER OR NOT IT WOULD BE AN EFFECTIVE SUPPRESSOR?

A. I DON'T HAVE AN OPINION ABOUT HOW EFFECTIVE IT WOULD BE. ITS STRUCTURES, I EXPECT IT TO HAVE A DISCERNIBLE EFFECT. I CAN'T WEIGH THAT EFFECT VERSUS SUPPRESSORS OF OTHER DESIGNS.

Q. ON THE TECHNICAL BULLETIN THAT'S MARKED AS DEPARTMENT'S 3, SO THAT'S THE ONE DEALING WITH THE INLINE FILTER FIREARM SILENCERS?

A. YES, I HAVE THAT.

Q. OKAY. CAN I HAVE YOU TURN TO PAGE 3?

A. YES.

Q. SO THE BOTTOM ITEM SAYS, "INLINE FILTER MARKETED AS NAPA 4003." THIS APPARENTLY IS NOT A FIREARM -- OR THIS APPARENTLY IS A SILENCER ACCORDING TO A.T.F., CORRECT?

A. CORRECT.

Q. AND ONE OF THE THINGS IT SAYS IS THAT "THE FILTER ELEMENT IS TOO SHORT FOR HOUSING AND WILL ALLOW FLUIDS TO BYPASS WITHOUT FILTERING."

A. I SEE THAT.

Q. HAVE YOU SEEN SOMETHING LIKE THIS OR ENCOUNTERED ANYTHING LIKE THIS?

A. I HAVE NOT ENCOUNTERED A DEVICE THAT ACTUALLY HAD FILTRATION MEDIA. THAT TUBE WITHIN A TUBE PART I WAS TALKING ABOUT, THAT'S WHAT WE'RE SEEING AT THE BOTTOM OF THIS EXHIBIT IN THAT YELLOW COMPONENT (INDICATING). NONE OF DEVICES I EXAMINED ACTUALLY HAD THAT COMPONENT, WHICH IS ACTUALLY MORE CHARACTERISTIC OF SOMETHING THAT IS MANUFACTURED TO FILTER FUEL.

Q. SO IF YOU WERE TO LOOK AT THIS, YOU WOULD THINK IT WOULD BE A FUEL FILTER?

A. WHICH PICTURE?

Q. THE ONE ON THE BOTTOM.

A. IT HAS A FILTRATION ELEMENT. HOWEVER, IT ALSO HAS THAT HOLE DRILLED THROUGH THE CENTER. SO

THIS IS THE PROBLEM AREA. THAT HOLE IS ALSO MARKED WITH THE THREAD CONFIGURATION OF MUZZLE ATTACHMENTS. SO ON THE BASIS OF THAT, THIS WOULD APPEAR TO BE AN AMATEUR ALTERATION OF A PRODUCT THAT WAS MADE FOR A DIFFERENT USE, AS OPPOSED TO A PRODUCT ON THE TABLE IS NOT REPURPOSED. IT WAS MANUFACTURED FOR A PARTICULAR USE.

Q. COULD YOU TURN PAGE 5 OF 6 IN DEPARTMENT'S 3.

A. YES.

Q. SO THERE APPEARS TO BE A TABLE HERE (INDICATING). AND AMERICAN STANDARD THREAD SAYS, "THE FOLLOWING LIST OF KNOWN FIREARM BARREL THREADS SIZES IS NOT ALL-INCLUSIVE AN INTENDED AS A GENERAL REFERENCE."

YOU REFERRED TO 1/2 BY 28 WITH A RIGHT HAND TWIST AS SOMETHING THAT COULD BE ATTACHED TO MOST 223'S, .22 CALIBERS, 9 MILLIMETERS, RUGER 10/22'S, CORRECT?

A. I DIDN'T SPECIFY RUGER 10/22.

Q. OKAY. 5 BY 7. I'M SORRY. 5.7 CALIBER BY 28, CORRECT? IS THAT --

A. GUNS OF THOSE CALIBERS ARE ADVERTISED TO HAVE THIS THREAD CONFIGURATION ON THE MUZZLE END.

Q. OKAY. IF THERE IS A THREADED BARREL?

A. CORRECT. THESE ARE TYPICALLY AFTERMARKET PARTS THAT DO NOT COME FROM THE FACTORY WITH YOUR ACTUAL NAME-BRAND PISTOL WITH A THREADED BARREL. YOU NEED TO PURCHASE IT AND INSTALL IT BY THAT FIELD-STRIPPING PROCESS I DESCRIBED EARLIER.

Q. OKAY. AND YOU CAN SEE THIS CHART WHERE IT LISTS 1/2 BY 28 RH, OR RIGHT HAND -- RIGHT-HANDED TWIST, IT KIND OF LISTS THE DIFFERENT FIREARMS THAT YOU TALKED ABOUT, CORRECT? THE CALIBER OF FIREARMS THAT YOU TALKED ABOUT?

A. YES. IT DOES LIST THE CALIBERS THAT I MENTIONED.

Q. SO WHAT YOU HAVE IN FRONT OF YOU, YOU SAID WAS 1/2 BY 28, THAT WOULD NOT FIT A GUN THAT WOULD BE THREADED FOR 5/8 BY 24 WITH A RIGHT-HAND TWIST, CORRECT?

A. A 1/2 INCH BY 28 THREAD CONFIGURATION SOCKET THAT'S THE FEMALE END SHOULD NOT BE ABLE TO PROPERLY AFFIX TO THAT OTHER THREAD CONFIGURATION THAT YOU MENTIONED, WHICH I BELIEVE IS 5/8 BY 24.

Q. OKAY. JUST TO CLARIFY, AT NO TIME WERE YOU EVER ASKED TO COMPARE WHETHER THAT DEVICE IN FRONT OF YOU WOULD FIT ANY OTHER WEAPONS OWNED BY DETECTIVE WALDEN; IS THAT CORRECT?

A. CORRECT.

Q. THANK YOU.

I HAVE NOTHING FURTHER.

MS. AMIN: DEPARTMENT?

REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. CAN I DIRECT YOU, AGAIN, SIR, TO BOARD 1, PAGES 4 AND 5?

A. YES.

Q. I JUST WANT TO BE CLEAR, SPECIFICALLY ON PAGE 4, THIS WOULD BE AN EXAMPLE OF A BARREL THAT IF YOU SWITCHED IT OUT, WOULD ACCEPT A THREADED ATTACHMENT, CORRECT (INDICATING)?

A. CORRECT. SO THIS BARREL HAS THE THREADED PORTION ON THE BARREL. SO YOU CAN SEE AT THE RIGHT SIDE OF THIS SILVERY OBJECT, THERE'S A DARKER PORTION THERE. THIS IS THE PART THAT WOULD BE THREADED LIKE THE OUTSIDE OF A SCREW. IT APPEARS TO HAVE WHAT'S CALLED A THREAD PROTECTOR SCREWED ON TO IT. SO THIS BARREL HAS THE EXTERNALLY PLACED THREADS, THE MALE THREAD CONFIGURATION, WHICH CAN ACCEPT MUZZLE ATTACHMENTS SUCH AS THE DEVICE -- SUCH AS THE DEVICE IN THE PROPER USE.

Q. AND DIRECTING YOU TO PAGE 5 OF THAT SAME EXHIBIT, SIR --

A. SORRY.

Q. -- IS THAT AN EXAMPLE OF A THREADED BARREL FOR A DIFFERENT CALIBER?

A. YES.

Q. DO YOU KNOW OR DID THE A.T.F. TECHNICAL BULLETIN ADVISE WHAT THE THREAD FOR A .45 CALIBER WOULD BE?

A. I BELIEVE IT DID. I DON'T KNOW IT OFF THE TOP OF MY HEAD, BUT IT'S A LARGER IN DIAMETER THAN THE 1/2 INCH THAT WE'RE TALKING ABOUT.

Q. CAN I REFER YOU TO PAGE 5 OF THE A.T.F. TECHNICAL BULLETIN IN FRONT OF YOU?

A. YES.

Q. IS .45 CALIBER LISTED ON THERE ANYWHERE?

A. YES, IT IS.

Q. AND WHAT SIZE THREAD WOULD THAT NEED?

A. I SEE IT IN TWO POSITIONS. THE FIRST IS .578 BY 28 RIGHT HAND. THE OTHER IS 7/8-INCH BY 9 RIGHT HAND (INDICATING).

Q. THANK YOU.

NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: NOTHING.

EXAMINATION

BY MS. AMIN:

Q. EARLIER YOU STATED THAT YOU NEVER -- YOU DID NOT TEST THIS PARTICULAR ITEM THAT'S ON THE DESK. HAVE YOU TESTED ANY SIMILAR NAPA 40- -- WHATEVER THE NUMBER IS -- ON A GUN, A FIREARM?

A. YES. I'VE TEST-FIRED THAT TYPE OF DEVICE.

Q. AND IT WORKS? IT WORK AS A SUPPRESSOR?

A. YES. IT WAS A SLIGHTLY DIFFERENT DESIGN. THIS WAS AN EXTENSIVE CASE SO WE ACTUALLY HAD R.H.D. ORDER THE PARTS. I DRILLED THROUGH ALL THE INDEX HOLES CREATING THAT CENTRAL PASSAGE. WE AFFIXED IT TO A PISTOL. FIRED AMMUNITION THROUGH THAT, BOTH SUBSONIC AND STANDARD AMMUNITION. IT MADE A SUBSTANTIAL CHANGE TO THE REPORT OF THE GUN -- THE SOUND OF THE GUN. I WOULD SAY THAT IT SOUNDED MORE LIKE HITTING A GOLF BALL RATHER THAN AN ACTUAL GUNSHOT.

Q. OKAY. AND DEPARTMENT'S 10 TO YOUR LEFT STACK THERE, IT'S A THICK PACKAGE --

A. YES.

Q. IF YOU --

A. I HAVE DEPARTMENT 10.

Q. IF YOU CAN FLIP TO THE BACK A FEW PAGES, A LIST OF FIREARMS THAT WERE PURCHASE AND SOLD BY THE

DETECTIVE. DO YOU SEE FIREARMS ON THAT LIST THAT WOULD ACCOMMODATE THIS NAPA 4003 THAT COULD BE ATTACHED TO THEM?

A. I'M LOOKING AT PAGE 19 OF 20. AM I LOOKING AT THE RIGHT PAGE?

Q. YES.

A. YES. NOTABLY HERE I SEE GLOCK .9 MILLIMETER. THE GLOCK PATTERN FIREARMS, THESE -- THIS IS THE TYPE OF GUN THAT I USED IN MY PREVIOUS CASE. THEY SELL A LOT OF AFTERMARKET BARRELS, INCLUDING THREADED BARRELS, INCLUDING THE 1/2 BY 28 CONFIGURATION THREADED BARRELS. THOSE WOULD BE COMPATIBLE WITH THE CONFIGURATION OF THE DEVICE AS IT IS MARKED ON THE PACKAGING.

Q. SO JUST THE GLOCK .9 MILLIMETER, NOTHING ELSE?

A. NOT ONLY. THERE ARE AFTERMARKET BARRELS FOR OTHER BRANDS. I KNOW OF BARRELS FOR SMITH & WESSON, BARRELS FOR SIG SAUER. THAT IS BY NO MEANS ALL-INCLUSIVE. THEY CAN BE -- THEY'RE MANUFACTURED BY SMALL COMPANIES. THEY DON'T HAVE TO BE MANUFACTURED BY THE ACTUAL MAKER THEMSELVES OF THE ACTUAL FIREARM.

Q. SO IS THIS THE SMITH & WESSON .9 MILLIMETER OR 357 OR SOMETHING ELSE -- OR COLT .45 OR SOMETHING ELSE?

A. ABOUT THE ONE THAT I INITIALLY SAW, I SEE A SMITH & WESSON .9 MILLIMETER MP9L. FURTHER DOWN THERE'S ANOTHER SMITH & WESSON .9 MILLIMETER MP9L. I WOULD NOT EXPECT -- YOU MENTIONED 357. I'M NOT SURE ABOUT THE MODEL NUMBER. IF WE'RE TALKING ABOUT A 357 MAGNUM REVOLVER, THEN, NO, THEY ARE TYPICALLY NOT FITTED WITH SUPPRESSORS. IF THIS IS A 357 SIG, THAT'S A PISTOL CALIBER, THEN IT IS POSSIBLE THAT IT WOULD BE COMPATIBLE.

Q. OKAY. THANK YOU.

ANYBODY HAVE ANY QUESTIONS? MR. ORTEGA?

MR. ORTEGA: YEAH. I HAVE A COUPLE.

EXAMINATION

BY MR. ORTEGA:

Q. FOR SOMEBODY WHO HANDLES THIS QUANTITY OF WEAPONS WHO SEES THAT ITEM, IS THAT -- SHOULD THAT ITEM BE RECOGNIZABLE AS A SILENCER TO A GUN ENTHUSIAST?

A. YES.

MR. SEKI: I'M GOING TO OBJECT. I THINK THAT CALLS FOR SPECULATION.

MS. AMIN: YOU'RE GOING TO OBJECT TO A BOARD MEMBER?

MR. SEKI: I DO IT ALL THE TIME, AND I THINK

A COURT OF APPEALS WOULD REQUIRE ME TO DO THAT.

MS. AMIN: OKAY. ALL RIGHT. SO SPECULATION --

CAN YOU EXPAND ON YOUR QUESTION?

MR. ORTEGA: NO. IT WAS A SIMPLE QUESTION. I THINK I GOT MY RESPONSE.

MR. SEKI: WELL, SHE DIDN'T RULE ON MY OBJECTION.

MS. AMIN: OKAY. OVERRULED, OVERRULED.

ALL RIGHT. DO YOU HAVE ANY QUESTIONS?

MS. STRONG-FARGAS: NO.

MS. AMIN: OKAY.

MR. SEKI: I HAVE TO CLARIFY.

SERGEANT SLATER: THE DEPARTMENT ALSO WOULD LIKE TO CLARIFY SOME THINGS.

MS. AMIN: GO AHEAD.

FURTHER REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. SIR, SINCE IT'S BEEN BROUGHT UP, I'M GOING TO DIRECT SIMULTANEOUSLY TO BOTH DEPARTMENT 3 AND DEPARTMENT 10. FOR DEPARTMENT 3 I'D LIKE TO DIRECT YOU TO PAGE 5. FOR DEPARTMENT 10 I'D LIKE YOU TO START ON PAGE 19, PLEASE.

A. OKAY. I HAVE THOSE PAGES IN FRONT OF ME.

Q. THANK YOU.

IN YOUR TESTIMONY TODAY YOU SAID THERE WERE A NUMBER OF IDENTIFIED COMMON THREADED 1/2 BY 28 CALIBER STYLE FIREARMS, CORRECT?

A. BARRELS WITH THAT THREAD CONFIGURATION ARE COMMON IN A NUMBER OF CALIBERS, YES.

Q. THANK YOU.

SO USING THIS REFERENCE IN DEPARTMENT 3, AR-15, M-16, AND AR-180'S WOULD BE COMPATIBLE WITH 1/2 BY 28, CORRECT?

MR. SEKI: I'M GOING TO OBJECT BECAUSE I THINK THE QUESTION OR HYPOTHETICAL LACKS THE FACT THAT YOU NEED A THREADED BARREL ON ALL OF THOSE.

MS. AMIN: WELL, YOU CAN BRING IT UP ON CROSS.

MR. SEKI: WELL, IF HE'S GOING TO ASK IT -- BECAUSE IT GOES TO THE QUESTION THAT YOU ASKED, AS WELL. IF YOU BUY A GUN IN THE STATE OF CALIFORNIA, THE BARRELS ARE NOT THREADED. SO UNLESS THERE'S SOME SORT OF EVIDENCE THAT THE DEPARTMENT HAS THAT ANY OF THESE GUNS HAVE THREADED BARRELS, THE QUESTION REALLY IS IRRELEVANT.

SERGEANT SLATER: THE DEPARTMENT DISAGREES. THE DEPARTMENT IS NOT IMPLYING ANY ONE OF THE GUNS I WILL OR HAVE ASKED ABOUT HAS A THREADED BARREL. BUT

AS WE'VE DEMONSTRATED THROUGH THE TESTIMONY OF MULTIPLE WITNESSES, THE SWAPPING OF A BARREL IS AT BEST EASILY ACCOMPLISHED WITHOUT TOOLS. AND I JUST WANT TO KNOW IF CERTAIN ITEMS ON THIS LIST COULD HAVE THEIR BARRELS SWAPPED. AGAIN, I'M NO IMPLYING THAT ANYBODY HAS A THREADED BARREL.

MS. AMIN: OVERRULED.

BY SERGEANT SLATER:

Q. SO WOULD AN AR-15, M-16, OR AR-180 BE COMPATIBLE WITH A THREADED BARREL IF THEY HAD A THREADED BARREL? SORRY. LET ME REPHRASE THAT.

WOULD AN AR-15, M-16, OR AR-180 STYLE WITH A THREADED BARREL MOST COMMONLY BE THREADED 1/2 BY 28 RIGHT HAND?

A. THEY ARE KNOWN TO BE THREADED IN THAT CONFIGURATION. IT DOES NOT MEAN IT'S THE ONLY ONE, BUT IT IS A WELL-KNOWN CONFIGURATION FOR THOSE FIREARMS.

Q. ARE ANY AR-15, M-16, OR AR-180 STYLE RIFLES ON THE -- LISTED ON EITHER 19 OR 20 OF DEPARTMENT 10?

A. YES. I DO SEE SOME THAT ARE ACTUALLY MARKED 556. THAT'S AN MMP 15. THAT IS A -- THAT'S AN AR-STYLE RIFLE. ALSO THE ONE BELOW IT, STAR-15 --

MR. ORTEGA: WHAT PAGE ARE WE ON?

MR. BIRAIMAH: SORRY. PAGE 20. IT IS IN

THE BLOCK OF HIGHLIGHTED FIREARMS AT THE BOTTOM THERE (INDICATING).

SO 556 IS A SORT OF A MILITARY ANALOGUE FOR THE 223 REMMINGTON CIVILIAN CARTRIDGE. THEY ARE PHYSICALLY INTERCHANGEABLE. SO, YES, MP-15, THAT IS A RIFLE I'M AWARE OF. I WOULD ANTICIPATE THE STAR-15 VERY COMMONLY WHEN THEY NAME IT THAT WAY, IT IS AN AR-15 PATTERN RIFLE, AND IT IS OF THE PROPER CALIBER. 556, PHYSICALLY INTERCHANGEABLE WITH THE CALIBER 223 THAT WE'VE BEEN SPEAKING ABOUT.

Q. DID PAGE 5 OF DEPARTMENT 3 IDENTIFY RUGER 10/22 AS A RIFLE THAT WOULD COMMONLY HAVE A 1/2 BY 28 RIGHT HAND TWIST?

MR. SEKI: I'M GOING TO OBJECT TO THE QUESTION AS PHRASED. "COMMONLY HAVE" MEANS AFTERMARKET BARREL ATTACHED TO IT, NOT AS IT IS SOLD. SO AS A PHRASED THE IMPLICATION IS IT'S SOLD THAT WAY.

SERGEANT SLATER: I CAN REPHRASE.

MS. AMIN: PLEASE. THANK YOU.

BY SERGEANT SLATER:

Q. WOULD A RUGER 10/22 WITH A THREADED BARREL MOST COMMONLY BE THREADED IN 1/2 BY 28 RIGHT HAND?

A. IT IS KNOWN TO BE THREADED IN THAT CONFIGURATION.

Q. DO YOU SEE ANY RUGER 10/22'S ON THIS LIST,

REFERRING TO DEPARTMENT 10, PAGES 19 AND 20.

A. I DO. I SEE ONE RIGHT AWAY HIGHLIGHTED ON PAGE 19, THE THIRD HIGHLIGHTED FIREARM, RUGER .22 IS THE REFERENCE SHORTHAND REFERRING TO CALIBER. 10/22 IS A VERY COMMON SEMI-AUTOMATIC RIFLE.

Q. YOU MENTIONED MOST THREADED .9 MILLIMETERS WOULD BE THREADED IN A 1/2 BY 28 RIGHT HAND TWIST. AND IF I UNDERSTAND YOU CORRECTLY, TO CHANGE A .9 MILLIMETER TO A THREADED BARREL WOULD BE A SIMPLE FIELD-STRIPPING PROCESS, CORRECT?

A. CORRECT. ONE, THE LITERATURE ADVERTISES THAT IT'S THE MOST COMMON CONFIGURATION BASED ON THE MANUFACTURERS THAT PUT OUT. YES, THE SWAPPING OF THAT BARREL CAN BE DONE WITHIN A MATTER OF SECONDS TO MINUTES.

Q. AND WOULD THE .9 MILLIMETERS LISTED ON PAGES 19 AND 20 OF DEPARTMENT 10 BE CAPABLE OF ACCEPTING A THREADED BARREL WITH THAT FIELD-STRIPPING PROCESS?

A. YES. SOME I'VE DONE MYSELF. OTHERS ARE CONSISTENT WITH THAT CAPABILITY, YES.

Q. AND FINALLY, SIR, COMING BACK TO YOUR TRAINING AND CONTINUING EDUCATION ON SILENCERS, HAVE YOU SEEN VIDEOS OF THIS ITEM, THE PHYSICAL ITEM, BEING USED AS A SILENCER?

A. THIS ITEM IN FRONT OF ME?

Q. NOT THE ACTUAL ITEM THAT WAS RECOVERED, BUT ITEMS MARKETED OR SOLD WITH THAT DESIGN AND LOOK.

A. I BELIEVE SO. I'VE SEEN VIDEOS ONLINE OF PEOPLE DISCHARGING DEVICES. IT'S USUALLY DIFFICULT TO TELL PRECISELY WHAT INTERNAL CONFIGURATION THAT DEVICE IS WHEN THEY'RE SHOOTING IT. BUT I'VE SEEN VIDEOS OF, YES, PEOPLE POSTING FIREARMS WITH ATTACHMENTS OF THIS GENERAL TYPE.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

RECROSS EXAMINATION

BY MR. SEKI:

Q. TWO THINGS. DEPARTMENT'S 3, THE TECHNICAL BULLETIN -- I THINK IT'S THAT SAME ONE.

A. YES.

Q. PAGE 4?

A. YES.

Q. YOU TALKED ABOUT DRILLING A NUMBER OF HOLES -- THE DEVICE THAT'S DEPICTED AT THE TOP OF PAGE, WAS WHAT SIMILAR TO WHAT YOU ENDED UP SHOOTING OR WORKING ON, TESTING?

A. YES.

Q. OKAY. SO IT WASN'T THE CHAMBER TYPE. IT

WAS BASICALLY SEVERAL DIFFERENT PIECES WITHIN THAT AND YOU HAD TO REPLACE OR SLIDE IN? IS THAT IT? HOW DID THAT WORK?

A. IT'S NOT A MONOCORE COMPONENT. IT USES THE SEVERAL METAL CAPS. THEY STACK LIKE CUPS. SO ESSENTIALLY IF YOU LOOK AT AN X-RAY OF THE FINISHED ITEM, IT WOULD APPROXIMATE THIS CONFIGURATION; BUT IT'S CONSTRUCTED OF SEPARATE COMPONENTS, AS OPPOSED TO THIS ONE MACHINED COMPONENT.

Q. AND IN THIS PARTICULAR DIAGRAM OR PICTURE HERE ON THE LEFTHAND SIDE, YOU CAN KIND OF SEE THE INTERNAL STACKED PIECES; IS THAT CORRECT?

A. SO THE TOP HALF OF THE PAGE, THE BOTTOM LEFT PHOTO WITH THE SILVERY OBJECTS, YES, YOU CAN SEE THOSE BAFFLES STACKED UP ONE ON TOP OF THE OTHER SORT OF LIKE A STACK OF COFFEE CUPS BELOW THE ACTUAL CYLINDER.

Q. I WANT TO MAKE THIS CLEAR. THREADED BARRELS IN PISTOLS ARE ILLEGAL IN CALIFORNIA, CORRECT?

A. ON PISTOLS WITH DETACHABLE MAGAZINES, THAT WOULD BE AN OFFENDED FEATURE MAKING IT A CALIFORNIA ASSAULT WEAPON.

Q. AND GUNS THAT ARE SOLD IN CALIFORNIA CANNOT HAVE THREADED BARRELS; IS THAT CORRECT?

A. THE THREADED BARRELS ARE NOT A FIREARM. THAT'S -- IT'S A REPLACEMENT PART. SO MY

UNDERSTANDING IS YOU DON'T NEED ANY SORT OF CLEARANCE TO PURCHASE IT. ESSENTIALLY WHETHER YOU PURCHASE THE SCREW THAT GOES ON A GUN, THE BARREL ITSELF IS NOT CONSIDERED THE FIREARM. IT'S THE FRAME THAT'S CONSIDERED THE FIREARM.

SO MY UNDERSTANDING, TO COMPLY WITH THE LAW, IF YOU SOLD A FIREARM WITH THE THREADED BARREL, THAT FIREARM WOULD BE ILLEGAL. THE BARREL ITSELF, I DON'T BELIEVE FOLLOWS UNDER THE SAME REGULATION BECAUSE IT'S A PART.

Q. SO MAYBE I MISPHRASED MY QUESTION. MAYBE IT WAS POORLY PHRASED. BUT BASED UPON YOUR KNOWLEDGE, FIREARMS THAT ARE SOLD IN CALIFORNIA THAT HAVE AN ATTACHED BARREL, THE BARRELS ARE NOT THREADED; IS THAT CORRECT?

A. LEGALLY SOLD. THAT'S MY BELIEF.

Q. AND AS FAR AS YOU KNOW, NONE OF THE BARRELS THAT WERE ATTACHED OR POSSESSED BY -- NONE OF THE FIREARMS POSSESSED BY DETECTIVE WALDEN HAVE THREADED BARRELS?

A. ALL I KNOW ABOUT THE FIREARMS IS THE LIST THAT I JUST REVIEWED. IT DOES NOT HAVE ANY INDICATION THAT I WAS AWARE OF ABOUT THE BARREL CONDITION.

Q. WOULD YOU ASSUME THAT IF A GUN HAD A THREADED BARREL THAT SOMEBODY WOULD BE PROSECUTED FOR

POSSESSING AN ASSAULT WEAPON, IF YOU KNOW?

A. NO, NOT NECESSARILY.

MR. SEKI: I DON'T HAVE ANYTHING ELSE. THANK YOU.

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: OKAY.

MS. STRONG-FARGAS: NO.

MS. AMIN: NO FURTHER QUESTIONS.

EXAMINATION

BY MR. ORTEGA:

Q. ACTUALLY, I DO HAVE A QUESTION AND IT'S NOT ANECDOTAL. BUT IN EVERY PICTURE THAT I'VE SEEN OF THIS ASSEMBLY EXIT, THEY SHOW A PIPE. SOMETIMES THIS IS BLUE, SOMETIMES -- IN THIS CASE IT'S RED (INDICATING). IS THAT JUST FOR SUBTERFUGE -- IS THERE ANY PURPOSE FOR THIS DEVICE OR IS IT JUST TO MAKE IT LOOK LIKE IT'S PART OF A FILTERED SYSTEM WHERE FLUID GOES THROUGH IT?

A. RIGHT. THIS IS -- THE REPRESENTATION OF THE DEVICE THAT YOU'RE TALKING ABOUT, YES. IT'S VERY COMMON. THE MONOCORE STACK IS SO DISTINCTIVE. I SUPPOSE THAT THEY ARE INCORPORATING THIS AS SUBTERFUGE, AS YOU SAID. THIS ACTUAL TUBE DOES NOT

FIT ANY PART OF THE OTHER COMPONENTS WHATSOEVER. AND SO IT'S NEARLY COMICAL, IN MY VIEW. IT'S KIND OF LIKE PUTTING A FAKE MUSTACHE ON AND EXPECTING YOU TO BELIEVE I'M A DIFFERENT PERSON. THAT'S MY VIEW OF WHAT THIS IS. I HAVEN'T HAD MANY CONVERSATIONS ABOUT IT, BUT, YOU KNOW, IT'S A JOKE.

Q. OKAY. THANK YOU.

(MR. BIRAIMAH LEAVES THE BOARDROOM.)

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: NO.

MS. AMIN: OKAY. NOW WE'RE DONE. THANK YOU VERY MUCH. YOU'RE EXCUSED.

MR. BIRAIMAH: THANK YOU.

SERGEANT SLATER: TWO MATTERS BEFORE WE MOVE ON. ONE, DOES THE HEARING REPORTER NEED A BREAK?

THE REPORTER: YES. THANK YOU.

SERGEANT SLATER: MAY I REQUEST A BREAK?

MS. AMIN: YES.

OFF THE RECORD.

(DISCUSSION HELD OFF THE RECORD.)

(BRIEF RECESS WAS TAKEN.)

(LIEUTENANT BIXLER JOINS THE PROCEEDINGS.)

MS. AMIN: WE'RE ALL HERE. BACK ON THE RECORD.

DOES THE DEPARTMENT HAVE ANY BUSINESS TO DISCUSS BEFORE WE CONTINUE WITH THE WITNESS?

SERGEANT SLATER: NO. THE DEPARTMENT SEES THAT THE DEFENSE HAS CALLED A WITNESS. THE DEPARTMENT WOULD LIKE AN OFFER OF PROOF AS TO RELEVANCE AND WHAT HE'S GOING TO TESTIFY TO BEFORE WE BEGIN.

MS. AMIN: OKAY.

MR. SEKI: SO THIS IS LIEUTENANT BIXLER, WHO WAS A SUPERVISOR OF OFFICER WALDEN WHEN HE WAS IN THE GUN UNIT OR G.N.D. RATHER. HE CAN DESCRIBE HIS DUTIES, TRAINING REGARDING SILENCERS OR LACK THEREOF, RECEIVING TECHNICAL BULLETINS. IN ADDITION, HE REVIEWED THE INVESTIGATION. HE WILL TESTIFY THAT NO THREADED BARRELS WERE RECOVERED AS A RESULT OF THE SEARCH WARRANT.

SERGEANT SLATER: THAT'S FINE. THE DEPARTMENT'S FINE WITH THAT.

MS. AMIN: BEFORE WE GO ON, ARE YOU -- IS THE DEPARTMENT RESTING OR DO YOU HAVE --

SERGEANT SLATER: YES, MA'AM.

MS. AMIN: YOU ARE?

MS. STRONG-FARGAS: OH, YOU'RE RESTING?

SERGEANT SLATER: THE DEPARTMENT RESTS.

MS. AMIN: OKAY. ALL RIGHT.

STATE YOUR NAME, PLEASE, AND SPELL IT.

LIEUTENANT BIXLER: ERIC BIXLER, E-R-I-C, B-I-X-L-E-R.

MS. AMIN: OKAY. AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GIVE IN THE CASE IN THE HEARING BEFORE THE BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

LIEUTENANT BIXLER: YES, I DO.

MS. AMIN: THANK YOU. HAVE A SEAT.

OKAY. MR. SEKI?

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

DIRECT EXAMINATION

BY MR. SEKI:

Q. SIR, LET'S START WITH WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. I'M A LIEUTENANT. I'M CURRENTLY ASSIGNED TO GANG AND NARCOTICS DIVISION, THE UNITED STATES MARSHALL'S APPREHENSION TASK FORCE, F.B.I. GANG TASK FORCE, AND THE F.B.I. VIOLENT TRANSNATIONAL ORGANIZED

CRIME TASK FORCE.

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

A. 28 YEARS.

Q. HOW LONG HAVE YOU BEEN A SUPERVISOR?

A. SINCE 2002.

Q. HOW LONG HAVE YOU BEEN TO ASSIGNED TO G.N.D.?

A. FIVE YEARS.

Q. AND WHILE YOU WERE THERE, HAVE YOU SUPERVISED DETECTIVE LUKE WALDEN?

A. YES, I HAVE.

Q. CAN YOU TELL US WHAT HE WAS DOING, WHAT HIS DUTIES WERE AT THE TIME YOU WERE SUPERVISING?

A. IN 2018 UNTIL 2019 HE WAS IN THAT GUN UNIT, AND THEN I MOVED HIM OVER TO MY F.B.I. GANG TASK FORCE IN 2019, 2020, RIGHT IN THERE.

Q. WHEN HE WAS IN THE GUN UNIT, DID HE HAVE SPECIFIC DUTIES?

A. YES.

Q. CAN YOU DESCRIBE THOSE FOR THE BOARD, PLEASE?

A. HIS DUTIES AT THAT TIME WERE GOING THROUGH

[redacted]

[redacted]

Q. WHAT TRAINING, IF ANY, ARE YOU AWARE OF THAT -- WELL, LET ME REPHRASE THIS. ARE YOU AWARE OF DETECTIVE WALDEN HAVING ANY TRAINING RELATED TO SILENCERS OR IDENTIFICATION OF SILENCERS?

A. OFFICIAL TRAINING, NO. JUST ON-THE-JOB TRAINING.

Q. WHAT DO YOU MEAN BY ON-THE-JOB TRAINING?

A. HE WAS -- OUR DETECTIVE III IN CHARGE OF THE UNIT, HE WOULD PROVIDE TRAINING AND GUIDANCE, AS WELL AS OTHER SEASONED DETECTIVES AND INVESTIGATORS.

Q. IN FRONT OF YOU YOU HAVE -- THERE'S -- NOT THAT (INDICATING), BUT THE PAPERWORK IN FRONT OF YOU. YOU HAVE ITEMS THAT ARE MARKED DEPARTMENT'S 2 AND 3. THEY'RE THE A.T.F. TECHNICAL BULLETINS. SO THERE'S ONE AT THE FAR RIGHT AND THEN -- THAT ONE (INDICATING).

A. NO. 2 AND NO. 3 HERE, YES.

Q. ARE YOU FAMILIAR WITH THOSE?

A. I HAVE SEEN THEM, YES.

Q. ARE THOSE ROUTINELY DISTRIBUTED TO MEMBERS OF G.N.D.?

A. WE PULL MOST OF THEM AND REVIEW ALMOST ALL OF THEM AND RECEIVE PROBABLY HUNDREDS OF THEM A YEAR.

Q. AND IS THAT PART OF A REGULAR LAPD TRAINING OR NOT?

A. REGULAR TRAINING, NO. WE JUST HAPPEN TO RESEARCH WHAT'S GOING ON; AND IF IT'S RELEVANT TO WHAT WE'RE DOING AT THE TIME, THEN WE LOOK THEM UP. IF IT'S NOT, THEN WE DON'T.

Q. SO IT'S MORE OF A RESEARCH RESOURCE AS OPPOSED TO MANDATORY TRAINING?

A. CORRECT.

Q. OKAY. AS A LIEUTENANT OF G.N.D., WERE YOU AWARE OF THE INVESTIGATION THAT WAS DONE IN THIS MANNER?

A. YES.

Q. AND HOW IS THAT?

A. WHEN THE INVESTIGATION WAS DONE, I WAS PRESENTED WITH THE WRITTEN INVESTIGATION FROM INTERNAL AFFAIRS. AND I REVIEWED IT TO COMPLETE A LETTER OF TRANSMITTAL, WHICH IS AFTER I SEE THE INVESTIGATION, I RECOMMEND WHAT I WOULD SEE IN THE INVESTIGATION, WHAT THE PENALTY SHOULD BE AND THEN SUBMIT IT TO MY CAPTAIN. BUT IN THIS CASE, ONCE I RECEIVED IT, THERE WAS A BUNCH OF INACCURACIES IN THE INVESTIGATION. SO I KICKED IT BACK TO INTERNAL AFFAIRS, AND THEN IT CAME

BACK. AT ANOTHER TIME IT WAS COMPLETE AND MY CAPTAIN JUST HANDLED IT AT THAT POINT.

Q. BASED UPON YOUR REVIEW OF THE INVESTIGATION, WERE ANY WEAPONS THAT WERE POSSESSED BY DETECTIVE WALDEN, DID THEY HAVE THREADED BARRELS?

A. NO.

Q. THANK YOU.

I HAVE NOTHING ADDITIONAL.

MS. AMIN: JUST FOR THE RECORD, I NOTICE THAT WE HAVE AN ADDITIONAL PERSON OBSERVING. LET'S JUST PUT ON THE RECORD WHO THAT PERSON IS.

MR. PARK: GOOD AFTERNOON. ADVOCATE CITY ATTORNEY HOWARD PARK.

MS. AMIN: NICE TO SEE YOU. THANK YOU.

ALL RIGHT. GO AHEAD, DEPARTMENT. CROSS?

CROSS-EXAMINATION

BY SERGEANT SLATER:

Q. GOOD AFTERNOON, LIEUTENANT.

A. GOOD AFTERNOON.

Q. I'LL KEEP THIS QUICK. I KNOW YOU HAVE PLACES TO BE.

TO BE CLEAR, DID YOU SAY THAT THE A.T.F. TECHNICAL BULLETINS WERE REVIEWED BY MEMBERS OF THE GUN UNIT?

A. THEY COULD HAVE BEEN.

Q. OKAY.

A. I HAVE SEEN THEM SINCE BECAUSE -- LET'S GO BACK. THE REASON I KNOW ABOUT THESE IS ABOUT 2022, WE STARTED SEEING A LOT OF THE -- SUPPRESSORS STARTED COMING IN THROUGH THE INTERNATIONAL MAIL FACILITY, WHICH IS CUSTOMS AND BORDER PROTECTION. THEY BECAME AWARE OF THOSE AND THEY WOULD SEIZE THOSE. SO THAT'S ABOUT WHEN THEY CAME IN. PRIOR TO THAT WE WERE DOING GLOCK SWITCHES SO THEN WE'D REVIEW THE TECHNICAL BULLETINS AS THINGS BECOME RELEVANT.

ABOUT 2021 IS -- 2022 IS WHEN THE SILENCERS STARTED COMING IN TO THE I.M.F. BEFORE THAT IT WAS GLOCK SWITCHES WERE THE NUMBER ONE THING BECAUSE THEY WERE IN SEVERAL OFFICER-INVOLVED SHOOTINGS WHERE THE SUSPECTS WERE --

THE REPORTER: SIR, YOU HAVE TO SLOW DOWN.

LIEUTENANT BIXLER: OKAY. SORRY.

THE REPORTER: ARE YOU SAYING "GLOCK SWITCHES"?

LIEUTENANT BIXLER: GLOCK SWITCHES. THEY'RE LITTLE SWITCHES YOU PUT IN THE BACK OF ANY STANDARD GLOCK, IT WILL MAKE IT A FULLY AUTOMATIC WEAPON. SO WE WERE DEALING WITH THOSE BECAUSE THERE HAD BEEN SEVERAL OFFICER-INVOLVED SHOOTINGS WHERE THEY SHOT THE

POLICE. SO THAT WAS A PRIORITY WITH US, A.T.F., C.B.P., AND H.S.I. AT THE TIME.

BY SERGEANT SLATER:

Q. BUT TO BE CLEAR, TECHNICAL BULLETINS ARE AVAILABLE AND ARE VIEWED BY MEMBERS OF THE GUN UNIT -- YOU SAID HUNDREDS OF THEM ARE VIEWED. SO AS THEY BECOME AVAILABLE, THEY ARE VIEWABLE.

A. YES.

Q. OKAY. AND THE DATE ON THOSE TECHNICAL BULLETINS?

A. OCTOBER 30TH OF 2019.

Q. WAS THAT THE TIME FRAME WHICH LUKE WALDEN WAS IN THE GUN UNIT?

A. YES.

Q. OKAY. NOW, YOU MENTIONED YOU WERE RESPONSIBLE FOR SUPERVISING LUKE WALDEN IN THE GUN UNIT. WERE ONE OF HIS RESPONSIBILITIES TO IDENTIFY ASSAULT WEAPONS?

A. YES.

Q. AND WAS ONE OF THOSE RESPONSIBILITIES TO IDENTIFY SILENCERS OR, AS THEY'RE COMMONLY KNOWN, SUPPRESSORS, IF THEY WERE PART OF AN ASSAULT WEAPON?

A. YES.

Q. WHAT ON-THE-JOB TRAINING DID MEMBERS OF THE GUN UNIT HAVE TO IDENTIFY SILENCERS AND FIREARMS?

A. AS I SAID BEFORE, WE JUST -- OTHER DETECTIVES WILL TRAIN YOU WHAT WE SAW; AND, BASICALLY, AT THE TIME IT WAS FAIRLY SIMPLE. SOMETIMES THERE IS A -- WHEN YOU HAVE A WEAPON WITH A THREAD BARREL, YOU CAN THREAD ON A SILENCER. AND SOMETIMES IT'S ALSO A BARREL SHROUD BECAUSE A LOT TIMES THEY HAVE BARREL SHROUDS THAT MAKE THEM LOOK NEAT. SO THEY HAVE -- THEY HAVE WHAT LOOKS LIKE A SILENCER, BUT IT'S JUST SOMETHING TO THREAD ON. BUT THERE'S NOTHING THERE TO TRAP THE GASES OR DIMINISH THE SOUND OF A FIREARM REPORT. SO IT'S REALLY A BARREL EXTENDER. AND THEN IF IT HAD BAFFLING OR A MONOLITHIC CORE INSIDE OF IT, THEN THAT WOULD A SUPPRESSOR. SO WE DIDN'T NEED TO GO OFF OF LIKE FEDERAL STANDARDS WHERE IT HAS TO REDUCE BY A CERTAIN DECIBEL AMOUNT. IT WAS JUST A SILENCER OR IT'S NOT.

Q. IF I HEARD YOU CORRECTLY, YOU SAID IF IT HAD A MONOCORE BAFFLE?

A. MONOLITHIC.

Q. MONOLITHIC CORE? WHAT IS A MONOLITHIC CORE?

A. MONOLITHIC CORE IS A PIECE OF METAL INSIDE A SINGLE PIECE OF METAL, AND THAT'S GOING TO HAVE NO TUNNELS FOR GAS AND SOUND TO GO UP THERE, AND THAT WOULD HELP DIMINISH THE REPORT; OR YOU HAVE BAFFLING, WHICH IS LIKE WASHERS OF DIFFERENT SIZES OR A PACKING

OF LIKE FIBERGLASS INSIDE TO HELP ABSORB THE SOUND.

Q. DO YOU SEE A MONOLITHIC CORE ON THAT TABLE?

A. THIS APPEARS TO BE ONE RIGHT HERE ONE OF MY LEFT (INDICATING).

Q. AND WAS THAT SOMETHING THAT LUKE WALDEN WOULD HAVE BEEN FAMILIAR WITH IN HIS TIME IN THE GUN UNIT?

A. 'CAUSE IT'S UP HERE, I THINK IT'S THE SAME ONE I REVIEWED ONCE THIS CASE WAS GOING ON AND I CAME TO LOOK IT, AND THIS IS A SUPPRESSOR.

Q. WOULD IT --

A. IT'S APART RIGHT NOW, BUT TOGETHER IT'S A SUPPRESSOR.

Q. OKAY. AND SO IN YOUR OPINION, THAT'S A SUPPRESSOR?

A. YES, IF YOU PUT IT TOGETHER.

MR. SEKI: IT'S NONRESPONSIVE. HE DIDN'T ANSWER THE QUESTION. THE QUESTION WAS WHETHER OR NOT LUKE WOULD HAVE BEEN AWARE OF THAT, IF YOU KNOW.

LIEUTENANT BIXLER: OH, THAT, I DON'T KNOW.

MS. AMIN: SUSTAINED.

LIEUTENANT BIXLER: AS FAR AS THIS, HE NEVER SAW IT SO HE WOULDN'T KNOW IF IT WAS --

BY SERGEANT SLATER:

Q. LET ME REPHRASE MY QUESTION THEN. WOULD THE

FEATURE OF MONOLITHIC CORE BE SOMETHING THAT LUKE WALDEN WAS FAMILIAR WITH FROM HIS TIME IN THE GUN UNIT?

A. YES.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: YEAH, BRIEFLY.

REDIRECT EXAMINATION

BY MR. SEKI:

Q. ONE OF THE THINGS YOU TALKED ABOUT, YOU SAID IN 2022 IS WHEN SILENCERS BECAME A BIGGER ISSUE AT -- AND YOU DESCRIBED THE AIRPORT WITH CUSTOMS, BORDER PATROL, CORRECT?

A. C.B.P. AT THE INTERNATIONAL MAIL FACILITY.

Q. OKAY. AND HOW WOULD ALL BECOME INVOLVED IN THAT OR BE NOTIFIED ABOUT IT?

A. HOW IT WORKS IS C.B.- -- CUSTOMS AND BORDER PROTECTION, THEY'RE THE ONES WHO OPERATE THE INTERNATIONAL MAIL FACILITY. SO ALL MAIL COMES IN THROUGH THERE, WHETHER IT'S PRIVATE, U.P.S., WHATEVER, IT DOESN'T MATTER. IT COMES IN. THEY GO THROUGH -- THE MAIL COMES IN. A CERTAIN PERCENTAGE OF PACKAGES THEY GO THROUGH. THEN WHEN THEY COME ACROSS SOMETHING THEY THINK IS ILLEGAL, LIKE IN THIS CASE, EITHER THE

GLOCK SWITCHES OR THE SILENCERS, THEY WOULD RUN A --

[redacted]

Q. OKAY. YOU ENDED UP -- AND I DON'T HAVE THE YEARS IN MY MIND RIGHT NOW, BUT YOU SAID THAT DETECTIVE WALDEN WORKED IN THE GUN UNIT FROM 2018 TO 2019. AND THEN SOMEWHERE IN 2019 HE WAS MOVED TO THE TASK FORCE.

A. YES. THE F.B.I. GANG TASK FORCE.

Q. OKAY. AND THE F.B.I. TASK FORCE, WHAT WAS THE FOCUS THERE?

A. WE FOCUSED PRIMARILY ON WORK -- THERE'S TWO SECTIONS. CRIMINAL ENTERPRISE 5, WHICH IS WHAT WE DO. AND THAT IS INVESTIGATING THE MEXICAN MAFIA AND THEN

GANGS UNDERNEATH THAT, SUBSET OF THE MEXICAN MAFIA.

Q. SO IN TERMS OF DEALING WITH SILENCERS OR GUNS AT THAT TIME, WOULD HE HAVE DEALT WITH THAT ON A REGULAR BASIS?

A. THEY CARRY FIREARMS AND AMMUNITION SO WE DO IT IN THAT CAPACITY TO GO AFTER THE GANGS. SO WE DON'T DO IT JUST LIKE AN INDIVIDUAL TAKE-DOWN USUALLY. IT'S WE PUT OUR RICO CASE TOGETHER. SO SOMETIMES WE DO INDIVIDUAL CASES WITH FIREARMS, AND THEN WE WOULD USE THOSE, DISMISS THE CASE IN A STATE FILING. AND THEN WE WOULD PUT IT ALL TOGETHER FOR A FEDERAL FILING SO WE COULD DO A RICO ON THEM.

Q. THANK YOU.

NOTHING ADDITIONAL.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: MR. ORTEGA, QUESTIONS?

EXAMINATION

BY MR. ORTEGA:

Q. DID I UNDERSTAND YOU CORRECTLY -- OR MAYBE I NEED YOU TO CLARIFY FOR ME -- I REMEMBER THAT WHEN YOU BEGAN YOUR TESTIMONY, YOU MENTIONED DEFICIENCIES IN THE REPORT THAT YOU SENT BACK TO I THINK INTERNAL

AFFAIRS?

A. YES.

Q. WAS THAT THE INVESTIGATION ON OFFICER -- ON OFFICER BIXBY (SIC) -- OR ON THE DEFENDANT HERE?

A. YES, IT WAS.

Q. OKAY. WHAT WAS THE NATURE OF THE INACCURACIES?

A. I KNOW THAT FOR SURE, 'CAUSE THEY WERE SAYING HE WAS IN POSSESSION OF A BUNCH OF ASSAULT PISTOLS. HE SAID THAT A LOT OF PISTOLS HE POSSESSED HAD THREAD BARRELS ON THEM. BUT THEY WENT AND RAN THEM ONLINE. THEY DIDN'T ACTUALLY -- THEY WEREN'T PERTAINING TO THE FIREARMS HE HAD IN HIS POSSESSION, BECAUSE -- LIKE SO MY PISTOL ON MY SIDE, I CAN ORDER IT FROM A COMPANY IN A DIFFERENT STATE WITH A THREADED BARREL, WHICH IN CALIFORNIA, THAT THREADED BARREL WOULD MAKE IT AN ASSAULT PISTOL. CALIFORNIA, YOU CAN'T BUY THEM HERE. SO EVERYTHING WAS SHIPPED IN THAT WAS PURCHASED WITH A CALIFORNIA-COMPLIANT PISTOL; SO, THEREFORE, THEY WERE NOT ASSAULT PISTOLS. AND THE REPORT -- IN THE REPORT IT SAID THEY WERE ASSAULT PISTOLS, AND THEY WEREN'T. THEY WERE JUST NORMAL PISTOLS. SO THAT WAS A BIG HUGE MISNOMER ON HOW THEY CLASSIFIED THE PISTOLS.

Q. THANK YOU FOR CLARIFYING THAT. I THOUGHT

THAT'S WHAT I HEARD. THANK YOU.

MS. STRONG-FARGAS: THAT WAS MY QUESTION.

EXAMINATION

BY MS. AMIN:

Q. BUT THE ITEMS ON THE DESK THERE TO YOU ARE CLEARLY NOT -- ARE USED FOR A SILENCER?

A. THIS ONE PUT TOGETHER IS A SILENCER, YES.

Q. AND ANY OTHER PURPOSE THAT YOU KNOW OF.

A. NO.

Q. CAN'T BE A FUEL FILTER?

A. THE WAY THIS IS RIGHT HERE, IT WOULD NOT BE. IT'S GOING TO BE JUST A SILENCER.

MS. AMIN: OKAY.

EXAMINATION

BY MR. ORTEGA:

Q. I HAVE -- AND MAYBE YOU'VE ALREADY SAID THIS, BUT AN INDIVIDUAL THAT BELONGS TO THE GUN UNIT FOR LAPD WOULD BE ABLE TO DISCERN THAT, RIGHT?

A. YES.

Q. A SILENCER IF THEY SAW IT?

A. YES.

Q. OKAY.

A. IF THEY SAW IT, YES.

MS. AMIN: OKAY. ANY OTHER QUESTIONS? MR. SEKI?

MR. SEKI: NO.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER.

MS. AMIN: YOU SURE?

SERGEANT SLATER: I'M SURE THIS TIME.

MS. AMIN: ALL RIGHT. THANK YOU VERY MUCH. YOU'RE EXCUSED.

LIEUTENANT BIXLER: THANK YOU.

MR. SEKI: DO YOU NEED PARKING?

LIEUTENANT BIXLER: YES.

MS. AMIN: SO WE'RE GOING TO BREAK FOR LUNCH?

MR. SEKI: WE'LL REST, AND THEN WE CAN TAKE A LUNCH BREAK AND COME BACK AND DO CLOSINGS.

MS. AMIN: SURE. ONE HOUR. BACK AS 1:15. THANK YOU.

(LUNCH RECESS WAS TAKEN FROM 1216 HOURS UNTIL 1316 HOURS.)

MS. AMIN: LOOKS LIKE WE'RE ALL HERE, AND I UNDERSTAND THAT THE DEPARTMENT AND THE DEFENSE HAVE NOW RESTED. READY FOR CLOSING STATEMENTS?

SERGEANT SLATER: YES, MA'AM.

MR. SEKI: YES.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: GOOD AFTERNOON. DETECTIVE WALDEN WOULD HAVE YOU BELIEVE THIS IS A MATTER OF CONVENIENCE. HE WANTS YOU TO BELIEVE THE FACTS THAT ARE CONVENIENT FOR HIM, BUT THERE ARE POINTS I WOULD LIKE TO EMPHASIZE. DETECTIVE WALDEN IS A DEPARTMENT AND COURT-CERTIFIED GUN EXPERT. YET WHEN ASKED BEFORE THIS BOARD, HE CONTINUALLY DOWNPLAYED HIS KNOWLEDGE. THIS WAS REFUTED BY HIS VERY SUPERVISOR, LIEUTENANT BIXLER, WHO EXPLAINED THAT AS A MEMBER OF THE GUN UNIT, DETECTIVE WALDEN HAD RECEIVED ON-THE-JOB TRAINING AND HAD ACCESS TO THE A.T.F. TECHNICAL BULLETINS THAT DESCRIBED THE SPECIFIC FEATURES OF A SILENCER AND HOW A SILENCER WORKS AND ATTACHES TO A FIREARM. LIEUTENANT BIXLER STATED THAT AT THE TIME WALDEN WAS IN THE UNIT, HE WOULD HAVE BEEN FAMILIAR WITH THE DISTINCTIVE MONOCORE FEATURES OF A FIREARM SILENCER, AND THAT THE ITEM RECOVERED EN ROUTE TO WALDEN COULD BE NOTHING BUT A SILENCER.

ADDITIONALLY, WALDEN HAS DOWNPLAYED THE FACT THAT OVER FOUR-PLUS MONTHS, HE WAS VIEWING AND RESEARCHING SILENCERS AS PART OF HIS WORK. AND AS REFERENCED IN BOARD EXHIBIT 1, WE HAVE FROZEN SOME WEB PAGES VIEWED BY DETECTIVE WALDEN. THESE ITEMS CLEARLY DEPICT THE DISTINCTIVE FEATURES THAT LIEUTENANT BIXLER

IDENTIFIED AS PART OF A SILENCER. THE DESCRIPTION ON THE ACTUAL ITEM ORDERED AS INDICATED IN DETECTIVE WALDEN'S PAYPAL IS WORDED EXACTLY AS THE WEB PAGES FROZEN AND VIEWED BY DETECTIVE WALDEN.

ADDITIONALLY, DETECTIVE WALDEN HAS PURCHASED WHAT WAS LABELED AND IDENTIFIED AS A SOLVENT TRAP FUEL FILTER ALSO IDENTIFIED IN THOSE SAME FROZEN WEB PAGES. YOU HEARD FROM CRIMINALIST BIRAIMAH. THE SOLVENT TRAP AND FUEL FILTER ARE NOT INTERCHANGEABLE ITEMS, AND THEY LITERALLY DO THE OPPOSITE ACTIONS.

DETECTIVE WALDEN HAS EMPHASIZED THAT HE HAD AN EXTENSIVE KNOWLEDGE OF REBUILDING FUEL SYSTEMS, AND CERTAINLY SOMEONE WITH THE AMOUNT OF EXPERIENCE WALDEN HAS WHO IS CAPABLE OF REBUILDING THE ENTIRE FUEL LINE AND CHANGING THE ENGINE IN A VEHICLE, WOULD KNOW IF SOMETHING HAD TWO OPPOSING CONTRADICTING WORDS IN ITS TITLE THAT IT PROBABLY WAS NOT WHAT IT WAS MARKETED AS. EVEN IF DETECTIVE WALDEN WANTED TO CONVERT THAT RECOVERED ITEM TO USE IN HIS VEHICLE, WE HAVE HEARD FROM MR. FIELD THAT THERE WERE MULTIPLE -- AND I'M GOING TO GET THREE SPECIFIC REASONS WHY THIS WOULD BE IMPRACTICAL. ONE, THE AMOUNT OF LABOR TO USE THIS ITEM IN A VEHICLE WOULD BE IMPRACTICAL AND IS NOT TIME-EFFICIENT, ESPECIALLY FOR SOMEONE, AS DETECTIVE WALDEN CLAIMED, WHO WAS TOO BUSY TO EVEN SWAP OUT THE

FUEL FILTER WHEN HE RECEIVED IT.

SECONDLY, IT WAS NOT COST-EFFECTIVE TO USE THIS ITEM IN A VEHICLE. THERE WERE SPECIFIC CHANGES THAT WOULD NEED TO BE DONE AND ADDITIONAL ITEMS THAT WOULD NEED TO BE PURCHASED.

LASTLY, AS MR. FIELD POINTED OUT, THE FILTER THAT WALDEN ORDERED LATER IN AUGUST CAME WITH INSTRUCTIONS. HOWEVER, AS THE PROPERTY REPORT IN YOUR EXHIBITS WILL INDICATE, THERE WERE NO INSTRUCTIONS INCLUDED WITH THE INTERCEPTED ITEM THAT MR. WALDEN HAD ORDERED.

DETECTIVE WALDEN HAS TRIED TO MISLEAD BOTH THE INVESTIGATORS IN THIS BOARD BY CLAIMING THAT HE ORDERED THE PART AS A FUEL FILTER FOR HIS VEHICLE. DETECTIVE WALDEN WOULD LIKE TO EMPHASIZE HE REBUILDS CARS AND FUEL SYSTEMS, BUT IS CONVENIENTLY NOT AWARE OF WHAT ITEM HE PURCHASED, DESPITE THE FACT THAT HE VIEWED AN ITEM WITH THE SAME NAME THAT HAD THE SAME DISTINCTIVE FEATURES.

FINALLY, I WOULD LIKE TO EMPHASIZE THAT THIS MATTER WAS PRESENTED CRIMINALLY, AND THAT PRELIMINARY HEARING DETERMINED THERE WAS ENOUGH EVIDENCE TO HOLD WALDEN TO ANSWER, AND THAT ONLY AFTER BEING HELD TO ANSWER AND HIS MOTION TO DISMISS WAS DENIED DID HE THEN PLEA OUT. THANK YOU.

MS. AMIN: MR. SEKI:

MR. SEKI: THANK YOU.

GOOD AFTERNOON. BEFORE I GET INTO OTHER COMMENTS, LET ME JUST MENTION THAT THE LAST PART MENTIONED BY SERGEANT SLATER IS INAPPROPRIATE UNDER THE BOARD OF RIGHTS MANUAL. YOU'RE NOT SUPPOSED TO GIVE CONSIDERATION TO ANY CRIMINAL ASPECT.

AS WE STARTED OFF IN THE BEGINNING, BIASED POLICING. AND YOU HEARD IT TODAY FROM LIEUTENANT BIXLER. THEY WOULD RUN PEOPLE TO DETERMINE WHETHER OR NOT THEY HAD FELONIES; AND IF THEY DID, THERE WOULD BE SOME SORT OF CRIMINAL INVESTIGATION THAT WOULD BE ONGOING. BUT IF THEY HAD NOTHING, WHAT WOULD HAPPEN? H.I.S., CUSTOMS AND BORDER PATROL WOULD SEND A LETTER SAYING "YOU MAY BE DOING SOMETHING WRONG." I CAN RELATE TO THAT. I'VE ACTUALLY HAD A LETTER LIKE THAT. I HAVE A HABIT, NOT A GREAT HABIT, BUT I LOVE CIGARS. I LOVE CUBAN CIGARS. ABOUT 20 YEARS AGO, I FOUND A SITE WHERE I CAN ORDER CUBAN CIGARS FROM HONG KONG. NOW, I HAD ORDERED A NUMBER OF CIGARS WITHOUT ANY PROBLEMS. AND ONE DAY I GET A LETTER OF ALL PLACES TO MY OFFICE, WHICH WAS OPENED BY OUR MAIL PERSON AND WAS FROM U.S. TREASURY SAYING, "YOU MAY BE IN VIOLATION OF THE U.S/CUBAN EMBARGO." OKAY. I'VE BEEN FOUND, BUT I WASN'T A CRIMINAL, AT LEAST I DIDN'T THINK I WAS, AND

I GOT A LETTER.

HERE, WHAT HAPPENED TO HIM WAS COMPLETELY DIFFERENT. IT WAS "WE'RE GOING TO FIND YOU, AND YOU'RE THE BOOGYMAN." AND ONE OF THE OTHER THINGS I TOLD YOU WAS THERE'S BEEN COMPLETE NEGLECT OF THE FACTS IN THIS CASE. LET'S START WITH THIS. DID HE ORDER A SILENCER? THE SHORT ANSWER IS GOING TO BE "YES" BECAUSE THAT'S WHAT IT WAS DETERMINED TO BE, A SILENCER. BUT AS YOU SEE ON GOOGLE, IT'S MARKETED AS EVERYTHING BUT. AND IT'S NOT JUST ONE SITE. THERE ARE PROBABLY THOUSANDS OF SITES. IN THE SHORT TIME THAT WE LOOKED AT IT ONLINE, YOU CAN SEE ALL THE THINGS THAT POPPED UP, "FUEL FILTER," "FUEL FILTER," "FUEL FILTER." WHAT ABOUT THE 12 OTHER FUEL FILTERS THAT WERE CONFISCATED BY CUSTOMS AND BORDER PATROL? YOU DIDN'T HEAR ANYTHING ABOUT THOSE. THEY IDENTIFIED ONE PERSON, LUKE WALDEN; AND THE INVESTIGATION STARTED.

BUT WE HAVE, AGAIN, ABOUT FACTS THAT ARE BEING IGNORED, THEY HAVE ALL OF THESE WEBSITES, AND THEY WANT TO SAY, "OH, HE KNEW EVERYTHING ABOUT IT. HE SHOULD HAVE KNOWN. HE HAD THE KNOWLEDGE." HE HAD THE ABILITY TO KNOW. THE QUESTION IS DID HE TRULY KNOW OR NOT?

HE WAS WORKING ON SOMETHING, A CAR,

REBUILDING IT. I SHOULDN'T EVEN SAY "REBUILDING" IT; CREATING A NEW CAR. TAKING AN OLD ENGINE OUT, PUTTING A NEW ENGINE IN, PUTTING A NEW FUEL TANK, HAVING TO CREATE A FUEL SYSTEM AND LOOKING FOR WHAT'S KNOWN AS A HIGH-FLOW OR HIGH-VOLUME FUEL FILTER. AND, AGAIN, WHEN HE RAN IT AND YOU SAW IT, HIGH-VOLUME OR HIGH-FLOW FUEL FILTER, YOU SEE ALL THE THINGS THAT CAME UP, INCLUDING THIS PARTICULAR ITEM. I THINK A COMMENT WAS, "WELL, MAYBE THIS IS FALSE ADVERTISING." IT IS. BUT THINK ABOUT IT. FACTS. IF HE WAS GOING TO ORDER A SILENCER, WOULDN'T HE HAVE TO HAVE SOMETHING TO PUT IT ON?

NOW, ONE OF THE THINGS THAT THE DEPARTMENT -- AND THEY TALK ABOUT INTEGRITY IN ALL WE SAY AND DO -- DID NOT PRESENT TO YOU WAS THAT THE GUNS THAT HE HAD, NONE OF THEM HAD A THREADED BARREL. THEY WERE TRYING TO GIVE YOU AN ASSUMPTION, TRY TO BAMBOOZLE YOU, THE WAY THIS WHOLE INVESTIGATION HAS BEEN. "OH, YEAH. IT WILL FIT THIS GUN; IT WILL FIT THIS GUN." BUT IT WOULDN'T BECAUSE NONE OF THEM HAD THREADED BARRELS. IN FACT, NO THREADED BARRELS WERE FOUND. AND HAD THEY BEEN, YOU WOULD HAVE KNOWN ABOUT IT. INTEGRITY IN ALL WE SAY AND DO, AND YET THEY TELL YOU THAT? THIS IS COMPLETELY CONTRARY TO WHAT YOU'RE REQUIRED TO DO IN THE BOARD OF RIGHTS MANUAL. 363.70

TALKS ABOUT THE EVIDENCE THAT'S SUFFICIENT. IT SAYS, "EVIDENCE MUST BE REASONABLE IN NATURE, CREDIBLE, AND OF SOLID VALUE." I READ THIS TO YOU AT THE BEGINNING. "INFERENCES BASED ONLY ON MERE POSSIBILITY, SUSPICION, SPECULATION, IMAGINATION, GUESSWORK, SUPPOSITION, CONJECTURE, OR SURMISE MUST BE REJECTED." THEY WANT YOU TO ASSUME, JUST LIKE THEY DID IGNORING THE FACTS. THERE ARE NO GUNS WHICH WOULD ATTACH TO IT. AND THINK ABOUT THIS. IF HE REALLY WANTED TO ORDER A SILENCER AND HE DIDN'T GET THIS ONE, WHY WOULD HE ORDER ANOTHER ONE? HE DIDN'T KNOW THAT HIS PACKAGE HAD BEEN CONFISCATED. REMEMBER, THIS WAS ALL SECRET. HE DIDN'T FIND OUT THAT HE WAS UNDER INVESTIGATION UNTIL SEPTEMBER. HE HAD NO IDEA. AND YET WHAT DOES HE DO? IN AUGUST OF '21 HE ORDERS A FUEL FILTER FROM AMAZON, ONE THAT LOOKS LIKE SOME OF THE FUEL FILTERS IN THE TECHNICAL BULLETINS. BUT THE TESTIMONY WE HEARD TODAY IS "EH, APPEARS TO BE A FUEL FILTER," 'CAUSE IT HAS THESE FITTINGS AND IT HAS A BRACKET AND ALL OF THAT. WELL, HE DECIDED HE WAS GOING TO ORDER IT BECAUSE HE KNEW IF IT DIDN'T COME, HE COULD GET A REFUND. DOES THAT MAKE SENSE?

I GOT YOU TELL YOU, PREPARING FOR THIS CASE, I REALIZED, DECEMBER YOU BUY ALL THESE PRESENTS FOR PEOPLE, I HAD ORDERED AN ITEM. IT WAS LIKE A LITTLE

TRAIN SET. IT WAS SOMETHING THAT WAS KIND OF COOL. IT HAD A TRACK. IT CAN GO ALL AROUND. IN FACT, THE CAR THAT WENT ON IT COULD GO UPSIDE DOWN. I THOUGHT THIS WAS PERFECT FOR MY ASSOCIATE'S KIDS. IT POPPED UP ON MY PHONE ON INSTAGRAM, AND I ORDERED IT. IT SAID I WOULD GET IT BEFORE CHRISTMAS, AND CHRISTMASTIME CAME. AND I DIDN'T THINK MUCH ABOUT IT BECAUSE THERE WERE A COUPLE OF OTHER THINGS THAT I HAD ORDERED THAT I HADN'T RECEIVED. YOU KNOW WHAT, IT'S FEBRUARY 14TH TODAY AND I STILL DON'T HAVE IT. YOU MIGHT SAY TO YOURSELF, WELL, CAN'T YOU LOOK IT UP? I DON'T KNOW HOW. I DON'T EVEN KNOW WHAT SITE I GOT IT FROM. I HAVE DIFFERENT PAY THINGS, PAYPAL, SHOPIFY, SOME OTHER THINGS. I HAVE NO IDEA WHAT ACCOUNT I USED. AND THE EASIEST THING FOR ME TO DO AT THIS POINT IN TIME -- IT'S FEBRUARY, BUT THEY'RE GETTING A DIFFERENT CHRISTMAS PRESENT. IT'S EASY FOR US TO SAY, YEAH, GO BACK, SEE WHERE YOU ORDERED IT FROM, WHATEVER ELSE, ALL OF THIS STUFF. HE DID WHAT MADE SENSE. HE WAS OUT 40 BUCKS. WHAT DID HE DO? HE WENT TO A SITE THAT HE KNEW WAS RELIABLE AND ORDERED SOMETHING THAT HE COULD USE. FACTS. HE WAS WORKING ON CARS. FACTS. YOU HAVE ALL OF THAT IN FRONT OF YOU. SHOWED YOU PICTURES OF ALL THE DIFFERENT VEHICLES HE'S WORKING ON IN DIFFERENT STATES OF DISREPAIR OR REPAIR, WHATEVER

IT MAY BE. BUT THESE ARE THE FACTS. THE FACTS ARE HE ORDERED SOMETHING THAT WAS IDENTIFIED AS A FUEL FILTER. SHOULD HE HAVE KNOWN BETTER? MAYBE. IT'S EASY FOR US TO SAY, YEAH, WE ASSUME THAT HE WOULD HAVE KNOWN ALL OF THAT. BUT, AGAIN, IT'S AN ASSUMPTION. WE DON'T KNOW FOR SURE. AND HE ORDERS WHAT HE BELIEVES IS GOING TO BE A HIGH-FLOW OR A HIGH-VOLUME FUEL FILTER FOR THE FUEL SYSTEM HE IS CREATING WHEN HE'S PUTTING A V-8 ENGINE IN HIS CAR. NEVER GETS IT. HE ORDERS SOMETHING ELSE, WHICH CAN BE USED. YOU HAVE TO ASK YOURSELF, WHY WOULD HE ORDER THAT WHEN HE DIDN'T KNOW THE ORIGINAL PACKAGE HAD BEEN CONFISCATED. HE HAD NEVER BEEN TOLD ABOUT THAT, INSTEAD OF JUST ORDERING ANOTHER ITEM EXACTLY THE SAME IF HE REALLY WANTED A SILENCER. THOSE ARE REALLY THE KEY FACTS TO THIS CASE. THE KEY THINGS THAT THEY IGNORED.

IF YOU THINK ABOUT THE INVESTIGATION, WE HAVE SERGEANT JIZMEJIAN UP HERE. WHAT DID HE TELL YOU WHEN HE HAD ASKED FOR THESE PHOTOGRAPHS OF SOMETHING THAT HAD BEEN PURCHASED? WHAT DID HE DO WITH IT? ABSOLUTELY NOTHING. I MEAN, HE GOT THE TECHNICAL BULLETINS, AND YOU LOOK AT THE TECHNICAL BULLETINS, AND THIS LOOKS SIMILAR TO THE ITEMS THAT ARE IN THERE THAT ARE SUPPOSED TO BE SILENCERS. AND YET HE NEVER PRESENTED THIS TO ANYBODY TO DETERMINE WHETHER OR NOT

IT WAS A SILENCER. HE NEVER CHECKED TO SEE WHETHER OR NOT THERE WERE ANY GUNS THAT HAD THREADED BARRELS. IN FACT, HE WAS THERE DURING THE SEARCH. HE HAD THIS, AND HE COULD HAVE LOOKED FOR THIS OR COULD HAVE LOOKED FOR OTHER ITEMS, BUT HE DIDN'T.

ASSUMPTIONS WERE MADE THROUGHOUT. BECAUSE HE'S A POLICE OFFICER, BECAUSE HE'S IN THE GUN UNIT, HE SHOULD KNOW. AND YET WHERE ARE THE FACTS TO PROVE THAT? WHAT HAVE THEY GIVEN YOU? A LOT OF SPECULATION, A LOT OF THINGS THAT, "OH, YEAH, I GUESS SO. MAYBE." BUT THEY NEVER GAVE YOU PROOF THAT HE VIEWED ANY OF THOSE TECHNICAL BULLETINS OR THAT HE HAD A NEED TO. THE BEST THEY GAVE YOU IS THAT HE ENDED UP VIEWING THESE THINGS. AND WHAT DID HE TELL YOU? I'M HOLDING UP WHAT'S BEEN MARKED AS DEPARTMENT'S -- OR EXCUSE ME -- BOARD 1, THESE PAGES (INDICATING), AND HE VIEWED THEM; BUT WE DON'T KNOW WHAT ELSE WAS AROUND IT OR SURROUNDED IT. WE HAVE THESE SCREENSHOTS.

THE WAY THAT DETECTIVE WALDEN DESCRIBED TO YOU THAT HE DID SEARCHES IS THE WAY THAT MOST OF US DO IT. GET PICTURES. YOU PUNCH ON IT, YOU PUNCH ON IT, YOU PUNCH ON IT. THINGS POP UP. YOU COULD GO DEEPER IF YOU NEED TO; BUT, FOR THE MOST PART, HE'S DOING THAT. WHAT DOES THIS TELL YOU? HE WAS LOOKING FOR A FUEL FILTER. OKAY. THAT'S PROBABLY IT. WE DON'T

HAVE ANYTHING MORE.

THE TECHNICAL BULLETINS THAT YOU WERE GIVEN, AGAIN, A LOT OF ASSUMPTIONS IN HERE, THAT HE SHOULD HAVE SEEN THIS OR SHOULD HAVE KNOWN ABOUT IT, BUT WE HAVE NO PROOF THAT HE DID. BUT ONE OF THE INTERESTING THINGS THAT YOU LEARN FROM ALL OF THIS IS ANYTHING CAN BE A SILENCER, RIGHT? A FRAM OIL FILTER COULD BE RIGGED TO BE A SILENCER. THAT'S SOMETHING YOU SEE IN ALL OF OUR CARS, FUEL FILTERS, UNLESS YOU HAVE A CUSTOM WHERE YOU DON'T NEED IT. BUT, TYPICALLY, AN OIL FILTER, YOU CAN USE A POTATO; YOU CAN USE A PILLOW LIKE THEY DO IN THE MOVIES. ANYTHING CAN BE USED. WE'VE HEARD ABOUT FLASHLIGHTS BEING USED. SO IF SOMEBODY ORDERS A FRAM FILTER AND THEY KNOW THAT IT'S LISTED IN HERE AS SOMETHING THAT CAN BE USED AS A SILENCER AND IT COMES FROM CHINA, DOES THAT NECESSARILY MEAN THEY'RE ORDERING A SILENCER? NO. THEY COULD BE ORDERING A FILTER.

THE INTERNET HAS THINGS SO ACCESSIBLE TO EACH AND EVERY ONE OF US, AND SOMETIMES YOU GET PRODUCTS THAT ARE EXACTLY WHAT THEY'RE SUPPOSED TO BE. SOMETIMES YOU GET THINGS THAT DON'T EVEN FIT. I GOT SOMETHING THE OTHER DAY -- AGAIN, TELLING ABOUT MY SHOPPING HABITS, PROBABLY SHOPPING TOO MUCH. AS MY DAUGHTER WOULD SAY, I'VE GOT A SHOPPING PROBLEM. BUT

I ORDERED THESE THINGS THAT ARE SUPPOSED TO GO AROUND YOUR NECK AND THEY'RE SUPPOSED TO BE LIKE NECK WARMERS. THEY HAVE A HEATING ELEMENT IN THEM. AND I LOOK AT THE PICTURE, AND THERE'S A BATTERY THAT'S SUPPOSED TO BE PART OF IT. AND WHAT I GOT, THERE WAS NO BATTERY. WHEN I TRIED TO FIGURE OUT IF I COULD RETURN THAT, THERE WAS NO RETURN ADDRESS. I DIDN'T KNOW HOW TO GO BACK AND GET -- AND, AGAIN, I DIDN'T ORDER IT FROM AMAZON. I ORDERED IT FROM SOMETHING THAT POPPED UP ON MY INSTAGRAM. AND, AGAIN, I'VE GOT TO STOP DOING THAT BECAUSE I'M ORDERING FROM PLACES THAT THE PRODUCTS EITHER AREN'T COMING OR THEY'RE NOT GOOD. BUT SOMETIMES YOU GET STUFF, AND IT'S NOT WHAT YOU EXPECT IT TO BE. AND UNTIL YOU ACTUALLY GET IT, YOU DON'T KNOW.

DID LUKE WALDEN GET THE ITEM TO EXAMINE IT, TO SEE IT, TO KNOW EXACTLY HOW IT WAS GOING TO WORK OR IF IT WAS GOING TO WORK OR IF HE HAD TO, I DON'T KNOW, FABRICATE SOMETHING TO HELP IT WORK? I MEAN, HE HAS THAT ABILITY? NO, HE DIDN'T EVEN GET THAT.

THE QUESTION CAME UP FROM MR. ORTEGA, "HEY, COULD YOU FABRICATE A SILENCER?" HE'S LIKE, "WELL, IF I LEARNED HOW AND HAD THE RIGHT SPECS, I HAVE THE ABILITY TO PROBABLY DO THAT."

SOMEBODY WHO KNOWS GUNS, WHY WOULD -- AND,

AGAIN, IT'S A LITTLE DIFFERENT. YOU KNOW A GUN. YOU'RE SPENDING MONEY, HUNDREDS, MAYBE EVEN THOUSANDS OF DOLLARS ON BUYING A WEAPON, AND YOU'RE GOING TO GET THIS $40 THING FROM CHINA THAT YOU'RE GOING TO PUT ON AS A, QUOTE, UNQUOTE, "SILENCER"? STRUCTURALLY, YOU DON'T KNOW WHAT IT'S LIKE. YOU DON'T KNOW WHETHER IT'S GOING TO WITHSTAND IT. AND, AGAIN, THE MOST IMPORTANT THING, YOU DON'T EVEN HAVE ANYTHING IT'S GOING TO FIT ON. BUT LET'S SAY YOU DID, WHY WOULD YOU DO THAT? WHY NOT FABRICATE SOMETHING? WHY NOT MAKE IT SO THAT YOU KNOW IT'S GOING TO WORK SO THAT YOU KNOW IT'S GOING TO WORK SO THAT YOU HAVE ALL THE TECHNICAL ASPECTS FOR IT?

COULD HE HAVE BEEN KNOWINGLY ORDERING A SILENCER? THE ANSWER IS "YES." BUT IS THAT EQUALLY PLAUSIBLE THAT HE KNOWINGLY BELIEVED HE WAS ORDERING A FUEL FILTER? AGAIN, LOOKING AT ALL THE FACTS THAT ARE IN FRONT OF YOU, NOT THE ASSUMPTIONS THE DEPARTMENT'S GIVING YOU, BUT THE FACTS; NO GUNS THAT WOULD FIT; NO THREADED BARRELS; THE FACT THAT HE ORDERED A FUEL FILTER; THE FACT THAT HE DIDN'T ORDER ANOTHER, QUOTE, UNQUOTE, SILENCER; THAT HE'S GOT ALL THESE CARS THAT ARE THERE; THAT HE DIDN'T KNOW THAT HIS PACKAGE HAD BEEN CONFISCATED; THAT HE HAD NO KNOWLEDGE THAT HE WAS EVEN THE SUBJECT OF A COMPLAINT UNTIL SEPTEMBER OF

'21; THAT HE GAVE HIS INTERVIEW AND YOU READ HIS INTERVIEW AND LISTENED TO HIS INTERVIEW AND YOU WILL HEAR THE SINCERITY IN HIS VOICE THAT HE DIDN'T KNOW. AND HE WOULDN'T DO THIS AND JEOPARDIZE HIS CAREER FOR SOMETHING HE KNEW WAS ILLEGAL. THOSE ARE THE FACTS, AND THE FACTS LEAD YOU TO ONLY ONE CONCLUSION, THAT HE IS NOT GUILTY OF THE ALLEGATION. THANK YOU.

MS. AMIN: DOES THE DEPARTMENT HAVE A REPLY?

SERGEANT SLATER: THE DEPARTMENT HAS A QUICK REPLY.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: MR. SEKI IS EMPHASIZING THAT THIS IS A CASE BUILT ON ASSUMPTIONS. BUT THIS IS NOT A CASE BUILT ON ASSUMPTIONS. THIS HAS FAR MORE THAN ASSUMPTIONS. WE HAVE DEMONSTRATED FACTS THROUGHOUT THIS CASE. THOUGH MR. WALDEN HIMSELF DENIES KNOWING WHAT A FIREARM IS, HE ADMITS HE WAS A FIREARMS EXPERT. HE ADMITS HE KNEW HOW SILENCERS WORK AND HAD HAD AT LEAST SOME TRAINING IN SILENCERS AND CONTINUED TO RESEARCH THE TOPIC. HIS OWN SUPERVISOR CAME IN AND SAID THE MEMBERS OF HIS UNIT WOULD KNOW AND HAD RECEIVED TRAINING. THAT IS NOT AN ASSUMPTION. THAT IS THE HEAD OF THE UNIT COMING IN AND SAYING THIS IS WHAT THAT UNIT KNEW AND WHAT THEY WERE EXPECTED TO KNOW TO DO THEIR DUTIES AND THEIR JOBS. YOU DON'T

WANDER INTO THAT UNIT. YOU'RE SELECTED AND YOU'RE SUPPOSED TO KNOW AND YOU'RE EXPECTED TO KNOW WHAT YOUR DUTIES ARE.

HOW IS IT PLAUSIBLE THAT SOMEONE WITH THE LEVEL OF KNOWLEDGE DEMONSTRATED BY MR. WALDEN WOULD NOT KNOW WHAT A MONOCORE BAFFLING IS WHEN IT WAS EMPHASIZED THROUGH FACTUAL EVIDENCE AND THROUGH THE TESTIMONY OF MULTIPLE EXPERTS THAT IT ONLY HAS A SINGLE USE AS A SILENCER. THAT IS NOT AN ASSUMPTION. THAT IS A FACT, A FACT THAT MR. WALDEN IN THE GUN UNIT WAS TRAINED ON AND WAS EXPERIENCED ON AS TESTIFIED BY HIS COMMAND, BY HIS RATINGS, AND BY HIS EXPERIENCES TESTIFYING AS AN EXPERT.

MR. SEKI HAS EMPHASIZED THAT THIS IS A CASE OF BIASED POLICING. THAT IS A MISINTERPRETATION OF THE FACTS. POLICE OFFICERS ARE HELD TO THE HIGHEST STANDARD. WALDEN HIMSELF HAS TESTIFIED THAT HE TOOK AN OATH TO UPHOLD THE CONSTITUTION OF THIS NATION AND THIS STATE. AND AS A LAW ENFORCEMENT OFFICER, THERE IS A CODE OF ETHICS THAT WE ALL MUST ABIDE BY. AND PART OF THAT IS -- AND I'M GOING TO QUOTE HERE, QUOTE, "I WILL BE EXEMPLARY IN OBEYING THE LAWS OF THE LAND AND THE REGULATIONS OF MY DEPARTMENT," END QUOTE.

YES, SOME PEOPLE WHO ORDERED THESE ITEMS RECEIVED A LETTER. MR. WALDEN DID NOT RECEIVE A

LETTER. MR. WALDEN IS A LAW ENFORCEMENT OFFICER WITH KNOWLEDGE, TRAINING, AND EXPERIENCE AND HELD TO THE HIGHEST STANDARD THAT SOCIETY EXPECTS OF OUR CITIZENS. SOCIETY DOES NOT WANT TO HEAR AND DOES NOT DESERVE TO BE TOLD THAT LAW ENFORCEMENT OFFICERS ARE USING THEIR POSITION TO CIRCUMVENT THE LAW AND USING THEIR KNOWLEDGE TO ATTEMPT TO GET AROUND THE STOP MEASURES IN PLACE.

FINALLY, MR. SEKI HAS EMPHASIZED REPEATEDLY THROUGHOUT THIS TESTIMONY THAT THERE ARE NO THREADED BARRELS RECOVERED. THE COUNT IS NOT THAT HE ATTACHED A SILENCER TO A THREADED BARREL. THE COUNT IS NOT THAT HE HAD A THREADED BARREL. BUT IT IS IMPORTANT TO EMPHASIZE THAT MR. WALDEN WAS RESEARCHING THREADED BARRELS THAT WOULD HAVE BEEN COMPATIBLE WITH THIS ITEM THAT MR. SEKI HAS ADMITTED IS A SILENCER.

THANK YOU. NO FURTHER.

MS. AMIN: ALL RIGHT. THE BOARD WILL NOW DELIBERATE, AND WE'LL GO OFF THE RECORD.

(BOARD DELIBERATES.)

MS. AMIN: LOOKS LIKE WE'RE ALL HERE. LET'S GO BACK ON THE RECORD.

SERGEANT SLATER: MA'AM, BEFORE WE PROCEED, A QUICK MATTER OF BUSINESS.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: REGARDING THE IMAGES WE HAD SCREEN-SHOTTED, I JUST WANTED TO OFFICIALLY GET THEM MARKED AND ENTERED.

MS. AMIN: OKAY. IS THAT MR. SEKI'S PICTURES?

MR. SEKI: YES.

SERGEANT SLATER: YES.

MR. SEKI: THANK YOU.

MS. AMIN: ARE THEY GOING TO BE ACCUSED EXHIBITS?

MR. SEKI: I GUESS SO WE'LL MAKE IT "D" AND "E," PLEASE.

MR. SLATER: SO FOR "D" WE'LL DO THE --

MR. SEKI: BLUE SCREEN?

SERGEANT SLATER: YOU WANT TO DO THIS ONE?

MR. SEKI: THAT ONE IS "D." THANK YOU.

SERGEANT SLATER: OKAY. THE OTHER ONE IS "E."

MR. SEKI: THANK YOU.

SERGEANT SLATER: COPY OF "D," MA'AM.

MR. ORTEGA: THANK YOU.

MS. STRONG-FARGAS: THANK YOU. AND LIKEWISE "E."

MR. ORTEGA: THANK YOU.

(ACCUSED'S EXHIBITS D AND E
WERE MARKED FOR IDENTIFICATION AND
ENTERED INTO EVIDENCE.)

MS. AMIN: SO NOW THE BOARD IS NOW READY IN THE MATTER OF LUKE WALDEN, BOX 31674. THE BOARD WILL NOW PROVIDE THE RATIONALE ON ITS FINDINGS.

THIS CASE WAS HEARD DURING TWO HEARING DATES AND INCLUDES THE TESTIMONY FROM THE FOLLOWING FIVE WITNESSES: JOHN JIZMEJIAN, LUKE WALDEN, GREG FIELD, FADIL BIRAIMAH, AND ERIC BIXLER. THE BOARD ADMITTED INTO EVIDENCE DEPARTMENT'S EXHIBITS 1 THROUGH 18, ACCUSED EXHIBITS A THROUGH E, AND BOARD EXHIBIT NO. 1.

THE BOARD HAS CONSIDERED AND CAREFULLY REVIEWED AND WEIGHED ALL OF THE EVIDENCE INTRODUCED. ALTHOUGH OUR RATIONALE INCLUDES CITATIONS TO THE RECORD TO HIGHLIGHT PARTICULAR TESTIMONY OR EXHIBITS, THE BOARD'S FINDINGS AND CONCLUSIONS ARE NOT BASED SOLELY ON THOSE SPECIFIC RECORD CITATIONS BUT RATHER ON THE BOARD'S REVIEW OF THE ENTIRE RECORD OF THIS CASE.

FURTHER, THE BOARD NOTES THAT ITS FINDINGS OF FACT ENCOMPASS THE CREDIBLE TESTIMONY AND EVIDENCE PRESENTED AT THE HEARING, AS WELL AS LOGICAL INFERENCES DRAWN THEREFROM. A CREDIBILITY DETERMINATION MAY RELY ON A VARIETY OFF FACTORS,

INCLUDING THE CONTEXT OF THE WITNESS' TESTIMONY, THE WITNESS' DEMEANOR, THE WEIGHT OF THE RESPECTIVE EVIDENCE, ESTABLISHED OR ADMITTED FACTS, INHERENT PROBABILITIES, AND REASONABLE INFERENCES THAT MAY BE DRAWN FROM THE RECORD AS A WHOLE. CREDIBILITY FINDINGS NEED NOT BE AN ALL-OR-NOTHING PROPOSITION. INDEED, NOTHING IS MORE COMMON IN ALL KINDS OF ADJUDICATORY DECISIONS THAN TO BELIEVE SOME, BUT NOT ALL, OF A WITNESS' TESTIMONY.

THE DEPARTMENT HAS THE BURDEN TO PROVE BY A PREPONDERANCE OF THE EVIDENCE FOR COUNT 1 THAT "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

THE ESSENCE OF THE PARTIES' POSITION IS THAT, ON THE ONE HAND, THE DEPARTMENT ALLEGES THAT WALDEN ATTEMPTED TO PURCHASE A FIREARM SILENCER, WHEREAS DETECTIVE WALDEN MAINTAINED THAT HE INTENDED TO PURCHASE A HIGH-PERFORMANCE FUEL FILTER. DETECTIVE WALDEN EXPLAINED THAT HE IS A CAR ENTHUSIAST, WHO REBUILDS CARS AND HAS A NUMBER OF PENDING AND INCOMPLETE PROJECTS. AMONG OTHER THINGS, HE IS ALSO A WELDER AND HAS BEEN QUALIFIED AS A GUN EXPERT FOR THE PURPOSES OF TESTIFYING IN STATE COURT PROCEEDINGS.

GREG FIELD, A SENIOR AUTOMOTIVE SUPERVISOR, TESTIFIED THAT THE ITEM CONFISCATED BY CBP CANNOT BE

USED AS A FUEL FILTER BECAUSE IT HAS NO FILTRATION COMPONENT INSIDE IT. HE BELIEVED THAT, ACCORDING TO THE ONLINE SEARCHES, THE ITEM PURCHASED, WHICH WAS A NAPA 4003, INTENDED USE IS AS A FIREARM SILENCER.

BOARD EXHIBIT 1 DEPICTS A FEW OF THE URL WEBSITES DETECTIVE WALDEN SEARCHED PRIOR TO THE SUBJECT PURCHASE. MR. FIELD BELIEVED THEM NOT TO BE FUEL FILTERS.

MR. BIRAIMAH, THE FIREARM ANALYST, EXPLAINED THAT THE NAPA 4003 IS A CODE WORD FOR SUPPRESSORS KNOWN TO FIREARM BUYERS. HE FURTHER EXPLAINED THAT FUEL FILTERS AND SOLVENT TRAPS CANNOT BE INTERCHANGEABLY USED. MR. BIRAIMAH EXAMINED THE CONFISCATED ITEM AND DETERMINED IT TO BE A FIREARM SUPPRESSOR COMPATIBLE WITH A NUMBER OF FIREARMS. AND UPON EXAMINING DETECTIVE WALDEN'S LIST OF PURCHASED FIREARMS, MR. BIRAIMAH FOUND A NUMBER OF THOSE FIREARMS COULD BE USED IF MODIFIED.

ERIC BIXLER TESTIFIED THAT ONE OF DETECTIVE WALDEN'S RESPONSIBILITIES WAS TO IDENTIFY SUPPRESSORS, AND THAT DETECTIVE WALDEN WOULD HAVE BEEN AWARE OF THE CONFISCATED ITEM'S PURPOSE AS A SUPPRESSOR.

IN CONCLUSION, THE BOARD FINDS YOU UNANIMOUSLY GUILTY ON COUNT 1.

THIS CONCLUDES THE RATIONALE FOR THE

FINDINGS PHASE OF THIS BOR CASE.

IS THIS DEPARTMENT READY WITH THE EMPLOYMENT PACKAGE TO CONTINUE WITH THE PENALTY PHASE?

SERGEANT SLATER: THE DEPARTMENT IS READY. I JUST NEED A MOMENT TO GRAB THOSE ITEMS.

MS. AMIN: OKAY.

(SERGEANT SLATER RETRIEVES PACKAGES.)

SERGEANT SLATER: FOR THE RECORD, THE DEPARTMENT IS PROVIDING ONE PERSONNEL PACKAGE, THREE DIVISIONAL PERSONNEL PACKAGES, AND A COPY FOR EACH BOARD MEMBER OF DETECTIVE WALDEN'S COMMENDATIONS AND HIS REDACTED COMPLAINT HISTORY.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: STARTING IN THE MIDDLE.

MS. AMIN: THANKS.

(BOARD REVIEWS PACKAGES.)

MS. AMIN: DID SOMEBODY COUNT ALL OF THESE (INDICATING)?

MR. SEKI: YES.

MS. AMIN: OKAY. WHAT DO YOU HAVE?

MR. SEKI: 155.

SERGEANT SLATER: AND THE DEPARTMENT STIPULATES TO THAT.

MS. AMIN: WHICH IS INCLUDING MINOR FROM BUREAU, OTHER --

MR. ORTEGA: THESE ARE ALL COMMENDATIONS?

MR. SEKI: CORRECT.

MS. AMIN: YEAH. CITIZEN BUSINESS, AREA, AND TWO MAJOR --

MR. SEKI: YES.

MS. AMIN: -- FROM THE DEPARTMENT.

IS THERE ANYTHING, DETECTIVE WALDEN, THAT YOU WANT TO DRAW OUR ATTENTION TO SPECIFICALLY IN YOUR LENGTHY RECORD HERE?

DETECTIVE WALDEN: I GUESS THE MAJORS. MERITORIOUS SERVICE AWARD AND --

MS. AMIN: THE STAR?

DETECTIVE WALDEN: AND A POLICE STAR.

MS. AMIN: IS THAT THE POLICE STAR?

DETECTIVE WALDEN: YES, MA'AM. WE SAVED A GUY FROM BEING SHOT TO DEATH, AND WE PULLED HIM OUT OF THE LINE OF FIRE BECAUSE HE HAD BEEN SHOT ABOUT EIGHT TIMES. AND I COVERED ALL THE GUYS WITH MY RIFLE AS THEY PULLED HIM TO SAFETY.

MS. AMIN: OKAY.

MR. ORTEGA: IF THERE WERE ANY PREVIOUS BOARDS, WOULD THAT INFORMATION BE ON HERE?

MR. SEKI: HE HAS NO OTHER -- HE HAS THE ONE SUSTAINED COMPLAINT ONLY, WHICH IS FOR THE TRAFFIC. THAT'S IT.

MR. ORTEGA: YEAH, I GOT THAT.

MR. SEKI: THAT'S IT.

MS. STRONG-FARGAS: JUST LOOKING AT YOUR WORK IN NARCOTICS AND IT'S VERY GOOD, VERY GOOD.

DETECTIVE WALDEN: THANK YOU, MA'AM.

MS. STRONG-FARGAS: THANK YOU.

DETECTIVE WALDEN: IT WAS A PLEASURE. I REALLY LIKED WORKING WITH THE CITY ATTORNEYS IN THE ABATEMENT OFFICE. THAT WAS THE MOST EFFECTIVE JOB THAT I'VE HAD. I'VE WORKED GANGS. I'VE WORKED UNDERCOVER. BUT WORKING ABATEMENTS WITH THE CITY ATTORNEY, YOU CAN ACTUALLY DO SOMETHING FOR QUALITY OF LIFE WITH THE PEOPLE THAT LIVE IN THAT NEIGHBORHOOD. I MEAN, WE HAD A CASE WHERE AN ELDERLY WOMAN WAS BEING TAKEN ADVANTAGE OF BY HER FAMILY MEMBERS, AND THEY WERE STEALING HER CHECKS. AND SHE WAS EMACIATED. SHE DIDN'T HAVE FOOD. WE ULTIMATELY DID THE INVESTIGATION AND MADE THE ARREST. AND WITH THAT, THE CITY ATTORNEY WAS ABLE TO SEIZE THE RESIDENCE, SELL IT, AND TAKE THE MONEY THAT THEY MADE FROM THE SALE OF THE HOUSE AND PUT HER IN ASSISTED LIVING. SO WE DID A LOT OF THAT WITHIN THE COMMUNITY AS FAR AS DEALING WITH PROBLEM LOCATIONS WITH THE CITY ATTORNEY. I DID THAT FOR SEVEN YEARS. YEAH. IT WAS A GOOD JOB.

MS. STRONG-FARGAS: GOOD JOB.

DETECTIVE WALDEN: THANK YOU.

MS. AMIN: CAN I JUST POINT OUT THE LAST MINOR COMMENDATION ON THE LAST PAGE, IT SAYS "1967."

MR. SEKI: HE WASN'T BORN.

MS. AMIN: I DON'T THINK THAT'S RIGHT.

DETECTIVE WALDEN: TIME MACHINE.

SERGEANT SLATER: FROM TIME TO TIME THE DEPARTMENT HAS BEEN KNOWN TO MAKE AN ENTRY INCORRECTLY.

MS. AMIN: OKAY. ALL RIGHT. AND WE HAVE FINISHED REVIEWING PACKAGES AND RETURNING BOTH DIVISIONAL AND ALL THE STUFF. EVERYTHING BACK.

SERGEANT SLATER: THANK YOU.

MR. ORTEGA: DOES THAT GO BACK TO YOU?

SERGEANT SLATER: THEY'RE COPIES.

MR. ORTEGA: OKAY.

SERGEANT SLATER: SO WE DON'T NEED TO TAKE THEM, BUT WE CAN TAKE THEM.

MR. ORTEGA: OKAY.

MS. AMIN: ALL RIGHT. DO YOU INTEND TO CALL ANY WITNESSES?

SERGEANT SLATER: THE DEPARTMENT DOES HAVE A RISK MANAGER, BUT THEY ARE NOT AVAILABLE UNTIL TOMORROW.

MS. AMIN: OKAY.

MR. SEKI: AND WE HAVE ABOUT SIX WITNESSES. THREE WOULD BE TELEPHONIC. I HADN'T ANTICIPATED THEM YET, BUT I CAN TRY AND REACH OUT IF YOU CAN GIVE ME A MOMENT AND SEE IF WE CAN --

MS. AMIN: IT'S UP TO YOU IF YOU WANT TO DO IT NOW. IT'S FINE.

MR. SEKI: OR WE CAN DO IT TOMORROW. TOMORROW -- IF WE CAN GO OFF THE RECORD.

MS. AMIN: LET'S GO OFF THE RECORD.

(DISCUSSION HELD OFF THE RECORD.)

(BRIEF RECESS TAKEN.)

MS. AMIN: LET'S GO BACK ON THE RECORD.

WE'RE READY TO HEAR FROM CHARACTER WITNESSES, MR. SEKI.

MR. SEKI: WE HAVE THREE CHARACTER WITNESSES. I'M GOING TO CALL RETIRED DETECTIVE JAMES MCSORLEY FIRST.

(TELEPHONIC WITNESS.)

MR. SEKI: HEY, SIR. BILL SEKI HERE.

MR. MCSORLEY: YES, SIR.

MR. SEKI: OKAY. I HAVE YOU ON SPEAKERPHONE IN THE BOARDROOM. LET ME GO AROUND ROOM SO YOU KNOW WHO'S HERE. WE HAVE OUR CIVILIAN BOARD. THE CHAIRPERSON IS MS. AMIN; WE HAVE PASTOR STRONG; AND WE HAVE MR. ORTEGA. REPRESENTED BY THE DEPARTMENT, WE

HAVE SERGEANT SLATER. WE HAVE A COURT REPORTER HERE. SO YOU'RE GOING TO HAVE TO GO SLOW. BE CLEAR. AND ALSO DETECTIVE WALDEN IS PRESENT.

AND BEFORE YOU TESTIFY, MS. AMIN IS GOING TO SWEAR YOU IN, SIR.

MR. MCSORLEY: YES, SIR.

MS. AMIN: CAN YOU GIVE US YOUR FULL NAME AND SPELL IT, PLEASE?

MR. MCSORLEY: MY NAME IS JAMES MCSORLEY, J-A-M-E-S, M-C-S-O-R-L-E-Y.

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

MR. MCSORLEY: I DO.

MS. AMIN: THANK YOU FOR THAT, AND THANK YOU FOR PARTICIPATING TODAY.

SO WE'LL TURN YOU OVER TO MR. SEKI.

MR. JAMES MCSORLEY,

WAS CALLED AS A CHARACTER WITNESS

BY THE ACCUSED, HAVING BEEN FIRST

DULY SWORN, WAS EXAMINED AND TESTIFIED

AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. THANK YOU, SIR. BILL SEKI AGAIN.

LET'S START OUT WITH THIS. ARE YOU CURRENTLY EMPLOYED?

A. I AM, SIR.

Q. WHAT DO YOU DO?

A. I JUST STARTED THIS WEEK WITH THE EL SEGUNDO POLICE DEPARTMENT AS A LATERAL AFTER 25 YEARS OF SERVICE WITH THE LOS ANGELES POLICE DEPARTMENT.

Q. WHEN DID YOU LEAVE LAPD?

A. ON FEBRUARY 1ST.

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

A. I WAS A DETECTIVE II SUPERVISOR IN THE GANG AND NARCOTICS DIVISION GUN UNIT.

Q. AND YOU SAID THAT YOU HAD WORKED FOR 25 YEARS IN LAPD?

A. I HAVE, WITH PREVIOUS SERVICE IN THE NEW YORK CITY POLICE DEPARTMENT, AS WELL.

Q. OKAY. HOW MUCH TIME TOTAL IN LAW ENFORCEMENT THEN?

A. I'VE BEEN DOING THAT THREE DECADES NOW AND GROWING.

Q. THANK YOU, SIR. APPRECIATE THAT.

HOW LONG HAVE YOU BEEN A SUPERVISOR OR WERE YOU A SUPERVISOR IN LAPD?

A. I BECAME A SUPERVISOR IN -- I WOULD SAY IN 2012. SOMEWHERE IN THAT VICINITY. IT'S BEEN SO LONG AND SO MUCH FUN, I LOSE TRACK.

Q. AND THEN HOW LONG WERE YOU IN G.N.D.?

A. I WAS THERE FROM -- I LANDED THERE IN ABOUT 2015.

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

A. I DID.

Q. AND CAN YOU EXPLAIN TO THE BOARD HOW IT IS YOU KNOW HIM?

A. WHEN I FIRST ARRIVED AT G.N.D., I WAS ASSIGNED TO THE NARCOTICS ABATEMENT UNIT WHERE I WAS CO-SUPERVISORS WITH LUKE.

Q. OKAY. AND TELL US ABOUT YOUR OBSERVATIONS OF LUKE AS A CO-WORKER, AS A SUPERVISOR, ET CETERA?

A. WELL, COMING TO A DIVISION WHERE I PRETTY MUCH KNEW NO ONE, IT WAS LIKE A BREATH OF FRESH AIR BEING PARTNERED UP WITH LUKE AND BEING IN A TIGHT UNIT WITH HIM. HE WAS ONE OF THE MOST FORTHCOMING, HELPFUL, ENERGETIC, AND FUN PEOPLE TO BE AROUND AND TOOK ME UNDER HIS WING AND SHOWED ME WHAT G.N.D. WAS

ABOUT AND WHAT THE UNIT WAS ABOUT AND JUST WAS EXTREMELY HELPFUL IN EVERY AREA POSSIBLE OFF DUTY AND ON DUTY. I CONSIDERED HIM -- WE INSTANTLY BECAME FRIENDS. I WAS AN ADMIRER OF HIM AND JUST A HUGE FAN. HE WAS VERY HELPFUL OF MAKING A SMOOTH TRANSITION COMING FROM ONE DIVISION TO ANOTHER.

Q. SO YOU TALKED ABOUT SOME OF THE THINGS. LET ME SEE IF I CAN GET MORE SPECIFIC. AS A SUPERVISOR -- HE WAS A SUPERVISOR AT THAT UNIT. HOW WAS HE AS A SUPERVISOR?

A. HE LED BY EXAMPLE. HE WAS A TRUE LEADER IN TRYING TO HELP OTHERS IN EVERY WAY POSSIBLE. AND BY -- AND IN OTHER WAYS OF SHOWING IF HE SCREWED UP IN SOME AREAS, HE WAS THE FIRST ONE TO OWN UP AND, YOU KNOW, REPENT FOR HIS SINS OR WHATEVER THINGS THAT WENT WRONG. HE WAS THE FIRST ONE TO SAY "I SCREWED UP" AND THIS IS HOW -- "IT WON'T HAPPEN AGAIN AND THIS IS WHAT I'LL DO TO CORRECT THAT IN THE FUTURE." SO IT WAS A VERY INSPIRING TO SEE. AND, YEAH, I'LL USE THAT IN MY METHODOLOGY, IN MY MINDSET OF TRYING TO LEAD OTHERS, AS WELL, INSTEAD OF JUST PUTTING EGO ASIDE AND JUST SAYING, "HEY, WE COULD HAVE DONE THIS BETTER. THAT'S MY FAULT." AND, "YEAH, LET'S BECOME BETTER BY, YOU KNOW, JUST EMBRACING OUR FAILURES AND MAKING OURSELVES STRONGER."

SO JUST VERY REFRESHING AND HUMBLING AND INSPIRING AT THE SAME TIME. SO, YEAH, I THINK IT JUST RAISED EVERYONE ELSE TO A NEW LEVEL.

Q. AND YOU KIND OF TOUCHED ON THIS, BUT MAYBE YOU CAN BE A LITTLE MORE SPECIFIC. HOW WAS HE RECEIVED BY HIS SUBORDINATES?

A. BY SUBORDINATES? REALLY WELL, BECAUSE WHEN YOU'RE WORKING WITH SOMEONE, AROUND SOMEONE THAT'S FREE OF HUBRIS AND FILLED WITH GOOD HUMOR AND GOOD NATURE AND JUST REALLY GOOD QUALITIES THAT YOU WANT TO ASPIRE TO YOURSELF, IT KIND OF BECOMES CONTAGIOUS. AND IT ENABLED EVERYONE TO WORK FREELY AND RAISE MORALE AND MADE WORK -- COMING TO WORK SOMETHING THAT YOU REALLY LOOKED FORWARD TO INSTEAD OF SOMETHING THAT WAS NOT LOOKING FORWARD TO. SO IT WAS ALMOST, YOU KNOW, TO THAT POINT WHERE YOU -- WHEN YOU WERE OFF DUTY, YOU WISH YOU WERE ON DUTY. IT WAS SO MUCH FUN AND YOU GOT SO MUCH WORK DONE AND YOU WERE EFFICIENT AND HAPPY. SO IT WAS REALLY A POSITIVE WORKPLACE. WHEN HE WASN'T AROUND, YOU COULD FEEL THE ENERGY GO DOWN. WHEN HE WAS AROUND, THE ENERGY WENT UP.

Q. GREAT. THANK YOU SO MUCH FOR THAT.

YOU KNOW, WE'RE HERE IN THIS BOARD OF RIGHTS. HE WAS CHARGED WITH ATTEMPTING TO POSSESS A SILENCER. HE WAS FOUND GUILTY BY THE BOARD. KNOWING

THAT, DOES THAT IN ANY WAY CHANGE ANY OF YOUR VIEWS OR OPINIONS OF HIM?

A. NOT AT ALL. NOT AT ALL. WE ALL MAKE MISTAKES, AND I THINK -- MISTAKES ARE ALMOST LIKE A -- AND I KNOW IT'S LUKE'S MINDSET -- THEY'RE ALMOST LIKE GIFTS IN DISGUISE. THEY'RE GOING TO MAKE US BETTER FOR IT. AND BY SOMEONE HAVING A MISTAKE AND STAYING ON THE JOB, THEY CAN BE -- THEY CAN WARN OTHERS, AND THEY CAN JUST BE A FORCE MULTIPLIER, WHAT NOT TO DO OR HOW TO HANDLE YOUR FAILURES OR PERCEIVED FAILURES AND MISTAKES, AND WE NEED THAT. WE NEED PEOPLE TO SHOW THAT THINGS COULD GO WRONG AND YOU CAN COME OUT BETTER FOR IT AND SHOW OTHERS HOW TO PERSEVERE AND PUSH THROUGH THOSE HARDSHIPS.

SO I THINK IT'S A GOOD THING WHEN WE FAIL. IT'S TOUGH GOING THROUGH IT, BUT WE BECOME BETTER FOR IT AND WE CAN BE A GOOD EXAMPLE ON HOW TO HANDLE THAT IN THE FUTURE. SO I HAVE NO MISGIVINGS OR NO RESOLUTIONS (SIC) WITH SHOWING SOMEONE LIKE LUKE COMING BACK ON THE JOB AND MEETING OTHERS. I THINK IT WILL BE BETTER FOR EVERYONE, BETTER FOR HIM. AND NO PROBLEMS WHATSOEVER. AND DOING THESE TYPE OF THINGS, CHARACTER REFERENCES, I DON'T TAKE IT LIGHTLY. I DON'T DO IT FOR EVERYONE. THERE'S ONLY A FEW SELECT PEOPLE ON THIS JOB THAT I CALL FRIENDS. AND MY

FRIENDSHIP, TO EARN THAT TITLE, IS VERY HARD FOR ME TO CALL SOMEONE A FRIEND. THEY HAVE TO -- EVERYONE ELSE ARE ASSOCIATES AND THERE'S NOTHING WRONG WITH THAT, BUT IN ORDER TO EARN THE TITLE OF FRIENDSHIP, YOU HAVE TO JUMP THROUGH A LOT OF HOOPS AND YOU HAVE TO GO THROUGH RESISTANCE. SO BY THAT, I MEAN, YOU HAVE TO EARN THAT. IT'S JUST NOT GIVEN OUT. AND LUKE HAS ACHIEVED THAT. I CONSIDER HIM A BROTHER. AND HE -- WHEN I WAS GOING THROUGH A DIVORCE ON THE JOB AND A HARD TIME, HE WAS THERE FOR ME. HE WAS ABLE TO GET ME THROUGH THAT BY GIVING ME GREAT ADVICE AND BEING A FANTASTIC LEADER AND JUST BEING FRIENDS WITH SOMEONE THAT MAYBE WASN'T SO POPULAR AND FRIENDS HAS REALLY EARNED THAT I THINK THROUGH RESISTANCE, YOU KNOW, BY OVERCOMING SOMETHING. IT'S LIKE YOU'RE NOT A DOCTOR OR A HOMICIDE DETECTIVE AND SO YOU WENT TO TRIAL AND SOLVED A CASE AND WENT THROUGH -- JUMPED THROUGH ALL THESE HOOPS WHERE YOU SAVED THAT PERSON ON THE OPERATING TABLE, AND THEN YOU REALLY EARNED THAT TITLE OF HOMICIDE DETECTIVE, OF FRIEND, OF DOCTOR. SO LUKE HAS EARNED THAT TITLE, YOU KNOW, THAT I'VE BESTOWED UPON HIM OF FRIEND AND BROTHER. AND JUST BECAUSE HE MADE THAT MISTAKE, IT WILL NEVER BE TAKEN AWAY FROM HIM. I THINK IT'S GOING TO MAKE HIM A BETTER PERSON, A BETTER SUPERVISOR, A BETTER COP, A BETTER PERSON

OVERALL. AND I HAVE NO MISGIVINGS ABOUT THAT WHATSOEVER.

Q. THANK YOU VERY MUCH FOR SHARING ALL THIS.

ONE OF THE THINGS I KIND OF CUT OFF ON, YOU SAID YOU WERE LATERALLING OVER TO EL SEGUNDO. ARE YOU STILL IN A SUPERVISORY POSITION OR --

A. NO, NO. I'M STARTING BACK -- STARTING BACK AT THE BOTTOM. AND IT'S NOT REALLY THE BOTTOM. JUST THE BEGINNING, I SHOULD SAY. SO GOING BACK TO THE ROOTS OF BEING A -- WHAT I CAME ON THE JOB TO BE POLICEMAN AND INTERACT WITH COMMUNITY AGAIN AT THE BEST LEVEL I THINK. YOU KNOW, THAT 911, THAT FIRST -- THAT FIRST CALL, THAT FIRST INTERACTION WITH LAW ENFORCEMENT SHOULD BE SUPER IMPORTANT NOWADAYS. SO --

Q. GREAT.

A. -- THAT'S WHERE I'M AT.

Q. THANK YOU SO MUCH.

SO I'M DONE WITH MY QUESTIONS FOR YOU. SERGEANT SLATER MAY HAVE QUESTIONS AND THE BOARD MAY HAVE QUESTIONS. SO PLEASE HANG ON.

A. YES, SIR.

CROSS-EXAMINATION

BY SERGEANT SLATER:

Q. OFFICERS MCSORLEY, AM I PRONOUNCING THAT

CORRECT?

A. YES, SIR.

Q. CAN YOU HEAR ME?

A. YEAH, I CAN HEAR YOU A LITTLE -- SOUNDS A LITTLE DISTANCE, BUT I CAN HEAR YOU.

Q. CAN YOU HEAR ME BETTER HERE?

A. A LITTLE BIT BETTER.

Q. ALL RIGHT. YOU MENTIONED ONE OF THE ATTRIBUTES YOU ADMIRED ABOUT DETECTIVE WALDEN WAS THAT HE TAKES ACCOUNTABILITY FOR HIS ACTIONS; IS THAT CORRECT?

A. YES, SIR.

Q. ALL RIGHT. ARE YOU AWARE THAT PRIOR TO THIS PROCEEDING, HE HAD A CRIMINAL MATTER RELATED TO THIS CHARGE?

A. YES.

Q. AND ARE YOU AWARE THAT HE TOOK A PLEA IN THAT MATTER?

A. YES.

Q. DOES THAT RAISE CONCERNS AS A DEPARTMENT SUPERVISOR ABOUT HIS CAPABILITIES AS AN OFFICER?

A. NO. I MEAN, IT SHOWS OWNERSHIP THAT HE'S WILLING TO STEP FORTH AND ACCEPT RESPONSIBILITIES FOR HIS MISTAKES AND, YOU KNOW, THROUGH YOUR MERCY UPON THE COURT OF WHATEVER THEY SENTENCE HIM WITH THAT WAS

GOING TO BE HIS FATE. SO I'M ALL ABOUT OWNERSHIP AND REDEMPTION AND OVERCOMING OBSTACLES. SO, NO, I HAVE NO RESERVATIONS WITH THAT. I THINK IT'S APPLAUDABLE.

Q. OKAY. NOW, WHEN HE GOT IN FRONT OF THIS BOARD, WHEN ASKED WHY HE TOOK A PLEA, HE STATED THAT HE TOOK A PLEA BECAUSE HE COULD NOT FACE THE LEGAL FEES AND HE DENIED THE ALLEGATIONS BEFORE HIM IN FRONT OF THIS BOARD. DOES THAT DEMONSTRATE TAKING OWNERSHIP OF HIS ACTIONS?

A. YOU KNOW WHAT, I THINK AS YOU GO THROUGH THESE LEGAL PROCEEDINGS, THE MINDSET IS YOU CAN GET CLOUDED AT TIMES. I'VE KNOWN SEVERAL GUYS THAT HAVE BEEN THROUGH THESE PROCEEDINGS. AND IT TAKES A TOLL IN YOUR MIND OF -- YOU KNOW, YOU CAN GO THROUGH A WIDE RANGE OF EMOTIONS THAT CHANGE MANY TIMES THROUGH THE PROCESS OF OWNING UP TO IT, OF WANTING TO GET IT OVER WITH AND TO EVERYTHING ELSE IN BETWEEN. SO AT THAT TIME THAT MIGHT HAVE BEEN HIS MINDSET, AND I KNOW IT'S PROBABLY CHANGED MANY DIFFERENT TIMES. IT'S KIND OF LIKE BEING IN A MARRIAGE. FIRST YOU FALL IN LOVE, THEN YOU FALL OUT OF IT, THEN YOU GO BACK AND FORTH. SO IT'S A PART OF THE PROCESS. AND I THINK, YOU KNOW, THOSE THINGS WILL CHANGE IN THE FUTURE AS THEY DO RIGHT NOW IN THE PRESENT.

SO I UNDERSTAND. AT THE TIME IT MIGHT NOT

BE WHAT SOMEONE WANTS TO HEAR, BUT, YOU KNOW, IT'S AN IMPERFECT SYSTEM AND THE MIND AND EVERYTHING ELSE, IT'S VERY FRAGILE. AND THE DISCIPLINARY PROCESS TAKES ITS TOLL ON PEOPLE IN VERY DIFFERENT WAYS. SO I UNDERSTAND BOTH SIDES OF THE COIN.

Q. BUT MY QUESTION TO YOU, SIR, WAS DOES THAT DEMONSTRATE TAKING ACCOUNTABILITY FOR HIS ACTION, TELLING THE BOARD THAT HE DID NOT COMMIT IT AFTER PLEADING GUILTY IN COURT?

MR. SEKI: OBJECTION. HE DIDN'T PLEAD GUILTY IN COURT.

SERGEANT SLATER: PLEADING --

MR. SEKI: NO CONTEST.

BY SERGEANT SLATER:

Q. -- NO CONTEST. I APOLOGIZE. PLEADING NO CONTEST IN COURT.

A. YES. I UNDERSTAND THE PROCESS OF PLEADING NO CONTEST AND ACCEPTING IT. THAT WAS HIS FORM OF ACCEPTANCE AND OWNERSHIP OF IT.

Q. AGAIN, I'M NOT ASKING ABOUT IN THE COURT SETTING, SIR. I'M TRYING TO CLARIFY. BUT WHEN HE GOT TO THE BOARD, DID IT DEMONSTRATE OWNERSHIP BY TELLING THE BOARD THAT HE WAS NOT GUILTY?

A. IF THAT'S WHAT HE FEELS. AND I KNOW LUKE AS A PERSON AND HE'S DEMONSTRATED TO ME IN THE PAST, IF

THAT'S WHAT HE BELIEVES, THAT'S THE WAY HE'S OWNING IT, THAT'S THE WAY -- THAT'S WHAT HE BELIEVES AND SO --

Q. OKAY.

A. -- I UNDERSTAND THAT, YEAH.

Q. THANK YOU.

NO FURTHER.

MS. AMIN: ANY QUESTIONS?

MR. ORTEGA: I HAVE NO QUESTIONS.

MS. STRONG-FARGAS: NO.

EXAMINATION

BY MS. AMIN:

Q. DO YOU BELIEVE THAT HE CAN CONTINUE AS A DETECTIVE HAVING BEEN FOUND GUILTY OF ATTEMPTING TO OBTAIN A FIREARM SILENCER?

A. YES, MA'AM.

Q. HE CAN PERFORM HIS JOB? CAN HE TESTIFY IN COURT? BECAUSE HE HAS BEEN QUALIFIED AS A GUN EXPERT PREVIOUSLY, AND HE HAS TESTIFIED, I BELIEVE HE SAID FIVE TIMES IN CRIMINAL PROCEEDINGS. WOULD HE BE ABLE TO STILL CONTINUE IN THAT POSITION, IF YOU KNOW?

A. CONTINUE TO BE A GUN EXPERT IN COURT, YOU'RE SAYING?

Q. YES.

A. YES.

SERGEANT SLATER: I'M GOING TO OBJECT.

MR. MCSORLEY: TO TESTIFY AS AN EXPERT JUST MEANS AN EXPERT IS SOMEONE PER THE L.A. D.A.'S GUIDELINES AS SOMEBODY WHO KNOWS -- HAS MORE KNOWLEDGE OF IT THAN THE AVERAGE LAYPERSON. SO IF THAT COMES TO A PITCHESS MOTION AND IT COMES TO LIGHT, I DON'T THINK THAT WILL TAKE AWAY ANY OF HIS CREDIBILITY AS A GUN EXPERT OR TO TESTIFY. YOU KNOW, IT WILL JUST BE BROUGHT OUT HE HAS A MISDEMEANOR CONVICTION OF A CRIME LIKE MANY OTHER OFFICERS DO THAT ARE STILL ON THE JOB FUNCTIONING AS A FULL-FLEDGED OFFICER. I DON'T THINK THAT WILL TAKE AWAY ANYTHING.

MS. AMIN: OKAY. NOTHING ELSE FROM ME. THANK YOU.

ANYBODY ELSE HAVE ANY QUESTIONS? MR. SEKI?

MR. SEKI: NO.

I THINK THAT PRETTY MUCH DOES IT FOR YOU, SIR. THANK YOU SO MUCH FOR TAKING THE TIME OUT FROM YOUR DAY. WE APPRECIATE IT AND THAT'S ALL.

MS. AMIN: THANK YOU. YOU'RE EXCUSED.

MS. STRONG-FARGAS: THANK YOU.

MR. MCSORLEY: THANK YOU ALL. APPRECIATE IT.

MR. SEKI: BYE-BYE.

MR. MCSORLEY: BYE-BYE.

(END OF TESTIMONY OF MR. MCSORLEY.)

MR. SEKI: NEXT I'M GOING TO CALL RETIRED LIEUTENANT JESSE KANE.

(TELEPHONIC WITNESS.)

HEY, SIR. BILL SEKI HERE.

MR. KANE: HEY, HOW ARE YOU?

MR. SEKI: I'M DOING GREAT. I HAVE YOU ON SPEAKERPHONE AND YOU'RE IN THE BOARDROOM. LET ME GO AROUND THE BOARDROOM SO YOU KNOW WHO'S HERE.

WE HAVE OUR CIVILIAN BOARD MEMBERS. OUR CHAIR IS MS. AMIN. WE HAVE OUR ASSOCIATE MEMBERS, PASTOR STRONG-FARGAS AND ALSO MR. ORTEGA. ON BEHALF OF THE DEPARTMENT IS SERGEANT SLATER, WHO IS AN ASSOCIATE ADVOCATE. WE HAVE A COURT REPORTER PRESENT SO I NEED YOU TO SPEAK CLEARLY AND SLOWLY. AND ALSO PRESENT IS DETECTIVE WALDEN.

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

MR. KANE: OKAY.

MS. AMIN: GOOD AFTERNOON. THANK YOU FOR TESTIFYING TODAY.

CAN YOU SPELL YOUR NAME FOR US, PLEASE?

MR. KANE: YOU NEED ME TO SPELL IT?

MR. SEKI: YES.

MR. KANE: THE FIRST IS JESSE, J-E-S-S-E; THE LAST IS KANE, K-A-N-E.

MS. AMIN: ALL RIGHT. AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOUR SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

MR. KANE: YES, I DO.

MS. AMIN: ALL RIGHT. THANK YOU.

MR. JESSE KANE,

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

DIRECT EXAMINATION

BY MR. SEKI:

Q. ALL RIGHT. SIR, BILL SEKI AGAIN. LET ME START OFF WITH THIS. ARE YOU CURRENTLY EMPLOYED?

A. NO. I RETIRED FROM THE DEPARTMENT IN AUGUST -- OR JULY 31ST OF '22.

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

A. I WAS A LIEUTENANT II ASSIGNED TO G.N.D.

Q. HOW MANY YEARS HAD YOU SPENT WITH LAPD

BEFORE RETIRING?

A. I DID -- I'M STILL A RESERVE SO TECHNICALLY STILL WITH THEM; BUT AS FULL-TIME SWORN, I DID 28 YEARS.

Q. THANK YOU, SIR.

HOW LONG WERE YOU A SUPERVISOR?

A. I BECAME A SUPERVISOR IN '05 WHEN I MADE SERGEANT, AND I STAYED EITHER A SERGEANT OR A LIEUTENANT SINCE THEN.

Q. OKAY. YOU SAID YOU WORKED G.N.D. HOW LONG DID YOU WORK G.N.D.?

A. SO I GOT TO G.N.D. IN 2016, AND THEN I -- I GOT THERE AS A LIEUTENANT I IN 2016. I LEFT TO GO TO I.T.D., INFORMATION TECHNOLOGY BUREAU, TO GET MY LIEUTENANT II SPOT 'CAUSE THERE WAS A SPOT OVER THERE. AND THEN I CAME BACK TO G.N.D. IN 2018.

Q. OKAY.

A. SO I LEFT FOR ABOUT -- I WAS GONE ABOUT A YEAR, YEAR-AND-A-HALF BEFORE I CAME BACK LIEUTENANT II.

Q. OKAY. SO DURING YOUR TIME WITH THE DEPARTMENT, HAVE YOU HAD AN OPPORTUNITY TO WORK WITH, OBSERVE, OR SUPERVISE LUKE WALDEN?

A. YES. SO LUKE AND I HAVE PROBABLY KNOWN EACH OTHER I'M GOING TO -- IT'S GOT TO BE OVER 20 YEARS

BECAUSE WE WORKED, IF I RECALL CORRECTLY, IN VAN NUYS TOGETHER. AND SINCE I LEFT VAN NUYS IN '05 WHEN I MADE SERGEANT, IT'S BEEN 24 -- IT HAS TO BE OVER 20 YEARS AGO THAT WE'VE KNOWN EACH OTHER. WE WORKED SOME TIME THERE. I DON'T RECALL US BEING PAIRED UP IN A CAR TOGETHER, BUT WE WORKED AROUND EACH OTHER. AND THEN WHEN I GOT -- AND THEN THROUGH TRAINING, WE HAD INTERACTIONS. AND THEN WHEN I GOT TO G.N.D., I WAS -- HE WAS ALREADY -- IF I'M CORRECT, HE WAS ALREADY A D-II THERE, AND I WAS A LIEUTENANT COMING IN. AND HE WOULD HAVE BEEN -- HE WOULD HAVE REPORTED EITHER TO THE D-III IF THEY HAD ONE, AND THERE WERE TIMES HE WOULD HAVE REPORTED DIRECTLY TO ME. JUST BECAUSE OF THE WAY THINGS WORKED OUT, HE WOULD HAVE BEEN ACTING D-III, AND I WOULD HAVE BEEN OVER AT HIS UNIT AT DIFFERENT TIMES.

Q. OKAY. SO BASED UPON YOUR TIME, IT SOUNDS LIKE YOU GUYS HAD A LOT OF INTERACTION OVER THE YEARS. CAN YOU -- BASED UPON THOSE INTERACTIONS AND OBSERVATIONS, CAN YOU TELL THE BOARD ABOUT THE TYPE OF POLICE OFFICER WE HAVE IN LUKE WALDEN?

A. SO LUKE'S ALWAYS BEEN -- ALWAYS BEEN STAND-UP. HE'S ALWAYS, YOU KNOW, DONE HIS JOB. HE'S NEVER SHIRKED RESPONSIBILITY. HE'S -- HE'S JUST BEEN A GREAT GUY TO HAVE AROUND. YOU KNOW, HE COULD BE

LIGHTHEARTED AT TIMES; BUT WHEN HE'S DOING HIS JOB, HE'S FOCUSED. HE'S BEEN A GO-TO GUY FOR ME WHEN I WOULD -- ESPECIALLY AS A SUPERVISOR, YOU'RE LIKE, "HEY, I NEED SOMEBODY TO DO SOMETHING," OR I NEED -- ESPECIALLY IF HE WAS IN A SUPERVISOR POSITION, AS WELL, WHEN THERE WAS THINGS THAT GOT PUSHED DOWN, DEPARTMENT CHANGES OR WHATEVER, AND WE WOULD HAVE THOSE CONVERSATIONS, "HEY, I NEED YOU TO TALK --" DISCUSS -- WHICHEVER THE TOPIC WAS THAT WAS CHANGING, "I NEED -- YOU KNOW, WE NEED TO PUSH IT DOWN TO THE -- TO THE OTHER EMPLOYEES," HE'D BE LIKE, "YEAH." AND WE WOULD TALK ABOUT WHETHER WE AGREED OR DISAGREED. AT THE END OF THE DAY, THIS WAS THE DIRECTION THE DEPARTMENT'S GOING, AND WE WILL FOLLOW ALONG, AND HE ALWAYS DID THAT. HE STEPPED UP AND SAID, "HEY, THE DEPARTMENT WANTS US TO GO LEFT. WE'RE GOING TO GO LEFT TODAY; AND UNTIL THEY CHANGE IT, WE'RE GOING TO FOLLOW THAT LINE."

AND SO HE WAS A GREAT PERSON TO HAVE AS A SUPERVISOR FOR ME BECAUSE HE WAS -- HE DIDN'T LET HIS PERSONAL EMOTIONS OR ANYTHING GET IN THE WAY. HE JUST DID HIS JOB AND WHATEVER THE DIRECTION WAS -- IF THE DEPARTMENT WANTED SOMETHING, HE DID IT. IF -- YOU KNOW, I WAS TRYING TO THINK OF SOMETHING. AND I REMEMBER A TIME AND I -- I DON'T REMEMBER WHAT

HAPPENED SPECIFICALLY, BUT I KNOW WE DID A SEARCH WARRANT OR SOMETHING, AND I THINK SOMETHING BROKE IN THE RESIDENCE. AND HE PULLED ME ASIDE AND SAID, "I -- YOU KNOW, WE KIND OF BROKE SOMETHING DURING THE SEARCH." YOU KNOW, THEY COULD HAVE EASILY KEPT IT SILENT AND NO ONE WOULD HAVE PROBABLY KNOWN. BUT WE, YOU KNOW, WENT THROUGH, DID THE PAPERWORK AND LEFT HIM WITH IT SAYING, "HEY, IF THEY WANTED IT FOR THE CLAIM FOR THE DAMAGE --" I DON'T REMEMBER WHAT IT WAS. IT WOULD BE MUCH -- I WISH I COULD BECAUSE I JUST REMEMBER THE INCIDENT OF HIM COMING UP TO ME, PULLING ME ASIDE AND SAYING, "HEY, WE HAVE A SMALL ISSUE."

SO AS A SUPERVISOR, HE WAS -- NEVER TRIED TO DISGUISE SOMETHING. IF WE MESSED SOMETHING UP, HE WAS ALWAYS WILLING TO SAY, "HEY, WE MESSED SOMETHING UP." AND IF WE DID THINGS RIGHT, HE WAS ALWAYS RIGHT THERE MAKING SURE THAT EVERYBODY ELSE AROUND US GOT THE AFFIRMATIONS THEY DESERVED FOR DOING A GOOD JOB.

SO I -- YOU KNOW, HE WAS A GREAT PERSON TO HAVE WORKING FOR ME AND AROUND ME.

Q. LET ME ASK YOU THIS. YOU TALKED ABOUT HIM AS A SUPERVISOR. HOW DO YOU -- DO YOU KNOW HOW HE WAS PERCEIVED BY HIS SUBORDINATES?

A. AS YOU KNOW, SOMETIMES PEOPLE WILL GO AROUND SUPERVISION TO GO UP, AND I NEVER HEARD A NEGATIVE

THING ABOUT HIM FROM D-III'S THAT HE WORKED FOR OR FROM THE D-I'S AND EVEN SOME OF THE OFFICERS THAT WERE AROUND HIM. BECAUSE REMEMBER, WE GET -- I ALSO WORKED -- I ALSO WORKED AROUND HIM WHEN WE WERE DOING THE -- WE WOULD GO OUT TO THE DIVISIONS, AND WE WOULD INTERACT WITH MULTIPLE PEOPLE NOT ONLY DURING NARCOTICS DIVISION, BUT WE ALSO HANDLE -- NARCOTICS UNIT, BUT WE WOULD ALSO USE DIVISIONAL PERSONNEL OFFICERS AND STUFF TO COME IN AND -- SUPPORT AND SUPPLEMENT OUR NEED FOR -- PERSONNEL-WISE, AND I NEVER HEARD ANYBODY COME UP TO ME AND SAY THAT THEY EVER HAD ANY ISSUES WITH HIM.

Q. SO WE'RE IN THIS BOARD. THE ALLEGATION WAS THAT HE ATTEMPTED TO PURCHASE OR OBTAIN A FIREARM SILENCER, AND HE WAS FOUND GUILTY OF THAT BY THE BOARD. KNOWING ALL OF THAT, DOES THAT IN ANY WAY CHANGE ANY OF YOUR THOUGHTS OR OPINIONS ON HIM?

A. NO. YOU KNOW WHAT, IF HE MADE A MISTAKE, THAT'S -- YOU KNOW, THAT'S SOMETHING THAT HE HAS TO DEAL WITH. BUT AS FAR AS A PERSON AND AS FAR AS HIM EVER WORKING FOR ME, I WOULD HAVE -- I WOULD HAVE NO PROBLEM WITH HIM WORKING FOR ME. I WOULD HAVE NO PROBLEM WITH HIM COMING OVER ON A PERSONAL BASIS AND HAVING HIM AT MY HOUSE. YOU KNOW, HE'S ALWAYS BEEN A -- HE'S ALWAYS BEEN HONEST AND STRAIGHTFORWARD TO

ME. SO I'VE NEVER HAD AN ISSUE AT ALL. AND TO THIS DAY, I STILL FEEL THAT WAY ABOUT HIM.

Q. ALL RIGHT. YOU'VE BEEN GREAT IN GIVING US A LOT OF INFORMATION ABOUT HIM. THIS IS MY LAST QUESTION TO YOU. IS THERE ANYTHING ELSE YOU THINK THE BOARD NEEDS TO KNOW ABOUT LUKE THAT MAY HELP THEM IN MAKING THEIR DECISION?

A. YOU KNOW, IF HE MADE A MISTAKE, I DON'T THINK THIS IS A HILL THAT'S THAT BIG OF A HILL FOR HIM. YOU KNOW, MISTAKES HAPPEN. AND, YOU KNOW, LET'S HOPE EVERYBODY CAN GET BEYOND THIS. I DON'T KNOW WHAT ELSE TO SAY. I KNOW HE'S BEEN A GREAT PERSON AND, YOU KNOW, WE'VE BECOME FRIENDS SINCE THEN ON A PERSONAL BASIS. SO, YOU KNOW, I'M ROOTING FOR HIM.

Q. OKAY. PERFECT. THANK YOU.

I DON'T HAVE ANY ADDITIONAL QUESTIONS FOR YOU, BUT SERGEANT SLATER OR THE BOARD MAY. SO PLEASE HANG ON.

A. NO PROBLEM.

SERGEANT SLATER: NOTHING FROM THE DEPARTMENT. I HAVE NOTHING.

MR. ORTEGA: I DON'T HAVE ANY.

MS. AMIN: OKAY. NO MORE QUESTIONS FROM ANYONE. THANK YOU VERY MUCH FOR YOUR TIME.

MR. KANE: THANK YOU. HAVE A GREAT DAY.

MR. SEKI: THANK YOU, SIR. TAKE CARE. BYE-BYE.

MR. KANE: THANK YOU. BYE.

(END OF TELEPHONIC WITNESS.)

MR. SEKI: THEN OUR LAST WITNESS FOR TODAY WILL BE DETECTIVE CRAIG MARQUEZ.

LET ME TRY ONE MORE TIME.

DETECTIVE MARQUEZ?

DETECTIVE MARQUEZ: YES. HELLO. SORRY. I PUNCHED THE WRONG BUTTON.

MR. SEKI: ALL RIGHT, SIR. THANK YOU VERY MUCH. I HAVE YOU ON SPEAKERPHONE. LET ME WALK AROUND THE ROOM SO YOU KNOW WHO'S HERE.

DETECTIVE MARQUEZ: OKAY.

MR. SEKI: WE HAVE OUR CIVILIAN BOARD LED BY OUR CHAIR MS. AMIN, AND WE HAVE OUR ASSOCIATE BOARD MEMBERS PASTOR STRONG-FARGAS ALONG WITH MR. ORTEGA. ON BEHALF OF THE DEPARTMENT, WE HAVE SERGEANT SLATER, WHO IS THE ASSOCIATE ADVOCATE. THERE IS A COURT REPORTER IN THE ROOM. SO WE NEED YOU TO SPEAK SLOWLY AND CLEARLY, AND ALSO WE HAVE DETECTIVE WALDEN.

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

MS. AMIN: DETECTIVE, BEFORE I DO, SPELL YOUR NAME FOR US.

DETECTIVE MARQUEZ: MY NAME IS CRAIG, C-R-A-I-G; MARQUEZ, M-A-R-Q-U-E-Z.

MS. AMIN: ALL RIGHT. THANK YOU.

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

DETECTIVE MARQUEZ: I DO.

MS. AMIN: ALL RIGHT. GO AHEAD.

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

DIRECT EXAMINATION

BY MR. SEKI:

Q. THANK YOU, SIR. BILL SEKI ONCE AGAIN.

LET'S START WITH THIS. WHAT'S YOUR CURRENT RANK AND ASSIGNMENT?

A. CURRENTLY I'M A DETECTIVE SUPERVISOR SERVING IN TRAINING DIVISION. I AM CURRENTLY ALSO THE OFFICER CHARGE OF DETECTIVE TRAINING FOR THE LOS ANGELES POLICE DEPARTMENT.

Q. HOW MUCH TIME DO YOU HAVE WITH THE

DEPARTMENT?

A. 28 YEARS.

Q. HOW LONG HAVE YOU BEEN A SUPERVISOR?

A. I'VE BEEN A SUPERVISOR FOR TWO YEARS.

Q. DURING YOUR TIME WITH THE DEPARTMENT, DID YOU EVER WORK G.N.D.?

A. YES.

Q. HOW LONG DID YOU WORK THERE?

A. APPROXIMATELY FOUR YEARS?

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

A. YES.

Q. EXPLAIN TO THE BOARD HOW IT IS YOU KNOW HIM.

A. SO MYSELF AND LUKE WERE BOTH ASSIGNED TO -- WE WERE BOTH ASSIGNED TO GANG AND NARCOTICS DIVISION. SO WE KNEW EACH OTHER THROUGH THERE BECAUSE WE WORKED DIFFERENT SQUADS, BUT THEN ALSO LATER ON WE WORKED IN THE GUN UNIT TOGETHER.

Q. OKAY. WHAT DID YOU DO IN THE GUN UNIT?

A. WE WORKED CASES WHERE -- WE WORKED CASES WHERE WE HAVE PEOPLE THAT ARE PROHIBITED POSSESSORS. WE WERE IN CHARGE OF DOCUMENTING THE AMMUNITION LAW FOR THOSE VENDORS SELLING AMMUNITION IN THE CITY OF LOS ANGELES. I WAS TASKED WITH ALSO CONDUCTING AND

HANDLING THE APPLICATIONS FOR PEOPLE WHO ARE APPLYING TO GET THEIR CONCEALED CARRY WEAPONS PERMIT.

Q. OKAY. TELL US ABOUT WHAT TYPE OF OFFICER YOU WERE WORKING WITH WHEN YOU WERE WORKING WITH DETECTIVE WALDEN?

A. ONE OF THE THINGS THAT REALLY STRUCK ME -- AND BEFORE I SAY, I JUST WANT TO THANK THE BOARD FOR EVERYTHING YOU DO. WE TRULY APPRECIATE YOU SACRIFICING YOUR TIME AND PUTTING THE EFFORT FOR THIS REALLY IMPORTANT ROLE IN THE DEPARTMENT AND ALSO FOR THE CITY. SO FROM THE BOTTOM OF MY HEART, I THANK YOU FOR TAKING ON THAT ROLE AND STEPPING UP AND FILLING THAT ROLE.

ONE OF THE THINGS THAT REALLY STRUCK ME AS FAR AS LUKE IS THAT -- I'M A RESIDENT OF LOS ANGELES. SO I HAVE A VESTED INTEREST IN THE PEOPLE WHO ARE OFFICERS, SUPERVISORS, DETECTIVES IN THE CITY THAT I LIVE IN. AND ONE OF THE THINGS THAT REALLY STRUCK ME ABOUT LUKE IS, YOU KNOW, HE'S -- HE TREATS -- HE TREATS OUR RESIDENTS JUST -- I MEAN, AS BEST AS YOU CAN EVER ASK OF ANY PUBLIC SERVANT. HE HAS EMPATHY FOR PEOPLE WHO MIGHT HAVE TAKEN THE WRONG TURN, MADE SOME BAD CHOICES IN LIFE, OR EVEN THE PEOPLE WHO ARE OF THE CRIMINAL ELEMENT. HE IS A PERSON THAT TAKES EXTREME CARE ON HOW HE PRESENTS AND HOW HE TREATS

PEOPLE. TO ME THAT MEANS -- TO ME THAT MEANS MORE TO ME AS A RESIDENT THAN JUST AS A DETECTIVE AND AS A POLICE OFFICER BECAUSE IT'S SOMEBODY THAT I CAN TRUST WITH THE PUBLIC. JUST EVEN IN CONVERSATION, YOU KNOW, ONE OF THE THINGS THAT I JUST KNOW IN LIFE AND BEING A PARENT AND BEING INVOLVED IN ORGANIZATIONS, SOMETIMES PEOPLE WHO CHOOSE PUBLIC SERVICE OR CHOOSE A LINE OF WORK, A LOT OF THAT IS NOT REALLY WHO THEY ARE. ONE THING I LIKE ABOUT LUKE OR ONE THING I NOTICE ABOUT LUKE WORKING WITH HIM IS THAT EVEN WHEN WE'RE AWAY, EVEN WHEN WE'RE NOT DEALING WITH THE PUBLIC, HE HAS A -- HE HAS A REALLY KEEN SENSE OF EMPATHY. I DON'T THINK IN ALL THE YEARS THAT I'VE KNOWN HIM, I NEVER HEARD HIM TALK BADLY ABOUT -- EVEN THE -- EVEN THE PEOPLE WHO ARE CRIMINALS WHO WE ARE INVESTIGATING OR ANYTHING ELSE, HE DOESN'T -- HE HAS ENORMOUS CONTROL OF HIS FACULTIES AS FAR AS NEVER SHOWING -- NEVER SHOWING ILL-TEMPER. HE -- A LOT OF THAT HAS TO DO WITH HIS FAITH, AND THAT'S JUST MY OPINION. I THINK IT HAS TO DO WITH HIS FAITH. WE TALK ABOUT -- WE BOTH SHARE A COMMON TRAIT IN THAT WE'RE BOTH SINGLE DADS. WE TALK A LOT ABOUT THAT, AND WE TALK A LOT ABOUT HOW BEING A DAD AFFECTS OUR WORK IN OUR WORK LIFE. AND THAT'S REALLY WHAT I -- I REALLY THINK AND I REALLY ADMIRE ABOUT LUKE. AND HE BRINGS -- HE BRINGS THE

PERSPECTIVE OF BEING A DAD AND MAYBE NOT HAVING THE IDEAL SITUATION IN HIS PERSONAL LIFE, AND HE BRINGS IT OUT, DOESN'T HOLD IT AGAINST ANYBODY. BUT ALSO THERE'S THAT SERVICE. THERE'S THAT SERVICE OF -- NOT JUST TO OFFICERS -- IT'S APPRECIATED, BUT EVEN TO THE PEOPLE THAT WE LIVE -- THAT LIVE IN OUR CITY AND PEOPLE THAT LIVE IN OUR COMMUNITY, IT'S THAT SERVICE, YOU KNOW, THAT'S OUR CORE VALUE IN EVERYTHING THAT -- I MEAN, THAT REALLY DRAWS ME TO LUKE, BUT ALSO SETS HIM APART FROM THE PEERS -- FROM HIS PEERS AND EVEN OTHER PEOPLE IN THIS PROFESSION.

Q. EXCELLENT. LET ME INTERRUPT YOU HERE THEN. THANK YOU FOR SHARING ALL OF THAT WITH US.

WE'RE IN THIS BOARD TODAY AND LUKE WAS CHARGED WITH ATTEMPTING TO POSSESS A FIREARM SILENCER SUPPRESSOR. BASED UPON THE EVIDENCE THAT WAS PRESENTED, THE BOARD FOUND HIM GUILTY. KNOWING ALL OF THAT -- AND YOU KNOW A LITTLE BIT ABOUT FACTS HERE, RIGHT?

A. YES.

Q. OKAY. SO KNOWING WHAT YOU KNOW, DOES THAT IN ANY WAY CHANGE YOUR OPINIONS OR OBSERVATIONS OF LUKE AS A PERSON OR AS A POLICE OFFICER?

A. NO, NO. IN FACT, I HAD A CONVERSATION EVEN WITH OUR CAPTAIN, LIKE I WOULD LOVE TO HAVE HIM COME

AND WORK WITH ME.

Q. WHY?

A. YOU KNOW -- OKAY. SO I'VE ACTUALLY HAD THIS CONVERSATION WITH LUKE, AND MAYBE HE DOESN'T WANT ME TO SHARE IT, BUT I'M GOING TO SHARE IT ANYWAY. YOU KNOW, HERE'S -- ULTIMATELY, AS A SUPERVISOR, YOU'RE RESPONSIBLE FOR YOUR PEOPLE. YOU'RE RESPONSIBLE FOR THE PEOPLE THAT YOU ARE IN CHARGE OF. AND I WANT SOMEBODY THAT'S GOING TO COME AND WORK WITH ME WITH THE RIGHT ATTITUDE. WITH ALL THIS STUFF THAT'S BEEN GOING ON, HE HAS A GREAT ATTITUDE, AND HE NEVER -- YOU KNOW, I DON'T THINK HE'S EVER TALKED ILL OF ANYBODY OR -- ANYBODY ELSE. AND, YOU KNOW, I KNOW A LOT OF OFFICERS THAT HAVE BEEN -- THAT HAVE GOTTEN THEMSELVES IN SITUATIONS AND THEY TURN AND THEY -- AND THEY'RE ANGRY AND THEY'RE BITTER AT EVERYTHING, AND THAT'S NOT LUKE. AND I WOULD WANT HIM -- I SAID THIS JUST THE OTHER DAY TO MY CAPTAIN. I'M LIKE, "HEY, IF LUKE GETS THROUGH THIS AND EVERYTHING ELSE, I WOULD WANT HIM TO COME AND WORK FOR ME." AND I WOULD -- YOU KNOW, AND I TALK TO HIM -- HEY, I WANT HIM 'CAUSE WE NEED -- WE NEED PEOPLE LIKE THAT. AND NOT JUST THAT, BUT I'M -- WE'RE AT THE ACADEMY, AND WE ARE HERE WITH YOUNGER OFFICERS OR RECRUITS AND ALSO YOUNGER DETECTIVES. AND I CAN TEACH THEM A LOT THINGS OR -- I CAN'T TEACH THEM

ATTITUDE. HAVING A POSITIVE ATTITUDE AND HAVING A GOOD OUTLOOK, NOT JUST ON LIFE, BUT SERVING THE LAPD, IT'S -- I MEAN, IT'S SO MUCH EASIER WHEN YOU'RE WIRED LIKE THAT, AND HE IS. HE'S WIRED LIKE THAT, AND I WOULD LOVE HIM COME AND WORK FOR ME.

Q. GREAT. WELL, THANK YOU VERY MUCH FOR SHARING ALL OF THAT.

I DON'T HAVE ANY ADDITIONAL QUESTIONS FOR YOU. SERGEANT SLATER MAY OR THE BOARD MAY SO HANG ON, PLEASE.

A. OKAY.

CROSS-EXAMINATION

BY SERGEANT SLATER:

Q. GOOD AFTERNOON, SIR. THIS IS SERGEANT SLATER.

A. HEY, HOW YOU DOING, SERGEANT.

Q. VERY WELL. HOW ARE YOU?

A. GOOD, GOOD, GOOD.

Q. CAN YOU HEAR ME OKAY?

A. YEAH. IT'S PERFECT.

Q. THANK YOU, SIR. I JUST HAVE A COUPLE QUICK QUESTIONS THEN WE'LL BE ON YOUR WAY.

IN THE ACADEMY DO YOU TEACH RECRUITS TO ACCEPT RESPONSIBILITY FOR THEIR ACTIONS?

A. OH, SURE. YES.

Q. OKAY. AND IS ONE OF OUR CORE VALUES "INTEGRITY IN ALL WE SAY AND DO"?

A. YES.

Q. OKAY. DOES THE FACT THAT DETECTIVE WALDEN, DESPITE PLEADING NO CONTEST IN THE CRIMINAL SIDE OF THIS MATTER, CAME BEFORE THIS BOARD AND DENIED THE ALLEGATIONS BEFORE HIM DEMONSTRATE INTEGRITY?

A. WELL, I WOULD SIT THERE AND I WOULD SAY, YES, BUT IN THE SENSE THAT SOMEBODY ACCEPTED -- REGARDLESS OF THE FACTS OR WHETHER OR NOT YOU AGREE OR NOT, THE INTEGRITY THAT YOU'RE ACTUALLY SITTING THERE AND ACCEPTING RESPONSIBILITY. IT'S NOT WHETHER OR NOT YOU DID IT OR NOT BECAUSE THAT CAN BE VERY SUBJECTIVE. ONE OF THE THINGS -- AND THIS IS WHAT I REALLY LIKE ABOUT -- IN THE END, HE'S A SUPERVISOR, AND HE'S -- YOU MIGHT -- YOU MIGHT NOT BE AT FAULT -- AND THIS IS WHAT I TEACH RECRUITS AND THIS IS WHAT I TEACH OFFICERS. YOU MIGHT NOT BE AT FAULT, BUT IN THE END YOU'RE RESPONSIBLE. AND I THINK FOR LUKE, THAT'S ALL I CAN ASK FOR. HEY, YOU MIGHT NOT BE AT FAULT; BUT IN THE END, YOU'RE RESPONSIBLE. AND HE TOOK RESPONSIBILITY FOR IT, WHICH IS ALL THAT I CAN ASK. I WOULDN'T ASK THAT OF ANY OTHER POLICE OFFICER. I WOULDN'T ASK THAT OF ANYBODY ELSE. AND THIS IS WHAT I

TEACH, AND I TEACH IT TO MY KIDS, TOO. HEY, IT MIGHT NOT BE YOUR FAULT, BUT IN THE END IT'S YOUR RESPONSIBILITY. SO ACCEPT THE RESPONSIBILITY AND THEN WE CAN GO FROM THERE.

Q. OKAY. I MAY HAVE MISSTATED OR YOU MAY HAVE MISUNDERSTOOD WHAT I SAID AND I APOLOGIZE. BUT HOW IS COMING IN FRONT OF THE BOARD AND DENYING THE ALLEGATIONS ACCEPTING RESPONSIBILITY?

A. OH, I'M GLAD YOU ASKED THAT. SO ONE OF THE THINGS IS THAT IF -- OKAY. THERE CAN BE A LOT OF DIFFERENCES OF OPINION. AND THAT'S -- I RESPECT ALL OPINIONS. NOW, HE HAS A -- HE HAS AN OPINION. I RESPECT HIS OPINION. THE BOARD HAS AN OPINION. AND JUST BECAUSE -- LISTEN, JUST BECAUSE YOU -- JUST BECAUSE YOU DISAGREE WITH AN OPINION DOESN'T MAKE IT -- DOESN'T NECESSARILY MAKE IT WRONG. WE ALL COME WITH DIFFERENT OPINIONS AND THAT'S -- YOU KNOW, AND THAT'S PART OF WHAT WE TEACH OTHER PEOPLE. THIS IS WHAT WE TEACH OUR -- THERE CAN BE A LOT OF DIFFERENCES OF OPINIONS. THIS IS -- IN THE END THIS IS -- THIS IS A PART OF POLICE WORK. SO THERE CAN BE A LOT OF DIFFERENCES OF OPINIONS. WHAT YOU'LL FIND, ESPECIALLY IN DETECTIVE WORK, YOU CAN BE OF A STRONG OPINION. THE DISTRICT ATTORNEY CAN HAVE A DIFFERENT OPINION. A JURY, THERE'S GOING TO BE TIMES WHERE A JURY HAS COME

TO A DIFFERENT CONCLUSION THAN I HAVE. THERE'S A PLACE FOR ALL OF THAT. SO THERE MIGHT BE -- TWO THINGS CAN BE RIGHT AT THE SAME TIME.

SO I THINK IN YOUR CASE, WHEN WE TALK ABOUT THE INTEGRITY, WHAT I LOOK AT IS ARE YOU ACCEPTING WHATEVER OUTCOME THAT COMES OUT OF IT, REGARDLESS OF THE OPINIONS. SO -- I MEAN, I HAVE A DIFFERENT -- I, TOO, HAVE AN OPINION. BUT TO ME, IT'S -- OKAY. THERE'S A DIFFERENCE OF OPINION AND ARE YOU ACCEPTING OF OTHER PEOPLE'S OPINIONS, REGARDLESS OF WHETHER OR NOT YOU AGREE WITH IT OR NOT. AND TO ME THAT TALKS TO YOUR INTEGRITY.

Q. THANK YOU, SIR.

ONE LAST QUESTION. YOU MENTIONED THAT YOU HAVE EXPECTATIONS OF THE OFFICERS IN THE CITY YOU LIVE IN. IS ONE OF THOSE EXPECTATIONS FOR THE OFFICERS OF THE CITY YOU LIVE IN TO UPHOLD THE LAW?

A. ABSOLUTELY.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: ANY QUESTIONS?

MR. ORTEGA: YEAH. I HAVE ONE. SHOULD I GET CLOSER TO IT?

MS. AMIN: SURE.

EXAMINATION

BY MR. ORTEGA:

Q. DETECTIVE CRAIG, IS IT?

A. DETECTIVE MARQUEZ.

Q. DETECTIVE MARQUEZ. OKAY. I'M SORRY.

A. YOU CAN CALL ME CRAIG.

Q. MY NAME IS DAN ORTEGA. I'M A CIVILIAN MEMBER. I'VE GOT ONE QUESTION FOR YOU.

A. SURE.

Q. AS A SUPERVISOR WOULD A POLICE OFFICER WHO -- YOU KNOW, WHO HAS PLEADED NO CONTEST TO A MISDEMEANOR RELATED TO GUN PURCHASES -- THIS OFFICER TESTIFIED IN COURT -- OR HAS TESTIFIED REGULARLY. DO YOU THINK THAT THIS -- WOULD YOU SAY THAT THIS WOULD UNDERMINE AN OFFICER'S CREDIBILITY IN COURT TESTIMONY HAVING THIS EXPERIENCE BEHIND HIM?

A. I'M VERY GLAD YOU ASKED THAT QUESTION. SO I ACTUALLY TEACH BRADY AS PART OF -- SO -- YOU KNOW, SO BRADY LAW AND THE BRADY CASE LAW AND THAT -- AS FAR AS THE TESTIMONY AND WHAT EXCLUDES IT. SO THERE'S MISDEMEANORS AND THERE'S CERTAIN TYPES OF MISDEMEANORS. SO THERE'S A LOT OF DIFFERENT THINGS AS FAR HAS SOMEBODY PLEADING OUT. SO WE HAVE OFFICERS THAT HAVE PLED NO CONTEST TO D.U.I. WE HAVE OFFICERS THAT PLEAD NO CONTEST TO -- RIGHT NOW WE'RE IN THE

MIDDLE OF A DISCUSSION IN PUBLIC WHERE WE HAVE PEOPLE WHO WERE DREAMERS AND THEIR CITIZENSHIP IS UNDER QUESTION AND WHETHER OR NOT THEY CAN LEGALLY OWN FIREARMS. SO MY THING IS THAT, OKAY, THERE ARE SOME THINGS I WILL TELL UNEQUIVOCALLY, YOU CANNOT OR SHOULD NOT BE A POLICE OFFICER WITH. IF THIS WAS DOMESTIC VIOLENCE, YOU CAN'T. I'M SORRY. YOU JUST -- I MEAN, YOU CAN'T. ONE, YOU WON'T BE ABLE TO CARRY A GUN, AND I DON'T WANT TO -- I DON'T WANT TO GO DOWN THE RABBIT HOLE SAYING ANY TYPE OF DOMESTIC VIOLENCE IS ACCEPTABLE. IF SOMEBODY COMMITTED A SEXUAL CRIME, THEN I WILL SIT THERE AND I WILL TELL THE BOARD, EVEN IF IT'S A MISDEMEANOR, IT'S SOMETHING OF SEXUAL VIOLENCE OR SEXUAL ASSAULT OR ANY OF THAT SORT, THEN WE CAN'T -- 'CAUSE THERE'S CERTAIN THINGS WE CAN'T HAVE ANY TOLERANCE FOR. I THINK WHEN YOU'RE LOOKING AT THIS IN -- OR YOU'RE LOOKING AT THIS TYPE OF CRIME, IS IT SOMETHING THAT INHERENTLY IS GOING TO STOP SOMEBODY FROM SERVING THE PUBLIC, MAYBE TESTIFYING, OR SOMETHING OF THAT SORT? AND I DON'T SEE IT. I JUST -- AT LEAST IN MY OPINION. THAT'S MY THING. AND I DON'T THINK THAT THE NATURE OF THE CRIME IS CONSISTENT WITH THINGS THAT WE HAVE ZERO TOLERANCE ON. AND I THINK THE BOARD WOULD AGREE WITH ME THAT IF SOMEBODY COMMITTED A SEXUAL CRIME OR SOMETHING OF

DOMESTIC VIOLENCE, THEN THERE WOULD BE NO -- IT WOULD BE NO -- IT WILL BE A "NO" RIGHT ACROSS THE BOARD. AND EVEN IF I HAD THE SAME RELATIONSHIP WITH LUKE AND HE COMMITTED AN ACT OF DOMESTIC VIOLENCE, I WOULD TELL YOU "NO."

Q. OKAY. I UNDERSTAND THAT THOSE ARE YOUR VALUE JUDGMENTS, BUT --

A. YES.

Q. BUT WE'RE TALKING ABOUT AN OFFICER WHO HAS BEEN FOUND GUILTY OF AN OFFENSE THAT IN A CRIMINAL SETTING WOULD BE CONSIDERED A FELONY. YOU'RE TELLING ME --

MR. SEKI: NO, IT'S NOT. I'M SORRY. ARE YOU TALKING ABOUT WHAT HE PLED TO?

MR. ORTEGA: NO. I'M TALKING ABOUT WHAT WE FOUND HIM GUILTY OF. DO YOU UNDERSTAND THE DIFFERENCE? I MEAN, DO YOU SEE WHAT THE QUESTION IS?

MR. SEKI: NO, I UNDERSTAND YOUR QUESTION.

Q. SO MY QUESTION TO YOU IS ARE YOU TELLING ME THAT YOU DO NOT SEE THAT THIS WOULD IMPUGN THIS OFFICERS' WORD IN A COURT OF LAW?

A. NO. BECAUSE WHAT WE'RE TALKING ABOUT IS AN ATTEMPT, RIGHT? SO ATTEMPT POSSESSION. SO POSSESSION IN THE ATTEMPT -- SO IF YOU LOOK AT THE ACTUAL POSSESSION AND POSSESSION OF -- LET'S JUST SAY FOR

LACK OF -- POSSESSION OF A SILENCER, WITH POSSESSION OF A SILENCER, YOU STILL HAVE TO -- YOU STILL HAVE TO GET THE INTENT PART UNDER FEDERAL STATUTE, 935. SO YOU STILL HAVE TO HAVE THE POSSESSION AND THERE STILL HAS TO BE SOME KIND OF --

SERGEANT SLATER: I'M GOING TO OBJECT. HE HASN'T LED ANY FOUNDATION FOR THIS KNOWLEDGE. HE HASN'T DEMONSTRATED KNOWLEDGE --

MR. ORTEGA: AND I THINK WE'RE GETTING OFF TRACK.

BY MR. ORTEGA

Q. I THINK YOU ANSWERED MY QUESTION. WE JUST DISAGREE ON THIS ISSUE, BUT THANK YOU FOR YOUR INPUT. I APPRECIATE IT.

A. THANK YOU.

MR. ORTEGA: I HAVE NO FURTHER QUESTIONS.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FOR THIS WITNESS.

MS. AMIN: MR. SEKI?

MR. SEKI: NO.

MS. AMIN: ALL RIGHT. THANK YOU VERY MUCH, DETECTIVE MARQUEZ. YOU ARE EXCUSED.

MR. SEKI: THANKS, DETECTIVE.

DETECTIVE MARQUEZ: THANK YOU. THANK YOU,

FOLKS.

MR. SEKI: BYE-BYE.

DETECTIVE MARQUEZ: BYE.

(END OF TELEPHONIC WITNESS.)

MS. AMIN: ALL RIGHT. ANY OTHER WITNESSES?

MR. SEKI: NO OTHER WITNESS.

I DO HAVE A DOCUMENT THAT I WANT TO INTRODUCE AND MARK. I DON'T KNOW IF IT NEEDS TO BE MARKED AS AN ACCUSED EXHIBIT. THIS IS FROM THE CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING. AND IT IS ENTITLED "ORDER WITHDRAWAL OF IMMEDIATE TEMPORARY SUSPENSION OF RESPONDENT'S POST CERTIFICATE." BASICALLY, IT INDICATES THAT THEY FIND NO REASON FOR HIM TO BE DISQUALIFIED FROM HOLDING OFFICES OR BEING AN EMPLOYED AS A POLICE OFFICER BASED UPON HIS CRIMINAL CONVICTION.

MR. ORTEGA: ARE YOU TALKING ABOUT THIS SPECIFIC CASE HERE?

MR. SEKI: YES.

SERGEANT SLATER: I'M GOING TO REQUEST A MOMENT TO REVIEW THIS.

MS. AMIN: ALL RIGHT. WHAT WAS THE TITLE? ORDER OF WITHDRAWAL --

MR. SEKI: "ORDER OF WITHDRAWAL OF IMMEDIATE TEMPORARY SUSPENSION OF RESPONDENT'S POST

CERTIFICATE." WHAT HAPPENS IS WHEN AN OFFICER'S ARRESTED OR CHARGED WITH CERTAIN CRIMES, POST, WHICH IS RESPONSIBLE FOR LICENSING THEM, WILL TEMPORARY SUSPEND IT UNTIL PROCEEDINGS ARE DONE. HERE, THEY WERE -- WHEN HE WAS INITIALLY CHARGED, BUT SINCE THE CRIMINAL CASE HAS BEEN CONCLUDED, THEY'VE BASICALLY WITHDRAWN THAT AND INDICATED THEY SEE NO NEED FOR THAT -- THEY SEE NO REASON FOR HIM TO BE DISQUALIFIED FROM BEING A POLICE OFFICER.

MS. AMIN: BASED ON A CRIMINAL MISDEMEANOR.

MR. SEKI: RIGHT.

MS. AMIN: DO THEY MAKE ANOTHER DETERMINATION AFTER THIS?

MR. SEKI: NO. 'CAUSE IT'S THE SAME -- IT'S ESSENTIALLY THE SAME SET OF FACTS.

MS. AMIN: OKAY.

MR. SEKI: SO THEY HAVE REVIEWED THIS, AND THAT'S BASICALLY WHAT IT'S GOING TO BE.

MS. AMIN: OKAY. ALL RIGHT. ANY OBJECTION?

SERGEANT SLATER: NO OBJECTION FROM THE DEPARTMENT.

MS. AMIN: OKAY.

MR. SEKI: I DON'T KNOW IF I NEED TO MARK THIS --

MR. ORTEGA: "F."

MR. SEKI: "F"? SURE.

MR. ORTEGA: THIS DOCUMENT IS A DEPARTMENT DOCUMENT?

MR. SEKI: NO. THIS IS A STATE OF CALIFORNIA --

MR. ORTEGA: STATE OF CALIFORNIA.

MR. SEKI: -- COMMISSION ON PEACE OFFICER STANDARDS. SO THEY'RE THE ONES THAT ARE RESPONSIBLE FOR --

MS. AMIN: THANK YOU.

MR. SEKI: -- CERTIFYING POLICE OFFICERS. AND UNDER THE COMMISSION OF CERTAIN CRIMES, OR EVEN, YOU KNOW, DEPENDING IF IT WAS SOMETHING DIFFERENT. SAY HE HADN'T BEEN CHARGED, THEN THEY WOULD BASICALLY END UP REVIEWING THIS LATER. BUT SINCE HE WAS CHARGED AS A RESULT OF ALL THIS, THEY GET IT, THEY REVIEW IT, AND THEY MAKE THEIR DETERMINATION OF WHETHER OR NOT THEY BELIEVE HE CAN CONTINUE BEING A POLICE OFFICER.

(ACCUSED'S EXHIBIT F WAS
MARKED FOR IDENTIFICATION AND
ENTERED INTO EVIDENCE.)

MS. AMIN: DOES THE DEPARTMENT HAVE ANYTHING TO OFFER FOR TODAY?

SERGEANT SLATER: THE DEPARTMENT WILL HAVE A WITNESS TO TESTIFY TO CERTAIN STATEMENTS THAT WERE

JUST MADE REGARDING THIS DOCUMENT TOMORROW.

MS. AMIN: TOMORROW. OKAY.

MR. SEKI, DO YOU HAVE ANYTHING ELSE?

MR. SEKI: NO. WE HAVE THREE WITNESSES FOR TOMORROW, THOUGH.

MS. AMIN: OKAY. AND YOU WANTED TO START AT 10:30; IS THAT CORRECT?

MR. SEKI: PLEASE.

MS. AMIN: OKAY. THAT'S IT FOR TODAY.

WE'RE OFF THE RECORD.

MR. SEKI: THANK YOU.

(THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER ADJOURNED AT 1550 AND WAS SCHEDULED TO RECONVENE ON FEBRUARY 15, 2024, AT 1030 HOURS.)

--OOO--

REPORTER'S CERTIFICATE

I, DENISE C. RIVERA, CSR NO. 7535, DO HEREBY CERTIFY:

THAT THE FOREGOING PAGES COMPRISE A FULL TRANSCRIPT OF PROCEEDINGS TAKEN BEFORE ME ON WEDNESDAY, FEBRUARY 14, 2024, AT THE TIME AND PLACE THEREIN SET FORTH; AND WAS TAKEN DOWN BY ME IN SHORTHAND AND THEREAFTER TRANSCRIBED INTO TYPEWRITING BY ME TO THE BEST OF MY ABILITY;

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

IN WITNESS THEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME THIS 25TH DAY OF JUNE, 2025.

_____
DENISE C. RIVERA
CSR NO. 7535
CERTIFIED SHORTHAND REPORTER
FOR THE STATE OF CALIFORNIA

BEFORE THE LOS ANGELES POLICE DEPARTMENT

BOARD OF RIGHTS

MS. S. AMIN, CHAIRMAN

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

TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

THURSDAY, FEBRUARY 15, 2024

REPORTED BY:

GINA ARIAS
C.S.R. NO. 11554

APPEARANCES:

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

I-N-D-E-X

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

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

E X H I B I T S

(NONE.)

LOS ANGELES POLICE DEPARTMENT

B.F. 31674

C.F. 21-001144

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

MS. S. AMIN, CHAIRMAN

MR. D. ORTEGA, ASSOCIATE

MS. P. STRONG-FARGAS, ASSOCIATE

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

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

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

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

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

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

MS. AMIN: ON THE RECORD.

(REPORTER SWORN.)

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

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

(TELEPHONIC TESTIMONY.)

MR. SEKI: SIR, BILL SEKI HERE.

MR. MCNEIL: HOW ARE YOU?

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

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

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

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

MR. MCNEIL: I AM STANDING IN PARKING LOT.

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

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

MS. AMIN: ALL RIGHT.

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

MR. MCNEIL: I DO.

MS. AMIN: THANK YOU.

SCOTT MCNEIL

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

DIRECT EXAMINATION

BY MR. SEKI:

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

A. I AM EMPLOYED.

Q. OKAY. WHAT DO YOU DO?

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

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

A. I WAS.

Q. AND BY WHOM?

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

Q. YOU RETIRED TWO YEARS AGO?

A. YES, SIR.

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

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

Q. AND HOW LONG HAVE YOU BEEN A SUPERVISOR?

A. I BECAME A SUPERVISOR IN 2007 OR 2008.

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

A. TWO MONTHS SHY OF 27 YEARS.

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

A. I DID.

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

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

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

A. I AM SORRY?

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

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

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

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

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

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

Q. SURE.

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

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

YOUR OBSERVATIONS, OPINIONS, OF LUKE AT ALL?

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

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

A. I DO.

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

A. ABSOLUTELY NOT.

Q. CAN YOU EXPLAIN WHY NOT?

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

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

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

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

WE ARE GOING TO HAVE A RULING BY THE CHAIR.

MS. AMIN: OVERRULED. HE CAN ANSWER.

BY MR. SEKI:

Q. NOW YOU CAN EXPLAIN.

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

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

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

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

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

CROSS-EXAMINATION

BY SERGEANT SLATER:

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

A. I CAN. GOOD AFTERNOON.

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

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

A. YES.

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

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

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

A. CAN I ELABORATE ON THAT ANSWER?

Q. YOU MAY.

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

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

ITEM?

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

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

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

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

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

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

MS. AMIN: ANY QUESTIONS?

MR. ORTEGA: NO.

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

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

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

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

(TELEPHONIC TESTIMONY.)

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

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

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

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

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

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

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

DETECTIVE AYON: YES, I DO.

MS. AMIN: THANK YOU.

HUGO AYON,

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

DIRECT EXAMINATION

BY MR. SEKI:

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

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

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

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

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

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

Q. HOW LONG HAVE YOU BEEN A SUPERVISOR?

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

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

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

A. YES.

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

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

Q. AND WHAT WAS YOUR RELATIONSHIP WITH HIM?

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

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

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

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

HE FUNCTIONED AS A POLICE OFFICER?

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

Q. WHAT MADE HIM A GREAT COP?

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

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

A. NOT AT ALL.

Q. WHY NOT?

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

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

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

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

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

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

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

ON.

A. SURE.

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

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

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

MS. AMIN: MR. SEKI, ANYBODY ELSE?

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

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

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

MS. AMIN: DEPARTMENT?

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

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

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

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

MR. SEKI: GREAT. THANK YOU.

(A LUNCH RECESS WAS TAKEN.)

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

MS. AMIN: ALL RIGHT.

(TELEPHONIC TESTIMONY.)

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

DETECTIVE HACKMAN: I CAN HEAR YOU.

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

CAN YOU SPEAK?

DETECTIVE HACKMAN: GOOD AFTERNOON EVERYONE.

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

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

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

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

DETECTIVE HACKMAN: I DO.

MS. AMIN: THANK YOU.

MICHAEL HACKMAN,

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

DIRECT EXAMINATION

BY SERGEANT SLATER:

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

A. I HAVE BEEN A MEMBER FOR TEN YEARS.

Q. AND WHAT IS YOUR CURRENT POSITION AND RANK?

A. I'M A DETECTIVE III AT PROFESSIONAL

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

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

A. I DO.

Q. IN THESE POSITIONS, WHAT ARE YOUR DUTIES?

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

Q. WHAT IS SENATE BILL 2?

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

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

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

Q. ARE YOU FAMILIAR WITH IMMEDIATE TEMPORARY SUSPENSION?

A. I AM.

Q. WHAT IS AN IMMEDIATE TEMPORARY SUSPENSION?

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

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

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

DISCIPLINARY ACTION HAS BEEN IMPLEMENTED.

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

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

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

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

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

A. I HAVE.

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

A. WE HAVE NOT.

Q. AND AT THE CONCLUSION OF THIS BOARD

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

A. THERE WILL BE.

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

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

A. IT IS SEPARATE, CORRECT.

Q. CAN YOU EXPLAIN HOW SO?

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

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

A. CORRECT.

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

A. I HAVE.

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

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

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

DETECTIVE HACKMAN: OKAY.

CROSS-EXAMINATION

BY MR. SEKI:

Q. DETECTIVE HACKMAN, BILL SEKI HERE.

A. HI, SIR.

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

A. CORRECT.

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

A. YES, THERE ARE NINE.

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

A. CORRECT.

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

A. CORRECT.

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

A. YES.

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

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

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

A. CORRECT.

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

A. CORRECT.

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

A. THAT'S CORRECT.

Q. SUBSECTION 8 DEALS WITH FAILURE TO COOPERATE

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

A. CORRECT.

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

A. THAT'S CORRECT.

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

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

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

A. WE HAVE.

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

A. THAT IS CORRECT, YES.

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

A. SORRY. THAT IS INCORRECT.

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

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

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

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

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

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

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

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

A. THAT'S CORRECT.

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

A. YES, IT'S CLEAR AND CONVINCING EVIDENCE.
Q. THAT'S PURSUANT TO 13510.8; CORRECT?
A. THAT'S CORRECT.
Q. HAVE YOU PARTICIPATED IN ANY POST HEARINGS?
A. THEY HAVE ONLY HAD A ONE HEARING FOR AN LAPD SO FAR AND IT DID NOT REQUIRE PARTICIPATION.
Q. IN FACT, IT IS STILL ON-GOING, ISN'T IT?
A. IT IS, YES.
Q. SO NO FINAL ADJUDICATION HAS BEEN MADE BY POST ON ANY OF THE THINGS THAT HAVE BEEN FORWARDED TO THEM; IS THAT CORRECT?
A. THAT IS INCORRECT.
Q. OKAY. SO CLARIFY FOR ME, PLEASE.
A. SO THEY HAVE TAKEN ACTION ON ALL THE REPORTS FORWARDED TO THEM WHERE THE EMPLOYEE IS INELIGIBLE TO HOLD A LICENSE UNDER 1029.
Q. SO IF SOMEONE WAS INELIGIBLE BECAUSE THEY PLEAD TO A FELONY, THAT WOULD BE SOMETHING THAT THEY HAVE TAKEN ACTION ON; RIGHT?
A. YES, THEY HAVE TAKEN ACTION ON THOSE SO FAR.
Q. OR IF A PERSON HAS BEEN DISCHARGED FROM THE MILITARY FOR COMMITTING AN OFFENSE WHICH COULD HAVE BEEN A FELONY?
A. THAT'S CORRECT. I DON'T BELIEVE THAT HAS COME UP YET.

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

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

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

A. CORRECT.

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

A. CORRECT.

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

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

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

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

A. THAT'S CORRECT.

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

A. THAT'S CORRECT.

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

A. THAT IS ACCURATE, YES.

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

REDIRECT EXAMINATION

BY SERGEANT SLATER:

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

HOW LONG HAS POST BEEN HOLDING THESE HEARINGS FOR?

A. THEY JUST FULLY ESTABLISHED THE COMMITTEE

AND THE ADVISORY BOARD WITHIN THE LAST FEW MONTHS.

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

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

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

A. YES, IT WOULD.

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

DETECTIVE HACKMAN: YES.

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

EXAMINATION

BY MS. AMIN:

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

A. THAT IS CORRECT, YES.

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

A. THAT IS CORRECT, YES.

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

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

MR. SEKI: I AM GOING TO OBJECT.

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

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

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

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

NEVER MIND. I HAVE NO OTHER QUESTIONS.

BY MS. STRONG-FARGAS:

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

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

MS. AMIN: ANY OTHER QUESTIONS, DEPARTMENT?

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

MS. AMIN: MR. SEKI?

MR. SEKI: NO, MA'AM.

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

DEPARTMENT, DO YOU HAVE ANOTHER WITNESS?

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

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

CAPTAIN GILLANI: I DO.

YASIR GILLANI,

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

MS. AMIN: THANK YOU. HAVE A SEAT.

DEPARTMENT, YOUR WITNESS.

SERGEANT SLATER: THANK YOU.

DIRECT EXAMINATION

SERGEANT SLATER:

Q. GOOD AFTERNOON, CAPTAIN. HOW LONG HAVE YOU

BEEN A MEMBER OF THE LOS ANGELES POLICE DEPARTMENT?

A. NEXT WEEK WILL BE 25 YEARS.

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

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

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

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

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

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

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

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

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

Q. WHAT IS SERIOUS MISCONDUCT?

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

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

A. I DID.

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

A. YES.

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

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

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

A. I WAS ADVISED THAT, YES.

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

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

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

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

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

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

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

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

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

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

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

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

SERGEANT SLATER: I WILL REWORD IT.

BY SERGEANT SLATER:

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

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

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

MS. AMIN: YOUR WORDS ARE MIXED UP THERE.

BY SERGEANT SLATER:

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

A. IT COULD.

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

A. YES, WE DO.

Q. AND WHY DO WE HAVE THOSE OFFICERS EMPLOYED?

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

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

BY SERGEANT SLATER:

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

A. YES.

Q. AND DOES THE CHIEF HAVE THE ABILITY TO

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCERN TO YOU AS A RISK MANAGER?

A. YES.

Q. WHY IS THAT?

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

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

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

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

A. YES.

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

A. YES.

Q. CAN YOU EXPLAIN WHY SO?

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

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

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

MR. SEKI: OBJECTION. RELEVANCE.

MS. AMIN: OVERRULED.

CAPTAIN GILLANI: I BELIEVE IT DID, YES.

BY SERGEANT SLATER:

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

MR. SEKI: OBJECTION. CALLS FOR SPECULATION.

MS. AMIN: OVERRULED.

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

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

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

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

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

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

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

GUN UNIT AT SOME POINT IN THE FUTURE?

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

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

MS. AMIN: MR. SEKI?

CROSS-EXAMINATION

BY MR. SEKI:

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

A. THAT WOULD BE ORGANIZATIONAL.

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

A. CORRECT, NOT LEGALLY.

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

A. CORRECT.

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

A. WE DO.

Q. IT HAPPENS ALL THE TIME?

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

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

A. THAT'S CORRECT.

Q. IT PORTRAYS OFFICERS NEGATIVELY TO THE DEPARTMENT?

A. YES.

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

A. I DON'T KNOW THAT NUMBER.

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

A. YES.

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

A. YES.

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

A. THERE ARE, YEAH.

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

A. YES.

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

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

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

A. YES.

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

A. THEY CAN.

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

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

Q. THEY WOULD BE REMOVED FROM BRADY?

A. CORRECT.

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

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

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

A. CORRECT.

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

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

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

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

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

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

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

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

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

A. NO.

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

A. THERE ARE.

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

A. IT COULD BE, YES.

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

A. IT IS.

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

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

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

A. CORRECT.

Q. AND STILL PATROL THE STREETS?

A. YES.

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

A. YES.

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

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

A. I COULDN'T GIVE IT TO YOU.

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

A. YES.

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

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

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

MS. AMIN: ANY REDIRECT FROM THE DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: ANY QUESTIONS?

MS. STRONG-FARGAS: NO.

MR. ORTEGA: NO.

EXAMINATION

BY MS. AMIN:

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

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

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

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

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

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

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

Q. POTENTIALLY?

A. POTENTIALLY.

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

A. I DON'T THINK THEY DO.

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

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

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

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

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

THERE ARE A LOT OF THINGS THAT GO WITH THAT.

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

MR. SEKI: I HAVE A FOLLOW UP.

SERGEANT SLATER: I HAVE FOLLOW UP.

MS. AMIN: GO AHEAD, DEPARTMENT.

REDIRECT EXAMINATION

BY SERGEANT SLATER:

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

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

SERGEANT SLATER: THANK YOU.

RECROSS-EXAMINATION

BY MR. SEKI:

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

A. PROBABLY SIX OR SEVEN.

Q. AND ARE YOU ALWAYS CALLED WHENEVER THE

INITIAL RECOMMENDATION IS REMOVAL; CORRECT?

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

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

A. NO.

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

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

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

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

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE

DEPARTMENT.

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

ANYTHING FURTHER FROM THE DEPARTMENT?

SERGEANT SLATER: NO, MA'AM.

MS. AMIN: MR. SEKI?

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

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

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

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

(PAUSE IN THE PROCEEDINGS.)

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

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

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

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

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

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

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

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

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

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

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

MS. AMIN: MR. SEKI?

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

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

STRONG OTHERWISE THEY WOULDN'T HAVE PLED IT DOWN.

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

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

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

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

MS. AMIN: DID YOU WANT TO REBUT?

SERGEANT SLATER: TWO QUICK POINTS, PLEASE.

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

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

MS. AMIN: YOU OPENED THE DOOR, SAYING WHAT

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

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

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

MS. AMIN: ARE YOU DONE? ANYTHING ELSE?

SERGEANT SLATER: YES, MA'AM.

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

(THE BOARD DELIBERATES.)

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

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

MS. AMIN: GREAT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THIS CONCLUDES THE BOARD OF RIGHTS.

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

REPORTER'S CERTIFICATE

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

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

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

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

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

LOS ANGELES POLICE DEPARTMENT
OFFICE OF THE CHIEF OF POLICE
DECISION OF THE BOARD OF RIGHTS AND EXECUTION OF THE ORDER

IN THE MATTER OF)
)
LUKE WALDEN, #34898)
)

CASE FILE NO. 21-001144
BOX FILE NO. 31674
DATED APRIL 12, 2023

RECEIVED
FEB 22 2024
POLICE COMMISSION

TO THE CHIEF OF POLICE:

DECISION OF THE BOARD

The above-entitled matter came on regularly for hearing before this Board of Rights (Board) on the verifed complaint of COP M. MOORE filed with the Board of Police Commissioners on APRIL 4, 2023, all preliminary and jurisdictional requirements having been substantially complied with: The accused having been provided all rights set forth in the Los Angeles City Charter Section 1070, the Board having heard all evidence properly and legally offered and the accused given a reasonable opportunity to defend against the charges preferred.

After a full and impartial hearing on its merits, the Board deliberated and carefully considered all the evidence adduced before it at such hearing and upon such evidence and not otherwise base and hereby certifies its decision as follows:

The Board finds that accused is GUILTY OF COUNT 1.

The Board therefore prescribes its penalty as follows: THAT DETECTIVE LUKE WALDEN BE SUSPENDED FROM HIS POSITION AS DETECTIVE FOR A PERIOD OF 30 SUSPENSION DAYS.

We hereby certify to the above:

MS. K. AMIN — Chairperson
MR. D. ORTEGA — Member
MS. P. STRONG-FARGAS — Member

Dated FEBRUARY 15, 2024

EXECUTION OF THE ORDER

To LUKE WALDEN, member of the Los Angeles Police Department:

Under the power conferred upon me by Section 1070, Article X, Charter of the City of Los Angeles, and pursuant to the above order of the Board of Rights, I hereby:

☐ Remove you from your position as _____ in the Los Angeles Police Department effective _____, 20____.

☑ Suspend you from your position as DETECTIVE in the Los Angeles Police Department, for a period of 30 working days with total loss of pay, effective _____, 20____.

☐ Demote you from your position as _____, Code No. _____, to the position of _____, Code No. _____, effective _____, 20____.

☐ Reprimand you.

☒ Restore you to your position as DETECTIVE in the Los Angeles Police Department.

Dated 2-24-24

Chief of Police

The time limit for seeking review of this administrative determination and preparation of record is governed by Section 1094.6 of the California Code of Civil Procedure. See page two for that Section.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above statement upon LUKE WALDEN, #34898 at 1500 hours FEBRUARY 22, 20 24.

☐ By handing him/her thereof personally at _____ (address)

☒ By forwarding a copy thereof by first-class mail postage prepaid, addressed to him/her at last known address at _____ (address)

[illegible] #1517
Member of the Los Angeles Police Department

01.73.00 (01/14)

BOX FILE

RECEIVED
FEB 2 2 2024
POLICE COMMISSION

1094.6. [Time limit for seeking review of administrative determinations: Preparation of record: Application to local agency]

(a) Judicial review of any decision of a local agency, other than school district, as the term local agency is defined in Section 54951 of the Government Code, or of any commission, board, officer or agent thereof, may be had pursuant to Section 1094.5 of this code only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this section.

(b) Any such petition shall be filed not later than the 90th day following the date on which the decision becomes final. If there is no provision for reconsideration of the decision, or for a written decision or written findings supporting the decision, in any applicable provision of any statute, charter, or rule, for the purposes of this section, the decision is final on the date it is announced. If the decision is not announced at the close of the hearing, the date, time, and place of the announcement of the decision shall be announced at the hearing. If there is a provision for reconsideration, the decision is final for purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided, that if reconsideration is sought pursuant to any such provision the decision is final for the purposes of this section on the date that reconsideration is rejected. If there is a provision for a written decision or written findings, the decision is final for purposes of this section upon the date it is mailed by first-class mail, postage prepaid, including a copy of the affidavit or certificate of mailing, to the party seeking the writ. Subdivision (a) of Section 1013 does not apply to extend the time, following deposit in the mail of the decision or findings, within which a petition shall be filed.

(c) The complete record of the proceedings shall be prepared by the local agency or its commission, board, officer, or agent which made the decision and shall be delivered to the petitioner within 90 days after he has filed a written request therefor. The local agency may recover from the petitioner its actual costs for transcribing or otherwise preparing the record. Such record shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decision by a hearing officer, the final decision, all admitted exhibits, all rejected exhibits in the possession of the local agency or its commission, board, officer, or agent, all written evidence, and any other papers in the case.

(d) If the petitioner files a request for the record as specified in subdivision (c) within 10 days after the date the decision becomes final as provided in subdivision (b), the time within which a petition pursuant to Section 1094.5 may be filed shall be extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the petitioner or his attorney of record, if he has one.

(e) As used in this section, decision means a decision subject to review pursuant to Section 1094.5, suspending, demoting, or dismissing an officer or employee, revoking, or denying an application for a permit, license, or other entitlement, imposing a civil or administrative penalty, fine, charge, or cost, or denying an application for any retirement benefit or allowance.

(f) In making a final decision as defined in subdivision (e), the local agency shall provide notice to the party that the time within which judicial review must be sought is governed by this section.

As used in this subdivision, "party" means an officer or employee who has been suspended, demoted or dismissed; a person whose permit, license, or other entitlement has been revoked or suspended, or whose application for a permit, license, or other entitlement has been denied; or a person whose application for a retirement benefit or allowance has been denied.

(g) This section shall prevail over any conflicting provision in any otherwise applicable law relating to the subject matter, unless the conflicting provision is a state or federal law which provides a shorter statute of limitations, in which case the shorter statute of limitations shall apply.

BOX FILE

April 20, 2017

"Solvent Traps"

This information is provided to assist ATF personnel tasked with differentiating so-called "solvent traps" from firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

Background:

Numerous manufacturers and sellers are marketing devices that they call "solvent traps." These devices often resemble firearm silencers, and many contain multiple design characteristics of firearm silencers. "Solvent traps" are marketed as devices which are attached to the barrel of a firearm during cleaning in order to catch excess cleaning fluids. These devices attach to firearm barrels in the same method as firearm silencers.

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean—

"*...any device **for** silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and **intended** for use in assembling or fabricating a firearm silencer or firearm muffler, and any part **intended** only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

As highlighted in the above definition, a key factor in distinguishing between a "solvent trap" and a firearm silencer is the **intended** use for the device. Some devices called "solvent traps" may have a legitimate purpose as a firearm accessory. However, while the manufacturer's stated intent for the item may be useful in classifying that item, the objective design characteristics must support this use.

2A

Background (cont.):

Certain commercially available items such as cleaning solvent traps, automotive oil/fuel filters, flashlights, and freeze plugs are sometimes used to assemble firearm silencers. Such items are unregulated *until* a possessor assembles, accumulates, or otherwise demonstrates these articles are to be used for making a firearm silencer. Once such an item(s) is possessed with the intent to be used in assembling or fabricating a firearm silencer, it comes within the purview of the GCA and NFA and is properly classified as a "firearm silencer."

Identification:

The first "solvent traps" that the Firearms & Ammunition Technology Division examined were in the form of repurposed oil filters. While some sellers marketed these devices as "solvent traps," others sold them as NFA registered firearm silencers, under names such as the "Econo-can." Registered firearm silencers of this type may have the thread adaptor as the registered part.

Many unmodified oil filters are recognized as having a legitimate purpose as "solvent traps" and are not generally classified as firearm silencers unless used as a firearm silencer.



Oil Filter



"Solvent trap"



Firearm with solvent trap attached

2B

Identification (cont.):

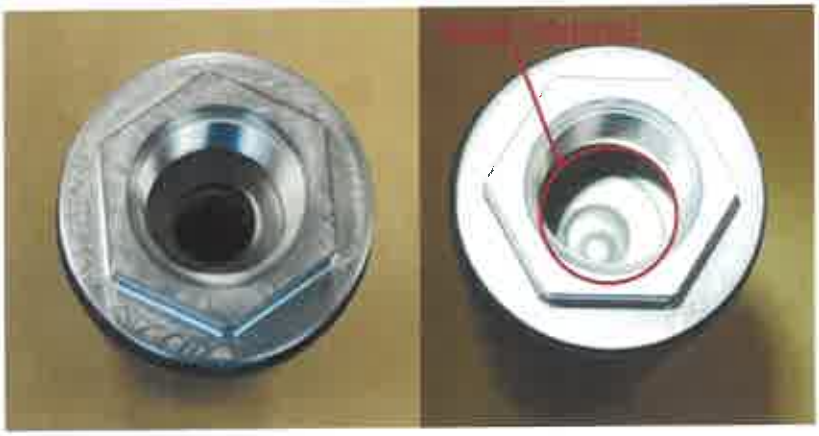


Firearm Silencer

The next phase of "solvent traps" evolution was the use of fuel filters, which more closely resembled the appearance of traditional firearm silencers. Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.



Fuel Filter "Solvent trap"



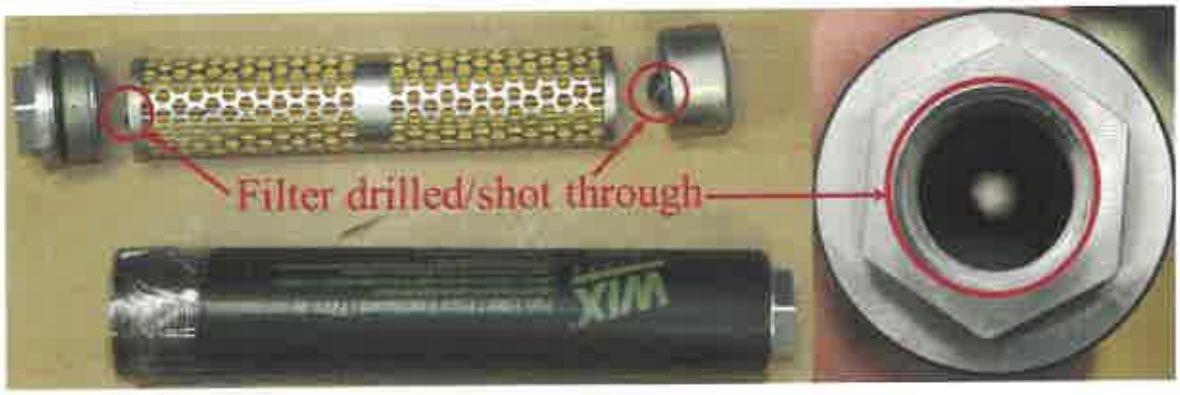
Fuel Filter "Solvent trap"

2C

Identification (cont.):



Firearm Silencer



Firearm Silencer

Flashlight bodies are also sold as "solvent traps," with one end threaded to attach to a firearm barrel and the forward end-cap solid. Like unmodified oil filters or fuel filters, many flashlight "solvent traps" have been determined to have a legitimate purpose of catching excess cleaning fluids.



Flashlight "Solvent trap"



Flashlight "Solvent trap"

20

Identification (cont.):

However, flashlight "solvent traps" are sometimes sold with index markings, showing where the hole would need to be drilled in order to modify the "solvent trap" into a firearm silencer. FATD has consistently held the opinion that any index marking is the same as having a hole in the location of the index. Accordingly, any flashlight "solvent trap" with a hole drilled in the forward end-cap could be classified as a firearm silencer.



Flashlight Firearm Silencer



Flashlight Firearm Silencer



Flashlight Firearm Silencer

The current trend in the "solvent trap" market are devices which utilize the characteristics of firearm silencers. Unlike the previously mentioned oil/fuel filters and flashlight "solvent traps," these devices are not repurposed. These devices are specifically manufactured as firearm silencers while being marketed as "solvent traps." These devices often come with a set of "spacers" which resemble firearm silencer baffles.

These "spacers" serve no legitimate purpose in a "solvent trap" as they prevent the collection of cleaning fluids. Some sellers have also marketed their devices as "dry storage containers" which are reportedly or allegedly designed to safely store items such as heirloom seeds. FATD does not recognize this stated purpose as a legitimate reason to attach such a device to a firearm barrel as the objective design features support classification as a firearm silencer.

2E

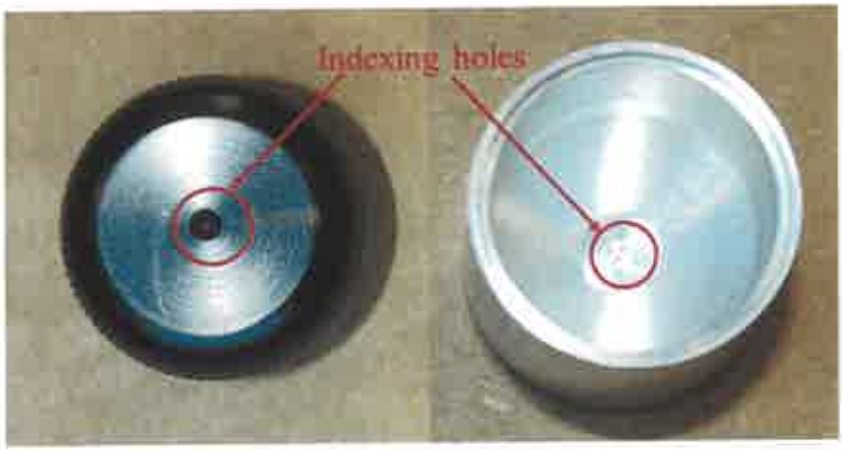
Identification (cont.):



Firearm Silencer

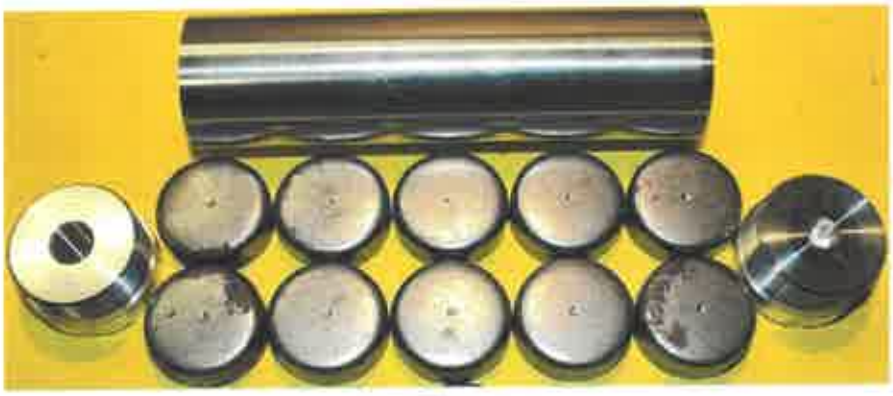


Firearm Silencer baffles



Firearm Silencer components

Identification (cont.):



Firearm Silencer



End-cap Modified freeze plug

In conclusion, for a device to be considered a "solvent trap" and not a firearm silencer, it must be designed and actually function in such a way to trap and hold cleaning fluids without holes, index markings or other design features that demonstrate it is actually intended to be used for silencing the report of a firearm. Such an item is considered a solvent trap because the statutory definition of silencer does not include otherwise unregulated items simply because they have the capability, or may be adapted, to be used as silencers. Instead, the statute speaks of a device "for" silencing or muffling. Therefore, mere possession of a "solvent trap" or components which *could* be used in the assembly of a firearm silencer does not necessarily constitute possession of a firearm silencer. Intent must be demonstrated or communicated. For example, indexing holes as shown above demonstrate such intent because these serve no benefit in collecting solvent or debris, but demonstrate the location of holes if these parts are to be used in a silencer.

26

Identification (cont.):

Finally, an unregulated device such as a "solvent trap" may be repurposed by an individual such that a regulated NFA firearm silencer is made. Where the objective design or characteristics of the item do not make it clear that the item is now "for" silencing or diminishing the report of a portable firearm, it is the Special Agent's responsibility to establish the requisite intent.

This general guidance is provided to assist ATF Special Agents and Industry Operations Investigators and our Federal, State and local law enforcement partners, but is not meant to be used in lieu of a formal determination. FATD cannot render a formal determination without physically examining a submitted sample.

If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.

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October 30, 2019

"Inline Filter" Firearm Silencers

This information is provided to assist ATF personnel in identifying devices marketed as "inline filters" that are actually firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean, "*...any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

ATF Firearms & Ammunition Technology Division Technical Bulletin 17-02 addressed various types of filters used as "solvent traps" and "firearm silencers." Bulletin 17-02 determined that an unmodified "spin-on" automotive filter is suitable for use as a "solvent trap." With regard to an "inline fuel filter" (IFF), the bulletin acknowledged holes on each end but, relying on solid filter interior, stated "*Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.*"

Recently, FTCB has observed an increased number of criminal cases involving firearm silencers manufactured from IFFs. This increase in the use of IFFs as silencers, as well as the need for more thorough analysis of these items, prompted FTCB personnel to clarify the classification of inline filters purportedly used as solvent traps.

/A

Solvent traps

Legitimate solvent traps are devices attached to the muzzle of a firearm barrel designed to catch or "trap" dirty cleaning solvent pushed through the barrel from the chamber end and out through the muzzle. Solvent traps are intended to prevent solvent from dripping, spraying, or spattering when pushed out the muzzle end of a firearm barrel. **The front end-cap of a solvent trap must be solid and have no hole that will allow a projectile to pass-through (including "pilot" holes that can be widened to allow a projectile to pass-through or marks indicating the location to drill such a hole). Devices that have a hole in or indexing mark for a hole in the front end-cap are classified as a "firearm silencer" under the NFA.**

Inline filters

In contrast to spin-on filters, IFFs have holes at both ends and are specifically designed to allow fluid to pass through; therefore, inline filters are not objectively suitable for use as solvent traps. Therefore, the only logical purpose for attaching an IFF to the muzzle of a firearm is for use as a firearm silencer.

As referenced in Bulletin 17-02, IFFs are designed to use filter elements or flow valves without center holes. This is a design characteristic IFFs share with some firearm silencers. For example, U.S. Patent 4,530,417 mentions creating a center hole through baffles or wipes installed in a firearm silencer using the first round fired through the device. FTCB personnel tested several commercially sourced IFFs and found that an *unmodified* IFF attached to the barrel of a firearm functions to reduce the report of a portable firearm utilizing this method and would therefore meet the definition of a "firearm silencer."

Fuel dispensing system hoses and nozzles typically utilize 3/4" or 1" National Pipe Tapered (NPT) threads, but threaded firearm barrels are not compatible. Adapters are therefore needed to attach IFFs to firearms (see chart below). FTCB research found no fuel fittings of the same size and pitch as those commonly found on firearm barrels. NOTE: Multiple adapters may be needed between the barrel and IFF.

Accordingly, FTCB has determined that an inline fuel filter possessed with a firearm modified to accept it, or with an adaptor(s) designed to affix the filter to the muzzle of a firearm (multiple adapters may be required), demonstrates intent to use the inline fuel filter to silence, muffle, or diminish the report of a portable firearm; therefore, it is a "**firearm silencer**" as defined. Further, as discussed below, an inline fuel filter with an end-cap having threads of the same size and pitch of those commonly found on threaded firearm barrels is a "**firearm silencer**" as defined.

YouTube contains a plethora of videos demonstrating IFFs (attached to firearm barrels) being used as silencers. Additionally, there are numerous websites on the Internet marketing various parts and kits intended for use in IFFs. A simple Google search for "NAPA 4003" will return

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multiple sites advertising items promoted as "fuel filters" that have no filtering capability. Similar parts and kits are also marketed as "solvent traps," "solvent trap accessories," or "dry storage containers."

Such deceptive advertisements sometimes include an "NFA Warning" or a legal disclaimer regarding the use or modification of these devices as, or in the fabrication of, firearm silencers. The inclusion of these disclaimers or statements, as well as customer comments and reviews, suggest the seller's knowledge of the intended end use of those items.

Some of the devices marketed as IFFs come assembled with end-caps threaded with the same sizes as found on firearm barrels, which negates the need for a thread adapter. These devices may contain the same threads in each end-cap, different sized threads in each end-cap, or even a threaded rear end-cap along with an unthreaded front end-cap.

EXAMPLES OF "FIREARM SILENCERS"

Threaded adapter and NAPA 4003 IFF

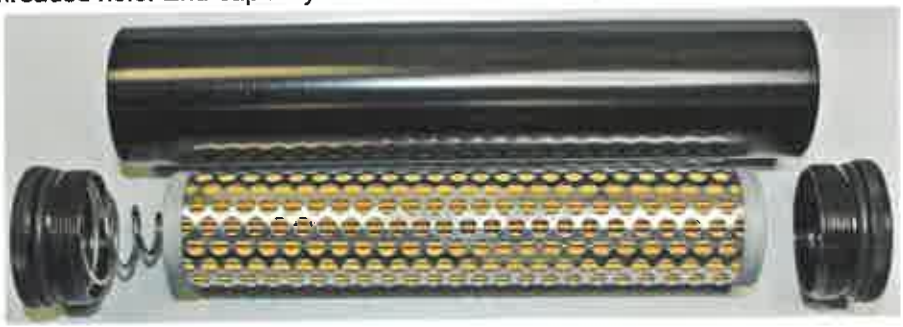
Threaded adapter for use with spin-on and inline filters. Multiple external thread pitches for use with different sized threads. Most common internal thread pitches are: 1/2-28 or 5/8-24 for compatibility with threaded firearm barrels. The adapter pictured is for use in attaching various sized automotive filters and is externally threaded with: 3/4-16, 13/16-16, and 3/4NPT (tapered pipe threads). NAPA/WIX IFFs are assembled with 3/4NPT internal threads in both end-caps.



Inline filter marketed as NAPA 4003

End-caps typically contain internal threads compatible with threaded firearm barrels. Most common sizes are 1/2x28 or 5/8x24. Filter element is too short for housing and will allow fluids to bypass without filtering. May have different size threads in each end cap or may have threads in only one end while other end has an unthreaded hole. End-cap may be marked inside or out with thread size.

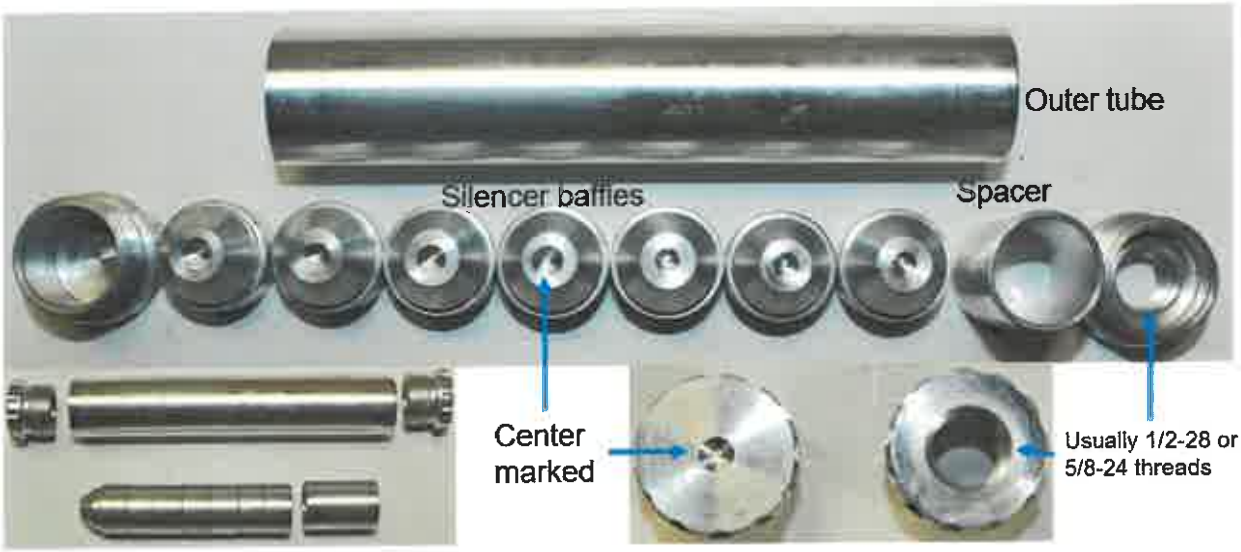




1C

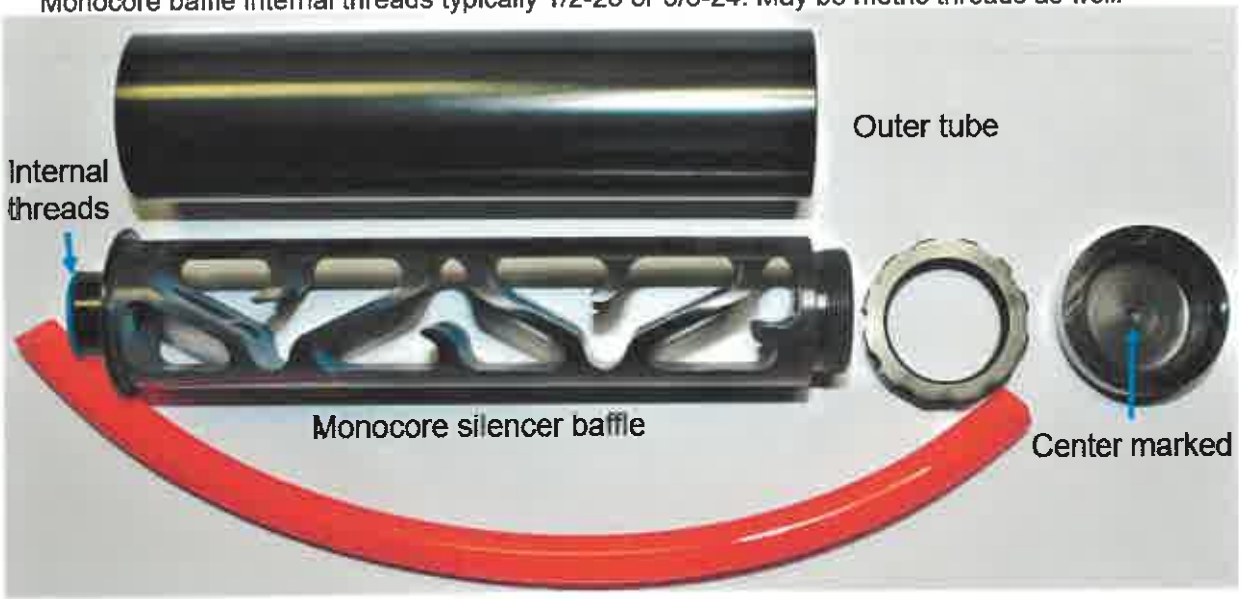
Marketed as NAPA 4003 filter

No filtering capability. Multiple silencer baffles and end-cap with center indicated. Includes a spacer to create a "blast chamber" at barrel end of device, a known silencer feature.



Marketed as NAPA 4003 filter

No filtering capability. Monocore silencer baffle with one end threaded for attachment to firearm barrel. Pictures on website may include mock-up of device, with hose attached, on a car or motorcycle engine. Includes an open nut to retain tube over monocore baffle and a closed end-cap with a mark indicating the center, and a length of hose. No fittings for included hose. Monocore baffle internal threads typically 1/2-28 or 5/8-24. May be metric threads as well.



ID

The following list of known firearm barrel thread sizes is not all-inclusive and intended only as a general reference.

AMERICAN STANDARD THREADS

THREAD	APPLICATION	CALIBER	TYPE
1/2-20 RH	Tec 22	.22 Caliber	Pistol
1/2-20 RH	CZ-452/455	.22 / 17 HMR	Rifle
1/2-28 RH	AR-15, M-16, AR-180	.223 / 5.56	Rifle
1/2-28 RH	Most Threaded .223 / 5:56		Rifle
1/2-28 RH	Most Threaded .22's		Rifle / Pistol
1/2-28 RH	Most Threaded 9mm		Pistol
1/2-28 RH	Ruger 10/22 Tactical	.22 Caliber	Rifle
1/2-28 RH	Newer Mini 14	.223 / 5.56	Rifle
1/2-28 RH	MPA57	5.7x28 MM	Submachine Pistol
1/2-28 RH	MPA "Mini"	9MM	Submachine Pistol
1/2-36 RH	AR-15, M-16, AR-180	9mm	Rifle
9/16-24 LH	FN FAL	.308 Caliber	Rifle
9/16-24 RH	Most Threaded .40		Pistol
9/16-24 RH	AR Grendel	6.50	Rifle
9/16-24 RH	Older Mini 14	.223 / 5.56	Rifle
9/16-24 RH	L1-A1	.308 Caliber	Rifle
9/16-24 RH	Glock 20	10 mm	Pistol
9/16-24 RH	H&K 94	9x19mm	Rifle
9/16-24 RH	MP5	9mm	Submachine Pistol
.578x28 RH	Most Threaded .45 Caliber		Pistol
.578x28 RH	Threaded 1911	.45 Caliber	Pistol
5/8 x 11 RH	M11/M12	.380 Caliber	Submachine Pistol
5/8-24 RH	Most Threaded .308		Rifle
5/8-24 RH	Many Threaded .30		Rifle
5/8-24 RH	UZI Carbine/ SMG	9mm	Rifle
5/8-24 RH	Ruger Mini 30	.30 Caliber	Rifle
5/8-24 RH	AR-10 / M14	.308 Caliber	Rifle
5/8-24 RH	300 Blackout	.300 Caliber	Rifle
5/8-24 RH	AR-15	7.62x39	Rifle
11/16x16 RH	MPA .45 Caliber Rifles		
11/16x24 RH	.450 Bushmaster		Rifle
11/16x24 RH	Alternative .308 Threading		Rifle
11/16x24 RH	Alternative bull barrel Threading		Rifle
3/4-10 RH	M10 / M11	9mm	Submachine Pistol
3/4-24 RH	Desert Arms Tactical Rifles		
7/8" x 9 RH	MPA10	.45 Caliber	Submachine Pistol
7/8" x 14 RH	All Barretts & EDM	.50 BMG	Rifle
1" x 14 RH	AR450	.50 BMG	Rifle
1" x 14 RH	McMillian TAC-50	.50 BGM	Rifle

IE

METRIC THREADS

THREAD	APPLICATION	CALIBER	TYPE
M8 x .75 RH	Walter p22	.22 Caliber	Pistol
M8 x .75 RH	M&P 22	.22 Caliber	Pistol
M8 x .75 RH	Colt/Umarex 1911 A1	.22 Caliber	Pistol
M8 x .75 RH	Colt Gold Trophy	.22 Caliber	Pistol
13mm x 1 LH	Steyr Aug	.223 /5.56	Rifle
13mm x 1 RH	Galil	.223 / 5.56	Rifle
13mm x 1 RH	Galil	.308 / 7.62	Rifle
13mm x 1 RH	Older Glock 26	9x19mm	Pistol
13.5mm x 1 LH	Sig P228/P229/P239	9mm	Pistol
14mm x 1 LH	AK-47	7.62x39	Rifle
14mm x 1 RH	VZ58	7.62x39	Rifle
14mm x 1 RH	Yugo SKS	7.62x39	Rifle
15mm x 1 RH	H&K 91 / G3	7.62x39	Rifle
15mm x 1 RH	H&K 93 / 33 / G-53	5.56	Rifle
16mm x 1 LH	Threaded H&K .45 Barrels		Pistol
16mm x 1 RH	H&K Mark 23 (Socom)	.45 Caliber	Pistol
17mm x 1 RH	MAS 1949-56	.308 Caliber	Rifle
18mm x 1 RH	Sako TRG	.338 Caliber	Rifle
18mm x 1.5 RH	Accuracy International	.338 Caliber	Rifle
22mm x.75 RH	Saiga 12 Gauge		Shotgun
		7.62x39, 7.62x54	
24mm x 1.5 RH	AK-74	5.45x39	Rifle
		5.56x45	
26mm x 1.5 LH	PAP M92 / M85	7.62x39	Pistol

COMMON FILTER THREADS

THREAD	APPLICATION
3/4-16 RH	Ford, Dodge, & Jeep Spin-on Oil Filters
13/16-16 RH	Chevy & GM Spin-on Oil Filters
3/4 NPT	Standard Pipe fittings
3/4 NPT	Napa 4003 Inline Fuel Filter
3/4 NPT	Wix 24003 Inline Fuel Filter

This information is intended to assist ATF and law enforcement personnel in identifying items marketed as "inline filters" that are "firearm silencers" as defined. If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.

IF

Los Angeles Police Department
Forensic Science Division
1800 Paseo Rancho Castilla, Los Angeles CA 90032

Laboratory Report

SID-21-007329 / Req. # 0001
Report finalized: June 1, 2021

DR #:	21-99-13105	**Name Associated:**	NEMEROFF
Requested By:	NEMEROFF #31679	**Offense:**	Other
Contact:	31679@lapd.online	**Service:**	Firearms - Test Fire Firearm

Analysis Requested: -- Determine if the assembly, as received, is a silencer as described in California penal code section 17210.

I, the undersigned analyst, as a Criminalist employed by the Los Angeles Police Department, am prepared to testify to the information provided in this report. The following results relate only to the items tested.

Evidence Item(s):

- Item 6 (LIMS #1-6): One (1) metal ring
- Item 7 (LIMS #1-7): One (1) outer tube
- Item 8 (LIMS #1-8): One (1) monocore baffle

Dates of Laboratory Activity: 5/14/2021 — 5/25/2021

Observation(s)

Items 6 through 8 were received as a single assembly. As received, the item 8 monocore baffle is secured within the item 7 outer tube by the item 6 metal ring.

TESTING:

- An external inspection of the assembly was conducted to assess its general appearance, condition and construction.

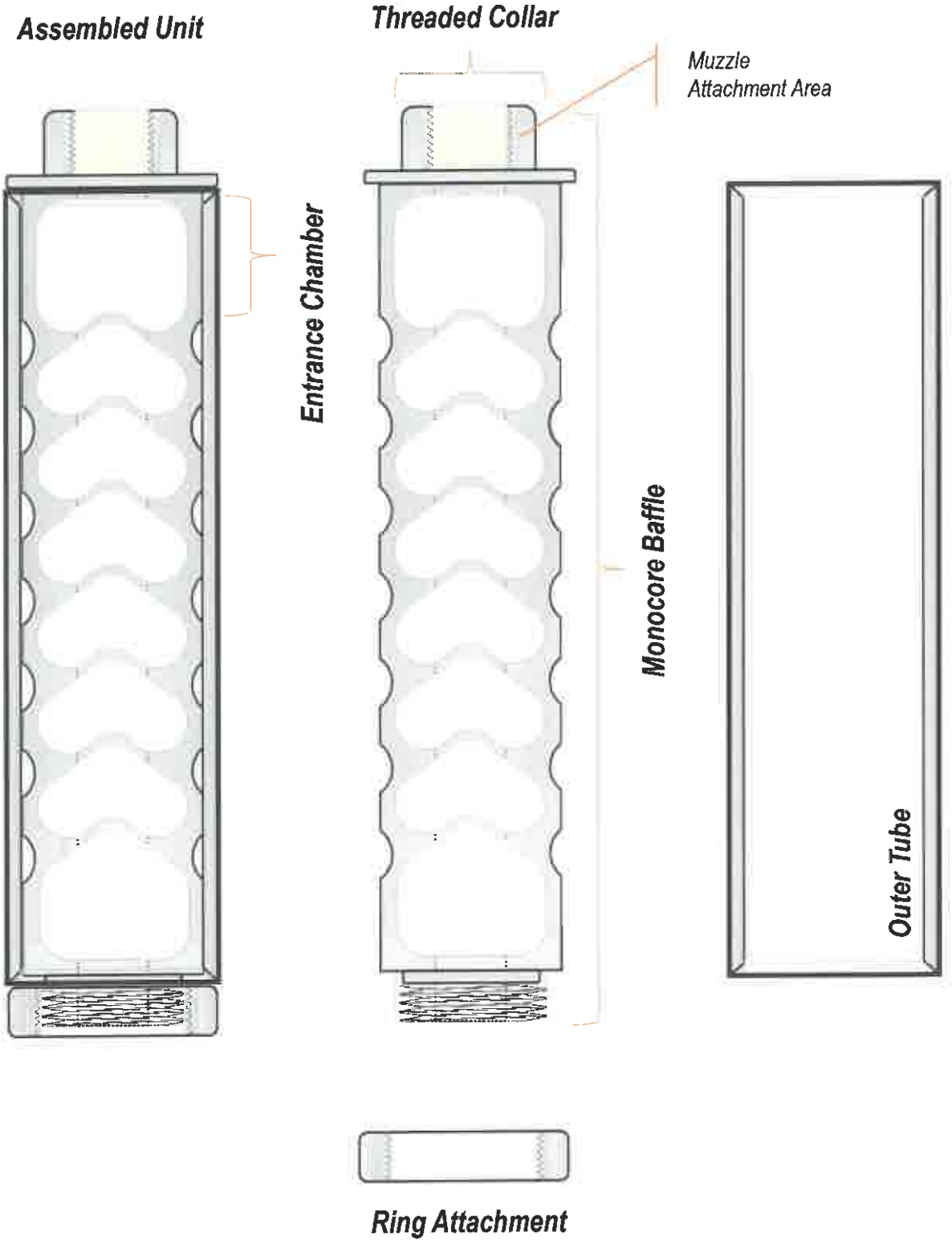
- The assembly was dismantled and inspected for distinctive silencer structural features.

TEST RESULTS:
The external inspection revealed the assembly to be in good condition. It has the general appearance of a silencer. The components are all consistent with machined aluminum with a dark, smooth surface finish. There is an internally threaded collar at one end and an unthreaded opening at the other. There are no indications of amateur or improvised production processes. There are no indications of repurposed material or components. The internal inspection revealed a well-made single piece (monocore) baffle with an open channel from end to end. The monocore baffle divides the tube volume into 8 chambers which are open to the central channel. The first area is larger and is consistent with an entrance chamber. The threaded collar is consistent with a muzzle attachment point. These features are conspicuous suppressor / silencer design elements that substantiate the classification as a silencer.

Conclusion(s)

The assembly, as received, is a silencer as described in California penal code section 17210.

Not to Scale


Assembled Unit
Threaded Collar
Muzzle
Attachment Area
Entrance Chamber
Monocore Baffle
Outer Tube
Ring Attachment

Analyst: F. Biraimah #N3140 323-415-8169 5-27-21

Admin Review: R. Garcia #G9120 6- 1-21

Tech Review: R. Garcia #G9120 6- 1-21

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 43 HON. KIMBERLEY BAKER GUILLEMET, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
PLAINTIFF,)
VS.) CASE NO. BA510524
LUKE WALDEN,)
DEFENDANT.)

COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PRELIMINARY HEARING

MARCH 9, 2023

APPEARANCES:

FOR THE PEOPLE: OFFICE OF THE DISTRICT ATTORNEY
BY: KRISTOPHER GAY, DEPUTY
211 WEST TEMPLE STREET, SUITE 200
LOS ANGELES, CALIFORNIA 90012

FOR THE DEFENDANT: SEKI, NISHIMURA & WATASE, LLP
BY: BILL SEKI, ATTORNEY AT LAW
600 WILSHIRE BOULEVARD, SUITE 1250
LOS ANGELES, CALIFORNIA 90017

HTA: MARCH 23, 2023
DEPARTMENT 119

PRISCILLA MIRELES, CSR NO. 14080
OFFICIAL REPORTER

MAR 20 2023

M A S T E R I N D E X

CHRONOLOGICAL INDEX OF WITNESSES

PEOPLE'S	DIRECT	CROSS	REDIRECT	RECROSS
NEMEROFF, ROSS	4	38	--	--

DEFENSE	DIRECT	CROSS	REDIRECT	RECROSS
(NONE.)				

INDEX OF EXHIBITS

PEOPLE'S EXHIBIT	DESCRIPTION	FOR I.D.	IN EVD.	WITHDRAWN OR REJECTED
1	FOUR-IMAGE PHOTOGRAPH	11	45	
2	FOUR-IMAGE PHOTOGRAPH	12	45	
3	FOUR-IMAGE PHOTOGRAPH	14	45	
4	FOUR-IMAGE PHOTOGRAPH	21	45	
5	SCREENSHOT	28	45	
6	SCREENSHOT	30	45	
7	SCREENSHOT	31	45	
8	SCREENSHOT	32	45	
9	PAYPAL DOCUMENT	34	45	

DEFENSE EXHIBIT	DESCRIPTION	FOR I.D.	IN EVD.	WITHDRAWN OR REJECTED
(NONE.)				

CASE NUMBER: BA510524
CASE NAME: PEOPLE VS. LUKE WALDEN
THURSDAY, MARCH 9, 2023
LOS ANGELES, CALIFORNIA HON. KIMBERLEY BAKER GUILLEMET,
DEPARTMENT 43 JUDGE
REPORTER: PRISCILLA MIRELES, CSR NO. 14080
TIME: A.M. SESSION

APPEARANCES:

DEFENDANT, LUKE WALDEN, PRESENT WITH COUNSEL, BILL SEKI, ATTORNEY AT LAW; KRISTOPHER GAY, DEPUTY DISTRICT ATTORNEY, REPRESENTING THE PEOPLE OF THE STATE OF CALIFORNIA.

-OOO-

THE COURT: WE'RE ON THE RECORD. PEOPLE VS. LUKE WALDEN, CASE NO. BA510524.

APPEARANCES, PLEASE.

MR. SEKI: GOOD MORNING, YOUR HONOR. BILL SEKI APPEARING WITH MR. WALDEN.

MR. GAY: KRISTOPHER GAY FOR THE PEOPLE. GOOD MORNING.

THE COURT: THANK YOU. AND GOOD MORNING.

WE ARE HERE FOR PRELIMINARY HEARING. ARE BOTH PARTIES READY TO PROCEED?

MR. SEKI: YES.

MR. GAY: READY.

THE COURT: ALL RIGHT. AND COUNSEL, DO YOU WAIVE

FURTHER READING AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS AND ENTER A PLEA OF NOT GUILTY ON BEHALF OF YOUR CLIENT?

MR. SEKI: YES.

THE COURT: IS THERE A MOTION TO DESIGNATE AN INVESTIGATING OFFICER?

MR. GAY: YOUR HONOR, THANK YOU. TO MY LEFT IS DETECTIVE ROSS NEMEROFF. I'D ASK THAT HE BE DESIGNATED AS THE INVESTIGATING OFFICER, BUT HE IS, IN FACT, MY ONLY TESTIFYING WITNESS AS WELL.

THE COURT: VERY WELL. AND THE SPELLING OF DETECTIVE'S LAST NAME, PLEASE, FOR THE RECORD?

MR. GAY: N-E-M-E-R-O-F-F.

THE COURT: ALL RIGHT. THANK YOU VERY MUCH. I UNDERSTAND DETECTIVE NEMEROFF IS YOUR ONLY WITNESS.

DOES DEFENSE EXPECT TO CALL ANY WITNESSES?

MR. SEKI: NOT TODAY, YOUR HONOR.

THE COURT: ALL RIGHT. SO NO MOTION TO EXCLUDE WITNESSES IS NECESSARY. AND I DO UNDERSTAND CONTINUOUS PRELIM WAS PREVIOUSLY WAIVED; HOWEVER, THE TIME ESTIMATE IS ONE HOUR; IS THAT CORRECT?

MR. GAY: YES.

MR. SEKI: SO -- YES. AND WE WERE TOLD WE SHOULDN'T EXCEED 90 MINUTES, BUT I DON'T THINK WE'RE GOING TO GET THERE.

THE COURT: VERY WELL. IS THERE ANYTHING ELSE WE NEED TO ADDRESS BEFORE WE START?

MR. GAY: NO.

MR. SEKI: NO. I DO -- I THINK IT'S LEFT BEST FOR OUR MOTION, BUT THERE ARE A COUPLE CASES THAT I WOULD WANT THE COURT TO REVIEW PRIOR TO MAKING ITS DECISION IN THIS CASE.

THE COURT: VERY WELL.

ALL RIGHT. PEOPLE MAY CALL THEIR FIRST WITNESS.

MR. GAY: THANK YOU, YOUR HONOR. PEOPLE CALL DETECTIVE ROSS NEMEROFF.

THE COURT: THANK YOU, DETECTIVE. PLEASE COME FORWARD TO BE SWORN AND FACE OUR CLERK. YOU CAN STAND RIGHT THERE.

ROSS NEMEROFF,

CALLED BY THE PEOPLE AS A WITNESS, WAS SWORN AND TESTIFIED AS FOLLOWS:

THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

DO YOU SOLEMNLY STATE THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH; SO HELP YOU GOD?

THE WITNESS: I DO.

THE CLERK: THANK YOU. AND IF YOU CAN JUST PLEASE STATE AND SPELL YOUR FULL NAME FOR THE RECORD, PLEASE.

THE WITNESS: ROSS NEMEROFF, R-O-S-S, N-E-M-E-R-O-F-F.

THE COURT: THANK YOU FOR BEING HERE, DETECTIVE.

THE WITNESS: THANK YOU.

THE COURT: COUNSEL, YOUR WITNESS.

MR. GAY: THANK YOU, YOUR HONOR.

DIRECT EXAMINATION

BY MR. GAY:

Q. GOOD MORNING, SIR.

A. GOOD MORNING.

Q. WHAT IS YOUR OCCUPATION?

A. CURRENTLY, I'M AN INVESTIGATOR WITH THE ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE. I RETIRED FROM LOS ANGELES POLICE DEPARTMENT AS A DETECTIVE II ASSIGNED TO SPECIAL OPERATIONS DIVISIONS ON JANUARY 26TH OF THIS YEAR.

Q. AND APRIL 22ND OF 2021, HOW WERE YOU ASSIGNED ON THAT DATE?

A. I WAS A DETECTIVE II ASSIGNED TO SPECIAL OPERATIONS DIVISION LAPD.

Q. HOW LONG HAVE YOU BEEN A SWORN PEACE OFFICER?

A. OVER 28 YEARS -- OR 27 AND A HALF YEARS.

Q. AND DO YOU SEE ANYONE ELSE HERE IN COURT THAT YOU KNOW?

A. YES.

Q. WHO'S THAT?

A. I SEE LUKE WALDEN. HE'S SITTING NEXT TO DEFENSE COUNSEL WEARING A -- I GUESS A CHARCOAL COLORED SUIT AND GLASSES.

THE COURT: FOR THE RECORD, IDENTIFYING THE

DEFENDANT.

BY MR. GAY:

Q. AND HOW ARE YOU FAMILIAR WITH MR. WALDEN?

A. WALDEN WORKED -- I THINK IT WAS THE GUN UNIT AT THE TIME WHEN I FIRST MET HIM ON A SEPARATE ADMINISTRATIVE AND CRIMINAL INVESTIGATION INVOLVING -- A DIFFERENT DEPARTMENT EMPLOYEE REACHED OUT TO HIS UNIT TO -- FOR EXPERTISE AND ADVISE.

Q. AND HE PROVIDED THAT?

A. YES.

Q. AND I'M SORRY. JUST -- IS HE A POLICE OFFICER WITH LAPD AS WELL?

A. YES. AT THE TIME, A DETECTIVE II ASSIGNED TO -- I BELIEVE IT WAS GUN NARCOTICS -- GANG NARCOTICS DIVISION.

Q. NOW, I WANT TO ASK YOU, DID -- WERE YOU THE -- ARE YOU THE ASSIGNED INVESTIGATOR INVOLVING AN INVESTIGATION THAT MR. WALDEN -- OFFICER WALDEN -- DETECTIVE WALDEN WAS THE TARGET OF?

A. YES.

Q. OKAY. AND DID THAT INVOLVE, JUST GENERALLY, POSSESSION OF A GUN SILENCER?

A. YES.

Q. AND CAN YOU STATE FOR THE COURT BRIEFLY WHAT KIND OF BACKGROUND, TRAINING, AND EXPERIENCE YOU HAVE WITH REGARD TO FIREARM SILENCERS?

A. YES. AS A RESULT OF THIS CASE -- WELL, PRIOR TO THIS CASE, I RECEIVED BASIC TRAINING IN FIREARMS IN THE

LOS ANGELES POLICE ACADEMY IN 1995, AND I'VE SHOT WEAPONS EVER SINCE THEN.

AS A RESULT OF THIS INVESTIGATION, I BECAME A LOT MORE FAMILIAR WITH SILENCERS. THE TRAINING I RECEIVED, TALKING TO THE CUSTOMS BORDER PATROL AGENTS, AGENT PENA, ALSO SPEAKING TO A HOMELAND SECURITY AND HOMELAND SECURITY AGENT NAMED MADOYAN, M-A-D-O-Y-A-N.

I'VE READ DIFFERENT BULLETINS FROM THE ALCOHOL, TOBACCO, AND FIREARMS ON SILENCERS. TWO DIFFERENT BULLETINS; ONE FROM APRIL OF 2021. I BELIEVE THE SECOND ONE WOULD HAVE BEEN IN OCTOBER 2021 ON SILENCERS AND SOLVENT TRAPS.

I'VE BEEN TO THE CUSTOMS BORDER PROTECTION -- THEIR HEADQUARTERS IN THE CITY OF TORRANCE ON MAY 3RD OF 2021 WHERE I WAS EXPOSED TO HOW SILENCERS COME INTO THE COUNTRY FROM OTHER COUNTRIES, SPECIFICALLY CHINA, HOW THEY ARE X-RAYED, HOW THEY ARE IDENTIFIED, HOW THEY ARE RECOVERED, AND I ALSO SPOKE WITH A RETIRED ATF AGENT -- I BELIEVE HIS NAME IS MIKE HAMILTON -- WHO HAS EXPERTISE IN THE AREA OF SILENCERS.

Q. DID YOU SPEAK WITH ANY CURRENT SCIENTIFIC INVESTIGATION DIVISION EMPLOYEES FROM LAPD REGARDING THIS CASE AS WELL?

A. YES. I SPOKE TO A CRIMINALIST III FROM THE FIREARMS ANALYSIS UNIT.

Q. NOW, GOING BACK TO THE CUSTOMS AND BORDER PATROL AND THE HOMELAND SECURITY AGENTS. DID THEY INFORM YOU OF KIND OF SOME BACKGROUND INFORMATION REGARDING

SILENCERS THAT THEY'VE BEEN NOTICING IN THE RECENT PAST, I GUESS?

A. YES. ON A FIELD TRIP TO THE CUSTOMS BORDER PROTECTION, THEY ADVISED THAT THEY HAD AN INFLUX OF SOLVENT TRAPS OR SILENCERS THAT ARE SOLVENT TRAPS THAT ARE DISGUISED AS SILENCERS THAT ARE COMING FROM CHINA INTO THE UNITED STATES WITH UNDER A DIFFERENT NAME UNDER A GUISE OF -- AS A SOLVENT TRAP, AND AS THEY -- AS THEY -- THOSE PACKAGES ARE RANDOMLY SCREENED THROUGH THEIR SCREENING SYSTEM, X-RAYED, THEY'RE ABLE TO IDENTIFY THOSE SOLVENT TRAPS OR SILENCERS WITHIN THE PACKAGING.

Q. SO THESE PACKAGES ARE LABELED AS SOLVENT TRAPS? IS THAT WHAT YOU'RE SAYING?

A. YES. A LOT OF THE PACKAGES ARE LABELED AS SOLVENT TRAPS OR OIL FILTERS, FUEL FILTERS, ET CETERA. DIFFERENT NAMES.

Q. NOW, CAN YOU TALK A LITTLE BIT ABOUT WHAT YOU LEARNED? LET'S START WITH SOLVENT TRAPS; WHAT THAT TERM MEANS AND WHAT YOU LEARNED ABOUT THAT.

A. YES. SO THE SOLVENT TRAPS COMING FROM CHINA, THEY TYPICALLY -- IT COMES IN A ROUND CHORD, ROUND CYLINDER, FOLLOWED BY A MONOCORE THAT THEN FITS INSIDE OF THAT CYLINDER WITH AN END CAP THAT SCREWS ON ONE END AND ANOTHER CAP THAT SCREWS ON THE OPPOSITE END AND --

Q. I'M SORRY. LET ME JUST INTERRUPT. I HAVE A DIFFERENT QUESTION. I APOLOGIZE.

A. SURE.

Q. JUST IN GENERAL, DID YOU COME TO LEARN --

WERE YOU FAMILIAR BEFORE DOING THIS INVESTIGATION WITH THE TERM "SOLVENT TRAPS"?

A. BEFORE THE INVESTIGATION?

Q. YES.

A. I WOULD -- IN GENERAL TERMS, I WOULD THINK A SOLVENT TRAP IS SOMETHING THAT CATCHES SOLVENT.

Q. AND THE -- WHAT WAS -- SPECIFICALLY WITH REGARD TO -- WELL, LET ME ASK YOU A MORE GENERAL QUESTION. DID YOU LEARN IN THE COURSE OF YOUR INVESTIGATION WHY ITEMS COMING INTO THE COUNTRY FROM CHINA WOULD BE LABELED AS FUEL FILTERS FOR SOLVENT TRAPS WHEN THEY'RE, IN FACT, GUN SILENCERS?

A. YES. IT'S A GUISE. IT'S TO -- IT'S BASICALLY TO THROW OFF THE ALERT THAT SOMETHING IS COMING IN AS A SILENCER BECAUSE SILENCERS ARE ILLEGAL TO POSSESS, AND IF THEY DEEM THEM OR CALL THEM SOLVENT TRAPS OR FUEL FILTERS ON A MANIFEST WITH ALL -- WITH THE DIFFERENT ITEMS THAT ARE COMING IN FROM THE OTHER -- YOU KNOW, OTHER COUNTRIES CALLING IT A SOLVENT TRAP, IT MAY GET THROUGH ITS INITIAL SCREENING AND WHATNOT. SO BY CALLING IT A SOLVENT TRAP OR FUEL FILTER, IT'S JUST A GUISE FOR WHAT IT REALLY IS INTENDED, WHICH IS A SILENCER.

Q. NOW, LET'S TALK A LITTLE BIT MORE ABOUT TERMINOLOGY. THREADED BARRELS. ARE YOU FAMILIAR WITH THAT TERM?

A. YES.

Q. WHAT DOES THAT REFER TO?

A. SO THE THREADED BARREL IS THE RECEIVER END OF

A SILENCER. SO THE SILENCER COMES WITH A FEMALE END OF A THREAD, AND IN ORDER TO ADAPT THAT FEMALE END OF THE SILENCER, IT NEEDS TO GO ON A MALE END OF A BARREL. SO THE MALE END OF THE BARREL HAS TO BE THREADED IN ORDER FOR IT TO RECEIVE THE SILENCER. SO IT HAS TO HAVE THE SAME THREAD COUNT AND SAME DIAMETERS.

Q. DO FIREARMS GENERALLY COME FROM THE MANUFACTURER EQUIPPED WITH THREADING ON THE BARREL?

A. NO.

Q. SO HOW DOES ONE EQUIP A FIREARM WITH A THREADED BARREL?

A. SO DIFFERENT COMPANIES SELL THREADED BARRELS. SPECIFICALLY, I THINK SIG SAUER MAKES A THREADED BARREL AS WELL AS KIMBER. YOU CAN DO A GOOGLE SEARCH ON EITHER ONE OF THOSE, AND YOU CAN ACTUALLY LOOK UP A THREADED BARREL AND THEN PURCHASE -- I BELIEVE YOU CAN PURCHASE A THREADED BARREL THAT'S SEPARATE FROM THE STANDARD ONE THAT'S ISSUED WITH THE FIREARM.

Q. SO IF ONE WANTED TO ATTACH A SILENCER TO THEIR FIREARM, WOULD THEY NEED A THREADED BARREL?

A. THEY WOULD.

Q. GOING BACK TO YOUR -- THE TRAINING, BACKGROUND, AND THE THINGS YOU LEARNED DURING THIS INVESTIGATION. USING THE INFORMATION YOU LEARNED FROM HOMELAND SECURITY AGENTS, FROM CUSTOMS AND BORDER PATROL AGENTS, DID YOU DO ANY OF YOUR OWN RESEARCH INTO THE GUN SILENCER -- GUN ACQUISITION FIELD, IF YOU WILL?

A. YES. SO YOUTUBE HAS QUITE A FEW VIDEOS THAT

SHOW HOW THESE THINGS ARE ADAPTED, CHANGED INTO FIREARM SILENCERS, AND THEN ALSO LOOKING AT JUST WEBSITES IN GENERAL ON THREADED BARRELS AND WHATNOT. THAT'S THE GENERAL RESEARCH I DID.

Q. SO DID YOU, FOR EXAMPLE, JUST GOOGLE "SOLVENT TRAP" EVER AS PART OF YOUR RESEARCH?

A. I BELIEVE I DID.

Q. AND WHAT COMES UP WHEN YOU GOOGLE AND SEARCH SOLVENT TRAP?

A. SOLVENT TRAPS -- AT THE TIME OF DOING THESE GOOGLE SEARCHES, IT WOULD COME UP WITH THINGS THAT REALLY RESEMBLED A SILENCER, AS OPPOSED TO A SOLVENT TRAP.

Q. IS THERE -- IF YOU'RE AWARE, IS THERE ANYTHING -- IS THERE EVER A LEGITIMATE VERSION OF A SOLVENT TRAP, IF YOU KNOW?

A. THERE PROBABLY IS A LEGITIMATE USE OF A SOLVENT TRAP. I -- AND IT WOULD -- TO CATCH SOLVENT THAT'S CAPTURED FROM CLEANING A WEAPON OR SOMETHING OF THAT NATURE, BUT THE WAY THAT THESE ARE -- THE WAY THAT THESE ARE COMING OVER FROM CHINA --

Q. AND "THESE" BEING THE THINGS THAT YOU'RE CALLING --

A. RIGHT. SILENCERS. IT DOESN'T -- IT DOESN'T EQUATE TO A SOLVENT TRAP. IT COMES WITH THIS PLASTIC TUBE. REALLY, IT DOES NOTHING. THEY -- YOU KNOW, IT HAS NO PURPOSE, AND THERE'S NO -- AND THE BAFFLE CHORD IN THE MIDDLE WOULD HAVE NO LEGITIMATE PURPOSE IN CATCHING SOLVENT.

MR. GAY: LET ME -- OKAY. SO I'M GOING TO TAKE YOUR ATTENTION TO THE DATE -- LET ME -- ACTUALLY, LET ME -- MAY I MARK A PHOTOGRAPH, YOUR HONOR, AS PEOPLE'S 1? IT'S ACTUALLY -- WELL, IT'S AN 8 -- 9 BY 11 SHEET WITH FOUR PHOTOS ON IT DEPICTING A BLACK CYLINDRICAL OBJECT.

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 1.)

BY MR. GAY:

Q. OKAY. AND DIRECTING YOUR ATTENTION TO PEOPLE'S 1, DETECTIVE. ARE YOU FAMILIAR WITH THOSE FOUR IMAGES SHOWN THERE?

A. I AM.

Q. WHAT IS SHOWN IN PEOPLE'S 1?

A. THOSE ARE THE PICTURES THAT WERE TAKEN BY A FORENSIC F.I. -- SORRY OUR SCIENTIFIC INVESTIGATIVE DIVISION THAT RESPONDED UPON MY REQUEST TO THE HOMELAND SECURITY OFFICE IN SAN FERNANDO VALLEY FOR THIS ITEM AND ITEMS THAT WERE ADDRESSED TO LUKE WALDEN.

Q. OKAY. SO LET'S BACK UP. DID YOU COME INTO POSSESSION OF THIS ITEM DEPICTED IN THESE FOUR IMAGES?

A. YES.

Q. HOW DID THAT COME ABOUT?

A. I RECEIVED CORRESPONDENCE WITH A H.S.I. --

Q. AND I'M SORRY. H.S.I. IS --

A. HOMELAND SECURITY INVESTIGATION AGENT MADOYAN

AND ADVISED THAT THEY HAD THIS IN THEIR POSSESSION AS A RESULT OF A SCREENING AT THE CUSTOMS BOARDER PROTECTION OFFICE IN TORRANCE.

Q. AND WHERE DID YOU GO TO TAKE POSSESSION OF THIS ITEM?

A. AT THE H.S.I. OFFICE IN SAN FERNANDO VALLEY.

Q. AND WERE YOU PRESENT WHEN IT WAS PHOTOGRAPHED?

A. YES.

MR. GAY: YOUR HONOR, MAY I MARK AS PEOPLE'S 2, ANOTHER FOUR IMAGES ON A SHEET OF PAPER WITH PURPLE PACKAGING?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 2.)

BY MR. GAY:

Q. OKAY. AND PEOPLE'S 2, DOES THAT DEPICT THE OUTER PACKAGING OF THE ITEM THAT YOU TOOK POSSESSION OF FROM HOMELAND SECURITY?

A. YES.

Q. AND TO WHOM IS THIS -- WELL, LET ME BACK UP BEFORE I ASK YOU THOSE QUESTIONS.

DID YOU SPEAK WITH SOMEONE FROM CUSTOMS AND BORDER PATROL?

A. YES.

Q. AND DID YOU SPEAK WITH A -- SPECIFICALLY AN

AGENT NAMED -- I BELIEVE IT WAS MARICELA PENA?

A. YES, THAT'S HER NAME.

Q. AND WHAT DID SHE TELL YOU WITH REGARD TO THE PACKAGE THAT WE'RE TALKING ABOUT HERE?

A. SO ON A GENERAL SCREENING FROM APRIL 22ND OF 2021, THEY DID A GENERAL SCREENING AND RECOVERED 13 PARCELS AND THIS BEING ONE OF THEM. AND AFTER THEY SEIZED THESE -- THIS PARCEL IN PARTICULAR, THEY WERE ABLE TO -- I'M NOT SURE WHO RAN THE NAME LUKE WALDEN, BUT IT WAS DISCOVERED THAT LUKE WALDEN WAS A LOS ANGELES POLICE DEPARTMENT EMPLOYEE.

Q. OKAY. SO WHO IS THIS PACKAGE -- I MEAN, YOU SEE IT ON THE FACE SHEET, BUT WHO IS THIS PACKAGE ADDRESSED TO?

A. TO LUKE WALDEN.

Q. AND DOES IT LIST AN ADDRESS?

A. YEAH. [redacted]

Q. ARE YOU FAMILIAR WITH THAT ADDRESS?

A. I AM.

Q. HAVE YOU BEEN TO THAT ADDRESS?

A. I HAVE.

Q. DID YOU GO THERE WITH DETECTIVE WALDEN?

A. YES.

Q. OKAY. SO YOU WERE ABLE TO CONFIRM THAT THAT IS HIS ADDRESS?

A. CORRECT.

Q. AFTER SPEAKING WITH AGENT PENA -- I'M SORRY.

LET ME -- DOES THIS -- DOES THE PACKAGING SLIP ALSO INDICATE SOMEWHERE FROM WHERE THIS PACKAGE ORIGINATED?

A. YES.

Q. LET ME SEE IF I CAN --

A. YES. FROM XU SHI MING, WUHAN, MING LANG -- I CAN'T PRONOUNCE THAT ONE -- FROM WUHAN HUBEI, CHINA, WHICH IS A CITY IN CHINA.

Q. AND THAT'S ON PEOPLE'S 2?

A. YES. IT ALSO HAS A TRACKING NUMBER ASSOCIATED WITH IT.

Q. DID YOU BOOK THIS ITEM UNDER DR NO. 219913105?

A. YES.

Q. DID YOU LATER SPEAK WITH A CRIMINALIST FROM THE LAPD FORENSIC SCIENCE DIVISION REGARDING THE INSPECTION OF THIS DEVICE?

A. YES.

MR. GAY: AND AS PEOPLE'S 3, YOUR HONOR, IT'S THE SAME ITEM. THERE'S FOUR IMAGES AGAIN, BUT IT'S DISASSEMBLED IN THIS ONE. MAY I MARK IT AS PEOPLE'S 3?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 3.)

BY MR. GAY:

Q. SHOWING YOU PEOPLE'S 3. VERY BRIEFLY, WHAT IS THE JOB TITLE -- WHO DID YOU SPEAK WITH AT -- WAS IT --

DID YOU SPEAK WITH FADEEL BIRAIMAH? I DON'T KNOW HOW TO SAY IT. B-I-R-A-I-M-A-H.

A. SURE. YES, THAT'S HIM.

Q. AND HE TOLD YOU HE INSPECTED THIS ITEM THAT WE'RE LOOKING AT HERE?

A. CORRECT.

Q. AND WHAT WAS HIS JOB TITLE? WHAT IS HIS JOB TITLE?

A. HE'S A CRIMINALIST III ASSIGNED TO THE FIREARMS ANALYSIS UNIT, FAU.

Q. AND DID HE TELL YOU ABOUT -- DID HE HAVE BACKGROUND, TRAINING, AND EXPERIENCE WITH FIREARM SILENCERS?

A. YES.

Q. DID THAT INCLUDE CLASSROOM TRAINING?

A. YES.

Q. HOW ABOUT -- HAS HE TEST FIRED GUNS EQUIPPED WITH THAT -- HAS HE TEST FIRED GUNS EQUIPPED WITH SILENCERS?

A. HE HAS.

Q. AND NOTED THEIR EFFECT?

A. YES.

Q. AND DID HE GIVE YOU AN OPINION OF WHAT THIS ITEM IS IN PEOPLE'S 3 THAT WE'RE LOOKING AT?

A. YES.

Q. WHAT DID HE TELL YOU?

A. HE SAID IT WAS A FIREARM SILENCER.

Q. AND DID HE PROVIDE YOU THE BASIS OF THAT

OPINION?

A. YES. HE REFERRED SPECIFICALLY TO THE MONOCORE BAFFLE --

Q. AND I'M JUST GOING TO STOP YOU RIGHT THERE JUST FOR -- I'M POINTING MY PEN TO THE LOWER LEFT-HAND IMAGE, AND TOWARD THE MIDDLE PART DEPICTS KIND OF A HOLLOW TUBE WITH DIFFERENT CHAMBERS. IS THAT FAIR TO SAY?

A. YES.

Q. IS THAT THE MONOCORE BAFFLE YOU'RE TALKING ABOUT?

A. YES.

Q. OKAY. LET'S TALK ABOUT THAT MONOCORE BAFFLE. WHAT DID HE TELL YOU ABOUT THAT?

A. SO HE SAID THAT THAT MONOCORE BAFFLE HAS NO OTHER PURPOSE BUT TO DIMINISH THE GASSES RELATED TO A FIREARM BEING FIRED THROUGH THAT. IT ADMINISTERS THE GASSES. AND HE DESCRIBES BASICALLY WHAT THE DEFINITION OF A SILENCER IS, AND SPECIFICALLY, THAT THIS MONOCORE BAFFLE HAD NO OTHER PURPOSE BUT TO DIMINISH THE REPORTED SOUND FROM A PORTABLE FIREARM AND THAT THIS WAS SPECIFICALLY A COMPONENT OR A PART OF A SILENCER AND THAT IT WOULD BE DEEMED AS A SILENCER JUST BASED ON THE MONOCORE BAFFLE ITSELF.

Q. AND DID HE TELL YOU HOW THIS WORKS, TO CHANGE THE SOUND OF A FIREARM?

A. YES. YOU KNOW, AS I KIND OF MENTIONED, LIKE -- SO AS THE FIREARM GOES OFF, THE GASSES AND -- MOSTLY THE GASSES THAT ARE GOING THROUGH THE CHAMBER ARE

DIMINISHED AS IT GOES THROUGH EACH BEVEL -- AND I'M POINTING TO THE PEOPLE'S EXHIBIT. AND IT'S GOING THROUGH EACH BEVEL, AND BY THE TIME IT COMES OUT THE OTHER END, IT SLOWS DOWN, AND IT DIMINISHES THE EFFECT AND THE SOUND THAT'S EMITTED FROM THIS SOUND.

Q. SO I DON'T KNOW IF IT'S CLEAR FROM THIS PICTURE, BUT YOU INSPECTED THIS OBJECT AS WELL?

A. I DID.

Q. IS -- I'M INDICATING FROM RIGHT TO LEFT WITH MY PEN. IS THIS AN OPEN AREA THROUGH WHICH A BULLET CAN TRAVEL?

A. I BELIEVE IT IS OPEN IN THAT, YES.

Q. AND DID HE TELL YOU WHETHER HE RECEIVED IT, THIS ITEM, AS ONE PIECE OR WHETHER IT WAS ALL THE PIECES DISASSEMBLED?

A. I BELIEVE IN CONVERSATION WITH HIM THAT HE RECEIVED IT WITH THE BAFFLE INSIDE THE CYLINDER WITH THE CAP SCREWED ON, FROM WHAT I -- FROM MY BEST RECOLLECTION.

Q. I'M SORRY. GOING BACK TO PEOPLE'S 1. SO POINTING TO THE LEFT -- LOWER LEFT-HAND IMAGE, THAT WOULD BE HOW THE ITEM APPEARS WHEN IT'S ALL ASSEMBLED?

A. YES.

Q. OKAY. SO IN OTHER WORDS, THAT BAFFLE PIECE SLIDES INTO THE OUTER TUBE?

A. CORRECT.

Q. AND THEN HOW DOES IT ATTACH TO A FIREARM?

A. SO IN THIS -- YEAH, IN THE UPPER LEFT-HAND CORNER OF THE PEOPLE'S EXHIBIT, THAT'S THE FEMALE END OF

THE -- WHAT WOULD GO -- WHAT WOULD BE ATTACHED TO THE MALE END OF A FIREARM BARREL.

Q. SO THAT SCREWS ONTO THE BARREL?

A. YES.

Q. NOW, I'M GOING TO THE -- I'M ON PEOPLE'S 3 FOR REFERENCE. AND DIRECTING YOUR ATTENTION TO THE TOP RIGHT-HAND IMAGE. IT LOOKS LIKE THERE'S THIS SOLID CAP AND THEN THERE'S, LIKE, A RING. CAN YOU TELL US IF HE TOLD YOU ANYTHING ABOUT WHAT THESE ARE FOR?

A. SO WHEN THEY ATTACH -- WHEN THE ITEM CAME IN WITH THE UPPER ONE THAT HAS THE HOLE THROUGH IT THAT SCREWS ON, IF THE -- IF A WEAPON IS SHOT AND IF A BULLET IS SHOT THROUGH, IT WILL OBVIOUSLY INEVITABLY GO THROUGH THAT LARGE HOLE. IN ORDER TO INCREASE ITS ACCURACY, YOU CAN USE THE END CAP TO THE RIGHT THAT HAS NOT -- DOES NOT HAVE A HOLE IN THIS YET.

THAT END CAP IS SIGNIFICANT IN THE SENSE THAT WHEN THESE CAPS COME PACKAGED THIS WAY, IT HAS A SMALL DIMPLE LIKE AN IMPRINT. THAT ALLOWS A DRILL TO BE PLACED ON THAT SO THE DRILL BIT DOESN'T FALL ALL THE WAY AROUND. SO IT'LL ALLOW -- IT'S LIKE A PILOT HOLE ALMOST WHEN YOU'RE DRILLING SOMETHING WITH A HAND DRILL. IT ALLOWS IT TO BE MACHINED TO A PARTICULAR -- YOU CAN KIND OF --

Q. SO MAYBE IT'S HARD TO SEE IN THE PICTURE. I'M POINTING TOWARDS THE MIDDLE OF THE CENTER CAP.

A. RIGHT.

Q. YOU MENTIONED, LIKE, A DIMPLE. IS IT RIGHT DIRECTLY IN THE CENTER?

A. YES.

Q. AND YOU TALKED TO THE CRIMINALIST ABOUT THIS. DID YOU TALK TO ANYONE ELSE ABOUT THESE DIMPLED END CAPS AS WELL?

A. IT'S BEEN A LITTLE WHILE. I BELIEVE I'M JUST REFERRING TO THAT CONVERSATION WITH HIM AND THEN THE GENERAL LITERATURE THAT I LOOKED AT.

Q. OKAY. SO THIS WAS -- THIS THING WITH THE DIMPLES AND A CENTER HOLE, IT WAS MENTIONED IN SOME OF THE MATERIALS YOU REVIEWED?

A. I BELIEVE SO.

Q. WAS THAT THE ATF BULLETINS?

A. I THINK SO.

Q. OKAY. AND SO FROM TALKING -- FROM YOUR RESEARCH AND TALKING WITH THE CRIMINALIST, WHAT IS THE PURPOSE OF THAT DIMPLE?

A. THAT'S TO ALLOW SOMEBODY WHO NOW POSSESSES OR WHO IS -- WHO HAS POSSESSION OF THIS END CAP TO DRILL THE HOLE DIRECTLY IN THE MIDDLE, WHICH WOULD ALLOW A BULLET TO ESCAPE THROUGH THE HOLE DEPENDING ON HOW BIG YOU DRILL THAT DIAMETER WITH THE DRILL BIT.

Q. AND IS THERE ANY OTHER PURPOSE -- OTHER THAN TO LINE UP A DRILL BIT TO HELP WITH FABRICATING A HOLE, IS THERE ANY OTHER PURPOSE FROM TALKING TO THE PEOPLE YOU TALKED WITH? IS THERE ANY OTHER PURPOSE FOR THAT DIMPLE?

A. NOT THAT I KNOW OF.

Q. OKAY. DID YOU TALK WITH FADEEL REGARDING THIS BLUE -- I DON'T KNOW WHAT THIS IS. YOU INSPECTED

THIS ITEM, THIS BLUE -- IS THIS A TUBE? WHAT IS THIS?

A. YEAH. IT'S A BLUE PLASTIC TUBE.

Q. DID YOU TALK WITH HIM ABOUT THAT?

A. YES. IT HAS NO PURPOSE.

Q. OKAY. YEAH, BUT WHAT WAS HIS OPINION ABOUT THE BLUE PLASTIC TUBE?

A. I THINK HE MENTIONED THAT IT'S A -- IT'S JUST LIKE A RUDIMENTARY WAY OF POSSIBLY THROWING OFF AN INSPECTION -- AN INSPECTOR LOOKING AT THIS THINKING, "OH, THERE'S A TUBE. IT MUST BE SOME SORT OF SOLVENT TO PUT FUEL OR SOMETHING THROUGH SOME SORT OF TUBE." SO IT WAS JUST KIND OF LIKE A RUDIMENTARY NOVICE WAY OF TRYING TO DESCRIBE SOMETHING HAS A SOLVENT TRAP.

Q. SO REGARDING THE REST OF THIS ASSEMBLY WE'VE BEEN TALKING ABOUT, THE OUTER TUBE, THE BAFFLE, AND THESE END CAPS, IS THERE ANYWHERE ON THIS ASSEMBLY FOR THAT PLASTIC TUBE TO AFFIX?

A. NO.

Q. AND ARE YOU -- WAS THERE SOMEWHERE -- I DON'T KNOW IF IT'S IN THE PICTURES. HOW IS THIS ITEM LABELED BY ITS SHIPPER? WHAT WAS IT LABELED AS?

A. I BELIEVE IT -- I BELIEVE IT CAME IN AS A FUEL FILTER IS MY BEST RECOLLECTION.

MR. GAY: YOUR HONOR, AS PEOPLE'S 4, IT'S ANOTHER FOUR IMAGES. IN PARTICULAR, I THINK IT SHOWS THE BACK OF THE PURPLE PACKAGE, AND THERE'S SOME ADDITIONAL INFORMATION ON THE PACKAGING SLIP. MAY I, AS PEOPLE'S 4, MARK THAT?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 4.)

BY MR. GAY:

Q. OKAY. DO YOU RECOGNIZE PEOPLE'S 4?

A. YES.

Q. WHAT IS IT?

A. THAT'S -- I BELIEVE THAT'S A PART OF THE SHIPPING LABEL WITH THE --

Q. AND DIRECTING YOUR ATTENTION TO THE MIDDLE, WHAT DOES THE DESCRIPTION OF THE CONTENTS BOX INDICATE?

A. "FUEL FILTER" AND FOLLOWED BY I BELIEVE WHAT WOULD BE CHINESE LETTERING.

MR. GAY: OKAY. AND I WANT TO GO BACK TO PEOPLE'S 2. A COUPLE OTHER DETAILS ON THE SHIPPING LABEL. MAYBE -- NO. PARDON ME, YOUR HONOR. I'M SORRY. THIS IS VERY SMALL.

BY MR. GAY:

Q. DID YOU SPEAK WITH -- READ LITERATURE OR SPEAK WITH THE CRIMINALIST REGARDING THE THREADING SIZE DIFFERENCES?

A. YES.

Q. CAN YOU JUST SPEAK REAL GENERALLY ABOUT THE SIGNIFICANCE OF THREADING AND THE DIFFERENT MEASUREMENTS THAT PERTAIN HERE?

A. CORRECT. SO LIKE WITH ANY SCREW OR ANY BOLT

AND NUT, YOU NEED TO MAKE SURE THAT THE BOLT SIZE AND THE NUT SIZE LINE UP; OTHERWISE, IT WON'T BE ABLE TO BE SCREWED ON. SO IN THIS PARTICULAR INSTANCE, THE THREAD SIZE WAS 1/2 BY 28. WHAT THAT REFERENCES IS -- 1/2 IS REFERENCED TO THE DIAMETER OF THE OPENING, THE OUTER OPENING, AND FOLLOWED BY 28, WHICH 28 REPRESENTS 28 THREADS PER INCH.

Q. AND I'M DIRECTING YOUR ATTENTION BACK TO THE TOP LEFT-HAND CORNER. IT'S VERY SMALL ON THE SLIDE. LUCKILY, THIS THING ZOOMS IN.

I'M POINTING TO A SERIES OF NUMBERS. DOES THAT HAVE ANY SIGNIFICANCE?

A. YES. IT -- FROM --

MR. SEKI: I'M GOING TO OBJECT IN TERMS OF -- IT'S IN A FOREIGN LANGUAGE. I THINK THERE'S A LACK OF FOUNDATION FOR HIM TO INTERPRET WHAT THE WORDS IN FRONT AND BEHIND MEAN.

MR. GAY: OH, I'M JUST -- WELL, IF IT -- I DON'T KNOW IF IT GETS AROUND THE OBJECTION, BUT I'M JUST REFERRING SPECIFICALLY TO THE NUMBERS, NOT EVEN THE CHARACTERS.

MR. SEKI: I THINK IT'S ALL WITHIN CONTEXT, YOUR HONOR.

THE COURT: I'LL ALLOW IT SPECIFICALLY AS TO THE NUMBERS ONLY. IT'S OVERRULED.

THE WITNESS: SO WITH REGARD TO THE NUMBERS, IT APPEARS TO BE 1/2-28.

//

BY MR. GAY:

Q. DID YOU SPEAK WITH THE CRIMINALIST ABOUT THAT 1/2-28 FIGURE?

A. YES.

Q. WHAT DID HE TELL YOU ABOUT THAT?

A. JUST AS I EXPLAINED, THAT 1/2 BEING THE OUTER DIAMETER MEASUREMENT FOLLOWED BY THE 28, WHICH WOULD BE 28 THREADS PER INCH.

Q. AND IS THERE ANY SIGNIFICANCE TO THAT PARTICULAR THREAD SIZE?

A. IT DOES. IT HAS SIGNIFICANCE IN THE SENSE THAT THAT PARTICULAR SILENCER POSSESSES THAT 1/2 BY 28, AND DURING A SEARCH OF --

Q. WE'LL GET THERE IN A SECOND. I JUST WANT TO SPEAK GENERALLY ABOUT THIS THREAD SIZE.

A. OKAY.

Q. DID YOU COME TO LEARN THAT THERE ARE, FOR EXAMPLE, COMMON THREAD SIZES ACROSS DIFFERENT FIREARM MANUFACTURERS?

A. YES.

Q. AND WAS THAT IN THE LITERATURE YOU READ?

A. IT WAS.

Q. AND HOW ABOUT SPEAKING WITH THE CRIMINALIST?

A. YES. I BELIEVE SO.

Q. OKAY. AND WAS 1/2 BY 28 ONE OF THOSE COMMON THREAD SIZES?

A. YES. THE 1/2 BY 28 IS A COMMON THREAD SIZE IF REFERRING TO A -- THE ATF LITERATURE. I BELIEVE THE

ONE FROM OCTOBER, IT SPECIFICALLY LISTS DIFFERENT THREAD SIZES. AND "RH" WOULD BE FOR RIGHT-HAND OR "LH" FOR "LEFT-HAND," BUT IT SPECIFICALLY DELINEATES WHAT TYPES OF FIREARM BARRELS WOULD BE COMPATIBLE WITH THE 1/2 BY 28, WHICH INCLUDED 9MM PISTOLS AS WELL AS SOME .22'S AND LONG RIFLES.

Q. NOW, AFTER TAKING POSSESSION OF THIS ITEM WE'VE BEEN LOOKING AT IMAGES OF, WHAT FURTHER INVESTIGATION DID YOU DO INTO MR. WALDEN -- OR OFFICER WALDEN?

A. SO FOR DETECTIVE WALDEN, I CONTACTED THE ITB, WHICH IS OUR INTERNET SECURITY GROUP WITHIN THE LAPD AND CONTACTED HIM. HE'S A SENIOR SYSTEMS ANALYST. I MADE A REQUEST VIA WHAT'S CALLED A 15-2, WHICH IS AN INTERDEPARTMENTAL CORRESPONDENCE WHERE I REQUESTED A DATA DUMP OR AN AUDIT, SO TO SPEAK, OF ALL OF DETECTIVE WALDEN'S INTERNET SEARCH HISTORY ON DEPARTMENT COMPUTER.

Q. DID YOU GIVE A DATE RANGE FOR THAT REQUEST?

A. YES.

Q. WHAT WAS THE DATE RANGE?

A. BEST RECOLLECTION IS JANUARY 21ST, 2021, THROUGH APRIL 28TH, 2021.

Q. AND WHEN YOU GOT THE INITIAL RESULTS, WERE YOU ASKED TO DO ANYTHING FURTHER ON THAT?

A. YES.

Q. WHAT WAS THAT?

A. WELL, THE RESULTS WERE SO LONG THAT THE AMOUNT OF DATA THAT'S -- THAT WAS CONTAINED WITHIN THIS

AUDIT WAS SO LENGTHY THAT IT NEEDED TO REDUCE IT DOWN OR GET MORE FOCUSED IN TERMS OF WHAT SPECIFICALLY WE WERE LOOKING FOR, SO FOR SPECIFIC KEYWORD SEARCHES.

Q. WHAT WERE SOME OF THE KEYWORD SEARCHES YOU PROVIDED TO LIMIT THAT SEARCH DOWN?

A. SO I PROVIDED KEYWORD SEARCHES -- I BELIEVE "SOLVENT TRAP," "FUEL FILTER," "THREADED BARREL," "SILENCER," MAYBE ONE OR TWO OTHERS. IT'S BEEN A LITTLE WHILE. I CAN'T REMEMBER.

Q. AND SO BY PROVIDING THE KEYWORD SEARCH, WHAT DOES THAT -- WHAT'S THE EFFECT OF PROVIDING THE KEYWORD SEARCH THAT'S ELIMINATING IT THAT WAY? WHAT DOES THAT MEAN?

A. SO IT REALLY REDUCES THAT DATA DUMP DOWN TO ANYTHING -- ANY URL THAT CONTAINS THOSE SPECIFIC WORDS.

Q. SO THOSE WORDS, IN ORDER TO COME INTO THIS SEARCH, THIS AUDIT, IT WOULD ELIMINATE IT TO URL'S THAT HAVE ANY OF THOSE KEYWORDS?

A. CORRECT.

Q. AND THE URL IS WHAT?

A. IT'S A UNIFORM RECORDED -- SOMETHING.

Q. IN COMMON SENSE TERMS, I MEAN, WE'VE ALL USED THE URL. WHAT IS THE URL?

A. THE URL IS LIKE AN HTTP/ -- WHATEVER -- WWW.GOOGLE.COM.

Q. SO AFTER YOU REQUESTED THE AUDIT, DID YOU RECEIVE SOMETHING IN RETURN?

A. YES.

Q. WHAT DID YOU RECEIVE?

A. I RECEIVED A SIGNIFICANT AMOUNT OF DATA THAT CONTAINED THE SPECIFIC KEYWORD SEARCHES THAT I HAD REQUESTED.

Q. WHEN YOU SAY "DATA," CAN YOU BE MORE SPECIFIC? WHAT ACTUALLY WERE YOU GIVEN?

A. I WAS GIVEN A MICROSOFT EXCEL SPREADSHEET THAT CONTAINED THIS DATA.

Q. AND WHAT WAS THE INFORMATION PROVIDED ON THE SPREADSHEET?

A. THE INFORMATION SHOWED DATES, TIMES, THE ACTUAL SPECIFIC URL ASSOCIATED WITH IT, AND ALSO THE USER WHO MADE THOSE INQUIRIES.

Q. AND DID YOU SPEAK WITH? WHO CONDUCTED THE AUDIT?

A. THAT WOULD BE DAVID NUNO FROM INFORMATION TECHNOLOGIES DIVISION.

Q. DID HE -- AND DID YOU SPEAK WITH HIM ABOUT THE RESULTS?

A. YES.

Q. DID HE TELL YOU HOW HE KNOWS THOSE ARE WALDEN'S INTERNET SEARCHES?

A. YES. HE HAS BEEN ASSIGNED AS A SENIOR SYSTEMS ANALYST THERE FOR MANY YEARS. HE'S DONE EXTENSIVE SEARCHES. HE'S DONE OVER 40 SEARCHES. THESE TYPES OF AUDITS ON DEPARTMENT -- ON DEPARTMENT COMPUTERS, AND HE UTILIZED A SYSTEM CALLED ZSCALER, WHICH IS BASICALLY LIKE A WEB SECURITY WHICH AUTOMATICALLY CAPTURES THE URL'S IN

THE DIFFERENT WEBSITES THAT DEPARTMENT EMPLOYEES ARE USING ON DEPARTMENT COMPUTERS.

Q. AND HOW -- IF -- HOW DO YOU IDENTIFY WHICH EMPLOYEE WAS DOING THOSE SEARCHES?

A. SO ZSCALER, WHICH IS, LIKE I MENTIONED, THE WEB SECURITY COMPANY THAT HAS BEEN CONTRACTED BY THE DEPARTMENT, WILL CAPTURE THE USERNAME, WHICH, IN THIS CASE, WOULD BE A SERIAL NUMBER FOR DETECTIVE WALDEN.

Q. AND THEN -- I GUESS MY QUESTION IS HOW DO WE KNOW IT WASN'T SOMEBODY ELSE MAKING THE SEARCHES, FOR EXAMPLE?

A. BECAUSE IT IS SPECIFIC TO THE SERIAL NUMBER INVOLVING THE AFFECTED EMPLOYEE THAT WE'RE CONDUCTING A SEARCH ON, AND DEPARTMENT COMPUTERS REQUIRE A LOGON WHEN YOU'RE LOGGING ONTO THE SYSTEM IN ORDER TO USE THE DEPARTMENT COMPUTER.

Q. OKAY. SO WHAT KIND OF CREDENTIALS WOULD AN EMPLOYEE HAVE TO ENTER IN ORDER TO LOG ONTO A COMPUTER TO DO INTERNET SEARCHES?

A. THEIR -- TO EITHER LOG ON A COMPUTER WOULD BE A SERIAL NUMBER PROVIDED BY A PASSWORD.

Q. SO THIS GAVE YOU THE DATE, TIME, AND THE URL?

A. YES.

Q. AND THAT WOULD INDICATE THAT THE USER VISITED THAT WEBSITE ON THAT DATE AND TIME?

A. CORRECT.

Q. WHAT DID YOU DO WITH THAT INFORMATION, IF ANYTHING?

A. WELL, I NOTICED SEVERAL WEBSITE SEARCHES, SOME FUEL FILTER WEBSITE SEARCHES, DIFFERENT WEB ADDRESSES, ALSO SEARCHES TO DIFFERENT COMPANIES SPECIFIC TO THREADED BARRELS, SPECIFICALLY KIMBER. I'M NOT SURE -- THERE WERE A FEW OTHERS.

Q. SO DID YOU VISIT SOME OF THE WEBSITES THAT WERE ON THIS AUDIT LIST?

A. I DID.

MR. GAY: YOUR HONOR, AS PEOPLE'S 5, MAY I MARK A ONE-PAGE SCREENSHOT? IT LOOKS LIKE OF THE WEBSITE QOOPUFF, Q-O-O-P-U-F-F.

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 5.)

BY MR. GAY:

Q. SHOWING YOU PEOPLE'S 5. ARE YOU FAMILIAR WITH THE IMAGE IN PEOPLE'S 5?

A. YES.

Q. WHAT IS IT?

A. IT'S A SCREEN CAPTURE OF A WEBSITE THAT I VISITED TO -- AND THE URL IS AT THE TOP, THE WWW.Q-O-O-P-U-F-F FOLLOWED BY ITS PRODUCTS AND THE NAPA 4003 WIX, WHICH IS DESCRIBED ON THE RIGHT-HAND SIDE HERE ON THE LARGER FONT, AND IT SHOWS A DISASSEMBLED SILENCER.

Q. AND IT ALSO HAS IN VARIOUS PARTS THROUGHOUT

THE PAGE THE 1/2 BY 28; IS THAT CORRECT?

A. RIGHT. ONE OF THEM HAS A 1/2 BY 28. THE OTHER IS ONE IS A 5/8 BY 24.

Q. AND WE WERE TALKING EARLIER ABOUT MONOCORE BAFFLES. I'M POINTING TO THE MIDDLE OF THE SCREEN.

A. YES.

Q. WHAT DOES THAT APPEAR TO BE?

A. THAT'S THE MONOCORE BAFFLE THAT I AM FAMILIAR WITH DURING MY RESEARCH.

Q. AND THERE'S A DESCRIPTION HERE KIND OF -- I'M POINTING TO THE PART THAT INDICATES "BUY ONE, GET ONE FREE." IT HAS SOME FLAME SYMBOLS, AND THEN IT SAYS "FUEL FILTER ALLUMINUM SOLVENT TRAP"; IS THAT RIGHT?

A. YES.

Q. BASED ON YOUR TIME WITH THIS INVESTIGATION, IS THERE ANYTHING STRANGE ABOUT AN ITEM BEING LISTED AS BOTH A FUEL FILTER AND A SOLVENT TRAP?

MR. SEKI: I'M GOING TO OBJECT AS VAGUE. I DON'T KNOW WHAT "STRANGE" IS.

THE COURT: I'LL ALLOW IT.

BY MR. GAY:

Q. WAS THAT SIGNIFICANT TO YOU IN ANY WAY?

A. WELL, ONE OF THEM IS A FUEL FILTER, AND ONE OF THEM IS A SOLVENT TRAP. SO A FUEL FILTER WOULD FUEL -- WOULD FILTER FUEL GOING THROUGH SOMETHING FROM ONE PLACE TO ANOTHER PLACE. WHEREAS, A SOLVENT TRAP IS EXACTLY WHAT IT SAYS; IT WOULD TRAP SOLVENT, WHICH WOULDN'T ALLOW IT TO MOVE FROM POINT A TO POINT B.

Q. SO IN YOUR EXPERIENCE, IS THE ITEM OF A FUEL FILTER AND THE ITEM OF A SOLVENT TRAP, WOULD THEY DESCRIBE THE SAME ITEM?

A. THIS IS -- YES. THIS IS DESCRIBING THE SAME ONE AND THE SAME ITEM.

Q. WELL, LET ME ASK A DIFFERENT QUESTION. IF IT -- PUTTING ASIDE HOW THIS WEBSITE LISTS THESE ITEMS, JUST IN COMMON SENSE TERMS, WOULD THOSE TWO THINGS DESCRIBE THE SAME PRODUCT?

A. NOT IN COMMON SENSE TERMS, NO.

MR. GAY: AS PEOPLE'S 6, MAY I MARK A SIMILAR ONE-PAGE SCREENSHOT OF ANOTHER WEBSITE STARTING WITH KIKO, K-I-K-O?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 6.)

BY MR. GAY:

Q. OKAY. AND DO YOU RECOGNIZE THIS PEOPLE'S 6?

A. YES.

Q. WAS THIS ANOTHER -- WHAT IS IT?

A. IT'S ANOTHER SCREENSHOT OF A WEB SEARCH FOR THE KIKOGIFT.COM WEBSITE THAT SHOWS AND DEPICTS A CYLINDER WITH A MONOCORE BAFFLE AND ALSO CONTAINING TWO IMAGES OF THE FEMALE END OF THE THREADED END OF THIS, AND IT ALSO DESCRIBES IT BEING BUY ONE, GET ONE LAST DAY, AND ALSO DESCRIBES IT AS A FUEL FILTER ALUMINUM SOLVENT TRAP.

Q. AND IT ALSO -- LET'S SEE. GOING DOWN TO THE BOTTOM OF THE SCREEN, IT LOOKS LIKE THERE'S SOME SMALLER IMAGES OF MAYBE OTHER PRODUCTS?

A. YES.

Q. DO YOU SEE THE ITEM -- BLUE ITEM I'M POINTING TO WITH MY PEN?

A. YES.

Q. WHAT DOES THAT LOOK LIKE TO YOU?

A. THAT LOOKS LIKE THE SAME TYPE OF BLUE TUBING THAT WE'VE SEEN IN THE PACKAGE THAT WAS ADDRESSED TO LUKE WALDEN.

MR. GAY: YOUR HONOR, AS PEOPLE'S 7, MAY I MARK A ONE-PAGE SCREENSHOT OF A WEBSITE WITH A THREADED BARREL?

THE COURT: IS THERE -- IS THERE A TITLE FOR THE WEBSITE?

MR. GAY: YEAH. KIMBER, K-I-M-B-E-R.

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 7.)

BY MR. GAY:

Q. AND PEOPLE'S 7, DO YOU RECOGNIZE THAT?

A. YES.

Q. WHAT IS THAT?

A. THAT WAS A SCREEN GRAB FROM THE WEBSITE THAT -- IS THERE A URL AT THE TOP THERE? I DON'T KNOW IF IT'S -- YEAH. AND THE STORE KIMBER AMERICA FOR A SEARCH

OF A .45 CALIBER WEAPON THAT THIS BARREL WOULD FIT ON ON A KIMBER WEAPON.

Q. AND AGAIN, BASED ON -- YOU WERE JUST -- HOW WERE YOU FINDING THESE WEBSITES, JUST TO REITERATE?

A. SO LOOKING AT THE AUDIT THAT WAS CONDUCTED, THESE WEBSITES WERE SEARCHED UNDER THAT -- UNDER THE SERIAL NUMBER FOR LUKE WALDEN, AND I SEARCHED WHAT HE SEARCHED, BASICALLY. SO HE SEARCHED KIMBER; I WOULD USE THAT -- THE SAME PORTION OF THE URL TO SEARCH -- TO SEE WHAT LUKE WALDEN WAS SEARCHING.

MR. GAY: AND AS PEOPLE'S 8, YOUR HONOR, MAY I MARK A SCREENSHOT FROM THE WEBSITE SOLVENTTRAPFUELFILTER.COM AS PEOPLE'S 8?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 8.)

BY MR. GAY:

Q. AND DO YOU RECOGNIZE PEOPLE'S 8?

A. YES. IT'S ANOTHER SCREEN GRAB FROM A WEBSITE THAT I RESEARCHED CALLED SOLVENTTRAPFUELFILTER.COM, AND IT SHOWS THE SIX-INCH LENGTH FOLLOWED BY THE THREAD COUNT AND DIAMETER 1/2 BY 28.

Q. AND THE BLUE TUBE?

A. AND THE BLUE TUBE AND A DIMPLE AT THE END OF THE CAP THAT IS NOT DRILLED.

Q. WHEN YOU WERE GOING THROUGH THE AUDIT

HISTORY, DID YOU COME ACROSS ANYTHING OF SIGNIFICANCE POINTING TOWARDS A TRANSACTION?

A. YES.

Q. CAN -- TELL US ABOUT THAT.

A. SO CONDUCTING AN AUDIT HISTORY OF THE URL'S, CAME ACROSS SEVERAL OCCASIONS WHERE IT WOULD SAY PAYPAL CHECKOUT, AND SO MY THOUGHT WAS AND MY BELIEF WAS THAT BASED ON THIS URL THAT SAYS PAYPAL CHECKOUT, THAT MR. WALDEN POSSIBLY PURCHASED ONE OF THESE ITEMS BASED ON THE CHECKOUT BUTTON AND PAYPAL, SO THAT WAS MY BELIEF AT THE TIME.

Q. AND I'M SORRY. JUST IN CASE ANYONE'S NOT FAMILIAR, WHAT IS PAYPAL?

A. IT'S A WEB BASED FINANCIAL TRANSACTION COMPANY THAT ALLOWS TRANSACTIONS BETWEEN BUYERS AND SELLERS ACROSS MANY PLATFORMS.

Q. SEEING THOSE PAYPAL URL'S, DID YOU TAKE ANY INVESTIGATIVE STEP TO LOOK INTO THAT?

A. YES.

Q. WHAT DID YOU DO?

A. I WROTE A SEARCH WARRANT AND -- TO LOCATE POSSIBLE TRANSACTIONS THAT ARE ASSOCIATED WITH THE PURCHASE OF EITHER THE THREADED BARRELS OR SILENCERS BY WALDEN'S PAYPAL ACCOUNT.

Q. YOU -- SO YOU SERVED A SEARCH WARRANT ON PAYPAL?

A. YES.

Q. WHAT INFORMATION DID YOU GIVE THEM REGARDING

MR. WALDEN IN ORDER TO IDENTIFY THEM?

A. GAVE THEM HIS NAME, BIRTHDAY, AND ADDRESS.

Q. DID YOU -- AND DID THAT HAVE A DATE RANGE?

A. I DON'T RECALL IF IT DID OR NOT. MOST LIKELY I GAVE THEM A DATE RANGE.

Q. DID YOU RECEIVE RESULTS FROM PAYPAL?

A. YES.

Q. WHAT KIND OF FORMAT WERE THE RESULTS IN?

A. QUASI SPREADSHEET KIND OF FORMAT BOXES FROM WHAT I REMEMBER.

Q. WHAT TYPE OF DOCUMENT?

A. I BELIEVE IT WAS A PDF VERSION. I'M NOT SPECIFICALLY SURE.

MR. GAY: SHOWING YOU -- YOUR HONOR, MAY I -- OR MAY I -- I'M GOING TO SHOW YOU -- YOUR HONOR, PEOPLE'S 9 IS A PAYPAL DOCUMENT, I BELIEVE. MAY I MARK THAT AS PEOPLE'S 9?

THE COURT: YOU MAY. SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 9.)

BY MR. GAY:

Q. OKAY. I'M GOING TO SHOW YOU PEOPLE'S 9. IT'S VERY SMALL, BUT -- AND -- OKAY. I'M JUST GOING TO RUN ACROSS. IT'S LIKE A -- TWO LINES HIGHLIGHTED IN YELLOW; IS THAT CORRECT?

A. YES.

Q. AND JUST GOING ACROSS IT SO YOU CAN RECOGNIZE IT, AND THEN I'LL ASK YOU SOME QUESTIONS.

OKAY. DO YOU RECOGNIZE THE -- THAT STRIP OF INFORMATION IN PEOPLE'S 9?

A. YES.

Q. WHAT IS IT?

A. THE LAST PART SHOWS "BUY ONE, GET ONE LAST DAY" FOR THE FUEL FILTER WITH THE SAME THREAD COUNT. I BELIEVE IT LOOKS NEARLY IDENTICAL TO ONE OF THE PREVIOUS EXHIBITS YOU SHOWED THAT HAD ONE OF MY SCREEN GRABS WITH THE AMOUNT OF $45.96 AND --

Q. AND WHERE DID THIS COME FROM?

A. THIS IS THE RESULTS FROM PAYPAL.

Q. AND WAS THE -- ON THE LEFT-HAND SIDE, DOES IT INDICATE A DATE?

A. YEAH. MARCH 17TH AT 8:24 -- I'M SORRY. 8:28 A.M. FROM HONG KONG AND THEN AN LAPFCU CHECKING. LAPFCU STANDS FOR LOS ANGELES POLICE FEDERAL CREDIT UNION.

Q. AND DIRECTING YOUR ATTENTION TO THE PART SHOWN NOW. DOES IT INDICATE ANY NAME OR ADDRESS OF ANY SIGNIFICANCE?

A. YEAH. IT'S THE DEFENDANT, LUKE WALDEN, WITH HIS ADDRESS; [redacted]

Q. DID YOU ATTEMPT TO DETERMINE, IN THE COURSE OF YOUR INVESTIGATION, WHETHER DETECTIVE WALDEN OWNS ANY FIREARMS?

A. YES.

Q. HOW DID YOU DO THAT?

A. CONTACTED DOJ, CALIFORNIA DEPARTMENT OF JUSTICE, AND REQUESTED A FULL COMPREHENSIVE LIST OF THE FIREARMS THAT WALDEN OWNS.

Q. AND IS THAT FIREARM REGISTERED TO HIM? WHAT IS THE INFORMATION YOU WERE PROVIDED BY THE DEPARTMENT OF JUSTICE?

A. A LENGTHY LIST OF APPROXIMATELY 48 FIREARMS. THAT WOULD INCLUDE HANDGUNS, RIFLES, SHOTGUN.

Q. WERE ANY OF THEM A PLATFORM THAT WOULD BE CONSISTENT FROM YOUR RESEARCH WITH THE THREAD COUNT 1/2 BY 28?

A. WELL, I WOULD SAY THAT BASED ON THE ATF DOCUMENT THAT SPECIFICALLY DELINEATES WHAT A 1/2 BY 28 WEAPON WOULD BE COMPATIBLE, IT INCLUDED 9MM SEMIAUTOMATIC -- OR 9MM HANDGUNS WITHIN THAT DOCUMENT.

Q. AT SOME POINT, YOU WENT TO MR. WALDEN -- DETECTIVE WALDEN'S RESIDENCE TO SERVE A SEARCH WARRANT; IS THAT CORRECT?

A. YES.

Q. WHAT WAS THE DATE OF THAT APPROXIMATELY?

A. THAT'S A GOOD QUESTION. I THINK IT WAS IN NOVEMBER OF 2022, IF I'M NOT MISTAKEN.

Q. ABOUT NOVEMBER OF 2022?

A. I THINK SO.

Q. AND WAS HE PRESENT WHEN YOU WERE AT YOUR RESIDENCE?

A. YES.

Q. HE PROVIDED YOU ACCESS?

A. HE GAVE US KEYS, I BELIEVE, AND YES, WE MADE ENTRY.

Q. SO YOU WERE ABLE TO MAKE ENTRY USING THE KEYS HE PROVIDED?

A. YES.

Q. WERE YOU ABLE TO DETERMINE WHETHER ANYONE ELSE RESIDES THERE BESIDES HIMSELF?

A. I BELIEVE HE HAS SOME CHILDREN THAT WERE NOT AT THE RESIDENCE AT THE TIME. I DON'T KNOW IF THEY LIVED THERE FULL-TIME, BUT THERE WAS A BEDROOM OR TWO THAT WAS -- LOOKED LIKE FOR MAYBE A SON, I THINK, FROM MY BEST RECOLLECTION.

THE COURT: COUNSEL, HOW MUCH LONGER DO YOU THINK YOU HAVE?

MR. GAY: I'M JUST MAKING SURE MY CHECKLIST IS DONE HERE BECAUSE I THINK I'M JUST ABOUT DONE.

(A BRIEF PAUSE IN THE PROCEEDING.)

BY MR. GAY:

Q. JUST REAL QUICK, YOU MENTIONED IN THE PAST BEFORE THIS CASE, YOU HAD WORKED WITH DETECTIVE WALDEN IN HIS CAPACITY WITH THE FIREARMS UNIT IN THE LAPD?

A. YES.

Q. FROM YOUR UNDERSTANDING, WHAT IS THE FIREARMS UNIT?

A. GANG NARCOTICS DIVISION, I BELIEVE, HAS A FIREARMS UNIT THAT THEIR RESPONSIBILITY IS TO INVESTIGATE

FIREARMS VIOLATIONS AS WELL AS -- I THINK THEY'RE ALSO INVOLVED IN THE GUN BUY-BACK PROGRAM. I THINK THEY COORDINATE THAT AS WELL.

MR. GAY: I HAVE NOTHING FURTHER. THANK YOU.

THE COURT: THANK YOU.

CROSS-EXAMINATION.

MR. SEKI: THANK YOU VERY MUCH, YOUR HONOR.

CROSS-EXAMINATION

BY MR. SEKI:

Q. SO INVESTIGATOR NEMEROFF, JUST TO KIND OF FOLLOW UP THAT DETECTIVE WALDEN WORKED IN THE FIREARMS UNIT FOR THE GUN NARCOTICS DIVISION OF LAPD; CORRECT?

A. I BELIEVE THAT'S -- THAT WAS THE UNIT HE WORKED.

Q. AND WHAT ARE THE THINGS -- IF YOU KNOW, ONE OF THE DUTIES WAS TO DETERMINE WHETHER OR NOT THERE WERE ILLEGAL PRODUCTS THAT WERE BEING USED IN VIOLATION OF THE PENAL CODE; CORRECT?

A. I WOULD ASSUME THAT THAT WOULD BE ONE OF THE RESPONSIBILITIES.

Q. YOU INDICATED YOU DID A SEARCH AT THE RESIDENCE OF DETECTIVE WALDEN. IN THE COURSE OF THAT SEARCH, DID YOU RECOVER ANY THREADED BARRELS?

A. NO.

Q. DURING THE COURSE OF THAT SEARCH, DID YOU RECOVER ANY QUOTE/UNQUOTE "SOLVENT TRAPS" OR "FUEL FILTERS"?

A. NO.

Q. ONE OF THE THINGS YOU SAID THAT YOU DID WAS YOU DID A SEARCH OF -- WELL, LET ME BACK UP. IN YOUR INVESTIGATION, YOU ENDED UP GOING TO YOUTUBE TO SEE HOW THESE SOLVENT TRAPS, ET CETERA, COULD BE CHANGED INTO A SILENCER; CORRECT?

A. YES.

Q. AND BASED UPON YOUR REVIEW OF THOSE YOUTUBE VIDEOS, CERTAIN ACTIONS HAD TO BE TAKEN BY THE POSSESSOR OF IT TO TRANSFORM A SOLVENT TRAP OR A FUEL FILTER INTO A SILENCER; IS THAT CORRECT?

A. NOT NECESSARILY.

Q. WELL, I MEAN, ONE OF THE THINGS THAT YOU JUST TALKED ABOUT IS THERE'S AN END CAP. THAT END CAP IS SOLID; CORRECT?

A. YES, BUT THERE'S ALSO THE ONE THAT --

Q. THAT'S NOT WHAT I ASKED. I'M ASKING A PARTICULAR QUESTION. THE END CAP IS SOLID; CORRECT?

A. YES.

Q. OKAY. AND IN ORDER FOR A BULLET TO GO THROUGH, THE END CAP HAS TO BE DRILLED; CORRECT?

A. THAT PARTICULAR -- WELL, IT COMES WITH TWO END CAPS, BUT YES, THE ONE THAT YOU'RE REFERRING TO, THE ONE WITH THE DIMPLE, WOULD HAVE TO BE DRILLED. THE OTHER ONE THAT'S OPEN WOULD NOT BE DRILLED BECAUSE IT'S OPEN.

Q. SO IN TERMS OF ACTIONS, ANYTHING CAN BE TRANSFORMED INTO A SILENCER -- WELL, LET ME REPHRASE THAT. MANY ITEMS CAN BE TRANSFORMED INTO SILENCERS; CORRECT?

A. YES.

Q. I MEAN, YOU CAN TAKE A FUEL FILTER FOR A VEHICLE THAT CAN BE TRANSFORMED INTO A SILENCER; IS THAT CORRECT?

A. I DON'T KNOW FROM EXPERIENCE, BUT --

Q. WELL, YOU'VE SEARCHED YOUTUBE --

A. YES.

Q. -- SO I'M SURE YOU SAW THINGS LIKE THAT.

A. I THINK I SAW AN ACTUAL OIL FILTER THAT WAS SCREWED ON WHERE THEY ACTUALLY SHOT THROUGH IT, YES.

Q. AND ALL THAT -- AND YOU'VE HEARD THIS BEFORE. YOU CAN USE A POTATO ALSO AS A SILENCER IF YOU PUT THAT AT THE END OF A GUN; IS THAT CORRECT?

A. I'M SURE YOU CAN USE ALL KINDS OF THINGS.

Q. OKAY. IN YOUR RESEARCH, DID YOU ALSO SEE THAT THESE ITEMS SUCH AS SOLVENT TRAPS WERE PRODUCED IN THE UNITED STATES?

A. SOLVENT TRAPS? DID YOU SAY --

Q. RIGHT.

A. -- SOLVENT TRAPS?

Q. CORRECT.

A. I DON'T RECALL. I -- MOST -- I THINK EVERYTHING I LOOKED AT WAS FROM CHINA.

Q. AND IS IT YOUR UNDERSTANDING -- IN TERMS OF SOLVENT TRAPS, SOLVENT TRAPS WERE USED OR DESIGNED WHEN INDIVIDUALS WOULD CLEAN A GUN, A RIFLE, SOME SORT OF FIREARM, SO THAT IT WOULD CAPTURE THE SOLVENT THAT WAS PUSHED THROUGH THE BARREL INTO A CONTAINER; IS THAT

CORRECT?

A. I THINK SO. I MEAN, I DON'T HAVE ANY PERSONAL KNOWLEDGE OR EXPERIENCE DOING THAT. I'VE NEVER DONE ANYTHING LIKE THAT IN CLEANING GUNS.

Q. DID YOU EVEN -- WELL, I'M GOING TO WITHDRAW THAT.

THE PRODUCT THAT WAS SEIZED BY THE CUSTOMS BUREAU, THAT WAS NEVER DELIVERED TO DETECTIVE WALDEN; CORRECT?

A. CORRECT.

Q. OKAY. THE PACKAGE WAS OPENED, AND WE SEE A NUMBER OF PHOTOS DEALING WITH THE PACKAGES. WHAT INSTRUCTIONS, IF ANY, CAME WITH THE ITEMS?

A. I DON'T THINK THERE WERE ANY INSTRUCTIONS WITH IT.

Q. SO IN TERMS OF INSTRUCTIONS ONLINE AT THE SITES THAT YOU SAW FOR THE SOLVENT TRAPS OR FUEL FILTERS, DID YOU SEE INSTRUCTIONS INCLUDED THERE?

A. I DON'T RECALL.

Q. ONE OF THE THINGS YOU SAID THAT WE NEEDED OR SOMEBODY WOULD NEED TO HAVE IN ORDER TO USE THAT SOLVENT TRAP AS A SILENCER WOULD BE A THREADED BARREL FOR A WEAPON; CORRECT?

A. THEY WOULD NEED A THREADED BARREL FOR A WEAPON, YES.

Q. AND WE WERE SHOWN ONE PHOTO OR A SCREENSHOT, PEOPLE'S 7, OF A KIMBER SITE FOR A .45 ACP STAINLESS STEEL THREADED BARREL; CORRECT?

A. YES.
Q. WHAT WAS THE THREADING ON THAT BARREL?
A. I DON'T RECALL WHAT THE THREADING ON THAT BARREL WAS.
Q. DID YOU EVEN ASK THE CRIMINALIST MR. FADEEL -- AND I'M NOT GOING TO EVEN TRY TO PRONOUNCE HIS LAST NAME -- WHETHER OR NOT THE THREADING FOR THAT KIMBER WOULD FIT THE PRODUCT THAT HAD BEEN SEIZED?
A. I DID NOT ASK.
Q. WAS THERE ANY COMPARISON DONE BY MR. FADEEL WITH ANY WEAPONS OWNED BY DETECTIVE WALDEN TO SEE WHETHER OR NOT IT WOULD MATCH THE THREADING OF THAT PARTICULAR ITEM THAT WAS SEIZED?
A. I DON'T UNDERSTAND YOUR QUESTION. CAN YOU REPHRASE IT?
Q. WELL, YOU WENT TO HIS HOUSE. THERE WERE WEAPONS THERE; CORRECT?
A. YES.
Q. YOU DID A SEARCH, AND YOU GOT WEAPONS THAT WERE REGISTERED TO HIM; CORRECT?
A. YES.
Q. BUT HE DIDN'T NECESSARILY HAVE THOSE OR OWN THOSE; IS THAT CORRECT?
A. NO. HE -- THERE WAS QUITE A BIT OF WEAPONS THAT HE DID OWN THAT WERE ON THE CALIFORNIA DOJ GUN LIST.
Q. SO LET ME JUST REPHRASE THIS, THEN. WHEN YOU WENT TO HIS HOUSE, YOU SEARCHED FOR WEAPONS; CORRECT?
A. YES.

Q. DID YOU SEE 48 FIREARMS THERE?
A. APPROXIMATELY. I DON'T KNOW HOW MANY, BUT WE SAW QUITE A BIT.
Q. OKAY. AND IN TERMS OF SEIZING ANY, DID YOU SEIZE ANY?
A. NO, WE DID NOT. OH, SORRY. WE SEIZED ONE.
Q. OKAY. ONE. DID THAT HAVE A THREADED BARREL?
A. WE THOUGHT IT MIGHT HAVE A THREADED BARREL, SO IT WAS TAKEN TO BE INSPECTED BY THE GND FIREARMS UNIT.
Q. BUT IT DIDN'T HAVE A THREADED BARREL, DID IT?
A. NO, IT WAS NOT DEEMED TO HAVE A THREADED BARREL.
Q. OKAY. SO ANY WEAPONS THAT YOU SAW AT HIS HOUSE, DID THEY HAVE THREADED BARRELS?
A. NO.
Q. AND YOU ALSO INDICATED THERE WERE NO SEPARATE THREADED BARRELS THAT YOU FOUND; CORRECT?
A. CORRECT.
Q. IN YOUR INTERNET SEARCH, DID YOU FIND ANY PURCHASES FOR THREADED BARRELS?
A. NOT THAT I FOUND.
Q. SO IN MY UNDERSTANDING -- AND CORRECT ME IF I'M WRONG -- IN ORDER TO USE THAT ITEM AS A SILENCER, YOU'D HAVE TO, ONE, HAVE A WEAPON; CORRECT?
A. YES.
Q. YOU'D HAVE TO HAVE A THREADED BARREL; CORRECT?
A. YES.

Q. YOU'D HAVE TO TAKE THE WEAPON, DISASSEMBLE IT, PUT THE THREADED BARREL IN THERE; CORRECT?

A. YES.

Q. AND THEN ONCE THAT THREADED BARREL WAS ASSEMBLED, THEN YOU WOULD HAVE TO MAKE SURE THAT THE THREADS ON THE DEVICE THAT WAS SEIZED WOULD MATCH THE THREADING ON THE BARREL; CORRECT?

A. YES.

Q. OKAY. AND IN SOME CASES, YOU WOULD HAVE TO DRILL OUT THE END CAP IN ORDER FOR A BULLET TO GO THROUGH; CORRECT?

A. I DON'T KNOW ABOUT SOME CASES. HE -- YOU COULD DRILL OUT THE END CAP TO -- FOR A BULLET TO GO THROUGH OR --

Q. WELL, YOU TALKED ABOUT THIS DIMPLE, RIGHT?

A. YOU COULD DO THAT TOO.

Q. OKAY.

A. YOU COULD DRILL THAT, OR YOU COULD JUST KEEP -- USE THE RING THAT WAS SEEN IN THE PEOPLE'S EXHIBIT.

Q. THE TUBING THAT YOU HAD, COULD THAT DRILLING BE TO ALLOW THE TUBING TO GO THROUGH?

A. WELL, YEAH, YOU COULD DRILL A HOLE THAT WOULD BE THE SAME DIAMETER AS THE TUBE.

Q. TO ALLOW THE TUBE TO FIT?

A. SURE.

MR. SEKI: I'M ALMOST DONE, YOUR HONOR.

//

(A BRIEF PAUSE IN THE PROCEEDING.)

MR. SEKI: I ACTUALLY HAVE NO QUESTIONS AT THIS TIME. THANK YOU.

THE COURT: REDIRECT?

MR. GAY: NO. NOTHING FURTHER.

THE COURT: THANK YOU, DETECTIVE.

THE WITNESS: THANK YOU.

THE COURT: YOU MAY RESUME YOUR SEAT --

MR. GAY: YOUR HONOR, PEOPLE --

THE COURT: -- AT COUNSEL TABLE.

GO AHEAD, COUNSEL.

MR. GAY: YEAH. PEOPLE REST. WE'D LIKE TO -- I DON'T KNOW HOW THE COURT TAKES EXHIBITS. IF THEY -- WE CAN ADMIT THEM BY REFERENCE OR HOWEVER THE COURT PREFERS.

THE COURT: NO. WE'LL ADMIT ALL OF THEM.

MR. GAY: FOR REAL?

THE COURT: YES. WE WILL ACTUALLY ADMIT THE EXHIBITS, NOT BY REFERENCE. AND I UNDERSTAND -- WELL, I'LL LET YOU ASSEMBLE THOSE.

(ALL PEOPLE'S EXHIBITS
ADMITTED INTO EVIDENCE.)

MR. SEKI: AND FOR THE RECORD, I HAVE NO OBJECTION FOR PURPOSES OF PRELIMINARY HEARING ONLY.

THE COURT: VERY WELL.

WERE THERE ANY STIPULATIONS?

MR. SEKI: NO.

MR. GAY: NO.

THE COURT: VERY WELL. WHILE COUNSEL IS DOING THAT, COUNSEL FOR DEFENSE, DO YOU WISH TO BE HEARD?

MR. SEKI: NO AFFIRMATIVE DEFENSE, YOUR HONOR. HOWEVER, WE DO HAVE A MOTION TO DISMISS. IT'S AN INTERESTING CASE, TO SAY THE LEAST. IT IS AN ATTEMPT. AND THE LAW OF ATTEMPT AS DEFINED IN CALCRIM 460 REQUIRES; ONE, THAT THE DEFENDANT TAKE A DIRECT AND INEFFECTIVE STEP TOWARDS COMMITTING A CRIME AND THAT THE DEFENDANT INTENDED TO COMMIT THE CRIME.

I'M GOING TO POINT THE COURT TO TWO CASES, WHICH I BELIEVE ARE INSTRUCTIVE AND RELEVANT IN SOME WAYS. THE FIRST CASE IS PEOPLE VS. NGUYEN, N-G-U-Y-E-N, 212 CAL.APP.4TH 1311, AND THE SECOND CASE IS PEOPLE VS. LUNA, L-U-N-A, 170 CAL.APP.4TH 35 -- 535. SORRY. 535.

NGUYEN IS INTERESTING BECAUSE NGUYEN IS A CASE WHERE AN INDIVIDUAL WAS CONVICTED OF ATTEMPTED POSSESSION OF ASSAULT WEAPON. ONE OF THE THINGS THAT HAD BEEN DONE IS THEY -- LAW ENFORCEMENT GETS THERE, HE HAS ALL THE PIECES THAT YOU CAN PUT TOGETHER TO MAKE AN ASSAULT WEAPON, AND THE DEFENDANT OBJECTED TO BEING CONVICTED.

THE COURT FOCUSED ON WHETHER OR NOT -- JUST WHETHER OR NOT HE HAD TAKEN ANY STEPS OR DIRECT STEPS TOWARD THE ATTEMPT TO POSSESS. AND WHAT THEY ARTICULATED WAS THE ASSEMBLY OF ITEMS IN AND OF ITSELF WAS STILL A PREPARATION OF PLAN. HE HAD TO TAKE A DIRECT STEP. AND

ON PAGE 1323, THEY NOTED THAT HIS -- THEY DESCRIBED IT AS FLATTENING -- THE DEFENDANT BENDS THE FLAT RECEIVER SO THE WEAPON COULD BE ASSEMBLED.

THEY SAID THAT WENT BEYOND NEAR PREPARATION WHERE HE TOOK DIRECT ACTION TOWARDS THE CONSTRUCTION OF THE WEAPON. THEY LOOKED THAT HE HAD TO ALTER WHAT WAS IN FRONT OF HIM IN ORDER TO MAKE THAT DIRECT ACTION, WHICH IS REQUIRED BY LAW BY CALCRIM 460. THE MERE ASSEMBLY OF THESE DIFFERENT ITEMS, BRINGING THEM TOGETHER, WASN'T SUFFICIENT IN AND OF ITSELF.

LUNA TRACKS THE SAME WAY. IT'S A LITTLE DIFFERENT, BUT IT'S BASICALLY THAT SOMEBODY POSSESSED ITEMS IN ORDER TO MANUFACTURE HASHISH, AND THERE GOES AN INDIVIDUAL WHO BASICALLY ENDED UP ADMITTING HE WANTED TO MANUFACTURER HASHISH. IN FACT, HE HAD PURCHASED ALL OF THESE ITEMS IN ORDER TO SOMEDAY MANUFACTURE HASHISH. THERE WERE PVC TUBES, THERE WERE OTHER ITEMS THAT, IF PUT TOGETHER, YOU COULD MANUFACTURE HASHISH.

HOWEVER, THE COURT THERE SAID THE MOST IMPORTANT PIECE IN ORDER FOR HIM TO EVEN HAVE AN ATTEMPT WAS MISSING, AND THAT WAS THAT HE WOULD HAVE TO HAVE THE MARIJUANA THAT HE WOULD THEN PROCESS TO MAKE HASHISH. AND WITHOUT THE MARIJUANA, HE COULDN'T DO IT. THEY NOTE ON PAGE -- I BELIEVE IT'S 787 THAT "THE LINE BETWEEN PREPARATION AND AN ATTEMPT IS OFTEN INDISTINCT."

AND THEY CONCLUDED THAT "THE LINE HAS NOT BEEN CROSSED WHERE THE PROSECUTION EVIDENCE SHOWS THAT A DEFENDANT IS STILL ENGAGED IN PREPARATORY ACTS, AND THERE

IS A COMPLETE INABILITY TO TAKE EVEN INITIAL STEPS TOWARDS PRODUCING THE FINISHED PRODUCT. AFTER ALL," QUOTE, "PLANNING THE OFFENSE," END QUOTE, AND QUOTE, "DEVISING, OBTAINING, OR ARRANGING THE MEANS FOR ITS COMMISSION ARE MERELY ASPECTS OF PREPARATION."

IN THIS PARTICULAR CASE, WHAT DETECTIVE WALDEN DID AT BEST WAS CLICK A BUTTON. HE MAY HAVE INTENDED TO CREATE A SILENCER. THAT HASN'T EVEN BEEN ESTABLISHED BECAUSE HE WORKED THE GUN UNIT. THIS IS SOMETHING THAT THEY WOULD RESEARCH, SOMETHING THEY WOULD DO, BUT THE FACT THAT HE PURCHASED SOMETHING, HE DIDN'T KNOW WHETHER OR NOT HE WOULD EVEN OBTAIN IT. IN FACT, IN THIS PARTICULAR CASE, HE NEVER RECEIVED POSSESSION OF IT.

AT BEST, HE PUSHED A BUTTON. IF IT HAD GOTTEN TO HIM, IF HE HAD A THREADED BARREL THAT HE COULD ATTACH IT TO, NOW YOU HAVE MORE THAN JUST THE COLLECTION OR ASSEMBLY, WHICH IS STILL PREPARATION. WHEN I'VE TALKED TO PEOPLE ABOUT THIS CASE, THEY SAID IT'S KIND OF LIKE A RECIPE. YOU GO ONLINE -- AND I DO IT ALL THE TIME WHERE I'M TRYING THE FIND THE BEST RECIPE TO MAKE MY PRIME RIB EVERY YEAR, AND I'M LOOKING AT THIS, AND I'M LOOKING AT THAT, AND I SEE DIFFERENT DEVICES YOU CAN USE AND DIFFERENT INGREDIENTS THAT I CAN GET. AND IF I ORDER A SPECIAL INGREDIENT, I CAN PRESS A BUTTON, AND I CAN PAY FOR IT. I CAN GET THE ITEM, BUT WITHOUT THE ROAST ITSELF, I CAN'T GET ANYTHING.

I'M GATHERING, I'M PREPARING, I'M PLANNING. I'M ASSEMBLING THESE THINGS, BUT I HAVEN'T TAKEN THAT

DIRECT STEP WHICH IS NECESSARY TO CHANGE THE COMPLEXION OF THAT INGREDIENT INTO SOMETHING THAT'S GOING TO BE INCREDIBLY DELICIOUS. SO HERE, WE HAVE HIM PUSHING A BUTTON, PLANNING, PREPARING, PERHAPS EVEN ASSEMBLING ITEMS. THE KEY INGREDIENT IS MISSING.

THERE IS NO WEAPON FOR THIS PARTICULAR ITEM. THERE IS NO THREADED BARREL THAT WAS EVER FOUND. ALBEIT, THEY MAY HAVE BELIEVED THIS WAS GOING TO HAPPEN, AND OTHERS HAD DONE IT IN THE PAST. THIS WAS ALL PREMATURE. HAD THIS GONE THE ADDITIONAL STEP OF HIM ACTUALLY GETTING IT, RECEIVING IT AT HIS HOME, OPENING IT UP, HAVING A DRILL READY WITH A DRILL BIT, HAVE A THREADED AND A GUN THAT WOULD FIT IT, NOW YOU'VE GOT A LITTLE BIT MORE.

YOU'RE CLOSER, BUT I STILL THINK YOU WOULD NEED ANOTHER DIRECT STEP, AND THAT WOULD BE INSTALLING THAT THREADED BARREL INTO A WEAPON OR DRILLING A HOLE AT THE END OF A SOLVENT TRAP. SURE, THEY HAVE ANTICIPATED SOMETHING TO HAPPEN, BUT ANTICIPATION OF SOMETHING, EVEN IF YOU HAVE THE INTENT TO DO IT IN AND OF ITSELF, IS NOT A CRIME WITHOUT THAT DIRECT STEP.

AND SO I THINK FOR THOSE REASONS, THE PEOPLE HAVE FAILED TO ESTABLISH PROOF THAT THIS GOES BEYOND MERE PLANNING AND PREPARATION IN ORDER FOR AN ATTEMPT. SUBMITTED.

THE COURT: THANK YOU.

COUNSEL, DO YOU WISH TO BE HEARD?

MR. GAY: YOUR HONOR, BRIEFLY. REGARDING THE CASE LAW, IT'S NOT ON POINT AT ALL. THOSE TWO LAWS AT ISSUE

WERE MANUFACTURING DEVICES. IN THE ONE CASE, MANUFACTURING HASHISH. IN THE OTHER, MANUFACTURING ASSAULT WEAPONS. SO THE ANALYSIS OF HAVING ALL THE PARTS ASSEMBLED MAKES MORE SENSE WHEN YOU'RE TALKING ABOUT THE MANUFACTURER. WE ARE DEALING WITH THE POSSESSOR OF CRIME.

NOW -- BUT WE'RE NOT TALKING ABOUT THE PARTS OF A SILENCER. HE ORDERED A COMPLETE SILENCER. AND AS THE TESTIMONY ESTABLISHED, JUST THIS PART, THAT MONOCORE BAFFLE, EVEN IF NOTHING ELSE WERE THERE QUALIFIES AS A SILENCER -- AND I WILL REFER TO THE STATUTE AS THE CRIMINALIST'S OPINION IS NOT A DISPOSITIVE, BUT THE STATUTE IS.

UNDER PENAL CODE SECTION 17210, AFTER THE FIRST SENTENCE, IT SAYS, "THE TERM 'SILENCER' ALSO INCLUDES ANY COMBINATION OF PARTS DESIGNED OR REDESIGNED AND INTENDED FOR USE IN ASSEMBLING A SILENCER OR FABRICATING A SILENCER." SO THE STATUTE ITSELF SWEEPS MUCH MORE BROADLY IN POSSESSING OF ANY PART OF A SILENCER EVEN IF NOT COMPLETE. EVEN IF THAT END CAP DOESN'T HAVE A HOLE YET, IT STILL QUALIFIES AS A SILENCER UNDER THE STATUTE IF IT'S INTENDED TO BE FABRICATED.

AND THE TESTIMONY ESTABLISHED THAT THAT PILOT HOLE, THAT LITTLE DIMPLE, HAS NO OTHER LEGITIMATE PURPOSE OTHER THAN TO DRILL THE HOLE, WHICH WOULD ALLOW IT TO FUNCTION AS A SILENCER, BUT GOING A STEP FURTHER HERE, THIS ONE ACTUALLY CAME ALSO WITH AN OPEN CENTER RING, SO IT'S READY TO ROCK AND ROLL JUST AS IT IS WITHOUT ANY FABRICATION, EVEN THOUGH NONE IS REQUIRED TO VIOLATE THE

STATUTE. YOU DON'T HAVE TO WAIT FOR IT TO BE FABRICATED.

SO THAT CASE LAW -- ALSO, I WOULD NOTE THAT IN THE NGUYEN CASE, HE WAS CONVICTED OF MANUFACTURING ASSAULT WEAPONS, AND THAT CONVICTION WAS AFFIRMED. THE COURT NEVER FOUND THERE WAS SUFFICIENT EVIDENCE TO UPHOLD THE ATTEMPT. THEY FOUND THERE WAS SUFFICIENT EVIDENCE, SO IT'S NOT EVEN ON POINT AT ALL, EVEN THE HOLDING OR POSTURE.

SO WHAT WE HAVE HERE IS MR. WALDEN ORDERING THIS ITEM, ADDRESSED TO HIM TO HIS HOUSE, AND THEN WE HAVE HIM SEARCHING FOR THREADED BARRELS. WE HAVE HIM SEARCHING FOR FUEL FILTERS AND SOLVENT TRAPS. HE WENT ON THIS WEBSITE AND ORDERED THIS ITEM. AND THE COURT WAS PROVIDED A SELECTION OF WEBSITES, NOT AN EXHAUSTIVE -- WE DON'T KNOW IF THERE WAS A VOLUMINOUS AMOUNT AS OFFICER NEMEROFF TESTIFIED TO --

THE COURT: COUNSEL, FOR THE RECORD, WHICH EXHIBITS DID YOU JUST HOLD UP?

MR. GAY: I'M SORRY. I SHOWED PEOPLE'S 8, WHICH IS ONE OF THE WEBSITES HE -- PEOPLE'S 8 AND PEOPLE'S 3.

THE COURT: THANK YOU.

MR. GAY: THE SIMILARITY OF THOSE TWO ITEMS. AND THE PAYPAL TRANSACTION -- IT WASN'T PREPARATION. HE ORDERED THIS. HE PAID FOR IT. IT WAS ON ITS WAY TO HIM. THE SENDER HAD RECEIVED PAYMENT ACCORDING TO THE PAYPAL TRANSACTION, WHICH SHOWS A PRICE. IT SHOWS THE LOCATION IT WAS HEADED TO, AND IT ALSO HAS THE EXACT SAME VERBIAGE AS TWO OF THOSE WEBSITES WE LOOKED AT FROM PEOPLE'S 5,

PEOPLE'S 6 -- CONTAINED THE -- IF IT'S NOT IDENTICAL, IT'S NEARLY IDENTICAL. "BUY ONE, GET ONE FREE LAST DAY. NAPA 4003. 12 BY 28 [SIC] FILTER ALUMINUM SOLVENT TRAP."

THE THING BROUGHT UP BY COUNSEL IS IRRELEVANT WHETHER HE ACTUALLY HAD A -- THE STATUTE IS NOT THAT HE HAS TO POSSESS A GUN WITH A THREADED BARREL, WITH THE SILENCER, "I'LL ASSEMBLE IT." IT IS THE POSSESSION BY ITSELF OF A SILENCER AND JUST THAT MONOCORE BAFFLE QUALIFIES. THAT IS A DIRECT STEP.

THE ISSUE WITH ATTEMPT IS AN INTENT TO PUT YOUR PLAN INTO ACTION. HE ALREADY MADE THE TRANSACTION. AND BUT FOR THE INTERVENTION OF LAW ENFORCEMENT, THAT PACKAGE WAS ON ITS WAY TO HIM. THAT'S NOT PLANNING. I'LL GIVE THE COURT A BETTER ANALOGY THAN THE ONE COUNSEL PROVIDED ABOUT THE RECIPE OF THE PRIME RIB.

HERE'S PREPARATION AS FAR AS INTERNET SHOPPING. IF I PUT THAT SILENCER INTO MY SHOPPING CART OR I PUT IT ON MY WISHLIST ON MY AMAZON ACCOUNT, MAYBE I'M PREPARING TO BUY IT. ONCE I BUY IT, THAT IS A DIRECT STEP, AND I HAVE ATTEMPTED TO POSSESS IT WITHIN THE MEANING OF THE STATUTE. I'LL SUBMIT ON THAT.

THE COURT: THANK YOU.

COUNSEL, DO YOU HAVE COPIES OF THOSE?

MR. SEKI: I CAN PROVIDE YOU WITH MY COPIES. THE PEOPLE --

MR. GAY: I REVIEWED THOSE.

THE COURT: VERY WELL. THANK YOU.

//

(A BRIEF PAUSE IN THE PROCEEDING.)

THE COURT: ALL RIGHT. THANK YOU, COUNSEL. THE COURT WAS ABLE TO REVIEW THE CASES, AND I'M ACTUALLY GOING TO POINT BOTH PARTIES TO LANGUAGE IN CASE PEOPLE VS. LUNA. IT WAS JUST REFERENCED BY DEFENSE COUNSEL.

IT STATES THAT, AS COUNSEL INDICATED, "THERE IS A MATERIAL DIFFERENCE BETWEEN THE PREPARATION ANTECEDENT TO AN OFFENSE AND THE ACTUAL ATTEMPT TO COMMIT IT. THE PREPARATION CONSISTS OF DEVISING OR ARRANGING THE MEANS OR MEASURES NECESSARY FOR THE COMMISSION OF THE OFFENSE, WHILE THE ATTEMPT IS THE DIRECT MOVEMENT TOWARD ITS COMMISSION AFTER THE PREPARATIONS ARE MADE. IN OTHER WORDS, TO CONSTITUTE AN ATTEMPT, THE ACTS OF THE DEFENDANT MUST GO SO FAR THAT THEY WOULD RESULT IN THE ACCOMPLISHMENT OF THE CRIME UNLESS FRUSTRATED BY EXTRANEOUS CIRCUMSTANCES."

THE STATUTE AT ISSUE IS 33410 OF OUR PENAL CODE, AND IT SPECIFICALLY DISCUSSES AND IS FOCUSED ON POSSESSION OF A SILENCER, NOT ASSEMBLY OF A SILENCER, NOT MANUFACTURE OF A SILENCER, BUT POSSESSION OF A SILENCER. MR. WALDEN, BASED UPON THE INFORMATION THAT THE COURT HEARD TODAY, TOOK EVERY STEP TO POSSESS THE SILENCER, AND THE ONLY REASON WHY HE DIDN'T PHYSICALLY POSSESS THE SILENCER WAS BECAUSE AS THIS CASE SAID, HIS ACCOMPLISHMENT OF THE CRIME WAS FRUSTRATED BY EXTRANEOUS CIRCUMSTANCES, AND IN THIS CASE, LAW ENFORCEMENT INTERACTION. SO BASED ON THAT, I FIND THE PEOPLE HAVE MET THEIR BURDEN, AND I

MAKE THE FOLLOWING FINDINGS:

IT APPEARING FROM THE EVIDENCE THAT THERE IS SUFFICIENT CAUSE TO BELIEVE THE CRIME CHARGED IN THE COMPLAINT HAS BEEN COMMITTED; NAMELY, A VIOLATION OF PENAL CODE SECTION 664 PER 33410, A FELONY, ATTEMPTED POSSESSION OF A SILENCER, AND THAT THE DEFENDANT IS GUILTY THEREOF. I ORDER THAT HE BE HELD TO ANSWER TO THE SAME.

MR. WALDEN IS CURRENTLY OUT ON BOND. I BELIEVE $20,000 BOND; IS THAT CORRECT?

MR. SEKI: CORRECT.

THE COURT: ALL RIGHT. SO MR. WALDEN, YOU'LL REMAIN OUT ON BOND AT $20,000, SIR.

AND JUST TO CONFIRM, THERE AREN'T ANY OTHER TERMS AND CONDITIONS? THERE'S NO --

MR. SEKI: NO.

THE COURT: -- SRP? OKAY. SO THE DATE OF ARRAIGNMENT IS SET FOR MARCH 23RD, AND THAT WILL BE IN DEPARTMENT 119. MR. WALDEN, YOU'RE ORDERED TO APPEAR THAT DAY.

IS THERE ANYTHING ELSE WE NEED TO ADDRESS, COUNSEL?

MR. SEKI: NO.

MR. GAY: NO. THANK YOU, YOUR HONOR.

THE COURT: THANK YOU.

(END OF PROCEEDINGS.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 43 HON. KIMBERLEY BAKER GUILLEMET, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF, VS. LUKE WALDEN, DEFENDANT.	CASE NO. BA510524 REPORTER'S CERTIFICATE

I, PRISCILLA MIRELES, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES [1] THROUGH [53], INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN IN THE ABOVE-ENTITLED MATTER ON MARCH 9, 2023.

DATED THIS 20TH DAY OF MARCH, 2023.



PRISCILLA MIRELES, CSR NO. 14080
OFFICIAL REPORTER



L4Q30603



L4Q30604



L4Q30605



L4Q30606



L4Q30607



L4Q30608

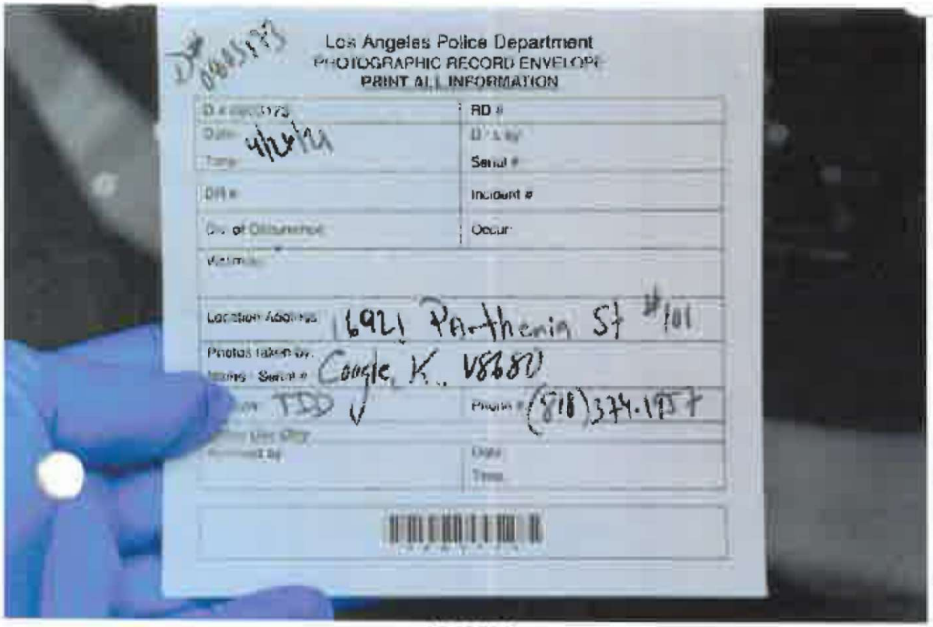


L4Q30609



L4Q30610

D# 0803173



L4Q30591



L4Q30592



L4Q30593



L4Q30594

58



L4Q30595



L4Q30596



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L4Q30602

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IV
DATE: 02/08/22 TIME: 14:50
INSURANCE INFORMATION UNKNOWN
PNO VALID FROM: 05/07/18
REG VALID FROM: 07/16/17 TO 07/16/18
LIC#: [redacted] YRMD:85 MAKE:TOYT BTM :LB VIN :[redacted]
R/O :WALDEN LUKE BAXTER, [redacted]C.C.:19
ZIP#: [redacted]
SOLD:00/00/85 RCID:08/15/17 OCID:08/15/17 LOCD:3
TYPE:11 POWR:G VEH :12 BODY:0 CLAS:AK *-YR:17
REC STATUS:
04/21/2021 INVITATION TO RENEW (ITR)
08/16/17 SMOG DUE 07/16/19
PNO-REGISTRATION DEFERRED
07/10/91 PREV LIC LATNTCH
CLEARANCE INFORMATION RECORDS:

OFFICE	WORK DATE	TECH/ID	SEQ #	VALUE	FICHE DATE	TTC
669	07/16/13	23	0037	00078.00	07/18/13	H05
V91	05/09/14	C6	0040	00146.00	05/10/14	F00
510	09/24/14	P3	0014	00052.00	09/26/14	F00
510	07/08/15	22	0017	00082.00	07/10/15	H05
510	11/28/16	B5	0003	00144.00	11/30/16	H05
C70	08/10/17	5N	0003	00000.00	08/10/17	RIP
C70	08/10/17	5C	0006	00000.00	PRIOR SUSPENSE	
V93	08/15/17	BI	0002	00277.00	08/16/17	F00
C70	08/10/17	5N	0003	00277.00	PRIOR SUSPENSE	
RJ5	05/07/18	50	7680	00021.00	05/07/18	PNO

END

OUTPUT MSG 002, FROM SO03YYYY02/08/2022 14:50

IV
DATE: 02/08/22 TIME: 14:51
PENDING RECORD INSURANCE STATUS NOT CHECKED
REG VALID FROM: 08/14/16 TO 08/14/17
LIC#:[redacted] YRMD:83 MAKE:TOYT BTM :2H VIN :[redacted]
R/O :[redacted]
ZIP#:[redacted]
RCID:08/23/16 OCID:07/15/15 LOCD:3
TYPE:11 POWR:G VEH :12 BODY:0 CLAS:AE *-YR:14
REC STATUS:
05/23/2017 RENEWAL NOTICE EXTRACTED
08/15/16 SMOG DUE 08/14/18
08/20/14 SALVAGED
RIP OFC:C70 D:08/10/17 ID/S:5N0002 T:F00
V:0027500 R:0 RT:
CLEARANCE INFORMATION RECORDS:

OFFICE	WORK DATE	TECH/ID	SEQ #	VALUE	FICHE DATE	TTC
662	08/20/14	29	0031	00138.00	00/00/00	C10
C70	07/15/15	5H	0007	00099.00	00/00/00	F00
CN0	08/15/16	04	0315	00085.00	00/00/00	POT
RJ3	08/10/16	41	0111	00085.00	PRIOR SUSPENSE	
C70	08/10/17	5N	0002	00000.00	00/00/00	RIP
C70	08/10/17	5C	0005	00000.00	PRIOR SUSPENSE	

MORE
DATE: 02/08/22 TIME: 14:51
PENDING MASTER FILE RECORD
LIC#: YRMD:83 MAKE:TOYT BTM :2H VIN :[redacted]
R/O :WALDEN LUKE BAXTER/, WALDEN J[redacted]
CITY:[redacted] C.C.:19 ZIP#:[redacted]
RCID:08/10/17 LOCD:0
TYPE:11 POWR:G VEH :12 BODY:0 CLAS:AK *-YR:17
REC STATUS:
08/20/14 SALVAGED

END

OUTPUT MSG 005, FROM SO03YYYY02/08/2022 14:52

RE: LAPD Inquiry

BOFAFS <BOFAFS@doj.ca.gov>
Thu 4/22/2021 10:38 AM
To: Ross Nemeroff <31679@lapd.online>

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Here are his records. You will her from another agency concerning the permit.

Thanks,

Chris

RE: NAM/WALDEN,LUKE DOB[redacted]
RESPONSE TO QGM INQUIRY

DATA IN AFS.

* DROS - PRIVATE PARTY TRANSFER
SER/ZMP794 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 4
DOT/20200127 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/PAPIK,GREGORY MATTHEW DOB/[redacted]
ADR/[redacted]
CTY/[redacted] CCC/1900
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]/91344 CCC/1900
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI[redacted] - LAPD OCA/[redacted]
FCN/2742003701606

* DROS - PRIVATE PARTY TRANSFER
SER/C145718 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ 75 SP 01
DOT/20180816 BBL/4 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

10A

ADR/[redacted]
CTY/[redacted]CCC/1900
*** SELLER/TRANSFEROR INFORMATION ***
SNM/BROWN,VICTOR ARNOLD SDB/[redacted]
SDD/[redacted]
SCY/[redacted]CCC/1900
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741823905491

* DROS - PRIVATE PARTY TRANSFER
SER/HRZ3204 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MP 9 PRO SERIES
DOT/20180529 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/NOSKI,CHRISTOPHER EDMUND DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/CALIFORNIA GUN GIRLS LLC DID/21517
DDD/23121 COLTRANE AVE
DCY/NEWHALL DST/CA DZC/91321 DCC/1900 DTN/661-373-4658
ORI/[redacted] LOS ANGELES CO SD OCA/[redacted]
FCN/2321815901738

* DROS - PRIVATE PARTY TRANSFER
SER/NKW568 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/35
DOT/20180514 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/KENNEDY,SCOTT HAYES DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/CALIFORNIA GUN GIRLS LLC DID/21517
DDD/23121 COLTRANE AVE
DCY/NEWHALL DST/CA DZC/91321 DCC/1900 DTN/661-373-4658
ORI/[redacted] LOS ANGELES CO SD OCA/[redacted]

10B

FCN/2321815507694

* DROS - DEALER SALE
SER/BFSA761 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/17L
DOT/20170801 BBL/6-02 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741722601601

* DROS - DEALER SALE
SER/BEXS296 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 4
DOT/20170801 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741722601600

* DROS - PRIVATE PARTY TRANSFER
SER/HSJ6436 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/M P 9L
DOT/20170418 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/DIAZ,DANIEL DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]

FCN/2741712202714

* DROS - DEALER SALE
SER/Y090900Q16 MAK/BNL BENELLI SPA CAL/12
TYP/SI SHOTGUN SEMI-AUTOMATIC MOD/M4
DOT/20170202 BBL/18-5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741704401799

* DROS - DEALER SALE
SER/ZMP794 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN4
DOT/20151214 BBL/5-3 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741536205963

* DROS - DEALER SALE
SER/ZMP792 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN4
DOT/20151214 BBL/5-3 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741536205932

* DROS - DEALER SALE
SER/WH014908 MAK/WAL CARL WALTHER CAL/22

(0D)

TYP/RI RIFLE SEMI-AUTOMATIC ...OD/HK 416D
DOT/20150619 BBL/16-1 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/BIG 5 SPORTING GOODS 104 DID/16683
DDD/24329 W MAGIC MOUNTAIN PKWY
DCY/VALENCIA DST/CA DZC/91355 DCC/1900 DTN/661-253-1832
ORI/[redacted] - LOS ANGELES CO SD OCA/[redacted]
FCN/2321518202820

* DROS - DEALER SALE
SER/349480 MAK/SR STURM, RUGER & CO CAL/22
TYP/RI RIFLE SEMI-AUTOMATIC MOD/10 22
DOT/20150604 BBL/18 COL/BROWN
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/BIG 5 SPORTING GOODS 104 DID/16683
DDD/24329 W MAGIC MOUNTAIN PKWY
DCY/VALENCIA DST/CA DZC/91355 DCC/1900 DTN/661-253-1832
ORI/[redacted] - LOS ANGELES CO SD OCA/[redacted]
FCN/2321516600950

* DROS - DEALER SALE
SER/XEC899 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/41 GEN4
DOT/20140925 BBL/5-31 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741428002372

* DROS - DEALER SALE
SER/XEC904 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/41 GEN4
DOT/20140925 BBL/5-31 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741428002371

* DROS - PRIVATE PARTY TRANSFER
SER/GLB949 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20140519 BBL/4-49 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/BANCROFT,VINCENT LAWRENCE III DOB[redacted]
ADR[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/FIRING-LINE INC DID/12985
DDD/18348 EDDY ST
DCY/NORTHRIDGE DST/CA DZC/91324 DCC/1900 DTN/818-349-1420
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741414902598

* DROS - DEALER SALE
SER/HSJ6436 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MP9L
DOT/20140412 BBL/5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB[redacted]
ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/ALL STATE POLICE EQUIPMENT CO INC DID/20611
DDD/2821 METROPOLITAN PL
DCY/POMONA DST/CA DZC/91767 DCC/1900 DTN/909-596-2470
ORI/[redacted] POMONA PD OCA/[redacted]
FCN/2871412301211

* DROS - DEALER SALE
SER/HRZ3204 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/M AND P 9 PRO
DOT/20140303 BBL/5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/GRETA'S GUNS INC DID/16324
DDD/4228 LOS ANGELES AVE
DCY/SIMI VALLEY DST/CA DZC/93063 DCC/5600 DTN/805-520-4867
ORI/[redacted]- SIMI VALLEY PD OCA/[redacted]
FCN/7931407401216

* DROS - PRIVATE PARTY TRANSFER
SER/RH12559 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P14
DOT/20130614 BBL/5 COL/CHROME/STAINLESS
*** PURCHASER INFORMATION ***
NAM/GLOVER,JOSHUA ADAM DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/FIRING-LINE INC DID/12985
DDD/18348 EDDY ST
DCY/NORTHRIDGE DST/CA DZC/91324 DCC/1900 DTN/818-349-1420
ORI/[redacted]- LAPD OCA/[redacted]
MIS/P U 06 24 2013
FCN/2741317102395

* DROS - PRIVATE PARTY TRANSFER
SER/GLB949 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20130520 BBL/4-5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/LLOYD,THOMAS ALLEN SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/GRETA'S GUNS INC DID/16324
DDD/4228 LOS ANGELES AVE
DCY/SIMI VALLEY DST/CA DZC/93063 DCC/5600 DTN/805-520-4867
ORI/[redacted] SIMI VALLEY PD OCA[redacted]
FCN/7931314500461

* DROS - PRIVATE PARTY TRANSFER

SER/TDM7281 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4566
DOT/20120229 BBL/4 COL/CHROME/STAINLESS
*** PURCHASER INFORMATION ***
NAM/HOM,JAPHET CHOY DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741206600348

* DROS - DEALER SALE
SER/EAR8523 MAK/SW SMITH AND WESSON CAL/380
TYP/PI PISTOL SEMI-AUTOMATIC MOD/BG380
DOT/20110729 BBL/2-75 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/ALL STATE POLICE EQUIPMENT CO INC DID/20611
DDD/2821 METROPOLITAN PL
DCY/POMONA DST/CA DZC/91767 DCC/1900 DTN/909-596-2470
ORI/[redacted] POMONA PD OCA/[redacted]
FCN/2871121500130

* DROS - DEALER SALE
SER/NKW568 MAK/GLC GLOCK,INC CAL/40
TYP/P PISTOL MOD/35
DOT/20091007 BBL/5-32
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
MIS/P U 10 17
FCN/2740928600489

* DROS - DEALER SALE
SER/X14688 MAK/UBE ALDO UBERTI CAL/45
TYP/P PISTOL MOD/1860ARMYC
DOT/20080109 BBL/5-5

*** PURCHASER INFORMATION *
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740801201818

* DROS - DEALER SALE
SER/HBN744 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34
DOT/20050610 BBL/5-25
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740516601240

* DROS - DEALER SALE
SER/FWA730 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/21
DOT/20040304 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] BURBANK PD OCA/[redacted]
MIS/INV530
FCN/2440407000960

* DROS - DEALER SALE
SER/FNA947 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/17
DOT/20031116 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] BURBANK PD OCA/[redacted]
MIS/25
FCN/2440332400446

* DROS - DEALER SALE
SER/FTG718 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20031009 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]

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CTY/[redacted]
ORI/[redacted] BURBANK PD OCA/[redacted]
MIS/32
FCN/2440328801172

* DROS - DEALER SALE
SER/TDT8880 MAK/SW SMITH AND WESSON CAL/454
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4506
DOT/20030428 BBL/4-5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740312200306

* DROS - DEALER SALE
SER/NM169623 MAK/SPH SPRINGFIELD ARMORY CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/1911AI
DOT/20021001 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
MIS/34898 DEV
FCN/2740228100285

* DROS - DEALER SALE
SER/CV20798 MAK/CLT COLT CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/1091M1991A1
DOT/20011004 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740127800159

* DROS - DEALER SALE
SER/DA7331 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/LDA14
DOT/20010709 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740119201220

* DROS - DEALER SALE
SER/RH12559 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/D1445ER
DOT/20010614 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740116600160

* DROS - DEALER SALE
SER/A1720 MAK/FOZ CESKA ZBROJOVKA FOX CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ97B
DOT/20010223 BBL/4-84
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740105700095

* DROS - DEALER SALE
SER/G151016 MAK/SSS SAUER, J. P., & SONS CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P220
DOT/20010116 BBL/4-4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740101700184

* DROS - DEALER SALE
SER/K067705 MAK/KIE KIMBER CAL/454
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CLASICCUST
DOT/20001107 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740031300319

* DROS - DEALER SALE
SER/CBS6119 MAK/SW SMITH AND WESSON CAL/38
TYP/PR PISTOL REVOLVER MOD/49-3
DOT/19990125 BBL/2

*** PURCHASER INFORMATION *
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2749902600114

* DROS - DEALER SALE
SER/CBS6119 MAK/SW SMITH AND WESSON CAL/38
TYP/PR PISTOL REVOLVER MOD/49
DOT/19981222 BBL/2
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2749835700171

* DROS - DEALER SALE
SER/UB05585 MAK/FOZ CESKA ZBROJOVKA FOX CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P10 F
DOT/20200312 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2742009000219

* DROS - DEALER SALE
SER/UB01996 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P 10 F
DOT/20200121 BBL/4-25 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2742003400213

* DROS - DEALER SALE

SER/1374685 MAK/SR STURM, RUGER & CO CAL/22
TYP/RI RIFLE SEMI-AUTOMATIC MOD/10 22
DOT/20191205 BBL/16 UOM/IN COL/BROWN
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741935001003

* DROS - DEALER SALE
SER/UB02001 MAK/FOZ CESKA ZBROJOVKA FOX CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P10F OR
DOT/20191016 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741930500843

* DROS - DEALER SALE
SER/BLRH981 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/45 GEN 5 MOS
DOT/20190619 BBL/4 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741918400739

* DROS - DEALER SALE
SER/CVF8325 MAK/SW SMITH AND WESSON CAL/357
TYP/PR PISTOL REVOLVER MOD/M327
DOT/20190502 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***

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NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741913303195

* DROS - DEALER SALE
SER/ADGL428 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 5 MOS
DOT/20190221 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741906500550

* DROS - DEALER SALE
SER/C540418 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ SHADOW 2
DOT/20180816 BBL/4-5 UOM/IN COL/GRAY
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI[redacted] LAPD OCA/[redacted]
FCN/2741823905521

* DROS - DEALER SALE
SER/A5403 MAK/FOZ CESKA ZBROJOVKA FOX CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/97
DOT/20000428 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]

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FCN/2740012200417

* DROS - DEALER SALE
SER/TDM7281 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4566
DOT/20000224 BBL/4-25
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI[redacted] LAPD OCA/[redacted]
FCN/2740005600199

* DROS - DEALER SALE
SER/TDN1967 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4506
DOT/19990819 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749923200118

* DROS - DEALER SALE
SER/K040569 MAK/KIE KIMBER CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CLASSIC CUS
DOT/19990609 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749916100193

* DROS - DEALER SALE
SER/VZE3898 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/5906
DOT/19981212 BBL/4-5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749834800410

* DROS - DEALER SALE
SER/22191991 MAK/SR STURM, RUGER & CO CAL/22
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MK2

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DOT/19980219 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
ORI/[redacted]- LAPD OCA/[redacted]
FCN/2749805400052

* DROS - DEALER SALE
SER/AF19030 MAK/SSS SAUER, J. P., & SONS CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P229
DOT/19970616 BBL/3-75
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
ORI/[redacted]- LAPD OCA/[redacted]
FCN/2749716800268

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/SM72384 MAK/SW SMITH AND WESSON CAL/556
TYP/R RIFLE MOD/MP15
DOT/20180606
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted]- CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1861816315008

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/DS29163 MAK/DBS DOUBLE STAR CORP CAL/556
TYP/R RIFLE MOD/STAR 15
DOT/20180517
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted]- CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1861813704605

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/LE036468 MAK/CLT COLT CAL/223
TYP/R RIFLE MOD/LE6920
DOT/20080820
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

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ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860823300266

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/9362530 MAK/KSI KASSNAR-FIAS IMPORTS CAL/762
TYP/R RIFLE MOD/MAK90
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301302

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/SL002434 MAK/CLT COLT CAL/556
TYP/R RIFLE MOD/SPORTER
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301300

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/K4320 MAK/AAR AMERICAN ARMS INC CAL/9
TYP/P PISTOL MOD/SITES
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301299

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/65907 MAK/KSI KASSNAR-FIAS IMPORTS CAL/762
TYP/R RIFLE MOD/MAK90
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
AD[redacted]

10 Q

CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301298

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/9420 MAK/MEI MERIDIAN FIREARMS CO CAL/308
TYP/R RIFLE MOD/FA91G3
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301297

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/A91277 MAK/US UNITED STATES CAL/9
TYP/R RIFLE MOD/AT9
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301295

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/10089 MAK/EAA EAGLE ARMS CAL/556
TYP/R RIFLE MOD/EA15
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301294

END AFS RESPONSE.

From: Ross Nemeroff <31679@lapd.online>
Sent: Thursday, April 22, 2021 9:40 AM
To: BOFAFS <BOFAFS@doj.ca.gov>
Subject: LAPD Inquiry

10 R

Los Angeles Police Department
Daily Worksheet Portrait

Template : GND SUPP GANG SEC FBI GANG TF

TC Employee

Work Date : Wednesday, Mar 17, 2021

Sheet Creation Date/Time : Mar 17, 2021 9:35:52 AM **Type :** ACTUAL

Rover	Work Assignment	Shop	Employee	Sched Start Time	Sched End Time	Comments	Actual Start Time	Actual End Time
	5K540		[redacted] - 27929, DET 3	06:00	16:00		09:00	19:00
	5K541		WALDEN, LUKE - 34898, DET 1	06:00	16:00		09:00	19:00
	5K542		[redacted] 36008, DET 2	06:00	16:00		04:30	14:30
	5K544		[redacted] - 34380, DET 1	06:00	16:00		09:00	19:00
	5K545		[redacted] - 35599, DET 1	06:00	16:00		09:00	19:00
	5K546		[redacted] - 37820, DET 1	06:00	16:00		09:00	19:00
	ABSENT		[redacted] - 33602, DET 1	06:00	16:00	VC 10		

Included Organizations :

GND SUPP GANG SEC FBI GANG TF

Approved by :	Date approved on :

Sold	Glock	9mm	34	DOT/20200127	SER/ZMP794 [redacted]
Bought	CZ	9mm	CZ75	DOT/20180816	SER/C145718
Sold	S&W	9mm	MP pro	DOT/20180529	SER/HRZ3204 [redacted]
Sold	Glock	40	35	DOT/20180514	SER/NKW568 [redacted]
Bought	Glock	9mm	17L	DOT/20170801	SER/BFSA761
Bought	Glock	9mm	34	DOT/20170801	SER/BEXS296
Sold	S&W	9mm	MP9L	DOT/20170418	SER/HSJ6436 [redacted]
Bought	Beretta	22lr	M4	DOT/20170202	SER/Y0[redacted] [redacted]
Bought	Glock	9mm	34	DOT/20151214	SER/ZMP794
Bought	Glock	9mm	34	DOT/20151214	SER/ZMP792
Bought	Walther	22	HK416D	DOT/20150619	SER/W[redacted] [redacted]
Bought	Ruger	.22	1022	DOT/20150604	SER/[redacted] [redacted]
Bought	Glock	.45	41	DOT/20140925	SER/XEC899
Bought	Glock	.45	41	DOT/20140925	SER/XEC904
Sold	Glock	.40	22	DOT/20140519	SER/GLB949 to [redacted]
Bought	S&W	9mm	MP9L	DOT/20140412	SER/HSJ6436
Bought	S&W	9mm	MP Pro	DOT/20140303	SER/HRZ3204
Sold	POD	.45	P14	DOT/20130614	SER/RH12559 [redacted]
Bought	Glock	.40	22	DOT/20130520	SER/GLB949
Sold	S&W	.45	4566	DOT/20120229	SER/TDM7281 [redacted]
Bought	S&W	.380	BG	DOT/20110729	SER/EAR8523
Bought	Glock	.40	35	DOT/20091007	SER/NKW568
Bought	UBE	.45	1860	DOT/20080109	SER/X14688
Bought	Glock	9mm	34	DOT/20050610	SER/HBN744
Bought	Glock	.45	21	DOT/20040304	SER/FWA730
Bought	Glock	9mm	17	DOT/20031116	SER/FNA947
Bought	Glock	.40	22	DOT/20031009	SER/FTG718
Bought	S&W	.45	4506	DOT/20030428	SER/TDT8880
Bought	Spring	.45	1911AI	DOT/20021001	SER/NM169623
Bought	Colt	.45	1091M	DOT/20011004	SER/CV20798
Bought	POD	.45	LDA14	DOT/20010709	SER/DA7331
Bought	POD	.45	D1445ER	DOT/20010614	SER/RH12559
Bought	CZ	.45	CZ97B	DOT/20010223	SER/A1720

11A

Bought	SIG	.45	P220	DOT/20010116	SER/G151016	
Bought	Kimber	.45	Classic	DOT/20001107	SER/K067705	
Bought	S&W	.38	49-3	DOT/19990125	SER/CBS6119*	DUPLICATE?
Bought	S&W	.38	49	DOT/19981222	SER/CBS6119*	DUPLICATE?
Bought	CZ	9mm	P10F	DOT/20200312	SER/UB05585	
Bought	CZ	9mm	P10F	DOT/20200121	SER/UB01996	
Bought	Ruger	.22	1022	DOT/20191205	SER/1374685	[redacted]
Bought	CZ	9mm	P10F	DOT/20191016	SER/UB02001	
Bought	Glock	9mm	45	DOT/20190619	SER/BLRH981	
Bought	S&W	357	M327	DOT/20190502	SER/CVF8325	
Bought	Glock	9mm	34	DOT/20190221	SER/ADGL428	
Bought	CZ	9mm	Shad 2	DOT/20180816	SER/C540418	
Bought	CZ	.45	97	DOT/20000428	SER/A5403	
Bought	S&W	.45	4566	DOT/20000224	SER/TDM7281	
Bought	S&W	.45	4506	DOT/19990819	SER/TDN1967	
Bought	Kimber	.45	ClascCt	DOT/19990609	SER/K040569	
Bought	S&W	9mm	5906	DOT/19981212	SER/VZE3898	
Bought	Ruger	.22	MK2	DOT/19980219	SER/22191991	
Bought	SIG	.40	P229	DOT/19970616	SER/AF19030	

REGISTRATION

S&W	556	MP15	DOT/20190606	SER/SM72394	rifle
HK	556	STAR15	DOT/20190517	SER/053983	rifle
Colt	223	LE6920	DOT/20190620	SER/LE036468	rifle
KSI	762	MAK90	DOT/20001108	SER/0362530	rifle
Colt	556	Sporter	DOT/20001108	SER/SL002434	rifle
AAR	9mm	SITES	DOT/20001108	SER/K4320	pistol
KSI	762	MAK90	DOT/20001108	SER/65907	rifle
MEI	308	FA91G3	DOT/20001108	SER/9420	rifle
US	9mm	M10	DOT/20001108	SER/A91277	rifle
EAA	556	EA15	DOT/20001108	SER/10089	rifle

Los Angeles Police Department
PROPERTY REPORT

Page 1 of 1

IF EVIDENCE CONT., COMPLETE SHADED AREAS ONLY. IF NOT EVID. CONT., COMPLETE ENTIRE FORM.

NARC ☐ FIREARM ☐ SEARCH ☐ MONE ☐ TOTAL U.S CURR. BKD. EVID ☑ NON-EVID ☐ ONLY 1 CATEGORY PER REPORT

IF RELATED TO PREV. BKD EVID, USE THAT DR: DR 219913105

CHECKS, CREDIT CARDS, ETC. (CCD, PLUS OVB) ☐ FORGERY/LA DETS/HARBOR DETS., IF THEIR OCCURRENC

NARCOTICS (GND) ☐

FIREARM (DSVD & R & I, CRIME/PROP. TTS ☐

EXTRA COPIES TO:

DATE AND TIME OF THIS REPORT: 05/11/2021 1300	DATE PROPERTY BKD.: 05/12/2021	IF RELATED TO PREVIOUSLY BOOKED EVIDENCE, ORIG. EVID. BKD. TO (IN THIS CASE COMPLETE ENTIRE REPORT)	DATE ORIG. EVID. TAKEN INTO CUSTODY
RESIDENCE ADDRESS: CA		ARRESTEE ☐ EVID. CONT. OF ARREST REPORT — DOB	CHARGE BKD. DR; BKG. #
RESIDENCE ADDRESS (BUS. ADDRESS IF VICT. IS BUSINESS)		VICTIM ☐ EVID. CONT. OF PIR (IF NO ARRESTEE)	R - ☐ B - ☐
RESIDENCE ADDRESS		☐ OWNER OR IF UNKNOWN ☐ FINDER/POSSESSOR	R - ☐ B - ☐
AREA OR CITY, & DATE CRIME OCCUR.	TYPE OF PREMISES	DEPT. EMPLOYEE IF BOOKED TO: R. Nemeroff — SERIAL NO.: 31679 — DIVISION: SOD	IF FIREARM, CRT CHECKS: AFS YES ☐ NO ☑ NCIC YES ☐ NO ☑
IS THIS STOLEN PROPERTY? YES ☐ NO ☑	PROBABLE CRIME: 33410 PC	FELONY ☑ MISD. ☐ — DATE & TIME PROP. FOUND TAKEN INTO POLICE CUSTODY - LOCATION: 04/26/2021 10:00 CONFIDENTIAL	RD, OR CITY IF OUTSIDE: 9999
IS THIS FOUND PROPERTY? YES ☐ NO ☑	DATE & TIME FOUND PROPERTY DISCOVERED	-LOCATION DISCOVERED-	RD, OR CITY IF OUTSIDE
INVESTIGATIVE UNIT: SOD	PROP. BKD. AT: PROP DIV	NOTIFICATIONS - PERSONS & UNITS	CONNECTING REPORTS - TYPE & DR

Use of Evidence Continuation: Use only with Arrest Report or, if no Arrest Report, with IR. Do not use if evidence is related to previously booked evidence. To book evidence, staple this page on top of Arrest Face Sheet (or IR Face Sheet, if no arrest) and forward with evidence.

1. CIRCUMSTANCES (WHERE FOUND, BY WHOM, HOW MARKED, ETC.) EXPLAIN IF 10.10.00 NOT ISSUED. GIVE RESULTS OF CRT CHECKS ON FIREARMS.
2. ITEMIZE PROPERTY (LIST NARCOTICS FIRST, THEN MONEY, FIREARMS, PROPERTY WITH SERIAL NUMBERS, AND OTHER PROPERTY. IF RELATED TO PREVIOUSLY BKD. EVIDENCE, START WITH NEXT SEQUENTIAL ITEM NUMBER.
3. IS PROPERTY ELIGIBLE FOR IMMEDIATE DISPOSAL? YES ☐ NO ☑ IF YES, LIST ITEM #'S _____ ENSURE AN "EXTRA COPY" IS FORWARDED TO THE PROPERTY DISPOSITION COORDINATOR (PDC) FOR INPUT INTO APIMS. IF PROPERTY IS ELIGIBLE FOR RELEASE, COMPLETE A PROPERTY DISPOSITION/UPDATE REQUEST FORM 10.06.00, AND FORWARD IT TO THE PDC FOR INPUT INTO APIMS.

ITEM NO	QUANT	ARTICLE	SERIAL NO	BRAND/DRUG WEIGHT, UNITS	MODEL NO.	MISC. COLOR, SIZE, INSCRIPTION, CALIBER, ETC. IF MULT ARREST, INCL. NAME/BKG. # FROM WHOM TAKEN
		Items booked are related to a confidential investigation. Further inquiry should be directed to the Commanding Officer, Special Operations Div. 323-887-7092. Items 1-8 are contained within Item 9.				
1	1	Bubble wrap packaging	None	None	None	US Postal Service ePacket purple bag with white shipping label from Hu Shi Ming
2	1	cardboard box	None	None	None	brn cardboard box w/ wht label 066-1/2-28
3	1	bubble wrap	None	None	None	clear bubble wrap
4	1	plastic tube	None	None	None	blue plastic tube
5	1	metal cap	None	None	None	black metal cap with threads
6	1	metal ring	None	None	None	Black metal ring with threads
7	1	metal cylinder	None	None	None	black metal cylinder
8	1	metal baffle	None	None	None	black metal monocore baffle
9	1	Evidence Bag	A6531548	None	None	Dept Homeland Security clear evidence bag.

Search Warrant Info — DATE	ISSUED BY JUDGE		COURT NO.
SUPERVISOR APPROVING	SERIAL NO. 30748	10.10.00 ISSUED? YES ☐ NO ☑	REPORTING EMPLOYEE(S): R Nemeroff — SERIAL NO. 31679 — DIV. SOD — DETAIL MCU
DATE & TIME REPRODUCED	DIVISION	CLERK	X PERSON REPORTING (SIGNATURE)

INC # 210511002616

10.01.00 (09/19)



5A





5C



5D

From: DAVID HWANG
To: Imboden, William@POST
Cc: GRAHAM DAWSON; ALEXANDER LIM
Subject: Commission Documents for CF21-001144
Date: Wednesday, September 24, 2025 1:18:36 PM

CAUTION: This email originated from outside of POST. Please do not click links or open attachments unless you recognize the sender. Report SPAM to the Helpdesk.

Dear Mr. Imboden,

I apologize for the late reply regarding your inquiry into the Los Angeles Police Department's process for determining which allegations are appropriate to frame against an accused employee. The Department relies upon the guidance of its counsel to assist in these determinations, and, as a matter of course, it is a disfavored practice to "stack" an allegation of dishonesty against an employee who has denied the allegation against him.

With respect to the matter of Detective Luke Walden, the absence of an allegation for providing false statements should not, in any way, indicate the Department believed his testimony to Internal Affairs was truthful.

Thank you,

DAVID HWANG, Captain
Internal Affairs Division
(213) 996-2740

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Luke Baxter Walden

POST ID NUMBER: A95 – T18

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: POST2306324

WRITTEN BY: William Imboden

DATE: 3/13/2025

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I. Executive Summary

Beginning in January 2021, through March 2021, Respondent Officer, Detective Luke Baxter Walden, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address.

In April 2021, the package was intercepted by Custom and Border Protection (CBP) and an investigation was conducted into the purchaser by Homeland Security Investigations (HSI), when it was discovered that the package contained a silencer. In November 2022, Respondent was arrested for attempted possession of a silencer under Penal Code section 33410, a felony, and held to answer at a preliminary hearing in Los Angeles County. In September 2023, Respondent pled no contest to the misdemeanor crime of attempting to possess an assault weapon under Penal Code section 30605(a), a Misdemeanor, and was sentenced to one day in county jail and fines.

During the course of the administrative investigation conducted by LAPD, Respondent denied he was trying to purchase a firearm silencer and stated he was merely trying to purchase a high-end fuel filter for an early 1980’s Toyota Celica he was restoring.

In April 2023, LAPD sustained the allegation of attempting to obtain a firearm silencer. The respondent was served with a notice of intent to terminate his employment with the LAPD and directed to a Board of Rights (BOR) hearing. In February 2024, the Board of Rights unanimously found Respondent “Guilty” of the charge of trying to obtain a firearm silencer, however they reduced the recommended discipline from termination to 30 days of unpaid leave.

The thorough investigation conducted by LAPD clearly establishes that Respondent was purposefully seeking out firearm silencers and suppressors that could be purchased overseas and masked as fuel filters, for specific types of weapons to include

ones the respondent owned. After reviewing the investigation, the Peace Officer Standards and Accountability Division (POSAAD) determined that in addition to an allegation of Acts that Violate the Law in violation of Penal Code section 13510.8(b)(6), an allegation of Dishonesty in violation of Penal Code section 13510.8(b)(1) - Serious Misconduct, be included herein.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent Officer Luke Walden was employed as a Detective with the Los Angeles Police Department (LAPD).

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Police Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of "Supervisor". On June 5, 2022, Respondent was demoted back to the rank of Detective.

In addition to attending the Basic Intensive Police Academy in 1999, prior to his arrest in November 2022, the respondent attended the following in-service training applicable to this investigation:

- 2/17/2000 .45 Pistol Transition Course
- 2/19/2001 Firearms Bean Bag Course
- 7/11/2001 Firearms/Tactical Handgun Course
- 3/2/2004 Firearms/Semi-Auto Pistol Course
- 6/21/2005 Firearms/Tactical Rifle Course
- 2/14/2006 Pedestrian Stops/Weapons Course
- 5/4/2006 Firearms/Tactical Rifle Course
- 9/14/2006 Firearms/Tactical Handgun Course
- 11/8/2006 Firearms/Tactical Rifle Course

- 5/23/2007 Firearms/Tactical Rifle Course
- 7/31/2007 Pedestrian Stops/Weapons Course
- 9/6/2007 Firearms/Tactical Rifle Course
- 12/04/2007 Firearms/Tactical Rifle Course
- 11/02/2009 Firearms/Tactical – Advanced Course
- 5/25/2010 Firearms/Tactical Rifle Update
- 7/3/2012 Firearms/Tactical Rifle Update
- 3/05/2013 Firearms/Tactical Rifle Update
- 10/17/2013 Firearms/Tactical Rifle Update
- 3/25/2014 Firearms/Tactical Rifle Update
- 9/18/2014 Firearms/Tactical Shotgun
- 10/20/2014 Firearms/Tactical Rifle Update
- 4/13/2015 Firearms/Tactical Rifle Update
- 4/06/2016 Firearms/Tactical Rifle Update
- 11/02/2016 Firearms/Tactical Rifle Update
- 11/10/2016 Undercover Operations/Tactical Response
- 4/25/2017 Firearms/Tactical Rifle Update
- 11/09/2017 Firearms/Tactical Rifle Update
- 4/12/2018 Firearms/Tactical Rifle Update
- 12/05/2018 Firearms/Tactical Rifle Update
- 10/01/2019 Firearms/Tactical Rifle Update
- 7/23/2020 Undercover Operations/Tactical Response
- 4/18/2021 Firearms – Sighting Systems

In addition to the above firearms related courses, Respondent attended Tactical Rapid Entry Courses for Narcotics Officers.

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.

During Respondent's 24-year career he has received 155 Citizen and Department commendations. His service records do not show any prior discipline or complaints for similar allegations.

c. Prior Employment History

Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certification

Respondent is assigned POST ID A95 – T18. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic (1/20/2000)
- Intermediate (6/03/2008)
- Advanced (2/10/2011)
- Supervisory (10/24/2016)

e. The Present Allegations of Serious Misconduct

1. Filing of Complaint With Agency

The parcel was intercepted on April 22, 2021, and LAPD IA responded to HSI on April 26, 2021, however, their report does not specify a notification date.

2. Agency Determinations on Complaint, Discipline, and Any Appeals

On February 23, 2022 LAPD concluded their investigation with a recommended finding of Sustained. On February 21, 2023 The Chief of Police upheld the findings and referred the respondent to a Board of Rights for termination. On February 14, 2024 the Board of Rights upheld the findings as well but reduced the discipline to thirty (30) days of unpaid leave/suspension, with no explanation to justify the reduction.

3. Date of Receipt By POST

POST received this initial report on April 13, 2023 with a notification that the case was sent to the BOR on appeal. On January 3, 2025 LAPD notified POST that the BOR appeal was concluded and the discipline was reduced.

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 Los Angeles Police Department administrative investigation which included interviews of two witnesses and the subject officer, as well as summaries of the investigation conducted by Homeland Security Investigations. The LAPD investigation included conversations with agents from the Department of Homeland Security (DHS), Homeland Security Investigations, Custom and Border Patrol, and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The conversations were conducted for background information and factfinding, and not investigative

interviews. In addition, POSAAD interviewed several LAPD personnel involved with the investigation and conducted independent research into fuel filters and solvent traps, and how to convert them into firearms silencers and suppressors.

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

On April 22, 2021, CBP Officer Marisela Pena was assigned to the Los Angeles International Airport mail facility. While screening a bin of parcels received from the People's Republic of China using dedicated X-ray equipment, Officer Pena identified 13 objects that were consistent with firearm silencers. The objects were contained in thirteen separate parcels addressed to recipients throughout California. The parcels were declared as "fuel filters". Upon opening the parcels CBP determined that they were in fact illegal firearms silencers. [1]

CBP generated a list of the recipients and contacted HSI for possible investigation. One of the parcels was addressed to "Luke Waldon" with an address in Granada Hills, CA, and was assigned to HSI Special Agent Razmik Madoyan for follow-up.

[1] *Authority provided in Title 19, Code of Federal Regulations section 162.6 known as "Border Search Authority" allows CBP Officers to conduct examinations of all goods entering the United States. Additionally, these searches at the border do not require probable cause or a warrant as recognized in United States v. Ramsey, 431 U.S. 606, 619 (1977).*

During his initial research into “Luke Waldon”, Agent Madoyan discovered he was an active Los Angeles Police Officer. LAPD was contacted and took over the criminal investigation and initiated an administrative investigation. Prior to accepting the investigation, LAPD confirmed Respondent was a current LAPD Detective assigned to the Gang and Narcotics Division (GND). His home address of record with the Department matched the one on the shipping label in Granada Hills, CA. Respondent had been assigned to GND since April 2009 and had worked several assignments including the Buy Team, the Gun Unit, and an FBI Gang Task Force.

Upon inspection of the parcel, LAPD noted that it was shipped by Xu Shi Ming, from Wuhan, China. The packing described the item as a “fuel filter” with a value of 10 dollars. The label also contained graphics in Chinese, which when translated stated, “Spiral ½ - 28 single-core automobile fuel filter (6-inch ½”- 28-black spiral P0171289910).”[2]

> **Note:** ATF published a Technical Bulletin on October 30, 2019, titled “*Inline Filter” Firearms Silencers* which stated among other things that a ½ - 28 righthand bolt thread can be applied to the following firearms: AR-15, M-16, AR-180, most threaded .223/5.56 rifles, most threaded .22 rifles and pistols, most threaded 9mm pistols, Ruger 10/22 Tactical Rifle, newer Mini 14 .223/5.56 rifles, MPA57 submachine pistol, and an MPA 9mm submachine pistol.

LAPD further described the item as a black colored cylindrical object which had a mono-core baffle with a threaded opening on one end. There was also an outer metal tube, a threaded center marked endcap, a threaded ring and a plastic tube. After the item was booked into Evidence, LAPD criminalist Fadil Biraimah of the Forensic Science Division examined it and its components. Criminalist Biraimah’s report stated the following:

[2] “1/2 – 28” and “5/8 – 24” as seen throughout this report refers to thread size and count (e.g. ½” diameter shaft with 28 threads per inch (tpi))

> "The external inspection revealed the assembly to be in good condition. It has the general appearance of a silencer. The components are all consistent with machined aluminum with a dark, smooth surface finish. There is an internally threaded collar at one end and an unthreaded opening at the other. There are no indications of amateur or improvised production processes. There are no indications of repurposed material or components. The internal inspection revealed a well-made single piece (monocore) baffle with an open channel from end to end. The monocore baffle divides the tube volume into 8 chambers which are open to the central channel. The first area is larger and is consistent with an entrance chamber. The threaded collar is consistent with a muzzle attachment point. These features are conspicuous suppressor/ silencer design elements that substantiate the classification as a silencer."

He concluded by writing in his report that the assembly, as received, was a firearm silencer as described in California Penal Code section 17210.[3]

LAPD contacted the California Department of Justice (Cal DOJ) and obtained a list of all the firearms that were registered to Respondent. With assistance from Cal DOJ and through further investigation, LAPD determined Respondent had fifty-four (54) registered firearms (41 handguns, 12 rifles, 1 shotgun), many of which were compatible with a ½ - 28 barrel thread size.

LAPD conducted an internal audit of Respondent's internet search history on department computers between January 1, 2020, and April 28, 2021. The audit contained keyword searches for "Silencer", "Fuel Filter", "Solvent Trap", "China", "Threaded Barrel", "Firearm", "Barrel", "33410" (California Penal Code section 33410 makes it a Felony for a person, firm, or corporation to possess a silencer) and "Rifle". The audit determined Respondent searched numerous websites that advertised the sale of threaded barrels for weapons that matched several of the handguns that were registered to Respondent, a rifle that was registered to him, and threaded barrels for weapons not registered to

[3] California Penal Code section 17210 defines a "silencer" as any device or attachment designed to silence, diminish, or muffle the report of a firearm, or any parts intended for their assembly or fabrication

him. The audit determined that Respondent conducted twenty-one (21) internet searches using LAPD computers between December 21, 2020, and April 28, 2021, as follows:

www.kimberamerica.com

- .45 ACP Stainless Steel Threaded Barrel SKU: 4000005
- 9mm Stainless Steel Threaded Barrel SKU: 4000006
    - Respondent had 2 Kimber .45 cal. handguns registered to him
    - Respondent did not have a Kimber 9mm handgun registered to him.

www.brownells.com

- 1911 Threaded Barrel
- Handgun-parts/barrel-parts/barrels/1911-45-acp-suppressor-ready-threaded-barrels

www.opplanet-trybe.com

- TRYBE Defense Glock 22/31 9mm threaded Conversion Pistol Barrel
- TRYBE Defense Glock 23/32 9mm Threaded Conversion Pistol Barrel
- TRYBE Defense Glock 34 9mm match grade threaded Pistol Barrel
- TRYBE Defense AR Pistol Barrel 9mm
- TRYBE Defense Sig Sauer P320
    - Respondent had a Glock 22 registered to him
    - Respondent did not have a Glock 23/32 registered to him
    - Respondent had a Glock 34 registered to him
    - Respondent had an AR 9mm Pistol registered to him
    - Respondent did not have a Sig Sauer P320 registered to him

www.pealtier.com

- Aluminum Barrel End Thread Protector for Ruger 1022 10/22 .223 .308 Compensator
    - Respondent had a Ruger .22 rifle registered to him

The LAPD audit also revealed that Respondent searched websites that advertised the sale of "fuel filters". The search focused on filters that had an inner thread size of ½ - 28 converting to an outer thread size of 5/8 – 24. The ½ - 28 thread size would apply to many of the weapons registered to Respondent.

www.pealtier.com

- New Fuel Filter Suit for Napa 4003 WIX 24003 5/8"- 24 & ½" Turbo Air Filter Threaded End Cap

www.carid.com

- WIX WF10429 Fuel Filter (unknown thread size)

www.yhothe.com

- Fuel Filter for 4002 WIX ½ - 28 5/8 – 24

www.rallyset.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

www.napa4003solventtraps.com

- Aluminum 12-10-6-extension spiral 12-20-12-28-58-24-m141car fuel filter car solvent for Napa 4003 WIX 24003

www.bupuff.com

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

www.riorrkids.com

- Clearance Price Car Oil Fuel Filter for 4003 WIX ½ - 28 5/8 -24

www.kikogift.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

www.solventtrapfuelfilter.com

- Fuel Filter Solvent Trap

www.goopuff.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

Respondent was interviewed by LAPD for the administrative investigation on January 11, 2022, and stated he was in the process of rebuilding two vehicles: a 1983 Toyota Celica and a 1985 Toyota Celica. The respondent stated he ordered a fuel filter for the 1985 which never arrived. He could not recall the vendor, or when he ordered the filter. He later ordered another fuel filter through Amazon.com (on August 21, 2021) which he did receive. Respondent denied ordering or attempting to obtain a firearm silencer. He provided pictures of the vehicles he was restoring along with pictures of the type of fuel filter he ordered, and the bracket used to install it.

The respondent said he had some knowledge of silencers which he obtained during his assignments, however he was not an expert. He knew that firearm silencers were illegal to possess. Furthermore, he did not dispute the results of the internet search audit. Respondent stated he used department computers to research silencers for work related purposes only, however he couldn't provide specific cases or reports that required the specific searches he conducted.

LAPD consulted their Acting General Automotive Supervisor, Gregory Field, who reviewed the websites Respondent visited that advertised the sale of fuel filters, and the item CBP seized. It was his opinion, based on the dimensions of the items Respondent researched that none of them were consistent with any fuel filter for a vehicle and the

item seized could not be used as a fuel filter because it had no internal filtration component.[4]

Because the Respondent was under criminal investigation simultaneously LAPD did not conduct any follow-up administrative interviews. They did try to contact the vendor of the intercepted item only to discover all of the contact information in the package was fraudulent (the phone number was not correct for Wuhan, China; the address does not exist on a Google Maps® search), and the Chinese mail service did not provide any information on the sender's information.

During the criminal investigation of Respondent, LAPD served a search warrant on Respondent's PayPal® account. The search revealed that on March 17, 2021, at 0828 hrs. a transaction was completed for $45.96 for the purchase of a "Napa 4003 WIX 24003-1/2-28 5/8-24 Fuel Filter Aluminum Solvent Trap / ½-28-XH". The recipient of the payment was: "Xu Shi Qi International Limited" in Hong Kong, China.

At the conclusion of their criminal investigation, LAPD obtained an arrest warrant for Respondent, who was subsequently booked into the LA County Jail on November 14, 2022. On November 16, 2022, the LA County District Attorney's Office filed one Felony count of Attempted Possession of a Silencer in violation of Penal Code sections 664 and 33410.

In April 2023, LAPD sustained the allegation of attempting to possess a firearm silencer, referred Respondent to a Board of Rights, and recommended termination as the

[4] In-line automobile fuel filters work by trapping dirt, rust, and other debris as fuel flows through them, preventing these contaminants from reaching the engine's fuel system. The filter contains a pleated paper element or other filter medium that captures particles and contaminants as the fuel passes through. Modern fuel filters are designed to trap all particles larger than 30 microns (0.03 millimeters).

appropriate discipline. A the BOR hearing LAPD Criminalist Biraimah stated that “Napa 4003” is a code word for suppressors known to firearms buyers. After examining the seized item, he determined it was a firearm suppressor compatible with a number of firearms. After examining the list of firearms possessed by Respondent Mr. Biraimah found a number of them could be used with the silencer if modified with a threaded barrel.

Respondent’s supervisor, LAPD Lieutenant Eric Bixler, testified at the BOR hearing that one of Respondent’s job responsibilities was to identify suppressors and that Respondent would have been aware of the seized item’s purpose as a suppressor.

At the conclusion of the BOR hearing the board unanimously agreed that Respondent was guilty of the allegation that he, “attempted to obtain a firearm silencer”. However, the board did not impose the recommended termination and instead reduced the discipline to 30 days of unpaid suspension. At the conclusion of which Respondent was restored to full duty with LAPD. The board did not offer any written explanation for the reduction in discipline.

With respect to the criminal charges, on March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, Respondent pled Nolo Contendre (No Contest) to the misdemeanor charge of Attempt to Possess an Assault Weapon and sentenced to one day in jail, one year of informal probation, community service and $150 in fines. The Felony charge was dismissed as part of the plea agreement.

During the criminal investigation, LAPD’s Internal Criminal Investigations Bureau , consulted Agents and Officers of the Department of Homeland Security, Department of

Justice, Homeland Security Investigations, Custom and Border Protection and Bureau of Alcohol, Tobacco, Firearms, and Explosives in an effort to gain an understanding of the market for illegal silencers, the influx of illegal silencers coming into the country, and how importers and purchasers are attempting to skirt the laws and evade detection. As of the time of their report, LAPD learned that CBP had intercepted thousands of suppressors or parts of suppressors, being shipped into the United States from various vendors based out of China.

The intercepted packages are often mislabeled and incorrectly manifested. Senders often identify the contents of the packages as “filter”, “machine filter nozzle”, “motorcycle filter”, “fuel filter”, or other items with the word “filter” or “solvent trap” in the commodity description.

ATF provided Technical Bulletins regarding the detection and identification of firearm silencers which have been marketed as “in-line filters” and “solvent traps”. A legitimate solvent trap is a device that is attached to a firearm muzzle to catch or “trap” dirty cleaning solvent as it is pushed through the barrel. One end of the trap must be solid and have no hole that will allow a projectile to pass through. Devices that have a hole or an index mark for a hole in the endcap are classified as a “firearm silencer” under the National Firearm Act (NFA), which the United States enacted in 1934.

Purchasers may modify these devices into unregistered (illegal) silencers by simply coring a hole into the enclosed/indexed end, which would prevent the device from trapping dirt or solvents. Some devices marketed as “solvent traps” and “fuel filters” have an index mark showing where to drill a hole to modify the device into a silencer. Some also include silencer baffles, which are common in firearm silencers but serve no purpose in a solvent trap or fuel filter.

Title 18, USC 921(a)(24) defines a firearm silencer or “suppressor” as any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts designed or redesigned and intended for the use in assembling or fabricating a firearm silencer or a firearm muffler, any part intended only for use in such assembly or fabrication. The state of California defined the term “silencer” as a device that reduces the sound of a gun when the gun is fired. California Penal Code section 33410 makes it a Felony for a person, firm, or corporation to possess a silencer.

In order to legally possess a silencer in the United States an individual must apply for and receive advanced approval from the ATF. The silencer must have a registered serial number and bear that number. An individual who had received advanced permission to possess a silencer would appear on the National Firearms Registration and Transfer Record.

The National Firearms Act prohibits the importation of suppressors unless they are for the use by the United States for research, for testing by a registered manufacturer, or to be used as a sample by a registered importer. United States Code, Title 26, section 5844. Additionally, the United States maintains an arms embargo against China making it illegal to import silencers from that country according to the Code of Federal Regulations, Title 27, sections 447.21 and 447.52.

At the conclusion of reviewing the LAPD investigation, POSAAD conducted a simple search of YouTube using the keyword sentence “firearm silencer from fuel filter”. The ensuing search resulted in dozens and dozens of YouTube videos ranging from several seconds to over 45 minutes, discussing the purchasing, packaging, manufacturing and quality of “1/2 – 28 5/8 – 24 fuel filter / solvent traps”, and many not only explained how to easily modify them to silencers, but some showed the silencers in use after modification.

https://www.youtube.com/watch?v=qktwL8KNdw8

https://www.youtube.com/watch?v=R1i0JrRaWPo&t=676s

https://www.youtube.com/watch?v=fMZMbLg2MBc

V. Analysis and Findings

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

11 CCR §1205(a)(1) defines Dishonesty as:
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.

Clear and convincing evidence exists to show that Respondent was dishonest in his answers during the Administrative Investigation into his alleged misconduct.

During the Administrative Investigation into the alleged serious misconduct of "Acts That Violate the Law" (attempting to purchase an illegal firearm silencer, a Felony), the Respondent stated he did not try to purchase a firearm silencer.

I.A. Interview conducted on January 11, 2022

At 5 minutes and 19 seconds (5:19):

Q: [describing the package label to Respondent] "… saying half inch to twenty-eight single core automobile fuel filter. Your name, Luke Walden, and home address were on the shipping label. Do you recall ordering such an item?"

A: "I ordered a fuel filter in the past, I don't remember when. It never got to my house, so I went on Amazon and bought another one ..."

Q: "Who was the vendor… for the fuel filter, do you remember?"

A: "No. I [unintelligible]"

Q: "Can you give me an approximate time frame of when you ordered it"

A: "No. I'm being honest. I can't remember."

At 11:08

Q: "Did you ever order a firearm silencer or suppressor?"

A: "Hell no"

Q: "You do understand what a firearm silencer or suppressor is, is that correct?"

A: "I understand the concept… I've shot them (at department training) but I'm not one hundred percent on how they work … I'm not really well versed."

At 12:56

Q: "Did you ever buy an object or a product that was sold to you under the guise of it being a fuel filter but in actuality it was a firearm suppressor or silencer?"

A: "No"

At 17:17

Q: "have you done internet searches on silencers or firearm suppressors on your department computer?"

A: "yes."

Q: "Why don't you expand on that?"

(Respondent explained that based on sources through the FBI, "bad guys" are going to sell them weapons, mostly ghost guns.)

A: "If you build a gun with a threaded barrel, it becomes an assault pistol at the State level. Me looking that stuff up is based on what I work on."

Respondent claimed to be restoring two old cars, neither of which would use a fuel filter like the item that was seized by CBP. He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The picture of this item, purchased on Amazon in 2021, is vastly different than the item seized by CBP, and is clearly meant to be used as an in-line fuel filter. Additionally, this fuel filter was purchased on August 21, 2021, well after Respondent knew he was under investigation for purchasing the "fuel filter" from China.

At 6:41

Q: "Okay, you're saying you ordered a fuel filter for a vehicle, is that correct?"

A: "yes, sir."

Q: "And that never arrived, right?"

A: "Yes, sir."

Q: "What was the purpose of this fuel filter?"

A: "I have two cars I am rebuilding. One with my son and one for myself …. One is an '83 Celica …. I've done a bunch of suspension and body work to it … we're doing a family project, its something I learned from my dad … and then I have the '85 Celica … on the '85 I'm going to switch the motor to get a bigger engine in there … a super engine … I'm trying to update the fuel system so the car can take the fuel. If you put a bigger engine in you need more gas."

Q: "The fuel filter that you say you ordered that never arrived, was that for the '85 Toyota Celica?"

A: "Yes."

At the **8:10** mark the Respondent stated he was buying a universal fuel filter.

Q: "So you're buying a universal fuel filter you said?"

A: "Yeah. Universal fuel filter. Um, since the one never came, I purchased another one on Amazon. I have photos of all that."

At 20:40

Q: "And you never did any internet searches on your work computer looking to buy a firearm suppressor or silencer shipped to you. Is that correct?"

A: "No. That's correct."

The item CBP seized, which was addressed to Respondent at his home address, while it might be advertised on the internet as a fuel filter (or solvent trap), as manufactured it is functionally inoperable as a fuel filter (it had no filtering

properties), and there are dozens upon dozens of internet sites discussing and showing how to convert this item into a firearm silencer. The item is the exact same brand and size as was located in LAPD's internet audit of the Respondent's internet searches for firearm silencers and was determined to fit many of the firearms Respondent owned. Additionally, the exact name, type, and size are listed on ATF training documents to help law enforcement recognize illegal firearms silencers.

The item purchased using the Respondent's PayPal account was sold by "Xu Shi Qi" in China. The item seized by CBP addressed to Respondent was shipped by "Xu Shi Ming" from China.

The respondent was asked about his internet searches for fuel filters and solvent traps on department computers during his I.A. interview:

Q: "What about fuel filters? Do you recall doing internet searches for that?"
A: "Not independently. No."
Q: "What about solvent traps?"
A: "Not independently."

Respondent's supervisor at LAPD testified at his Board of Rights hearing that one of Respondent's job responsibilities was to identify suppressors and that Respondent would have been aware of the seized item's purpose as a suppressor. However, at the 11 minute and 24 second mark during his I.A. interview when asked if he knew what a firearm silencer or suppressor was, the Respondent stated, "I understand the concept …. I'm not really well versed", in an attempt to downplay his knowledge.

During his I.A. interview on January 11, 2022, in closing, the Respondent stated, "I've been doing this for twenty-three years. There's no way in heck I'm going to jeopardize a twenty-three-year career and a Top Secret FBI security clearance for something that is illegal and could be a felony."

The Board of Review unanimously found the Respondent guilty of the allegation of trying to purchase a firearm silencer, despite the respondent repeatedly denying this fact during the BOR hearing and claiming he only tried to purchase a fuel filter.

> *"Detective Walden maintained that he intended to purchase a high-performance fuel filter. Detective Walden explained that he is a car enthusiast, who Rebuilds cars and has a number of pending and Incomplete projects" – B.O.R. Rationale of Findings Page 2, lines 20 - 24*

b. Does the alleged conduct violate California Regulation 1205(a)(6) – Acts That Violate the Law?

11 CCR § 1205(a)(6) defines Acts That Violate the Law as "*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*".

On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead "No Contest" to the misdemeanor charge of Penal Code sections 664 and 30605(a); *Attempt to Possess an Assault Weapon*. The Felony charge was only dismissed as part of the plea agreement.

Despite Respondent's misdemeanor plea resulting in the dismissal of the felony charge, clear and convincing evidence exists to show that Respondent committed the act of purchasing an illegal firearm silencer, in violation of California Penal Code section 33410, a Felony. This conduct occurred despite his extensive firearms training through POST, in-service training, and on the job exposure to firearm crimes both generally and as part of LAPD's Gun Unit. Although the investigation was turned over to local law enforcement for prosecution, Respondent violated Federal law under section 27 CFR 447.21 and 27 CFR 447.52, as well as the National Firearms Act (USC, Title 26, section 5844).

Respondent spent several weeks between December 21, 2020, and April 28, 2021, searching the internet for "fuel filter" and/or "solvent trap" with some variation of the words and numbers "Napa", "WIX", "1/2", "28", "5/8", "24", "24003", and "4003" as well as various sites advertising threaded pistol barrels. All of these key search words are identified in ATF Technical Bulletin 20-01 "Inline Filter Firearms Silencers" dated October 30, 2019, and/or ATF Technical Bulletin 17-02 "Solvent Traps" dated April 20, 2017. Additionally, LAPD Criminalist Biraimah testified at Respondent's BOR hearing that "Napa 4003" is a well known code for firearms suppressors among firearms enthusiasts. Respondent's searches for Fuel Filter or Solvent Trap ended on March 15, 2021 – two days prior to his purchase of the silencer.

On March 17, 2021, Respondent used his personal PayPal account to purchase a "Napa 4003 WIX 24003 ½ - 28 5/8 -24 Fuel Filter Aluminum Solvent Trap" while off duty. After that date the LAPD internet use audit into Respondent's web searches showed he only searched for websites that sold threaded firearm barrels. His searches for Fuel Filter or Solvent Trap ended on March 15, 2021. On April 22, 2021, a CBP Officer intercepted a package addressed to Respondent at Respondent's home address with the customs description of "Fuel Filter" on the outside. The shipping label also contained the description, "Spiral ½ - 28 single-core automobile fuel filter".

An LAPD Criminalist inspected the item and stated it was his professional opinion that the item was a firearm silencer. An LAPD automotive supervisor inspected the item and stated not only would the item not fit a Toyota Celica, but the item was also incapable of being used as a fuel filter as it had no internal filtering capabilities; it was an open core.

During his career as a peace officer, Respondent served on the LAPD's Gang and Narcotics Division's Gun Unit. Respondent's supervisor at LAPD testified at his personnel Board of Rights hearing that one of Respondent's job

responsibilities was to identify suppressors and that Respondent would have been aware of the seized item's purpose as a suppressor. Additionally, Respondent has qualified as a gun expert for purposes of testifying in State court proceedings[5]. During his IA interview, Respondent claimed to have used department computers to research silencers for work related purposes only, although he could not provide specific cases or reports that required the specific searches he conducted. Even assuming Respondent's statement to be true, it demonstrates that he was fully aware that these products – the same type as the one he ordered for himself shortly thereafter – were firearm silencers.

Respondent is an experienced peace officer with almost twenty-seven years in the LAPD. In his position as an LAPD Officer, Respondent was not only charged generally with getting illegal guns off the streets but had been a part of the LAPD's Gun and Narcotic Division's Gun Unit for approximately three years. By illegally purchasing a silencer from China, Respondent was in effect, committing the same type of crime that he was sworn to prevent.

During Respondent's IA interview on January 11, 2022, beginning at the 14 minute and 11 second mark, he was asked by his attorney to explain why he never owned any firearm suppressors or silencers, he stated, "Because that's illegal". This, together with Respondent's training, knowledge, and admitted research, demonstrates that his purchase of the silencer was an intentional violation of the law.

At the 22 minute and 55 second mark of the interview the I/O asked, "So you're telling me you're obviously aware a firearm suppressor or silencer is illegal in California, is that correct?". To which the Respondent replied, "Yeah, and apparently parts as well, based on the law." This response shows not only Respondent's culpability, but also a persistent lack of accountability by continuing to refer to the silencer as a "part."

Based on the facts and analysis presented, this intentional violation of the law committed by the respondent peace officer is egregious.

[5] Noted by the Board of Rights in its Rationale on Findings, dated February 14, 2024; pg 2, line 24 – pg 3, line 1.

VI. Supporting Evidence and Documentation

- Attachment A – Respondent's POST Profile Report
- Attachment B – Picture of Package as Addressed
- Attachment C – ATF Technical Bulletins
- Attachment D – Picture of Seized Item
- Attachment E – DOJ Printout of Registered Weapons
- Attachment F – LAPD Internal Audit Report
- Attachment G – Search Warrant Supplement (PayPal)
- Attachment H – Amazon Purchase Picture
- Attachment I – Criminal Court Documents
- Attachment J – BOR Rationale Documents
- Attachment K – IA Interview Audio
- Attachment L – LAPD Criminalist Report

VII. Findings

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

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

WEDNESDAY, JULY 16, 2025

10:04 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)

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

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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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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Executive Office

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

ALSO PRESENT

LUKE BAXTER WALDEN
Peace Officer, POST ID A95-T18

MARLON MARRACHE

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WEDNESDAY, JULY 16, 2025 10:04 A.M.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning, everyone.

Great to see all of you.

Today is Wednesday, July 16th, and the time is 10:04.

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

Please note that this hearing is being live streamed, recorded and transcribed.

Thank you so much to the transcriber.

Further, please note that the microphones are auto on/off. When you begin speaking, they will go live. With this, you will need to watch your crosstalk. That too will go live.

We will now call the roll of Board Members.

MR. KNAPP: Thank you, Madam Chair.

Good morning, Members of the Board.

Member Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Member Crawford.

MEMBER CRAWFORD: Present.

MR. KNAPP: Member Doyle.

(No response.)

MR. KNAPP: Member Dudley.
CHAIRPERSON DUDLEY: Here.
MR. KNAPP: Member Glaser.
MEMBER GLASER: Here.
MR. KNAPP: Member Johnson.
MEMBER JOHNSON: Here.
MR. KNAPP: Member Lara.
MEMBER LARA: Here.
MR. KNAPP: And Member Pena.
MEMBER PENA: Here.
MR. KNAPP: Thank you.
Madam Chair, seven of nine.
CHAIRPERSON DUDLEY: Thank you. A quorum has been established.
And thank you, Mr. Knapp, for all the work you did to get us all here today. Very much appreciated.
I would now like to introduce Board Counsel. To my left, Christopher Beatty.
And POST Assistant Executive Director, Annemarie Del Mugnaio. I do this every time. I have so much respect for our Assistant Director and I never can get the name just perfect. But, Del Mugnaio?
MS. DEL MUGNAIO: Del Mugnaio.
CHAIRPERSON DUDLEY: What?
MS. DEL MUGNAIO: Del Mugnaio.

CHAIRPERSON DUDLEY: Del Mugnaio.

MS. DEL MUGNAIO: There you go.

CHAIRPERSON DUDLEY: Del Mugnaio.

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 of the matters.

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 five 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 that if you wish to comment on disciplinary matters scheduled to be heard today or tomorrow by the Board, you must wait until the 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 your complaint, you will have an opportunity to address the Board at that time.

Following these rules is necessary to comply with

the law and to avoid compromising the Board's mission.

Now, is there anyone present in the audience or appearing remotely who would like to address the Board during public comment?

Let's start with people present first. Anyone present?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, let me inquire, is there anybody remotely?

(No response.)

CHAIRPERSON DUDLEY: Okay. Moving on.

Let's go 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 January 16th, 2025, transcripts?

(No response.)

CHAIRPERSON DUDLEY: Seeing none. Are there any questions or comments from the Board regarding the minutes?

Seeing none.

If the Board concurs, the appropriate action would be a motion to approve the meeting transcript from the January 16, 2025, meeting.

Is there a motion?

MEMBER CLAVO: I make a motion to approve the

minutes.

CHAIRPERSON DUDLEY: Thank you.

Second?

MEMBER CRAWFORD: Second.

CHAIRPERSON DUDLEY: Any opposed?

(No response.)

CHAIRPERSON DUDLEY: Any abstentions?

(No response.)

CHAIRPERSON DUDLEY: Okay. Therefore, that motion passes.

At this time, POST Assistant Executive, Annemarie Del Mugnaio, would like to address the Board and introduce the new business items.

Ms. Del Mugnaio.

MS. DEL MUGNAIO: Thank you, Madam Chair.

Members of the Board, appreciate you guys all being here today and reviewing all of the matters that are before you.

One of the items that was sent to you early on by Chandler was an update on all of the serious misconduct cases that you've heard thus far, excluding those today, obviously, and the status of those cases.

This is an opportunity to ask any questions you may have about any of those cases in terms of their status, upcoming hearings, et cetera.

Are there any questions about case status?

(No response.)

MS. DEL MUGNAIO: Okay. Seeing none, with the Chair's permission, I'm going to move on to our report on the data for serious misconduct under new business?

CHAIRPERSON DUDLEY: Please.

MS. DEL MUGNAIO: Okay. So at this time I would like to call a couple of the folks from our Peace Officer Standards Accountability Division. I would like to call Chelsea Wijaya, Analyst; Sarah Wallace, Bureau Chief; and Rob Guyton, Bureau Chief.

Before we begin the presentation -- and we'll have some slides for you -- I just want to announce, the Board has all received the Data Statistical Report in great detail.

There is pretty explicit explanations as to what is in each one of these slides.

What you will be seeing on the screen is an abbreviated kind of version of that presentation. I've asked Chelsea to go through each slide and just give you an overview of what you're looking at. And that's your opportunity to ask questions.

As you can tell through the presentation, we've done a much deeper dive into the data to try to give you more of a flavor of the volume of cases that we're

seeing and where those cases fall in terms of our investigation, our review.

One comment I want to make before we turn it over is, you're going to notice something in the slides called an abbreviated review. And that is in cases where we receive reports from agencies that are exonerated, unfounded or not sustained.

Outside of use of force cases, which are reviewed by our law enforcement consultants, those cases that are unfounded, exonerated, or not sustained, are going through an abbreviated review.

The reason for this is up to the point, probably about six months ago, we had been doing an extensive review of all those cases, a thorough investigation or analysis into the reports that we were receiving from the agency.

We were not finding discrepancies in terms of the findings themselves from the agencies.

And because of the volume that we were dealing with and needing to be able to get to those, what we consider our priority one cases -- we can talk about that a little bit more today -- we needed to exercise an abbreviated review, where we look at the finding of the agency, we review their evidence and then we write a closure statement based on the finding and the evidence.

So it doesn't go through the full extensive review by a law enforcement consultant that other cases that are sustained do.

And I'm sure that causes some level of concern.

We are going back -- and you'll hear about this throughout the report today -- and auditing those closures. So a law enforcement consultant is going back and auditing a certain number of those cases to make sure there was nothing missed.

And I'm not going to steal Chief Guyton's thunder, because he's going to go into the audit a little bit further to talk about cases that are excluded from that abbreviated review, because there are cases where we say there's a higher risk to us doing that abbreviated review and therefore, they're exclusions.

You'll hear about that more today.

But I wanted to preface this, preface the presentation, because I'm sure that's something that's of concern is, what does it mean, abbreviated review?

Why did we do that?

And what are our audit findings?

So you are going to hear about some of that today.

Thank you.

CHAIRPERSON DUDLEY: Thank you, Ms. Del Mugnaio.

Do you have any questions before we start of

Ms. Del Mugnaio what she just explained about the abbreviated review?

Okay. I want to encourage you to ask questions. She and I did discuss -- Chelsea has done a magnificent job and her presentation would clearly take an hour and she wouldn't have a wasted word within that hour.

But she's giving us a condensed version, so please if you have any questions, don't hesitate to ask.

Do you want to answer that at all?

Okay. Please. Thank you.

MS. WIJAYA: Thank you. Good morning, Madam Chair, Members of the Board. My name is Chelsea Wijaya. I am an analyst with the Intake and Disposition Bureau.

To my left is Bureau Chief Sarah Wallace of the Intake and Disposition Bureau.

And to my right is Bureau Chief Rob Guyton from Professional Conduct, Northern Bureau.

So today is a statistical data report that is aimed at helping tell the story of the Division and its numbers. It's intent is to help give the Board, the field, the public, a better understanding as to our workload, our business practices, as well as our disciplinary action and case outcome figures and to show that we hear the questions and the feedback and we aim to be transparent in providing confidence to the public

and to the field as to our decisions.

So first we'll be going over the intake of serious misconduct reports.

We'll then talk about the volume and statuses, cases with POST.

We'll then talk about our case outcomes, why we see so many outcomes resulting in no action, as well as highlighting those cases that do result in action.

And then lastly, we'll talk about those number of cases that make it through the decertification process and are ultimately heard by the Board and Commission.

Just another note before we dive in, all of the data is updated up 'til June 30, 2025, so that we can capture the entirety of fiscal year 2024 to 2025.

And as Annemarie had mentioned, the version that is presented today will be more brief, but the agendized version that is published online for the public and that is presented or -- apologies -- provided for you today does contain the full analysis.

All right. Starting off, we'll be going over the agency participation rates, as they are our main source of serious misconduct reports.

So we're seeing that agency participation for serious misconduct report submissions is at its highest since the implementation of Senate Bill 2.

Now, if you take a look at the chart on the right-hand side here, you will see the agencies that have submitted multiple reports in dark blue; those that have only submitted one in light blue; and those with zero submissions in gray.

Across the board we see that most agencies have submitted multiple serious misconduct reports. And those that have submitted zero mostly comprise of those smaller agencies that only employ zero to 49 full-time peace officers.

We do have two moderately sized agencies that have not reported any serious misconduct to POST and we are in the midst of conducting outreach to those agencies.

Any questions on the slide?

MEMBER CRAWFORD: You mentioned that two of them -- Okay. You mentioned that two of them, agencies, have not submitted any reports, which is cause of great concern.

And it kind of -- kind of gave me the impression that this agency feels that it's an option or they don't fully understand SB 2.

And that would be concerning for -- for -- like my group of people I represent that SB 2 is a law.

So when you say you're reaching out to them, is it like a small tap? Say, you know, by the way, SB 2 is

implemented, whether it's awareness, how does the community make sure that they have the rights that fall within SB 2 in your outreach?

So I guess I wanted to know what did you mean by, you know, you're reaching out to them? What is, kind of, where are you going?

MS. WIJAYA: Thank you.

MEMBER CRAWFORD: I hope I didn't say too much.

MS. WIJAYA: No, you're okay. Thank you, Board Member Crawford.

So annually POST does send out letters to non-reporting agencies to essentially confirm whether the agency has serious misconduct allegations to report or if they're in the midst of submitting a report of serious misconduct.

We have identified these two moderately sized agencies, and during our initial round of those letters, we did not receive a response.

So we are -- Bureau Chief Guyton on my right here is in the midst of conducting outreach to those agencies for further confirmation.

Do you have anything?

MR. GUYTON: Sure. So just to add to that, so from my perspective in the Northern Bureau, if I have agencies that have not reported, then I reach out to the

chief; right? I'll make a phone call. I'll offer up SB 2 training for their command staff to bring everybody up to speed.

We have been going around the state doing SB 2 presentations and meeting folks from the impacted departments here.

And we're offering that up.

So yeah, we do reach out.

MEMBER CRAWFORD: I guess my concern is -- I appreciate it. Yeah, okay. I appreciate, you know, the director and Ms. Annemarie coming to Ventura County for us.

And even at the higher level, when you're talking to the chiefs and the sheriffs, you know, I always wonder, are the field officers getting that type of training as well?

Because it seems like maybe they don't really understand what SB 2 and the impacts of their actions, of what's going on.

So when you reach out to the chiefs, are you assuring it's going down to the field officers as well?

MR. GUYTON: So, yeah, so that's a great question.

So we have partnered up with PORAC to get that general membership the SB 2 training.

So we did a podcast, I want to say it was back in

March with PORAC. Several of the law enforcement consultants in attendance here today were on that board to provide that information and get it out there.

We've also held different presentations for the PORAC general membership all throughout the state.

So, yes, we are reaching out not only to command staff and the chiefs and sheriffs, but to the line membership as well.

MEMBER CRAWFORD: Thank you.

MR. GUYTON: You're welcome.

CHAIRPERSON DUDLEY: Let me follow up with that.

First of all, tell me the names of those agencies, please.

MS. WIJAYA: Absolutely. So those agencies are University of California San Francisco Police Department. And the other agency is the Department of Healthcare Services.

CHAIRPERSON DUDLEY: I'm sorry, the director --

MS. WIJAYA: The Department of Healthcare Services.

CHAIRPERSON DUDLEY: Okay. And what are they being told is the ramifications of their decisions not to report if there is something they should, in fact, report.

MS. DEL MUGNAIO: Thank you, Chair Dudley. I'll handle that one.

There is no -- in the law, there is no recourse and that's one of the challenges.

There is nothing that says if you don't report, there are penalties, sanctions, punitive action against the agency.

That is something that we've talked about universally within POST.

There's the option of, well, do then we not reimburse for training for those agencies?

Because that would be the hammer that POST currently has is they're not a POST-approved program and therefore they would not have their training reimbursed.

That seems, like, counterintuitive.

We don't want officers not to have training just because they may not be complying with this area of law.

But perhaps, in the future, there will be some mechanism by which leverage to encourage this, if they're not doing it on their own.

When we talk about moderate-sized agencies, we're talking about 50 to 99 officers employed full time, peace officers employed by those agencies.

It stands to reason over the course of the last three years -- now four years or almost four years -- there would be some activity which would result in reporting to POST.

So, in addition, to the letters, the outreach, we do, at every conference we go to, encourage that this is something that actually helps your agency to ensure that the integrity of the agency is upheld by reporting individuals and actions by peace officers that do not represent the best of your agency.

And that should be incentive. And we hope that we get all of these agencies up to this reporting metrics.

We're talking about zero reporting, one reporting, and, you know, there's a whole other discussion about proportionate reporting of agencies.

Agencies that have 10,000 peace officers like LAPD, you know, LASD, are they reporting proportionate to the size of their agency?

That's whole other discussion; right?

But at this basic level, what we can at least tell you is that the majority of the agencies are reporting, whether or not they're reporting proportionate to what we see generally, complaints, charges, allegations, that's a whole other discussion and we probably will get there at some point.

But to answer the Chair's questions, currently there really is no recourse built into Senate Bill 2.

CHAIRPERSON DUDLEY: Let me suggest, based upon Ms. Crawford's comments and my own feelings, I think the

communities where these agencies are would want to know that.

And there may not be a Penal Code provision, and there may not be a funding provision, but there is the ramifications of their decision and how it affects the individual communities. And I think that's something we want to keep in mind.

So thank you, Ms. Crawford.

Please go on, Chelsea.

MEMBER GLASER: Sorry I have a question just for clarification.

CHAIRPERSON DUDLEY: Yes.

MEMBER GLASER: So in this particular case, what is the reporting procedure for these departments?

Are they only required to report when they have something to report? Or are they required to affirmatively report that they have no cases to report?

Because if it is the latter and they're not even providing a report that they have zero cases, that's a much bigger problem than -- it's possible they have no cases.

MS. DEL MUGNAIO: Great question.

They are not required to report if they have no reports to report.

However, when we sent the letter, we did request

that they respond.

And if they have zero reports, to confirm they have nothing to report or had nothing to report the previous year.

So from a, you know, a Senate Bill 2 perspective, they're not required to report that they had nothing to report.

So great question. Thank you.

MEMBER GLASER: Is that something that can be addressed in, you know, revisions to the regulations?

MS. DEL MUGNAIO: Perhaps yes. Thank you.

MEMBER LARA: There are other instances -- There are other instances of affirmatively reporting that you have nothing to report.

Such as the use of kinetic energy weapons that are used during protests so we do a zero -- I know our department has to comply with that law.

That says, hey, there hasn't -- there -- if we have, with we call them zero reporting, basically saying that we were not, in utilizing a kinetic energy weapon.

So there are -- it has some antecedents in the law where that is something that could be -- I think could be amended. Such that you have to affirmatively state that you have no cases.

CHAIRPERSON DUDLEY: I believe that's also true for

hate crimes.

Yes, Ms. Pena.

MEMBER PENA: Does the Department have the ability to go in and do audits of reporting systems and look at the processes that are used in the forms and evaluate how they are conducting investigations?

CHAIRPERSON DUDLEY: Just to be clear, Ms. Pena, when you're referring to "the Department," do you mean the individual law enforcement departments or POST?

MEMBER PENA: POST.

MS. DEL MUGNAIO: No. Currently there is not an auditing provision of Senate Bill 2.

There is general auditing authority for POST in terms of looking at background files. And there might be a method by which to expand that auditing mechanism to look at serious misconduct.

That would be something we would have to address with our Chief Counsel.

But currently as part of this whole Senate Bill 2 process, there wasn't an audit mechanism built in. It's something we've discussed.

Does our general POST authority to audit peace officer files, perhaps, give us the authority to go in and audit serious misconduct cases?

I'm not sure it's that broad at this point. And I

don't know if you want the Chief Counsel to address that, Toby Darden to address that today.

But it is something we discussed that -- could we expand that audit authority and should the law expand that audit authority so that we can get a handle on that proportionate reporting as well as the zero reporting.

MEMBER PENA: Thank you.

CHAIRPERSON DUDLEY: Ms. Pena, do you want a response from Mr. Darden now? Or today? Or what would you like?

MEMBER PENA: Oh, in the future. Not -- not today.

CHAIRPERSON DUDLEY: Okay. Thank you.

MEMBER PENA: Thank you.

CHAIRPERSON DUDLEY: Maybe Mr. Darden could prepare that for tomorrow. I think we'll have more time tomorrow after the cases.

Thank you.

MEMBER PENA: Thank you.

CHAIRPERSON DUDLEY: Okay. Anything else for now?

Okay, Chelsea, I think we already had a few questions before we even started. So please, go ahead. We haven't slimmed this down much.

MS. WIJAYA: Onto our in-take of serious misconduct reports.

So we've observed that the Division's initial

in-take of serious misconduct reports has been heavily driven by the statutory retroactive reporting mandate under SB 2enate Bill 2, which established a deadline that all retroactive reports should be reported to POST by July 1st, 2023.

But since that retroactive reporting deadline, we've seen that our report in-take has stabilized at about 2,500 reports per quarter.

So as of June 30, 2025, the Division has processed over 37,000 agency misconduct reports.

The chart below represents our reports processed over time.

The area and number labels in dark blue represent the total number of processed reports per quarter and the number in light blue represents the number of reports that are retroactive.

So those retroactive reports have an incident date prior to January 1st, 2023.

So most of our reports have been processed around that retroactive reporting period with that gray background, we reached a peak of 6,800 reports within one quarter.

That fell right prior to that deadline of July 1st, 2023.

And you will see that in the light blue, most of

those reports are retroactive reports.

But since that retroactive reporting deadline, we see a decline in total number of reports processed, as well as retroactive reports, and we see this plateau and average about 2,500 reports per quarter.

Any questions before we move on to the next slide?

Seeing none.

Okay. So we have another chart here, which still represents that total number of processed reports in dark blue. But we now have in yellow the number of reports that initially come in with a final disposition from the agency.

Within the gray are the number of reports that come in with an open investigation by the agency. And this provides a general overview of the upfront and ongoing workload for the Division.

Those reports that come in with a final disposition are within POST's purview to review. And then those open investigations reports will eventually receive agency findings and a subsequent report.

CHAIRPERSON DUDLEY: Chelsea.

MS. WIJAYA: Yes.

CHAIRPERSON DUDLEY: Question.

In terms of the open investigations, can you tell us how many of those officers are presently employed?

MS. WIJAYA: I don't have that -- I don't have that information available for you today, but we can bring that to you at later meeting.

CHAIRPERSON DUDLEY: I think the Board would be interested in knowing that. Thank you.

MS. WIJAYA: So in addition to agency misconduct reports, POST also receives and reviews allegations of serious misconduct from members of the public, through public complaints.

POST has received over 2,300 public complaints from a pool of approximately 1,200 complainants.

And we see a steady increase of public complaint submissions over time as the public becomes more aware of POST and the decertification process.

So we've received about 1,700 responses from agencies to our public complaints.

500 of those which -- agency misconduct reports which are sent over as an acknowledgment that there may be serious misconduct within that complaint.

And 300 of those were sent prior to POST's receipt of the complaint, which is reflective of proactive and timely reporting by the agencies.

1,200 of those responses were by way of agency supplemental.

So those are mainly to indicate that the complaint

that was forwarded over did not rise to the level of serious misconduct, or to indicate that the complaint was not against an officer employed at the agency.

Any questions on this slide?

All right. Moving on, we have an even further breakdown of the composition of our public complaints.

So POST staff will review all of the complaints and actively coordinate with agencies should there be a requirement for additional documentation.

If you take a look at the pyramid, about 631 of those complaints require additional agency documentation.

884 of those complaints are currently undergoing POST review, meaning we have received sufficient agency documentation to move forward.

And then 826 of those complaints are closed.

So POST has done its review and determined that the complaint was either serious misconduct, not serious misconduct or non-jurisdictional.

And complaints are considered to be non-jurisdictional when they indicate an individual that is not defined under Penal Code Section 13510.1(a).

If you take a look at the squares near the pyramid, within those first two segments are those complaints against agency heads or Mark43 reporters. So we have

about 256 complaints that fall into that ballpark.

Near the bottom we have ten complaints that have resulted in certification action.

We'll do an even deeper dive into those closed complaints and their outcomes in a future slide.

But are there any questions on this slide before we move on?

CHAIRPERSON DUDLEY: Yes, Dr. Glaser.

MEMBER GLASER: Yes, a little clarification.

So the ten complaints that have resulted in certification, those are -- those were public complaints.

Did they all correspond to actions that were already being taken by the departments?

Because I thought I heard reference to -- somewhere that the public complaints tend -- tend not to -- without -- well, we know, in fact, that non-sustained allegations of misconduct tend not to result in decertification.

So I'm wondering if any of these public complaints that did result in recommendation of revocation, or whatever the action that's being specified here means, if any of these were public complaints that don't correspond to an action being taken by the officer's agency?

MS. WIJAYA: All of the complaints that are listed in that ten did result in action by POST, if I'm understanding your question correctly.

MEMBER GLASER: That part it is clear.

MS. WIJAYA: Okay.

MEMBER GLASER: But I'm wondering if any or all of them also reflected action taken by their local agency.

MR. GUYTON: If I can jump in here real quick. So we have had public complaints that have corresponded to a formal complaint that was submitted by an agency.

CHAIRPERSON DUDLEY: I think the question is the opposite.

MEMBER GLASER: Yeah.

CHAIRPERSON DUDLEY: Have you had complaints from individuals where there wasn't a complaint or follow-up by the agency?

Is that right, Dr. Glaser?

MEMBER GLASER: That resulted in --

CHAIRPERSON DUDLEY: Right.

MEMBER GLASER: That resulted in action by POST.

MR. GUYTON: So then, yes. So I have had complaints that have come in from the public that we have pushed to the agency, that have resulted in the agency submitting that agency misconduct report.

MEMBER GLASER: And --

CHAIRPERSON DUDLEY: Are you still asking about the absence?

MEMBER GLASER: That's -- we're getting closer.

CHAIRPERSON DUDLEY: Right.

MEMBER GLASER: And I -- I apologize for the lack of clarity in my question.

The -- I'm just wondering, among these ten where there has been action by POST, or by POSAAB, has -- are any of those that do -- are any of those cases where there was not action by the agency prior to the public complaint?

MS. WALLACE: So to answer that question, of these ten, the majority of which were already previously reported by the agency and they had taken action.

So we do frequently see in the case of these ten cases, where either POST is already in the process of taking action, the agency's already taken action or there's already been a media report and members of the public then re-report the information back to POST.

And so it is tied to those cases.

But we will track, for future statistical reporting, the cases that result or -- or results of the initial public complaint that comes in. And then the agency's response and whether or not they take action or not.

MEMBER GLASER: Just to clarify again, I strongly support there being a public complaint mechanism.

I'm just trying to get a handle on the value added of the public complaint mechanism above and beyond what happens automatically.

MEMBER CRAWFORD: Well --

MS. WALLACE: I'm sorry --

MEMBER CRAWFORD: Go ahead.

MS. WALLACE: To speak to Board Member Guyton's comment, there are frequently cases that come in as a result of a public complaint that generate a response from the agency.

So I do think it is an effective process, currently.

It's just that, at this point in time, of those ten I can't say that those -- the -- the disciplinary action wasn't a direct result of having received a public complaint.

CHAIRPERSON DUDLEY: And I think Dr. Glaser would like to have that in the future, as would all of us. Thank you.

MEMBER CRAWFORD: And I guess -- when we talk about the public complaints process, one, I'm knowing -- I do know that a lot of people don't know that they can file these public complaints.

So I'm always the first one saying, yes, you do have the rule to file them.

My concern is, though, although we know -- we're not attorneys, we know what are some of the things that POST is looking for.

But I don't -- again, I don't -- I'm not really sometimes clear, because like in some of what I've read, when you say misconduct, what does misconduct look like?

You know, how you -- how do you break that down?

Is this rightfully a misconduct action or not?

You know, so I guess I'm looking at what are some of the policies that the analyst is looking for, you know?

What checks the box to -- to make that determination?

Because sometimes everything is not just white and black, or, black and white, and it's not just as easy as we're seeing incidents of -- I mean, this is egregious, but I don't think it's happening where an officer may have slapped somebody.

CHAIRPERSON DUDLEY: Let me make a suggestion.

I think what Ms. Crawford is asking for, please correct me if I'm wrong, is you want there to be some kind of education to the communities. So we're talking about education to law enforcement agencies, we're

talking about education to law enforcement officers directly.

But how about to the communities to say: POST exists, this is what POST is, these are the kind of cases we want reported to POST.

Is that right?

MEMBER CRAWFORD: You're right on that. And it is awareness.

When I look at Title VII, I'm able to check off the boxes.

CHAIRPERSON DUDLEY: Right. And you're looking for POST to create such a checklist.

MEMBER CRAWFORD: Right. And I'm not able -- I really don't see that --

CHAIRPERSON DUDLEY: Okay.

MEMBER CRAWFORD: When I read it, you know.

CHAIRPERSON DUDLEY: Okay.

MEMBER CRAWFORD: Where it's kind of checked off.

CHAIRPERSON DUDLEY: Okay.

MEMBER CRAWFORD: And like I said, Title VII I'm using that one.

CHAIRPERSON DUDLEY: Yeah, we've had some training on that. But I think your point is well-taken. You want to make sure the community understands what that looks like. And that makes perfect sense.

Thank you.

MS. DEL MUGNAIO: May I respond to Dr. Glaser?

CHAIRPERSON DUDLEY: What?

MS. DEL MUGNAIO: May I respond to Dr. Glaser?

Board Member Glaser, I want to respond to your question, because I picked up on it right away.

I think there is a statistic here. 27 percent of the cases that we receive that are public complaints, we do not have a full picture of that serious misconduct, which means we have to go back to the agency and ask for further review, further documentation. They may not have investigated it yet.

So that speaks to the validity that the public is stimulating or initiating some of this activity in terms of it's driving investigations.

So 631 of those did not have a full picture completed IA, et cetera, of the complaint itself that was received by the public.

So I think that speaks to the value.

MEMBER JOHNSON: Question?

CHAIRPERSON DUDLEY: Please.

MEMBER JOHNSON: So when we talk about public complaints, are we including in that complaint citizen oversight boards that actually receive complaints from communities?

MS. WIJAYA: That's correct.

MEMBER JOHNSON: And then in regards to the training process I believe you were speaking to, I think I heard you say that the Division offered training to different agencies concerning the process, right, in certain areas in the State of California.

With that being said, most folks still, especially the community, is unaware of SB 2 and the Advisory Board.

So some kind of way maybe we should have a conversation about when these trainings do occur for the police officers' agencies, during that same time period we should have an open door for the community to hear how the process work.

MS. DEL MUGNAIO: Thank you, Board Member Johnson.

In Ventura that's what it was. It was a blend of peace officers and community members that came to kind of reflect the whole, you know, stakeholder group regarding Senate Bill 2.

And that's not the only forum where we've had community members and law enforcement in the same room while we're providing this type of oversight, overview, if you will.

So there's different aspects of training, as you, I'm sure, can appreciate.

There's the procedural training to the law enforcement agencies.

How do we report?

How do we put things in Mark43?

What are you looking for in terms of a finding so that you can pursue your analysis and investigation?

And then there's an overview of what Senate Bill 2 intended. And that is more of, I think, the overview we're talking about, is what constitutes serious misconduct?

Why is it these nine categories?

How do you look at public policy versus what might be clearly articulated or not clearly articulated in the law?

And how do you find that balance between does this policy rise to the level of violating this -- one of the nine aspects of serious misconduct?

That's the type of overview that we want to provide to the community, to law enforcement generally, to get a blend to understand the intention, the overall application, and what we're seeing as a result.

And so we are making an effort to do those things.

But there's never -- there's never going to be enough of us to reach all of you. And that's one of the issues that we will always contend with.

So we can always do more in that regard, I think, is my point.

Thank you.

MEMBER JOHNSON: One more question -- Johnson -- in regards to complaints being filed.

So I notice when we look at the data concerning officers that has been impacted by SB 2, you know, you have, of course, their name, certification, action, effective date, pleading order, current, former agency and basis.

Maybe we should have a category for the initial complaint, whether it came from the community, the agency, or a citizen oversight committee.

This way we can really see who is actually filing complaints.

And not only that, help engage the community so they can be aware that there's just different avenues.

MS. DEL MUGNAIO: I think it's a generality.

I'm sorry, may I --

CHAIRPERSON DUDLEY: No, please.

MS. DEL MUGNAIO: Board Member Johnson, I think you're right from a generality perspective.

I think we can generally specify whether it was driven by a public complaint, driven by an oversight board, driven by the agency without specifying the

individual. Because we would not do that; right?

Some people do not want their name broadcasted or to become public in terms of their ability to complain to POST.

In some way, there's a bit of a safeguard there for them to come to POST and not directly to the agency, if they feel like there might be some retaliation, you know, from the agency.

So I would definitely caution against, you know, removing that anonymity. But generally speaking, I think as part of our investigative summary and findings, we could include a category that shows which population this comes from. And I think that might be helpful for you folks.

So I appreciate that suggestion.

MEMBER JOHNSON: Right. Well, just one point of clarity.

MS. DEL MUGNAIO: Yeah.

MEMBER JOHNSON: I wasn't speaking on the individual filing the complaint.

MS. DEL MUGNAIO: Okay. Yeah.

MEMBER JOHNSON: You know, because different individuals ask me in the community, has such-and-such an officer came before the Board; right?

MS. DEL MUGNAIO: Yeah.

MEMBER JOHNSON: It could be in the pipeline. I don't know. You know what I'm saying?

But at the same time, I think it helps the community to know if a particular officer in their community has had numerous complaints filed; right?

And their name do show up in the data concerning some form of action. Then the community will say: I can remember such-and-such filed that complaint and at least it did result into some kind of action.

MS. DEL MUGNAIO: Yeah. Thank you. Well taken. Thank you.

MEMBER CRAWFORD: I think -- thank you. And that was a great suggestion.

I think when we think about SB 2, and I know when we're talking about SB 2, it works on two sides. When you came to Ventura County, you know, my law enforcement, I have to say "mine," in Ventura County walked away with a tool. And being able to address some of the issues that they were dealing with their officers. And I have seen impacts. When I was working on the Board, my sheriff is filing SB 2. And my chiefs are filing SB 2.

So it was a -- it was a good thing along. But I'm still not feeling the community clearly understands: How do we articulate it, as you say. What quantifies to

what SB 2 is or is not.

And more importantly, I think the officers need to understand -- understand it.

Because in this age that we are in right now, I just think things can possibly escalate up. And so that was my concern about it. And so that you cannot put in data. Absolutely you can't.

But there's got to be some way of, like I said, check-off boxes for the public to use.

CHAIRPERSON DUDLEY: Thank you. Chelsea?

MS. WIJAYA: Moving on to our last segment of the in-take of serious misconduct reports. We're moving on to agency supplemental reports, which are provided to POST to provide additional information to agency misconduct reports or public complaints.

So we've received over 31,000 agency supplemental reports from agencies. Most of which consist of case status updates, evidence uploads and agency findings.

If we take a look on the right-hand side, we see the average time frame in which an initially opened agency's misconduct report receives agency findings through an agency supplemental report and that average is 241 days.

When we discern between those reports that are retroactive and active, though, so those retroactive

reports with incident date prior to January 1st, 2023, we see a difference.

So those retroactive reports are seeing, on average, agency findings within 177 days.

Our more active reports, however, incident date after January 1st, 2023, are receiving agency findings later with an average of 260 days.

CHAIRPERSON DUDLEY: Chelsea, I'm confused.

I'm not sure exactly what that means. So from the -- from when to when? From the time an action occurs?

From the time there's a report?

Just break that down a little more for us, if you would.

MS. WIJAYA: Absolutely.

So once we receive an agency misconduct report, and approve it and it has an open investigation, it is in POST's hands; right?

When that agency supplemental comes in with agency findings, on average we're seeing that it comes in in 241 days.

CHAIRPERSON DUDLEY: So from the time you get a report until the time you get the supplemental information, which really you need before you begin your investigation, is 240 days?

MS. WIJAYA: Correct.

CHAIRPERSON DUDLEY: Okay. Anybody have any questions about that?

Okay.

MEMBER GLASER: Okay. Then since there's concern about the length of that, I'm going to ask a stats nerd question, which is: What does the median look like?

Because are these means somewhat distorted by some really slow ones?

Or, you know, so I'm just trying to get a sense of the typical amount of time as opposed to the average.

MS. WIJAYA: Yes. So the median, as observed, was about 240 days as well. And this is not unusual. So under the Peace Officer Bill of Rights, POBAR, an agency has one year, 365 days, to complete its internal affairs investigation upon discovering that their officer has committed misconduct.

MEMBER GLASER: Okay.

CHAIRPERSON DUDLEY: So what does that mean in terms of a law enforcement officer's actions?

If a law enforcement officer has committed an action where there's some concern on the agency's part that this is, in fact, a significant act of misconduct, then a report comes to us.

And then 240 days go by before we can actually

begin our investigation.

So just to be clear for everyone, during those 240 days, that agency can decide whether to put them on administrative leave, whether they decide to keep them, whether they decide to do -- whatever actions to take.

So is that clear to everyone? Okay.

MEMBER JOHNSON: I have -- Johnson -- a question, concerning that.

So retroactively, an officer has been put on temporary suspension in 2017.

The agency, of course, files to POST concerning that individual. The agency investigation, I'm assuming, would have already been completed. Now it's just what POST completes; correct?

So POST's completion time is 240 days.

CHAIRPERSON DUDLEY: Huh-huh.

MEMBER JOHNSON: Or 177 days, I think I heard.

CHAIRPERSON DUDLEY: Let Chelsea explain it.

MS. WIJAYA: So this average time frame that is presented here is after an agency has submitted a report to POST on that serious misconduct incident that is currently either open or has already been completed at the agency.

MS. WALLACE: Let me clarify.

So in statute, agencies are required to report any

allegations of serious misconduct within ten reporting days.

And so it's just that. It's just an allegation at that point. We don't know what the incident was. The agency might not know what the incident was.

And so they are doing their due diligence in reporting it to POST. We're on notice. We classify it as an open investigation and then we're waiting for that period of time.

So these are only relating to those reports that come in as open investigations within that ten-day reporting period. And then it's taking an average time frame of 241 days to reach us with their final disposition.

MEMBER JOHNSON: A little more clarity.

So we know retroactively, right, that -- I think it was the 23rd, I forget what month -- that you had to have your reports in concerning those retroactively in violation of SB 2.

So it comes in June of 2023. They have already completed, I would assume, the investigation.

So now the only part of the investigation to determine whether their license is going to be decertified is what POST does, based on that time period that they receive.

So is if they received it on June 23rd of 2023, it would take 242 more days before the investigation is complete.

MS. WALLACE: So I think we're going to address that question in a future slide where we look at our average time frame for our case investigation.

So that will capture the point in time when we received that final disposition report to the point in time we have completed our investigation.

So during that retroactive reporting period, cases came in twofold. There were cases that came in with retroactive allegations that had final dispositions and then those that did not have final dispositions and those were categorized as open investigations.

This matrix only focuses on the open investigations and the time frame it takes between that point in time we get that information and the final disposition coming in.

So -- and we can fine tune this as we move forward. So when we get to that slide hopefully we can re-address this.

CHAIRPERSON DUDLEY: So, just to be clear, responding to Mr. Johnson's concerns, some action occurred prior to 2022, between 2022 and 2025, and that action was not deemed to be necessarily misconduct or

substantial misconduct.

So now that the definition of substantial misconduct arose and was clear, with litigation, then people then had to look back and stay, huh, this apparently fits into that category. And now we're going to send the report.

So there was all kinds of retroactive cases, some of those law enforcement officers were still employed. Some were employed at different agencies, some weren't employed at all.

But it was all of that within that same category; is that correct?

MS. WALLACE: (Nods head; no audible response.)

CHAIRPERSON DUDLEY: Okay. Thank you for raising those issues, Mr. Johnson.

Okay. Chelsea.

MS. WIJAYA: All right. We're now going to move on to the allegations that POST has received.

So just to note, a report or complaint may contain multiple allegations, hence the number of allegations exceeding the number of complaints and reports received.

So over 42,000 serious misconduct allegations spanning 21,000 unique peace officers statewide have been reported to POST.

But in accordance with statute, only 85 percent of

these allegations are potentially actionable.

So about 34 percent of those allegations occurred prior to January 1st, 2022.

But POST can only take action against conduct that occurred prior to January 1st, 2022, if the subject officer's agency has made a final determination after January 1st, 2022, or if those allegations include dishonesty, sexual assault and/or use of deadly force that results in serious bodily injury or death.

So when we consider all of those factors, only about 36,000 of those allegations -- or 85 percent -- are considered potentially actionable by POST.

On the left-hand side we have the serious misconduct allegations broken down. Our top three are excessive use of force, demonstrating bias and abuse of power.

Any questions?

CHAIRPERSON DUDLEY: Seeing none. Okay.

MEMBER CRAWFORD: Thank you. So when we look at the top three, excessive force, demonstrating bias and abuse of power, they can -- those three alone are kind of, if -- iffy. That's not the word I'm looking for.

Iffy in the sense of who sets those determinations?

It's too subjective, and meaning it's not black and white, again.

We have seen cases where, you know, it was applied use of force, but based on a technique, it wasn't excessive use of force.

Sorry, I'm bringing in your agency.

We've seen where recently in Sacramento, a woman who was being released and an officer pushed her.

MEMBER CLAVO: Sheriff's Department.

MEMBER CRAWFORD: Sorry. Wrong department.

Pushed her. And it was a immediate response for -- from the agency, you know. I'm sure the officer felt like it wasn't excessive use of force, him pushing her.

What I'm saying, again, is the public -- those three things could be so subjective that it may not apply to SB 2.

And that's concerning to me. You know, I'm -- I'm sorry, I want to keep everything as simple as possible when explaining it.

And thank you. You are doing an excellent job. I'm not saying it's nothing that you're doing. But I'm going back to how we're looking at policies and, you know, and practices and how we go about making these determinations.

And so that's all I have to say. Sorry.

CHAIRPERSON DUDLEY: Chelsea, anything else?

MS. WIJAYA: Not for that slide.

CHAIRPERSON DUDLEY: Okay. So any questions -- Chelsea's reached the end of her presentation.

MS. WALLACE: She has a couple more.

MS. WIJAYA: No, four.

CHAIRPERSON DUDLEY: There is -- you have not reached the end?

MS. WIJAYA: No. We just finished with that slide.

CHAIRPERSON DUDLEY: Okay. Chelsea, I thought when I said "anything else" you would say yes, there is. There is more. So please.

MS. WIJAYA: We're just going to break down the prioritization of those reported allegations to POST.

So the bulk of those allegations received priority 3 and open investigation labels.

So we have our most-used priority labels and their definitions on the table to the right there.

It's quite small so I'll read it off for you.

Our POST ITS, or POST immediate temporary suspension labels are a reply to those reports that contained an ITS basis.

Priority 1 labels are applied to reports that contain politically or media sensitive content or sustained agency findings with -- at any agency finding date.

Priority 2 labels are similar, though they are

applied to reports with sustained policy violations that may not rise to level of serious misconduct.

We have priority 3 labels that are applied to non-sustained findings reported by the agency after January 1st, 2022.

And priority 4, similar but those findings must be reported -- or those findings must take place prior to January 1st, 2022.

And we have our open investigation labels that indicate when a report is -- still has an ongoing investigation.

So on the chart on the left, we are seeing that most reports are receiving priority 3 and open investigation labels, meaning that the agencies are submitting many non-sustained findings to POST. Or many reports that still have ongoing, open investigations.

A notable data point here relates to those dishonesty allegations. So we're seeing that reports with dishonesty allegations respective to their reporting numbers are receiving quite a high number of priority 1 labels or sustained agency findings.

What we've observed on the Division side is that sustained dishonesty at the agency level is not necessarily reflecting that serious misconduct definition established under Senate Bill 2.

MEMBER JOHNSON: Johnson again, sorry.

So 2021, before that it's retroactive.

And then 2023 is the time frame that they had to get it in and then open cases going forward.

But I'm hearing a lot about 2022. What's that representing?

MS. WIJAYA: Yeah, so under statute, conduct prior to January 1st, 2022, can only be actionable by POST if the agency's investigation findings take place after January 1st, 2022, or if those allegation include dishonesty, sexual assault or serious -- excessive use of force resulting in serious bodily injury or death.

That's why we're using that time frame for our prioritization.

MS. WALLACE: The retroactive reporting period, the deadline of July 1st, 2023, were for all of those reports that came in. So by, I believe, January 1st of 2023, if they had cases in 2022 or prior, they had to report them to POST by July 1st, 2023.

That's why we have the difference in the dates.

MEMBER GLASER: I have a question and a comment.

These -- these are great analyses and really very useful and illuminating.

I'm looking at these priority 2 bars and they're big numbers. You know, 7,000, 6,000, 3,500.

And those are the cases where there have been sustained agency findings. And I understand that the agency standards for sustaining a finding don't necessarily -- they may be -- they may have higher standards with -- and so they don't necessarily implicate revocation.

Nevertheless, these are big numbers and the numbers that we see in the numerator of that equation, how many revocation we've had, are very small.

And this is sort of my first indication for these -- you know, particularly for these very serious types of excessive force and demonstrating bias and abuse of power that we have this many cases with sustained findings, I think it would be really useful to get a breakdown -- a further breakdown -- of the cases where we have sustained findings from the agency, and non-revocation recommendation from -- and what the basis for that discrepancy is.

MS. WALLACE: I think the color coding may be slightly off in the labeling, but the 7 -- the 7,500, those are actually priority 3 cases. So those are all exonerated, unfounded, so the priority 2 cases would be the second blue, so the 102.

So what we're seeing is the priority 3 and the priority 4 and the open investigations are the bulk of

those cases for each of those allegations.

We'll work on the color coding a little bit more.

MEMBER GLASER: That's great. Thank you.

MS. WIJAYA: The feedback is well-received and we'll try to implement that in the future reports.

MEMBER GLASER: That's a much smaller problem.

I thought it was --

MS. WIJAYA: On our next slide here, we have those priority labels placed on the lower reported serious misconduct allegations. Again, that table with the labels and their definitions are to the right for your reference.

Across the board on the lower reported serious misconduct allegations, we're still seeing that a bulk of allegations receive priority 3 and open investigation labels.

But something notable, within the acts that violate the law allegations are a higher number of POST ITS and priority 1 labels and priority 2 labels, which can be attributed to one of the bases considered for immediate temporary suspensions, which is arrest or indictment for any Government Code Section 1029 crime.

CHAIRPERSON DUDLEY: Any questions on that slide?

(No response.)

CHAIRPERSON DUDLEY: If not, then it is time for a

break. And we'll resume at 11:15.

(Brief break in proceedings.)

CHAIRPERSON DUDLEY: Okay. Thank you. Chelsea, part two.

MS. WIJAYA: Next slide, please.

All right. I just wanted to provide a note before we delve into this slide.

So we are currently undergoing some data cleanup to refine our numbers, so a small percentage of cases is not going to be reflected. Once we finish that data cleanup we aim to have those additional cases added on at the next hearing.

That being said, 76 percent of ITS public complaint and priority cases are closed. Our remaining ongoing caseload has been prioritized based on agency findings and a potential risk to public safety.

So we have a breakdown of our case statuses in the pie chart on the left here. Aside from the 76 percent that have been closed, we have that 21 percent which are open with POST for its review and then the remaining 3 percent which are inactive, meaning we are still waiting agency findings for a review.

Any questions on this slide?

(No response.)

MS. WIJAYA: Moving on to our case closure rates

over time.

So we're observing that POST's case closures are catching up to its initial report in-take. And that is due to the limited time abbreviated review process that we launched to aid in that backlog clearance.

So if you take a look at the chart on the bottom, the dark blue reflects those total number of reports that have been processed. And in the dark red, we have the number of cases closed.

So if you take a look in that gray background, you'll see in quarter three of fiscal year 2024 to 2025, the Division sees a spike in case closures and that is due to that limited time abbreviated review.

Are there any questions on the abbreviated review process? Bureau Chief Robert Guyton is here to answer those questions.

CHAIRPERSON DUDLEY: Dr. Glaser.

MEMBER GLASER: Yeah, I just have a question. I guess I need more clarity on what these mean, because I would think that -- that cases closed would be a subset of total processed reports, that you can't close a case unless there's been a processed report.

But you've got, in the last two periods, way more closed cases than processed reports.

MS. WALLACE: So I think what we're trying to

demonstrate here is just a visual of what our workload is and what we're having coming in on a regular basis versus what we're able to sustain in closures on a regular basis, to give us a perspective of do we have adequate resources to be able to maintain this case closure?

They are two different subsets. But it's intended to show you in-take versus what we're able to close.

MS. DEL MUGNAIO: So, Dr. Glaser, it's cumulative. So meaning that we're showing what the in-take is, the total processed reports are collective since the beginning.

So you will have all these reports sitting in queue that continue to build, until we started doing the abbreviate review, by which then we closed a lot of those cases that accumulated from the beginning of time.

Does that make more sense?

MEMBER GLASER: Right. So some of those closed cases in the 7,000s there are from cases that were processed earlier on.

MS. DEL MUGNAIO: Correct.

MEMBER GLASER: Thank you.

MS. WIJAYA: Any other questions?

(No response.)

MS. WIJAYA: Moving on to our case closure time

frames.

So we are seeing that to date all closed cases have been closed well within the three-year statutory time frame established under Senate Bill 2. And we're seeing that ITS cases are being accelerated due to that public safety risk.

So, again, a case is considered opened when POST receives the agency's findings up to the point in which POST makes its determination on a case.

So the time in which a case is at the stages of Board, Commission, ALJ, those times -- those time frames are not reflected in this dataset here.

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

And on average, cases are closed well within 200 days.

CHAIRPERSON DUDLEY: Thank you.

MS. WIJAYA: All right. Moving on to our case outcomes.

Something to note here is that these closure numbers on this slide include all case types. So if you recall on that previous slide on case statuses, we only focused on our major case types due to that data cleanup. But this dataset will reflect the closures of all case types. So our numbers are going to be slightly

higher here.

Approximately two percent of our cases closed by POST resulted in disciplinary action. About ninety-five percent of cases were closed without further action.

If you take a look at the chart on the left, you will see that the NFA_POST, or No Further Action POST, cases accounted for 95 percent of case closures.

Now 88 percent of those closures are priority 3 and 4 cases. So again, those are the those cases with non-sustained agency findings, retroactive, and non-actionable.

We'll do a further breakdown of these case closures in subsequent slides.

Any questions?

MS. DEL MUGNAIO: Is this the slide that you did the comparison of how peace officers are faring in comparison to other professions in terms of the percentage?

MS. WIJAYA: That will be a bit later.

MS. DEL MUGNAIO: Okay.

MS. WIJAYA: Yeah.

MS. DEL MUGNAIO: Thank you.

MS. WIJAYA: So here's our breakdown as to why cases are resulting in no further action.

So we have 72 percent that were considered not

serious misconduct or POST did not have reasonable grounds for action.

Then we have 23 percent that were considered non-actionable, meaning that POST did not have statutory authority to act on the case due to the allegations and the agency finding date.

Then we have 4 percent that did not contain sufficient evidence to meet POST's burden of proof of clear and convincing.

And then lastly, we have 60 cases that were closed for no further action because the subject officer was deceased.

We have an even further breakdown here.

Now we're examining the closure trends among our priority case types. So most we're seeing closed out as not serious misconduct and non-actionable are those priority 3 and 4 cases. While our priority 1 cases are the cases that are seeing the most evidentiary gaps.

So in the chart here, we have the top three reasons for no further action, broken down by priority case type.

In the left-hand category, we have the number of cases closed out as not serious misconduct. So priority 3 cases are accounting for about 14,000 of those closures.

In the center category, we have those cases closed out as non-actionable, which predominantly involved priority 4 cases. And this distribution does align with our expectation since those priority 4 cases are being prioritized as retroactive and non-actionable. But upon further review, the Professional Conduct Bureaus have seen other priority case types result in a non-actionable closure.

And then, lastly, we have those cases that were closed for not meeting the clear and convincing evidentiary standard. We're seeing that priority 1 and 2 cases make up most of those closures due to the lower burden of proof required to sustain internal affairs investigations at the agency level.

So they're using a preponderance of evidence standard, while POST is using a higher, clear and convincing, evidentiary standard.

CHAIRPERSON DUDLEY: Okay. Thank you.

MS. WIJAYA: We also have our closure breakdown for public complaints within cases.

So we're seeing that most complaints are closed out as not serious misconduct, non-jurisdictional and non-actionable. And only a handful have resulted in certification action.

Those being four that resulted in ineligibility

under Government Code Section 1029, four which were revoked and two which resulted in the subject officer voluntarily surrendering their certification.

Questions?

(No response.)

MS. WIJAYA: So moving on to our cases that have resulted in action.

Now, when we take a look at the number of disciplinary actions taken by POST, we are observing that this is above average compared to other California regulatory licensing agencies.

So POST has taken 544 disciplinary actions across these two and a half years that we've been in operation. This amounts to about 0.2 percent of actions on POST's licensee population annually.

And then when we take a look at other licensing agencies that require specialized training and ongoing professional development, we observe that POST's action rate is above average.

And we have calculated the annual number of these action against the agency's licensee population to have a more comparable percentage rate.

So California Board of Registered Nursing is seeing 0.1 percent action rate annually.

The State Bar of California, is seeing 0.01

percent.

And then the Medical Board of California, in which we only considered the licensed physicians and surgeons here, is quite on par with POST's action rate, at 0.2 percent.

We have the number of disciplinary actions listed on the left here.

CHAIRPERSON DUDLEY: Just for clarity sake, the disciplinary action is defined as either a suspension or what?

MS. WIJAYA: So we're seeing suspensions, revocations, those that are considered ineligible under Government Code Section 1029, revocation stayed under entering a stipulated settlement with --

CHAIRPERSON DUDLEY: So it's any action, whatsoever, except your fine, essentially.

MS. WIJAYA: Yeah.

CHAIRPERSON DUDLEY: Okay. Just wanted to make that clear. Thank you.

MS. WIJAYA: I will note that administrative outcomes that are considered within those three other agencies listed here also include, reprovals, fines.

CHAIRPERSON DUDLEY: Yes.

MEMBER PENA: Have you done any comparison with other states that have similar procedures on

decertification to see how the -- we rank as -- how we compare to them in terms of our rates?

MS. WIJAYA: Not yet. But, that would be something good to bring at the next hearing. We'll definitely consider that.

MS. DEL MUGNAIO: Member Pena, when we looked at other states in order to kind of construct our operational procedures for Senate Bill 2, unfortunately there are no other states that have as robust -- or maybe that's fortunately that our is so robust.

We didn't have an apples-to-apples comparison.

So Arizona probably the most like California in terms of what they're doing in the decertification realm. But the cases only come to them.

In fact, their Board has to approve complaints to be processed through the Arizona POST. So there isn't a true replication.

But we can look at what their statistics are. Most states don't get these cases unless there is some sort of felony conviction or sustained action by the agency resulting in the agency's termination.

So they don't get complaints, charges and allegations. And that's what makes our situation very unique in that we're getting them before there is any finding on the part of the agency or any conviction.

So the volume is going to be much greater in California, so it's hard to do that comparison.

MEMBER PENA: Right. How about at the federal level?

MS. DEL MUGNAIO: Yeah, I'm not aware of something at the federal level that would be comparable, but it is research we can definitely do.

Yeah. Thank you.

MS. WIJAYA: Next slide. Thank you.

Here are our top allegations that have resulted in action by POST and we're seeing that they are acts that violate the law, dishonesty and sexual assault.

And, again, just to note that a case may contain multiple allegations, hence the number of allegations exceeding the number of actioned cases.

So we're seeing that ITS numbers, immediate temporary suspension numbers, for acts that violate the law allegations are the highest. And, again, we can attribute that to the ITS basis of arrest or indictment of any of Government Code Section 1029 crime.

This slide showcases an even further breakdown of those immediate temporary suspensions. Arrests and indictments for Government Code Section 1029 crimes are the highest basis for issued immediate temporary suspensions. And we're seeing that this contributes to

relatively high revocation outcomes.

On the right-hand side we have that chart that shows some of the outcomes of our ITSs. So 30 of those have resulted in revocation. 17 of which were a 1029 revocation. And then 13 of those which resulted in a default revocation. Ten resulted in a voluntary surrender. And we have one that resulted in a revocation stayed due to entering a settlement agreement with POST.

All of the categories below are considered withdrawals.

And I did just want to make a note about the criminal charges dismissed.

So just because a criminal charge has been dismissed doesn't necessarily mean that the case is dropped with POST, just that POST has lost jurisdiction on that immediate temporary suspension.

CHAIRPERSON DUDLEY: Chelsea, say the last sentence again. I want to make sure I understood that.

MS. WIJAYA: Of course.

So just because a -- the criminal charges have been dismissed from an ITS case doesn't mean that the case is entirely dropped with POST, just that POST has lost jurisdiction over the immediate temporary suspension.

CHAIRPERSON DUDLEY: Okay. Well, because there's a

significantly different standard. In criminal, it would have to be beyond a reasonable doubt. So -- and then when you're saying there was a loss of jurisdiction, how so?

MS. WIJAYA: So if the criminal charges have been dismissed, there is no more arrest or indictment for that Government Code Section 1029 crime. So POST therefore loses jurisdiction over that suspension.

CHAIRPERSON DUDLEY: Over that particular, specific -- but it could fall under dishonesty, it could fall under sexual assault, it could fall under any other -- okay.

MS. WIJAYA: Correct.

CHAIRPERSON DUDLEY: Just wanted to be clear on that. Okay. Thank you.

MS. DEL MUGNAIO: We're only losing jurisdiction on the ITS, not the case.

CHAIRPERSON DUDLEY: Right.

MS. DEL MUGNAIO: Even for that allegation.

CHAIRPERSON DUDLEY: Okay.

MS. DEL MUGNAIO: So if it's an act that violates the law, even if the criminal charges are dismissed, we still have jurisdiction for POST, with the act that violates the law. We just lose jurisdiction on the immediate temporary suspension.

CHAIRPERSON DUDLEY: Yes. Got it.

MS. DEL MUGNAIO: Thank you.

MEMBER GLASER: I have a question.

CHAIRPERSON DUDLEY: Dr. Glaser.

MEMBER GLASER: Thank you.

The numbers on the right side -- oh sorry, of the previous -- yeah. Thank you.

The numbers on the right side add up to a much smaller number than the numbers on the left side. So there are a lot more ITSs than -- than can be accounted for by resulting in action or withdrawal. So what are the rest?

MS. WIJAYA: So the number on the left side actually just reflects the number of bases that have been considered for an issued ITS and multiple bases may be considered.

The chart on the right reflects those immediate temporary suspensions that either resulted in action or withdrawal. And we have a number of immediate temporary suspensions that are still in effect. So those are not represented within the chart on the right.

MEMBER GLASER: Okay. Thank you.

MS. WIJAYA: So we're now getting into those cases that are moving along the decertification process.

So as June 30th, 2025, we've had a total of

56 notice of intent letters sent out to peace officers.

And just to reiterate the Division was sent that notice of intent letter to the subject officer when it has determined that the officer has engaged in serious misconduct under clear and convincing evidence and there are reasonable grounds to take action.

And to contest the notice, the subject officer must appeal within 30 days of that mailing of the notice. Failure to appeal will result in a default decision.

So a total of 56 notice of intent letters have been sent and 36 resulted in a default decision.

So 33 defaulted from failure to respond to that notice, but then three defaulted after a hearing before the Board and Commission due to failure to timely respond to POST's accusation with a notice of defense.

Twenty-one of those notices resulted in appeals. And of those appeals, 15 have been heard by the Board and Commission and 6 are still pending hearing, 5 of which will be heard across the course of the next couple of days.

Breaking down the allegations of the cases receiving a notice.

The top three allegations were dishonesty found within 32 of those cases, acts that violate the law within 27 of those cases, and sexual assault within 7.

Almost half of the cases that have received a notice of intent letter involved POST capturing or amending the agency's causes for action to better align with the regulatory definitions of serious misconduct.

So the most frequent additions were dishonesty and acts that violate the law showcased in the light blue on the chart there.

And the most common removals were allegations of acts that violate the law and sexual assault.

So acts that violate the law allegations were often removed when the conduct did not meet the definition of serious misconduct. So whether it lacked the egregiousness or repetition to meet that definition.

And then we also see sexual assault allegations being dropped in cases where the conduct had occurred off duty, therefore not meeting the statutory Division -- definition and falling outside of POST's jurisdiction.

We finally move on to the cases that have been heard before the Board and Commission.

So 15 cases have been heard, many of which contain multiple allegations, but the top two are dishonesty and acts that violate the law.

The Board has moved to revoke in most cases, 12 of the 15. The exceptions include cases involving DUIs or

acts that violate the law allegations.

So, one of those had resulted in a suspension prior to the stipulated settlement process becoming more conventional. And two were resolved through the stipulated settlements.

In contrast, the Commission has moved to revoke in just over half of those cases, 8 of the 15. So two cases, both which involved dishonesty allegations, resulted in no action.

All of the DUI related cases were resolved through stipulated settlements. And in one case involving excessive use of force resulted in suspension.

We just have an appendix here that includes a glossary of terms for reference if you want to go back to the presentation and refer to any of these terms.

That concludes the presentation.

And we're happy to take any questions or feedback.

CHAIRPERSON DUDLEY: The appendix is very helpful. Thank you. Especially after we leave here today and we want to go back and say what did she mean by that term?

I'm sure it was the lawyers, but appreciate it.

Questions? Comments?

MEMBER JOHNSON: Yes. Johnson. Question.

On the suspension aspect, you know, if I remember correctly, we had recommended a suspension I think it

was for -- or was it a settlement -- about ten years. And I noticed that POST actually changed it to five years. And I see a consistency of five years.

Is that a standard?

CHAIRPERSON DUDLEY: No, that's not a standard. We should continue to do what we think is in the best interest.

MEMBER JOHNSON: Well, I was speaking in regards to POST.

MS. DEL MUGNAIO: No, I don't think there's has been an established standard in terms of the time, so that's considered a probationary period.

I will tell you for other licenses that -- outside of peace officers, you see anything from three, five to seven years. Anything beyond seven years usually warrants a higher disciplinary action.

If you feel like you need to put someone on probation for seven to ten years, the question is whether or not probation is the right solution, because that's a long time to monitor someone's behavior.

So typically just across the board, Board Member Johnson, we see three years, five years, seven years. And seven years is kind of an anomaly sometimes as well.

So that's just -- I don't think there's a standard, necessarily, for peace officers, but I can tell you for

other licensed practitioners, they usually don't go beyond that.

CHAIRPERSON DUDLEY: Any other comments? Questions?

Anything else from any of the three of you?

(No response.)

CHAIRPERSON DUDLEY: Thank you.

All right. We're going to move on for the next 20 minutes.

Is there anyone present or appearing remotely or by phone who would like to address the Board regarding the data for the serious misconduct reporting investigations and disciplinary action outcomes?

Anyone present?

(No response.)

CHAIRPERSON DUDLEY: Anyone on the phone?

(No response.)

CHAIRPERSON DUDLEY: Okay.

Well, let's start on new cases.

We now move to the next item on the agenda.

We have three cases 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 form objections and objections will not be ruled upon under the Penal Code and applicable State regulations.

Excuse me.

This initial hearing will determine only if the matter will proceed 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 as the Division -- 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.

This finding results in the matter being moved forward.

No action by the Board or the 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 their counsel will be taken, followed by members of the public.

Further discussion by the Board will be allowed if necessary.

The Board may then 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 call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct, Los Angeles Bureau, and Bryant Henley, Attorney IV, Legal Affairs Bureau, to provide a report on POST -- on case POST2305110, Brian Kawamoto, who at the time of the events at issue in this case was employed with the Torrance Police Department.

Thank you, gentlemen.

MR. BRINGOLF: Well, I've been the guy coughing obnoxiously in the back, so now I'm going to be the guy coughing obnoxiously in the front. So I apologize.

Good morning, Chair and Members of the Board. My name is Robbie Bringolf. I'm one of the law enforcement consultants assigned to Professional Conduct Southern Bureau, previously LA County Bureau in the Peace Officer Standards Accountability Division.

With me today is Bryant Henley, an attorney with our legal affairs bureau.

CHAIRPERSON DUDLEY: Mr. Bringolf.

MR. BRINGOLF: Ma'am?

CHAIRPERSON DUDLEY: I'm going to ask you just to slow down a bit.

MR. BRINGOLF: You got it.

CHAIRPERSON DUDLEY: Look over at the reporter. She doesn't look happy.

MR. BRINGOLF: The smoke coming off her fingers? Okay.

CHAIRPERSON DUDLEY: If she doesn't look happy, it's your fault.

MR. BRINGOLF: That's fair. I take full responsibility.

CHAIRPERSON DUDLEY: And slow down. And I'll remind you, too.

MR. BRINGOLF: Thank you.

I'm here today to present case 235110 involving Brian Keith Kawamoto.

It's the Division's determination that clear and convincing evidence exists to demonstrate that Brian Kawamoto committed an act of serious misconduct as set forth in Penal Code Section 13510.8 while sending text messages to coworkers between March 2019 and December 2019.

Specifically, the Division has determined that Brian Kawamoto committed the following acts of serious misconduct demonstrating bias as defined in section 13510.8(b)(5) PC.

This morning I will present a brief outline of the Division's findings of investigation in this matter.

Mr. Kawamoto began his law enforcement career with the San Bernardino County Sheriff's Office as a deputy sheriff on March 12th, 2011. He was hired by the Torrance Police Department on November 17th, 2014. He was terminated from the Torrance Police Department on October 4th, 2022.

On March 26, 2023, Torrance Police Department reported allegations of serious misconduct against Mr. Kawamoto to POST pursuant to California Penal Code Section 13510.9(a)(3).

The allegations stem from the discovery of homophobic, transphobic and racist texts sent between members of the TPD between May 2018 and February 2022.

When analyzing the serious misconduct allegations of Penal Code Section 13510.8(b)(5) and regulation 1205(a)(5), demonstrating bias, the Division evaluates whether the subject officer through words, action or other conduct showed prejudice, intolerance, contempt or hatred towards a protected class of persons.

If the subject officer did show prejudice, intolerance, contempt or hatred towards a protected class of persons, the Division then considers whether the words, action or conduct would lead a reasonable person to conclude that the officer has not or will not fairly and impartially perform the officer's law enforcement duties.

If so, serious misconduct is shown if the officer's words, action or conduct either, one, violates applicable law; two, violates department policy; or three, is inconsistent with the officer's obligation to carry out the officer's duties in a fair and unbiased manner.

During the analysis of each instance of potentially biased behavior, the conduct was analyzed based on the guidelines I just mentioned to determine whether the

allegation of bias was true to a clear and convincing standard.

On March 25th, 2019, Torrance Police Officer Weldin texted Mr. Kawamoto stating, "Just had a shooting."

Mr. Kawamoto replied, "Fuck." And, "I trust y'all have them moon crickets in custody in no time."

During Mr. Kawamoto's Internal Affairs interview, when asked about the use of his term "moon crickets," Mr. Kawamoto stated the following, "So 'moon crickets' is a word that I heard it, like, in training or something once that I thought was funny. But refers to Black people. And I don't know why specifically I said that. But yeah, I shouldn't have said -- have sent that either, sir. It's offensive." End quote.

When the Internal Affairs investigator asked if the March 25th, 2019, message represented the only time when Mr. Kawamoto ever used the term "moon cricket" when referring to Black people, Mr. Kawamoto answered, "Probably not, sir."

As Mr. Kawamoto acknowledged during his Internal Affairs interview, the exchange between Officer Weldin and Mr. Kawamoto is inherently offensive. It's also racist.

Mr. Kawamoto's conduct in sending the message, "I trust y'all have them moon crickets in custody in no

time" shows prejudice and intolerance towards a protected class of persons.

Mr. Kawamoto's message also violated several of the Torrance Police Department's policies including, but not limited to TPD's anti-harassment policies and several of their General Orders.

Even when viewed in the light most favorable to Mr. Kawamoto, the racist epithet used to describe the suspects in the shooting who might be subject to enforcement action from the Torrance Police Department, necessarily erodes the public's confidence in Mr. Kawamoto's ability to fairly perform his law enforcement duties.

A reasonable person would conclude that Mr. Kawamoto's message shows Mr. Kawamoto has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community, specifically, because Mr. Kawamoto makes a statement indicating he assumed the suspects in the shooting would be Black without possessing any other information about the crime.

On May 2nd, 2019, Officer Weldin texted Mr. Kawamoto directly, "If it's any consolation, I like sober beating up savage monkeys Brian and I also like

drunk hood rat shit with my friends Brian."

Mr. Kawamoto replied, "Well, I appreciate that, LOL."

This message is another example of the use of a racist epithet and an indication of the use of force on a protected class of persons.

When Mr. Kawamoto was asked what Officer Weldin meant when he texted, "I like sober beating up savage monkeys," Mr. Kawamoto answers, "Sounds like he's referring to beating up Black people, sir."

While the racist epithet was not used by Mr. Kawamoto, his reply to Officer Weldin, "Well, I appreciate that, LOL" indicates a tacit approval of the use of dehumanizing and racist language and shows intolerance and prejudice towards Black people.

It is also reasonable to believe that Officer Weldin is indicating Mr. Kawamoto is known for using physical force against Black people or that using physical force against Black people is a foregone conclusion between these two officers.

This message exchange also violated several of the Torrance Police Department policies including, but not limited to, their anti-harassment policies and several of the General Orders.

After reading this message exchange, a reasonable

person would conclude that Mr. Kawamoto has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

On September 10th, 2019, Mr. Kawamoto texted Officers Weldin, Tomsic and Alonso a photo of coffins, saying, "This is from the coffin display at Rice Mortuary. Look at the one on the bottom."

Weldin responded, "For all them niglets we put down."

Mr. Kawamoto replied, "Ha-ha, yeah, I got a water heater box just as good I can sell you for half the price if you're interested though."

When asked during his Internal Affairs interview what Officer Weldin meant when he texted, "For all the niglets we put down," Mr. Kawamoto answered, "It sounds like Officer Weldin is talking about being for all the Black children that he said we've put down."

The Internal Affairs investigator then asked what Mr. Kawamoto believed the term "niglets" meant.

Mr. Kawamoto answered, "I think it refers to Black children. I think he's mixing the "N" word with the piglet type thing."

I find this another example of a pervasive theme among Mr. Kawamoto and several of his coworkers. I find

that a reasonable person would consider the use of the term "niglets" to be racist and an explicit demonstration of bias.

Further, the officers made jokes about a cardboard box being used for all the niglets they put down.

I find a reasonable person here would infer that the officers were saying the cardboard coffins were for all the Black children the officers have killed or will kill.

The fact that Mr. Kawamoto laughed, agreed, and then offered a water heater box as an alternative shows participation in joking about killing Black children and using cardboard coffins to bury the decedents.

Further, it's inferred that they are making light of a fatal police enforcement contacts involving Black people.

I find this text and the perpetuation of the discourse to be an explicit demonstration of bias, which is inconsistent with Mr. Kawamoto's obligation to carry out his duties in a fair and unbiased manner.

This message, like the others, also violated several of the Torrance Police Department's policies, including, but not limited to, their anti-harassment policies and several General Orders.

A reasonable person, after viewing the disparaging

communications between these officers, would conclude that Mr. Kawamoto has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

In a November 19th, 2019, text conversation, Mr. Kawamoto texted Officer Weldin, "Happy birthday, Niggah."

Weldin responded, "Just making sure you don't go to that location due to the fact that they have seven fewer employees now to serve up some spicey chicken sandwiches."

Mr. Kawamoto sent, "Good call. What's the game plan for your birthday?"

Weldin texted, "Make money, beat niggahs."

Mr. Kawamoto replied, "I know nothing puts a bigger smile on yo grill."

I find this is another example of a pervasive thing -- theme among Mr. Kawamoto and several of his coworkers in which they mock Black people.

These messages are inherently offensive and racist. The messages also violated several of the Torrance Police Department's policies, including, but not limited to, their anti-harassment policy and their General Orders.

Mr. Kawamoto's conduct in sending the message shows prejudice and intolerance towards a protected class of persons.

And again, even when we view this in the light most favorable to Mr. Kawamoto, this message erodes the public's confidence in Mr. Kawamoto's ability to fairly perform his law enforcement duties.

A reasonable person would conclude that Mr. Kawamoto's message shows Mr. Kawamoto has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

In a December 24th, 2019, text, Mr. Kawamoto sent an image meme to Officers Alonso, Tomsic, and Weldin which referenced hanging a person.

In that image meme there were three Christmas-related images, a star for the top of a Christmas tree, a Christmas ornament and a candy cane, then an old black and white image of a Black person appearing to be a slave. On the top of the image meme were the words, "Which one doesn't belong?"

At the bottom of the meme were the words, "That's right. You don't hang the star."

After Officer Weldin replied, "I done nearly pissed myself," Mr. Kawamoto texted, "Happy Kwanzaa."

When asked by the Internal Affairs investigator if he remembered sending the messages, Mr. Kawamoto replied, "Yes, sir, I do. There's no excuse, I understand it's offensive."

The Internal Affairs investigator subsequently asked Mr. Kawamoto whether this message was disparaging or discriminatory towards Black people.

Mr. Kawamoto replied, "I feel like it was offensive to Black people because it's making references to when Black people had been hung in the perspective."

This image in the messaging associated with the image is inherently offensive and racist. The image and messages also violated several of the Torrance Police Department's policies, including, but not limited to, their anti-harassment policies and several of their General Orders.

Mr. Kawamoto himself acknowledged that he knew the message was offensive to Black people. Mr. Kawamoto's conduct in sending the message shows prejudice and intolerance towards a protected class of persons.

Even when viewed in the light most favorable to Mr. Kawamoto, sending a picture of a Black person and suggesting that the Black person should be hanged followed by the message, "Happy Kwanzaa," is unequivocally racist and erodes the public's

confidence in Mr. Kawamoto's ability to fairly perform his law enforcement duties.

A reasonable person would conclude that Mr. Kawamoto's message shows that Mr. Kawamoto has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

These types of statements and messages discredit the Torrance Police Department in potentially irreparable ways. And they violated several of the Torrance Police Department policies.

Accordingly, the Division finds that Mr. Kawamoto demonstrated bias within the meaning of Penal Code Section 13510.8(b)(5) and regulation 1205(a)(5) when he sent the above list of messages.

The facts that I've just recited support the Division's finding that Brian Kawamoto was involved in serious misconduct, specifically demonstrating bias.

For purposes of the Division's analysis, clear and convincing evidence means evidence of a charge which is clear and convincing so long as there's a high probability that the charge is true.

The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that Brian Kawamoto's POST

certification be suspended or revoked.

With that I'm happy to answer any questions that the Board may have.

CHAIRPERSON DUDLEY: Does the Board have any questions or comments?

(No response.)

CHAIRPERSON DUDLEY: Seeing none.

At this time, does the subject officer 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 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, in fact, 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?

So is there anyone from the public who would like to address the Board at this time?

(No response.)

CHAIRPERSON DUDLEY: Okay. Just checking. First let me check on the audience.

Nobody here seeking to address the Board.

And is there anybody on the phone?

UNIDENTIFIED SPEAKER: No.

CHAIRPERSON DUDLEY: Okay.

MR. HENLEY: Madam Chair, if I may, just for the record, we, the Division, this is Bryant Henley on behalf of the Peace Officer Standards Accountability Division, we, in the Division, communicated with Officer Kawamoto's counsel, Mr. Sinsley. Mr. Sinsley did request a link, a Zoom link, so that he could appear remotely for this -- for this event. And he was provided, via email, with a notice, the agenda, the dates and times of the hearing. We did anticipate that he would be here and want to present comment.

And so I understand we do not have anyone requesting comment, but I wanted the record to reflect that we expected him to be here and he expressed the intent to be here to present comment.

CHAIRPERSON DUDLEY: Okay. Thank you.

And, again, checking anybody there remotely?

(No response.)

CHAIRPERSON DUDLEY: No.

Okay. At this time, does the Board wish to adjourn into closed session for deliberations on this case?

Or is the Board ready to take a vote on a recommendation on this case?

MEMBER LARA: I personally -- Lara -- I have no need to deliberate.

CHAIRPERSON DUDLEY: I'm sorry?

MEMBER LARA: I do not need to -- I don't want to speak for the rest of -- the other body, but I do not need to go.

CHAIRPERSON DUDLEY: Okay. Does anybody feel the need to go into closed session?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, is there a motion? Yes.

MEMBER LARA: I would like to make a motion for revocation.

CHAIRPERSON DUDLEY: Is there a second?

MEMBER CLAVO: I second.

CHAIRPERSON DUDLEY: Okay. And could we have the roll call?

MR. KNAPP: Yes, Madam Chair. Thank you.

Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.

Dudley.

CHAIRPERSON DUDLEY: Aye.

MR. KNAPP: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Glaser, aye.

Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: Johnson, aye.

Lara.

MEMBER LARA: Aye.

CHAIRPERSON DUDLEY: Lara, aye.

Pena.

MEMBER PENA: Aye.

MR. KNAPP: Pena, aye.

The motion is unanimous.

CHAIRPERSON DUDLEY: Okay. The motion passes.

And it's time for lunch. So let's take a break and we'll start up again, what do you think?

In half an hour?

Is that agreeable with everybody?

Yeah. Okay. We'll start up again at 12:30.

Thank you.

(Time noted: 12:00 P.M.)

---o0o---

(Break taken in proceedings:

12:00 P.M. to 12:38 p.m.)

---o0o---

CHAIRPERSON DUDLEY: Okay, everyone.

At this time, I will now call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct Los Angeles County Bureau, and Bryant Henley, Attorney IV, Legal Affairs Bureau to provide a report on POST2305111, Christopher Allen-Young, who at the time of the events at issue in this case was employed with the Torrance Police Department.

Gentlemen.

MR. BRINGOLF: Thank you, Madam Chair.

Good afternoon, now, everybody.

I'm still Robbie Bringolf and I am the law enforcement consultant assigned to the Professional Conduct Southern Bureau formerly the Los Angeles County Bureau.

With me is Bryant Henley, an attorney with our Legal Affairs Bureau.

I'm going to present case 23-5111 involving Christopher W. Allen, hyphen, Young.

It's the Division's determination that clear and convincing evidence exists to demonstrate that Christopher Allen-Young committed an act of serious misconduct as set forth in Penal Code Section 13510.8 while sending text messages to coworkers between February 2019 and December 2019.

Specifically, the Division has determined that Christopher Allen-Young committed the following acts of serious misconduct: Demonstrating bias as defined in Section 13510.8(b)(5) PC.

This afternoon I'll present a brief outline of the Division's findings of investigation in this matter.

Mr. Allen-Young began his law enforcement career with the Los Angeles County Sheriff's Department as a deputy trainee on November 18th, 2013.

He was promoted to deputy sheriff on April 6, 2014, and his last day as a deputy sheriff at Los Angeles County Sheriff's Department, April 24th, 2017, was also his first day as a police officer at the Torrance Police Department.

On March 26, 2023, Torrance Police Department reported allegations of serious misconduct against Mr. Allen-Young to POST pursuant to California Penal Code Section 13510.9(a)(3).

The allegations stem from the discovery of

homophobic, transphobic and racist texts sent between members of the TPD between May 2018 and February 2022.

When analyzing the serious misconduct allegation of Penal Code Section 13510.8(b)(5) and regulation 1205 (a)(5), demonstrating bias, the Division evaluates whether the subject officer through words, actions or other conduct showed prejudice, intolerance, contempt or hatred toward a protected classes of persons.

If the subject officer did show prejudice, intolerance, contempt or hatred toward a protected class of persons, the Division then considers whether the words, actions or conduct would lead a reasonable person to conclude that the officer has not, will not fairly and impartially perform the officer's law enforcement duties.

If so, serious misconduct is shown if the officer's words, actions or conduct either one, violates applicable law; two, violates department policy; or three, is inconsistent with the officer's obligation to carry out the officer's duties in a fair and unbiased manner.

During the analysis of each instance of potentially biased behavior, the conduct was analyzed based on the guidelines I just mentioned to determine whether the allegation of bias was true to a clear and convincing

standard.

On February 14th, 2019, Mr. Allen-Young sent a WhatsApp message in a group chat with 14 other members of the Torrance Police Department. In that message Mr. Allen-Young sent an image of the -- an image meme of Dave Chappell that said, "Modern problems require modern solutions." And "When your girlfriend is fucking a Black guy, so you break a taillight on his car so the police will stop him and shoot him."

The Division finds this message was inherently offensive and racist and Mr. Allen-Young's conduct in sending the image meme message showed prejudice towards a protected class of persons.

Mr. Allen-Young's message violated several of the TPD's policies including, but not limited to, their anti-harassment policies and several of their General Orders.

A reasonable person would conclude that Mr. Allen-Young's conduct demonstrates that he has not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community.

Accordingly, the Division finds that Mr. Allen-Young demonstrated bias within the meaning of Penal Code Section 13510.8(b)(5), when he sent the image

meme of Dave Chappelle.

On March 31st, 2019, Mr. Allen-Young, while on duty, sent a text message to Officer Weldin which stated, quote, "Moon cricket hunting," exclamation mark.

Officer Weldin responded, "They're chirping for sure."

The exchange between Officer Weldin and Mr. Allen-Young is inherently offensive and racist.

Mr. Allen-Young's conduct in sending the message "moon cricket hunting" violated several of the TPD's anti-harassment policies and General Orders.

And again, when we view this in the light most favorable to Mr. Allen-Young, his racist epithet used to describe members of the Torrance community who might be subject to enforcement action from the Torrance Police Department necessarily erodes the public's confidence in Mr. Allen-Young's ability to fairly perform his law enforcement duties.

A reasonable person would conclude that Mr. Allen-Young's message shows that he is not or will not fairly and impartially perform his law enforcement duties when interacting with certain protected classes of persons in the Torrance community, specifically because hunting indicates that Mr. Allen-Young is targeting a certain demographic for enforcement action

because of their race.

Accordingly, we in the Division find that Mr. Allen-Young demonstrated bias within the meaning of Penal Code Section 13510.8(b)(5) when he wrote, "moon cricket hunting."

On December 19th, 2019, Officer Weldin texted Mr. Allen-Young directly, "What's up, Monkey Thumper?"

Mr. Allen-Young replied, "Hahaha, what's up, Bud?"

This message is another example of the use of a racist epithet and an indication of the use of force on a protected class of persons.

Mr. Allen-Young's response and involvement in this message exchange violated several of the TPD's policies.

And while the racist epithet was not used by Mr. Allen-Young, his reply to Officer Weldin indicates a tacit approval of the use of dehumanizing and racist language and shows an intolerance and prejudice towards Black people.

When reading this text exchange, a reasonable person would conclude that Mr. Allen-Young cannot or will not fairly and impartially perform his duties as a law enforcement officer.

The message exchange also implies that Officer Weldin is indicating Mr. Allen-Young is known for using physical force against Black people. Or that

using physical force against being Black people is a foregone conclusion between these two.

Accordingly, the Division finds that Mr. Allen-Young demonstrated bias within the meaning of Penal Code Section 13510.8(b)(5) when he wrote, "Hahaha what's up, Bud" in a response to a message in which Officer Weldin called Mr. Allen-Young a monkey thumper.

The facts I've just recited support the Division's finding that Christopher Allen-Young was involved in serious misconduct, specifically demonstrating bias.

For purposes of the Division's analysis, clear and convincing evidence means evidence of a charge is clear and convincing so long as there's a high probability that the charge is true. The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that Christopher Allen-Young's POST certification be suspended or revoked.

With that, I'm happy to answer any questions that the Board may have.

CHAIRPERSON DUDLEY: Any questions?

(No response.)

CHAIRPERSON DUDLEY: At this time, does the subject officer or their counsel wish to make public comment?

If so, you will 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 the 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?

Is there anyone from the public who would like to address the Board at this time?

Looking out to the audience, I see no response.

And is there anyone on the telephone?

Counsel?

MR. HENLEY: Thank you, Madam Chair.

If I may, again, Bryant Henley on behalf of the Peace Officer Standards Accountability Division.

I wanted to advise the Board, and for the record, that -- inform the Board that we notified Officer Allen-Young back in May of the intent to revoke his license.

His counsel, Cory Glave, communicated with the Division on May 22nd indicating that he requested review of the Division's recommendation. And also requested the information that supported the decision intending to revoke Mr. Allen-Youngs's license.

POST's Division provided those materials to Mr. Glave as counsel for Mr. Allen-Young.

Then on June 13th, provided to Mr. Glave at the same address that Mr. Glave gave us to provide communications provided a notice of hearing, giving the date and time for the hearing.

We did not receive a response. The Division did not receive a response.

Then on June 25th, we emailed Mr. Glave and asked for confirmation as to whether he intended to attend or not attend the hearing and whether he needed a virtual link in order to attend virtually.

We did not receive a response to that email either.

CHAIRPERSON DUDLEY: Okay. At this time, does the Board wish to adjourn into closed session for deliberations on this case?

Or is the Board ready to discuss and then vote on recommendation in the case?

Does anyone feel the need to adjourn to closed session?

(No response.)

CHAIRPERSON DUDLEY: Okay. Seeing none, before I call for a vote, is there any discussion?

Dr. Glaser?

MEMBER GLASER: Thank you.

I just wanted to articulate that the evidence seems clear and convincing. The statement "moon cricket hunting," unsolicited, with no response from the respondent about the context or any other kind of explanation seems to me to be very clear evidence of racial bias that, you know, implicates that somebody should not -- would not be able to conduct their duties in an unbiased manner. So I'm very much in favor of revoking.

CHAIRPERSON DUDLEY: And Dr. Glaser, I -- this morning, I did not ask if there was any comments that the Board had.

Did you have any comments about this morning's case as well?

MEMBER GLASER: I would say my sentiments about this morning's case were pretty much identical to what I just expressed.

CHAIRPERSON DUDLEY: Thank you.

Anybody else on the Board wish to be heard before we have a motion?

(No response.)

CHAIRPERSON DUDLEY: Okay. Is there a motion?

MEMBER GLASER: I move to revoke certification.

CHAIRPERSON DUDLEY: Is there a second?

MEMBER JOHNSON: Second. Johnson, second.

CHAIRPERSON DUDLEY: Okay. And roll call, please.

MR. KNAPP: Thank you, Madam Chair.

Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.

Dudley.

CHAIRPERSON DUDLEY: Aye.

MR. KNAPP: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Glaser, 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 seven in favor. Motion carries.

CHAIRPERSON DUDLEY: Okay.

Let's move on to the next case.

This is -- thank you, both. I know that was a difficult case to report on. Very much appreciate your professionalism.

POST2306324, Luke Baxter Walden POST A95-T18.

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 issue in this case was employed by the Los Angeles Police Department.

Thank you.

MR. IMBODEN: Good afternoon, Madam Chair, Members of the Board.

My name's William Imboden, I'm one of the law enforcement consultants assigned to the Professional Conduct Bureau for Southern California in the Peace Officer Standards and Accountability Division.

With me today is Simone Renteria, an attorney with

our Legal Affairs Bureau.

And I'm here today to present case POST2306324 involving Luke Baxter Walden with the Los Angeles Police Department.

It's the Division's determination that clear and convincing evidence exists to demonstrate that the respondent, Luke Walden, committed an act of serious misconduct as set forth in Penal Code Section 13510.8 on March 17th, 2021.

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 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.

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.

In this presentation I will present a brief outline of the Division's findings of the investigation in this matter.

Respondent began his career with the Los Angeles Police Department on July 6, 1998; on October 7th, 2012, was promoted to the rank of detective; on June 15th, 2014, was promoted to the rank of supervisor.

On June 5th, 2022, respondent was demoted back to the rank of detective.

Respondent holds the following POST certifications: Basic, intermediate, advanced and supervisory.

During respondent's 24-year career, he has received 155 citizen and department commendations. His service records do not show any prior discipline or complaints for similar allegations.

On April 22nd, 2021, US Customs and Border Patrol -- Border Protection intercepted a suspicious package from China at the Los Angeles International Airport mail facility.

The package, which was labeled, quote, fuel filter, and addressed to respondent at his home address, actually contained an illegal firearm silencer.

The label also contained graphics in Chinese which,

when translated, stated, quote, "spiral 1/2 to 28 single core automobile fuel filter, parentheses, six-inch half to 28 black spiral P0171289910," close parentheses.

Half inch to 28 and 5/8 to 24, as will be mentioned throughout this presentation, refers to the thread size and count. For example half-inch diameter shaft with 28 threads per inch.

Upon learning respondent was a current LAPD officer, the investigation was turned over to the LAPD Internal Affairs Bureau.

Once the seized item was booked into evidence at LAPD, criminalist Fadil Biraimah of the Forensic Science Division examined it and its components. Next slide.

His report described the item as having the following characteristics:

Quote, "it has the general appearance of a silencer. The components are all consistent with machined aluminum with a dark, smooth surface finish.

"There is an internally threaded collar at one end and an unthreaded opening at the other.

"The internal inspection revealed a well-made, single piece monocore baffle with an open channel from end to end.

"The monocore baffle divides the tube into eight chambers which are open to the central channel.

"The first area is larger and is consistent with an entrance chamber. The threaded collar is consistent with a muzzle attachment point.

"These features are conspicuous suppressor silencer design elements that substantiate the classification as a silencer," end quote.

He concluded his report by stating, the assembly as received, was a firearm silencer as defined in California Penal Code Section 17210, which states: A silencer is any device or attachment designed to silence, diminish or muffle the report of a firearm or any parts intended for their assembly or fabrication.

A search through the California Department of Justice revealed respondent had 54 registered firearms, many of which were compatible with the half-inch, 28-thread barrel size.

LAPD conducted an audit of Respondent's internet search history on department computers between January 1, 2020, and April 28, 2021.

Using search words including, quote, silencer, fuel filter, solvent trap, China, threaded barrel and others.

The audit revealed that during that time frame, respondent conducted 21 internet searches and searched numerous websites that advertised the sale of threaded barrels for weapons registered to him as well as

additional weapons not registered to him.

The audit also revealed that respondent searched websites that are advertised -- that advertised the sale of, quote, fuel filters. The search focused on filters that had an inner thread size of half -- 1/2 to 28 converting to an outer thread side of 5/8 to 24.

The 1/2 to 28 thread size would apply to many of the weapons registered to respondent.

LAPD's IA consulted their acting general automotive supervisor who reviewed the websites that respondent visited that advertised the sale of fuel filters and inspected the item that Customs and Border Protection seized.

Next slide.

It was his opinion, based on the dimensions of the items respondent researched, that none of them were consistent with any fuel filter for a vehicle and that the items seized could not be used as a fuel filler because it had no internal filtration component.

Inline automobile fuel filters work by trapping dirt, rust and other debris as fuel flows through them preventing these contaminants from reaching the engine's fuel system.

The fuel -- sorry, the filter contains a pleated paper element or other filter medium that captures

particles and contaminants as the fuel passes through.

Modern fuel filters are designed to trap all particles larger than 30 microns or .03 millimeters.

Next slide.

The Bureau of Alcohol Tobacco and Firearms issued law enforcement bulletins on April -- in April of 2017 and October of 2019. These bulletins advised that devices that are specifically manufactured as firearm silencers were being marked online as inline fuel filters despite having no filtering medium.

One such product is marketed as a quote, "Napa 4003," end quote, inline fuel filter.

When LAPD served a search warrant on the Respondent's PayPal account, the search revealed that on March 17th, 2021, at 8:28 A.M. a transaction was completed for $45.96 for the purchase of a quote, "Napa 4003 WIX24003 1/2 to 28, 5/8 to 24 fuel filter, aluminum solvent trap, half inch to 28 XH," end quote.

The recipient of the payment was Xu Shi Qi International Limited in Hong Kong, China.

Respondent was arrested by LAPD on November 14th, 2022, and booked into the LA County Jail.

On November 16th, 2022, the LA County District Attorney Office filed one count of Penal Code Section 664 and 33410, attempted possession of a silencer, a

felony.

On March 9th, 2023, Respondent was held to answer for the felony at a preliminary hearing. And on September 29th, 2023, as a result of a plea bargain, Respondent pled no contest to one count of attempt to possess an assault weapon, a misdemeanor.

The felony was only dismissed as part of the plea agreement.

Despite Respondent's misdemeanor plea resulting in the dismissal of the felony charge, clear and convincing evidence exists to show that Respondent committed the act of purchasing an illegal firearm silencer in violation of California Penal Code Section 33410, a felony.

This conduct occurred despite his extensive firearms training through POST, in-service training, and on-the-job exposure to firearms crimes, both generally and as a part of Los Angeles PD's gun unit.

Although the investigation was turned over to local law enforcement for prosecution, Respondent also violated federal law under Section 27 CFR 447.21 and 27 CFR 447.52, as well as the National Firearms Act USC Title 26, Section 5844.

Respondent is an experienced peace officer with almost 27 years with the -- in the LAPD and his position

as an LAPD officer, Respondent was not only charged generally with getting illegal guns off the street, but had been part of the LAPD's gun and narcotics division gun unit for approximately three years.

By illegally purchasing a silencer from China, Respondent was, in effect, committing the same type of crime that he was sworn to prevent.

During the administrative investigation into the alleged serious misconduct of acts that violate the law, Respondent was dishonest when he stated several times to the IA investigators that he did not try to purchase a firearm silencer.

Respondent stated he ordered a fuel filter a, quote, "Universal fuel filter for a 1985 Toyota Celica, which never arrived." He could not recall the vendor or when he ordered the filter. He later ordered another fuel filter through Amazon.com which he did receive. In looking at them in comparison, they look nothing alike.

Respondent denied ordering or attempting to obtain a firearm silencer despite the ceased item being addressed to him at his home address and despite the use of his PayPal account to purchase it.

The item is the exact same brand and size as was located in LAPD's internet audit of the Respondent's internet searches for firearm silencers and was

determined to fit many of the firearms Respondent owned.

Next slide.

Additionally, the exact name, type and size of the item are listed on ATF training documents to help law enforcement recognize illegal firearm silencers.

Next slide.

Respondent stated he only had a cursory knowledge of silencers, but was not an expert. He admitted he knew they were illegal to possess and he did not dispute the results of the internet search audit, but said those searches were for work-related purposes only.

However, he could not provide specific cases or reports that required searches he conducted. And his internet searches ceased two days prior to the items being purchased using Respondent's personal PayPal account.

Next slide.

LAPD sustained the allegation of attempting to possess a firearm silencer and referred the Respondent to a Board of Rights with a recommendation for termination from employment.

At the Board of Rights Respondent continued to deny that he tried to buy a firearm silencer and repeated that he attempted to buy a fuel filter for his 1985 Toyota Celica.

However, the item seized would not only not fit a 1985 Toyota Celica, it would be useless as a fuel filter because it has no filtering properties.

At the Board of Rights hearing, LAPD criminalist Biraimah stated that, quote, Napa 4003, end quote, is a code word for suppressers known to firearm buyers.

After examining the seized item, he determined it was a firearm suppresser compatible with a number of firearms.

After examining the list of firearms possessed by Respondent, Mr. Biraimah found a number of them could be used with a silencer if modified with a threaded barrel.

Respondent's supervisor, LAPD Lieutenant Eric Bixler testified at the Board of Rights hearing that one of Respondent's job responsibilities was to identify suppressors and that the Respondent would have been aware of the seized item's purpose as a suppressor.

At the conclusion of the Board of Rights hearing, the Board unanimously agreed that Respondent was guilty of the allegation that he attempted to obtain a firearm silencer.

The facts I've just recited support the Division's finding that Respondent was involved in serious misconduct, specifically dishonesty and acts that

violate the law.

For purposes of the Division's analysis, clear and convincing evidence means evidence of a charge is clear and convincing so long as there's a high probability that the charge is true.

The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that Respondent's POST certification be suspended or revoked. And 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 weeks in advance and then purchasing an item that was clearly intended to be used as a firearm silencer.

This is in direct conflict with Respondent's general duty to uphold the law. And is, in fact, the exact type of crime Respondent was charged with preventing as part of the specialty unit he was assigned to.

His 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 IA, and at his Board of Rights, 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 to respect the rights of the members of the public.

With that, I'm happy to have answer any questions the Board may have.

CHAIRPERSON DUDLEY: Does the Board have any questions or comments?

Yes.

MEMBER PENA: There was an earlier slide that showed a -- an authentic filter; right? A real one; right?

MR. IMBODEN: Correct.

MEMBER PENA: Okay. I just wanted to make sure.

CHAIRPERSON DUDLEY: Any other comments?

(No Response.)

CHAIRPERSON DUDLEY: Questions?

(No Response.)

CHAIRPERSON DUDLEY: 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 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 a serious misconduct as defined by Penal Code Section 13510.8 and Commission Regulation 1205 occurred?

Is there anyone from the public who would like to address the Board at this time?

Looking to the audience?

(No response.)

CHAIRPERSON DUDLEY: Anyone on the phone?

MR. KNAPP: Yes.

CHAIRPERSON DUDLEY: Okay. Please.

MARLON MARRACHE: Hi, yeah, my name is Marlon, M-A-R-L-O-N, last name Marrache, M-A-R-R-A-C-H-E, representing my classmate, Luke Walden. Just wanted to add a couple of facts, if you will, about this

particular matter.

We want to talk about the dishonesty allegation.

In the presentation by Mr. Imboden that he said that March 17th, 2021, that the department considered dishonesty, that's not the case.

As a matter of fact, throughout this whole process, the allegation of dishonesty is what we consider a false statement or a misleading statement around truthfulness, et cetera, was never, ever discussed.

And we just wanted to point out that during this whole process, from the beginning, when there is an investigation of internal affairs initiated, all the way up to the levels of review, including the inspector general, please bear in mind that at no point did the Los Angeles Police Department in their process ever consider an allegation of dishonesty.

You're talking about a Captain I and a Captain III from the department in that division. You're talking about a commander and deputy chief from Internal Affairs; a commander and a deputy chief from the bureau as well.

And they all have to go to the tenth floor where the chief is and present these allegations.

And yes, it was directed to a Board of Rights, it was serious misconduct. But at no point was it ever

considered to have a dishonesty allegation.

In fact, what Mr. Imboden also forgot to mention is that there is a process with LAPD called a masked complaint, which means that the accused employee is unaware of the actual allegations or unaware that they're actually being investigated by Internal Affairs.

And so it wasn't until September 14th, 2021, when Luke Walden was actually aware of this particular matter, this particular alleged misconduct.

So I just really wanted to point that out to make sure that the Board understands what the process of the Los Angeles Police Department is.

And just a little bit of my background is I've been involved in discipline since 2008. I have put on over 30 Board of Rights when I worked Internal Affairs for over five years.

I actually teach a POST-certified course in Internal Affairs and I've been hired as a witness, expert, as it relates to IA matters alone.

So my expertise is -- my scope is very, very narrow. And just based on my experience -- not just because he's my classmate -- is the fact that this allegation should have never been framed in the first place. In fact, when I attended the SB 2 seminar, I was told that POBAR, Peace Officers Bill of Rights do not

apply.

And for the fact that the SB 2 panel, or Mr. Imboden, actually consider an allegation of dishonesty to frame, that would be considered a 3304 issue, which means it's beyond the statute of limitations.

So just wanted to that know.

And Luke is also present. And I'm going to hand the mike over to Luke to let you know what he's doing now and what he's been doing ever since his Board of Rights concluded.

Thank you.

LUKE WALDEN: Hello?

CHAIRPERSON DUDLEY: Yes.

LUKE WALDEN: Hello. Hello, this is Detective Walden.

Hey, so I have about -- I have over 27 years of service with the Los Angeles Police Department.

I've worked in multiple capacities within the department, undercover, buying narcotics, I've gone through multiple polygraphs.

When you go to a federal task force you're polygraphed. They do extensive background.

And based on the information provided in the rationale where I spoke to Mr. Imboden to kind of

understand what the whole process was, because I thought it was already done.

I had gone through the process, I made some decisions based on financial needs to not pursue fighting it all the way to the end, because it's either pay my mortgage and take care of my kids or be homeless. I made those decisions. And that's the reasons I did take the plea deal.

I know that we wrote an outline. We provided it to the Board.

I think it's a three-page document laying out all the discrepancies within the POST rationale.

When I spoke with Mr. Imboden regarding it, he advised me that he did not have all the information from the Los Angeles Police Department Internal Affairs.

When I asked how is a rationale written up without all the facts, being a detective of, I don't know, 15, 16 years, he couldn't give me an answer for that.

There's a lot of discrepancies in here. He talks about my training. As far as POST training that's all qualification. Has nothing to do with expertise, firearms expertise.

I was assigned to the gun unit. It was only for a year. The three years is incorrect.

Because after that year I went to the federal task

force. And I went through extensive background.

My sole purpose was to deal with apps, which is prohibited possessors, people who have mental illness and/or they have a criminal background.

And there were -- when I was there, we authored about 44 search warrants to deal with that. I never have nor attended any training regarding suppressors. I've never been trained on suppressors.

Currently the department has no training of suppressors or silencers.

When they provided the document regarding the ATF information, written by the ATF, I had never seen that, no one ever taught me that.

The other issues that were in there as far as training experience, yes, I was responsible for getting guns off the street.

That was part of the job that I did with the feds, because I did have experience with AR-15s, Glocks and 1911s and the ghost guns.

And I've testified as an expert.

There's issues with the firearms that they say that I own that will accept a suppressor. None of them were found during the preliminary hearing. And it was admitted to by the investigator to find threaded barrels, I didn't have threaded barrels. And during the

search of the computer, threaded barrels were not located.

I know Mr. Imboden talks about the search ending at a certain time. From what I understand, they had a scope of certain days that they chose to do.

I don't know that scope, but I think that's just a little bit reaching.

I haven't lied in the 27 years that I've been on the job. I haven't perjured myself. I have no complaints of lying and denying. I've currently been back to work about a year and a half.

I've currently filed probably over 100 cases.

I work with victims, suspects, interview them, I'm still working with -- still working as a police officer.

A Board of Rights deemed me, which is like yourself, civilians or sworn, that deemed me okay to return to work.

It didn't meet the egregious nature that is being told today.

So I hope that you guys take into consideration the write-up that was provided.

I understand that not everybody was privy to the Los Angeles Police Department's policies and procedures. And I understand that the Los Angeles Police Department doesn't always provide all the information when needed

because I work there.

So I understand how that works.

But I hope you that you take all this into consideration for your decision today.

Thank you.

CHAIRPERSON DUDLEY: Detective Walden, are you still there?

LUKE WALDEN: Yeah, I'm still here.

CHAIRPERSON DUDLEY: Okay. Good. This is Joyce Dudley, the Chair of this Board.

It was unclear to me whether the first person who spoke was an attorney or not. Or if he was just a colleague of yours?

LUKE WALDEN: He's acting as my attorney. He's not an attorney, but he has a law degree. He doesn't have a bar degree -- he's not bar -- he's my representation.

CHAIRPERSON DUDLEY: Okay. So I just want to be clear on this. He's representing you, but not as an -- but he is not someone who's been sworn in by the California Bar; is that correct?

LUKE WALDEN: That's correct.

CHAIRPERSON DUDLEY: Okay.

MARLON MARRACHE: That would be correct, ma'am.

CHAIRPERSON DUDLEY: That's fine. I understand.

And do you have an attorney representing you in

this matter?

LUKE WALDEN: No, I do not.

CHAIRPERSON DUDLEY: Okay. Fine.

Is there anything else you wanted to say?

LUKE WALDEN: No, ma'am.

CHAIRPERSON DUDLEY: Okay. Is there any questions from the Board?

MEMBER CLAVO: I have a question.

CHAIRPERSON DUDLEY: Yes. Dr. Clavo.

MEMBER CLAVO: The question I have, is, is it my understanding, did I mishear or did I hear correctly that you took a plea deal for the initial charges of purchasing a silencer?

LUKE WALDEN: No. The district attorney -- the district attorney offered a plea deal at the arraignment, which was like in January. And because he said based on the information provided by the Internal Affairs investigator, I guess there was a 13 seized -- 13 potential suppressors seized on that day when they went to go find it. And I was the only person charged.

No other people -- no other person in LA County. And it was because I was a police officer.

I was -- I believe I was targeted. It was not my intent in any way to purchase a suppressor.

I truly am -- I provided information to Internal

Affairs with all the stuff I'm doing with my kids, building cars. I had photos.

At the Board of Rights, Jiz Bagian (phonetic), who was the administrative investigator, when they asked -- when counsel asked him that, he said we didn't do anything with that evidence.

That could have exonerated me, so I kind of feel like I got shortchanged by my own department in our -- our -- in our due process of, you know, doing what's right.

I think that I'm supposed to do investigation, I'm supposed to take all the facts, put it together and present it to a district attorney and they make the ultimate decision whether or not they're going to file the case.

It was almost kind of like: We're going to let this guy take the hit. And I -- you know, when you're going through this, it's very stressful. It's high anxiety. You're not getting paid, you're -- I was assigned home for two years. I'm not getting paid.

And I have to live off of whatever I saved to combat this. And I just didn't have the money to battle this.

And so they offered a plea deal which was a misdemeanor. And I took it for financial reasons in

hopes that it didn't violate POST, which it did -- based on -- researched it, so I could go back to work if the Board allows me.

And the Board did.

And so I went back to work.

Yes, I got demoted. Yes, I worked a bunch of special details. Yes, I have probably a little bit more knowledge than most. But I don't have the experience that they're talking about.

I read the rationale and I seen the write-up regarding the training that I've had and that's all my qualification.

It has nothing to do with firearms training in the sense of how they work, how to take them apart. That's all qualification.

So to use that is like bolstering a report to make it look more egregious than it truly is.

CHAIRPERSON DUDLEY: Thank you, Detective Walden. One moment, please.

Dr. Clavo.

MEMBER CLAVO: Just a follow-up on that, Ma'am.

CHAIRPERSON DUDLEY: Yes.

Okay. Hang on one second.

Detective Walden, Dr. Clavo has a follow-up question or statement. Just standby.

MEMBER CLAVO: So just for clarity purposes, for myself. My initial question was: Did you take a plea deal?

You said no. But in the end of your statement you said yes.

So is it yes you took a plea deal, or no you took a plea deal?

LUKE WALDEN: All right. I think your initial question was for the silencer and the answer was no.

I took a plea deal for a lesser charge based on what the district attorney's office offered.

MS. RENTERIA: And Madam Chair, if I may answer that question for Board Member Clavo?

CHAIRPERSON DUDLEY: One moment, please.

Dr. Clavo, anything else?

MEMBER CLAVO: I'm fine.

CHAIRPERSON DUDLEY: Okay. Thank you. Yes.

MS. RENTERIA: Just to clarify, Mr. Walden was charged and arrested for a felony, which was attempted possession of a silencer. That was pled down. And so he pled no contest to a misdemeanor, which was attempted possession of an assault weapon.

CHAIRPERSON DUDLEY: Yes. I think Dr. Clavo understood that.

MEMBER CLAVO: Yes.

CHAIRPERSON DUDLEY: Thank you. Any other questions or comments from the Board?

Yes, Dr. Glaser.

MEMBER GLASER: Thank you.

So, Mr. Walden, I just would like to get clarity.

Are you -- are you denying that you ordered that item?

And that you conducted the internet searches that are in the record relating to a suppressor with a threaded barrel?

LUKE WALDEN: Am I -- did I -- no, I ordered the part. It was for my car. It was -- based on the information that was provided on the internet, I thought it was for my car. Because I'm putting in a bigger engine. And I thought it would allow additional -- more fuel. The car originally comes with a four cylinder, 22R. I'm putting in a V-8 because I want to hotrod it with my kid. So I can do drifting and rally and stuff.

So the way it was presented on the internet, is that it was a high-flow fuel filter. That's what I thought and --

MEMBER GLASER: Would you --

LUKE WALDEN: If I can explain, sir, about the searches on the internet.

MEMBER GLASER: Uh-huh.

LUKE WALDEN: That's the next question?

MEMBER GLASER: Yes, please do.

LUKE WALDEN: Okay. So, assigned to the FBI gang task force. I provided some expertise when it came to us purchasing guns. We bought a lot of guns. We worked the MS task force, MS-13, so we were buying guns and a lot of them were attached to murders.

We did have external informants. And when I say that, I worked with informants since 2009. The informants -- these informants are federal informants.

When you work with the fed -- when you work with an informant that's assigned to you and you're an LAPD agent, LAPD, those -- there's documentation that is required. It's called an informant contact sheet and every time you talk to them, every time, they call you 20 times you got to fill out 20 pieces of paper.

They give you information, you write it down.

With the federal informants, they are not required that, because their informant information is captured by the feds, we don't have that documentation.

So what had happened was, in over -- over that time frame, from January to February -- because we -- we were in a lull waiting for the Assistant US Attorney to give us direction on several of the murder suspects from MS-13 how they were going to, what we were going to do,

when we were going to make the takedowns and arrests.

And so we were -- we had these informants that were providing information regarding guns sales, firearms sale and narcotics sales.

But it was ultimately up to the federal -- the FBI agents to make the determination whether or not they wanted to move forward on these cases.

The -- since these -- these guns with suppressors -- that's how the pictures came through and the information came through. So I started researching it because I didn't have the knowledge base. And the guys would say, well, you should know this. You had worked the gun unit.

Yeah, but I didn't have the training.

So I went on Google and I put in "silencer." I put in -- and then I tried to figure out how it would work or how it would work based on what you need to get the filing. Or at least make the arrest.

As you guys may or may not know, federal charges are different than state charges.

And a lot of times if it's going to go federal, they need specific -- it needs to be from -- the gun was manufactured in -- from state to state. So state -- interstate commerce.

And so that's -- that's why I did it. We had three

separate cases from two informants that provided information, they provided pictures. I didn't see captured those pictures they were on the FBI's -- the agents' cell phones.

I think my phone died.

Can you guys still hear me?

MEMBER GLASER: Yeah, we hear you.

LUKE WALDEN: Okay. So --

CHAIRPERSON DUDLEY: Okay. Dr. Glaser, do you need more information?

MEMBER GLASER: I'm going to follow up.

CHAIRPERSON DUDLEY: Okay. I think Dr. Glaser has a follow-up question and that may address whatever else you wanted to add to this.

And I know that we have at least two more Board Members who want to be heard.

But go ahead, Dr. Glaser.

MEMBER GLASER: Yeah, I would just like more clarity. You are acknowledging that you ordered that item. And it's your claim that it's just coincidentally while you were trying to order a filter for a car, you -- the item that you ended up ordering happened to be a functioning suppressor for a firearm that would not function as a filter for a car?

LUKE WALDEN: Yeah, basically -- based on what I

was told, because I never received it. And over the course of a couple months, I didn't know I was under investigation.

So that was sometime in April, I believe, what I was told by the Internal Affairs.

Then I realized, hey, it never came, I figured the porch pirates stole my packages because I was working probably 12 to 15 hours a day, a week, because we were after -- we were working a lot of murder cases, so our hours were always crazy.

And then -- so I ordered another fuel filter -- because the other one didn't come.

So I said, well, at least with Amazon, I will get a receipt and I will get a -- I'll get confirmation. And also if it doesn't show up, you know, I can ask for an additional one. Which I should have done in the first place --

CHAIRPERSON DUDLEY: Okay. Thank you.

LUKE WALDEN: And this could have all been avoided.

CHAIRPERSON DUDLEY: Detective Walden, thank you. I think you've -- you've answered --

LUKE WALDEN: Oh. Okay. Sorry.

CHAIRPERSON DUDLEY: -- Dr. Glaser's question.

Now I know that next was Mr. -- Lieutenant Lara and then after that is Regina. Okay. Go ahead. Crawford.

MEMBER LARA: Charles would do just fine.

So normally speaking, my question is, say I go on to Amazon. And I'm going to order an item. I generally order online to the specific item that I need. Say if I -- it was for the Celica or the enhanced V-8, I would order the item to match the engine to which I -- I'm building out.

So how is it that by pure coincidence you end up with what is essentially a functioning silencer that's purely coincidentally, what you ordered online?

Can you explain that to me?

LUKE WALDEN: I was -- well, that's how it was presented. I ordered the part for my car. And it was a high-flow fuel filter. I never got it.

Then I went on Amazon and I did the same thing.

And, no, based on what you're saying, as a former mechanic, the -- because I worked on cars prior to becoming a law enforcement agent, police officer, I never -- these -- the fuel filter never came. So I ordered a second one.

And they're called universal fuel filters. I think it was in the slides. And that's the one I ordered.

And it's a high-flow universal fuel filter.

Based on all the research, there's -- in that -- in the ATF document, there's a ton of things in there

that -- I had no idea that could be used as a suppressor.

Which, I would assume that they're fuel filters based on what -- how they're sold. They're sold on Amazon. They're sold on eBay. They're sold on all these different websites, which is not illegal. And you're taking -- you're purchasing that.

So I didn't know that it was a suppressor. Otherwise, I would not have -- I would have avoided this whole situation.

MEMBER LARA: Okay. Presumably one buys a fuel filter to filter fuel.

Meaning there will be some medium by which particulate or contaminants will be extracted from said fuel.

So I'm not going to deny that it's high-flow, there's no baffling in this and there's an expression in Latin, caveat emptor, which means "buyer beware."

I imagine that with as much background as you have -- or purport to have in mechanics, that you would recognize that this item would not function as a fuel filter because it has no medium by which to filter fuel.

Can you explain that to me?

LUKE WALDEN: No. I believed it can because it showed -- I don't have the documentation, because I

didn't take pictures of it. I didn't know I was going to get in trouble for buying a fuel filter.

But it -- on the -- on the website, it showed filtration, it showed it hooked up to a car with a -- with a line going from the -- from the fuel line from the back, from the gas tank, up.

So based on the subject, I didn't look for the filament, which is the item that traps the debris, because it showed everything in the -- in the -- on the website.

And based on what I was understanding when they did the Board of Rights they tried to pull the link up from the website to use it in their investigation and they couldn't find it because it had been taken down.

MEMBER LARA: Thank you.

CHAIRPERSON DUDLEY: Detective Walden, were you being honest when you pled guilty or no contest to attempting to purchase an assault rifle? An assault weapon?

LUKE WALDEN: As far as honest how? Because that was the charge that they offered. So I wasn't trying to buy an assault weapon, but that's the charge that they gave me for the plea deal.

CHAIRPERSON DUDLEY: Okay. That was the one they offered.

LUKE WALDEN: Yeah.

CHAIRPERSON DUDLEY: And that was the one you pled guilty or no contest to.

LUKE WALDEN: Yes.

CHAIRPERSON DUDLEY: And when you did that, were you being honest?

LUKE WALDEN: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Thank you.

Ms. Crawford.

MEMBER CRAWFORD: So reading your report, you sound like you were a car enthusiast. And --

LUKE WALDEN: Yes.

MEMBER CRAWFORD: And given your background and being a mechanic and an officer of the law, one of the things that kind of caught me, and it was an "aha" moment, was how many guns that you owned in the house.

So answer this question.

As LAPD, if you were to come into my home and I owned -- what was it 54 guns, and rifles. That wouldn't be a little bit alarming?

LUKE WALDEN: No, ma'am. I know that it -- in today's society based on -- that people are afraid of guns.

I was raised around guns. I fired my first firearm at five years old. My family was raised on a farm. So

for me guns is kind of like having a hammer.

The intention is not there to run around murdering people.

It -- I shoot competitively. I have for years. Under IDPA.

As far as the amount of guns, I worked -- when I did work the gun unit, we did have a lot of people who owned guns.

Now a lot of the guns I owned, they're worth thousands and thousands of dollars. So they're -- it's like an investment. And I buy them. I sell them.

Of the guns that I owned, half of them were not mine. And when I say that they weren't originally mine.

My brother died in '96 in a car accident. And some of them were his. And then some of them were my father's, so I inherited them either from my father or from my brother, who passed away.

So most of the -- a bulk of them, maybe two-thirds of them, were originally not mine.

But because of registration and following the law and all the -- Senate Bills, I uphold the law and basically registered them to me so that they would be in safekeeping, because I was working in law enforcement. There are locked up in safes so that no one has access to them. Not even my kids.

If I go recreational, we take safety and take the kids and go through the safety rules and go shooting as -- you know, at the local range.

MEMBER CRAWFORD: Mr. Walden, you said something that was very interesting.

Being in law enforcement, you wanted to follow the law.

I work formerly for the Department of Defense. And knowingly, if I purchased something or had something in my house that could give pause or question to -- you didn't -- did you report that to your senior leadership?

LUKE WALDEN: Report what?

MEMBER CRAWFORD: That you were buying these items that --

LUKE WALDEN: No --

MEMBER CRAWFORD: You're an expert. You're an expert.

LUKE WALDEN: No, I'm not an expert in suppressors.

MEMBER CRAWFORD: You are not, okay.

LUKE WALDEN: I know that the POST has tried to frame it that way. But, no, I've never dealt with a suppressor. I've never seen one in real life.

Based on my -- as far as how they come apart, how they work, I've had no formal training.

When it comes to suppressors, I have -- based on

what I did, I would buy a fuel filter for my car. I never got it. I bought another one. And then all of a sudden I was under investigation.

If it had come and I found out that it was in this suppressor type form, I would have booked it into evidence and told them.

CHAIRPERSON DUDLEY: Okay. Thank you. Thank you, Detective Walden.

Anything else? Any other questions?

MEMBER CLAVO: I have two.

CHAIRPERSON DUDLEY: Yes, Dr. Clavo.

MEMBER CLAVO: The first one is for Mr. Imboden.

I want to make sure I heard you. I think -- I believe it was you and not Mr. Walden that stated that the fuel filter that was ordered was listed under a name that is known by gun enthusiasts or individuals who are purchasing illegal silencers and is known to be listed under the name in which the fuel -- fuel filter was purchased; is that correct? Did I make sense?

MR. IMBODEN: That's correct. The code -- the term "Napa 4003" is known amongst the gun enthusiasts as a code word for "silencer."

MEMBER CLAVO: Mr. Walden, did I understand that you said you are currently working back as a police officer for the last year and a half?

LUKE WALDEN: Yes.

MEMBER CLAVO: I lied. I have a third question.

So with that, you were doing research on silencers on a work computer prior -- two days prior, I believe, to receiving, or being arrested, or being notified that you had received silencers in the mail.

LUKE WALDEN: No. That's incorrect.

MEMBER CLAVO: Okay.

MS. RENTERIA: Two days prior to him purchasing the item, the silencer, he had been researching the Napa 4003 inline fuel filters, as well as threaded barrels.

Mr. Walden claimed that he was doing that for work-related purposes, based on FBI informants, information that they had received.

So from POST's perspective it demonstrates knowledge of the item that he was purchasing, because he had spent so much time researching those items, by his own admission, and then bought the item he was in fact researching.

MEMBER CLAVO: Thank you. That was the clarity I was seeking. Appreciate that.

CHAIRPERSON DUDLEY: And just so I'm clear on this, was he saying that he was researching filters? Or suppressors?

MS. RENTERIA: He said he was researching

suppressors, silencers, for an illegal firearm sales that they were investigating.

Those silencers were being marketed as Napa 4003 fuel filters or solvent traps.

CHAIRPERSON DUDLEY: Thank you.

Anything else?

Yes, Mr. Johnson?

MEMBER JOHNSON: For Mr. Walden.

LUKE WALDEN: Yes, sir.

MEMBER JOHNSON: The question I have is, has others bought this particular so-called fuel filter that you was confused on and made complaints?

Or did you make a complaint that this particular suppressor would not work as a fuel filter?

LUKE WALDEN: As far as people buying it and using it, I don't know.

I know that based on what was told to me that there were 13 fuel filters recovered that they believe to be silencers. And I was the only one charged, as far as the District Attorney's Office.

MEMBER CRAWFORD: So there were others is what you're implying?

LUKE WALDEN: Yeah. And they -- based on what I was told by the -- because I had -- in our FBI unit, we had members of HSI and Homeland Security and they do all

the checks on what comes in and out of the searches.

They basically told me that, generally, they send a letter to the person and say, hey, you can't own this.

And they said that they have thousands of those things coming in.

CHAIRPERSON DUDLEY: Okay. Thank you.

Yes, Ms. Clavo. Pena.

MEMBER PENA: Mr. Walden, I have a few questions for you.

What type of car was it that you were seeking to buy a filter for?

LUKE WALDEN: A 1985 Celica GT hatchback.

MEMBER PENA: What kind again? I'm sorry.

LUKE WALDEN: It's all right. Okay. It's a 1985 Toyota Celica.

MEMBER PENA: Okay. Is it running?

LUKE WALDEN: Right now it's been disassembled. So I took all of the -- the fuel system out. And I'm currently taking the engine out so that I can put a larger or better running engine in. Because the engine in there is old and I need to put a new bigger -- bigger engine in.

MEMBER PENA: Okay. So that's -- that's the car that you were attempting to order a filter for?

LUKE WALDEN: Yes.

MEMBER PENA: You said you subsequently ordered another filter when you didn't receive the first one; is that right?

LUKE WALDEN: Yes, ma'am.

MEMBER PENA: Did you install that filter?

LUKE WALDEN: No, because I was told I was under investigation. And then I was sent home. And I didn't have the money to work on the project.

MEMBER PENA: Okay. How soon after ordering the first filter that was intercepted by the Border Patrol, did you order the second filter?

LUKE WALDEN: I think April, so -- about four months. So the first one didn't come, which I assumed it got stolen.

And we were working the murder cases, so I was never home. I hadn't -- I was working seven days a week doing surveillance.

And so I realized, hey, that part never came. Because suspension pieces came, shocks came, brakes came, which was all being put together. And I realized that the fuel filter wasn't here. So I --

MEMBER PENA: Did you --

LUKE WALDEN: -- went on Amazon and ordered a new one.

MEMBER PENA: Did you know at that point that you

were under investigation?

LUKE WALDEN: No, ma'am. I wasn't told -- so I got a notice -- I ordered it in, I believe, August. I got an email from Internal Affairs, because it was masked, in September. Like middle of August is when it showed up. September I was told I was under investigation. I still wasn't told what for.

I had to get legal counsel.

Once I got legal counsel, it was like maybe the end of September, November, somewhere around there, where they told -- you know, IA told the -- my counsel. Then we set up an interview. And that was done over the phone I think in January.

I can't remember the exact dates.

MEMBER PENA: Okay. Thank you.

CHAIRPERSON DUDLEY: Yes. Okay. So Mr. Johnson, then Mr. Lara.

MEMBER JOHNSON: On that first fuel filter that you never received, did you make a complaint to Amazon?

Or is there some documentation that you have that you never received the first item you ordered? If --

LUKE WALDEN: No. So the -- I never received it. I was working -- I was working 15 hour days for -- every day. So I never received it.

Once I realized it was there, to me it was like --

I thought it was 20 bucks. But guess it was 45 bucks. I didn't remember the price.

So I figured it had got stolen. I went looking for the website. I couldn't remember how to find it.

So I said I'm going to go on Amazon and order my -- that part and I'll just eat the 20 bucks. Which, I thought -- the whole time I thought it was 20 bucks.

CHAIRPERSON DUDLEY: In the past when Amazon did not deliver items to you, did you complain and seek to get your money back?

LUKE WALDEN: In the past, I've had front bumpers for 300 bucks and I haven't gotten it. So sometimes I complain, sometimes I figure someone steals it. Sometimes there's no recourse if you don't do it within a certain time period.

This company, the website --

CHAIRPERSON DUDLEY: Okay. Thank you. Mr. Lara.

MEMBER LARA: Mr. Johnson asked the first question I was going to ask, which was have you requested a refund or filed a complaint?

But out of curiosity, why didn't you order the same filter you had previously ordered?

LUKE WALDEN: Why didn't I order the same -- it was a universal fuel filter. That's what I ordered on the first one. It never came.

The second one, I ordered a universal fuel filter and that came.

That's how it was -- that's how it was sold on the internet. It was a universal, high-flow fuel filter.

I ordered the first one, never came.

I went looking for the same thing on the Amazon, that one, they had a different versions and I wanted a more compact one so it wouldn't get swiped off the bottom of the car. And so I found the other one, which is the one that I purchased.

It's very similar in dimensions, as far as length, I believe.

CHAIRPERSON DUDLEY: I think I lost track.

When you got the second one, did you install it?

LUKE WALDEN: No. That was asked before.

CHAIRPERSON DUDLEY: Why didn't you install it?

LUKE WALDEN: Oh, because I had taken the whole car apart. I took the whole fuel system. I had to put a bigger -- I was putting in larger fuel pump to put the fuel through the fuel filter. So I bought all the fuel --

CHAIRPERSON DUDLEY: I'm sorry. I don't know much about cars. So just if you could give me a simple answer to this.

LUKE WALDEN: Okay.

CHAIRPERSON DUDLEY: You purchased a filter --
LUKE WALDEN: Yes.
CHAIRPERSON DUDLEY: -- that didn't come.
LUKE WALDEN: Right.
CHAIRPERSON DUDLEY: And then you purchased a filter that had the same name that did come. And --
LUKE WALDEN: Yes.
CHAIRPERSON DUDLEY: I'm asking if you attempted to install the second filter with the same name as the one that didn't come?
LUKE WALDEN: I attempted to install it? No, I did not, because that's when I was made aware -- like maybe a couple months later. Because we were still working a lot, I just didn't have the time to work on the project.
CHAIRPERSON DUDLEY: Okay. Thank you.
LUKE WALDEN: So I was ordering the entire fuel system.
CHAIRPERSON DUDLEY: Okay. Thank you.
Anything else?
MEMBER CLAVO: One more question.
CHAIRPERSON DUDLEY: Go ahead, Dr. Clavo.
MEMBER CLAVO: I'm not going to say one more. I might have several.
So it was my understanding that the initial fuel filter was purchased through PayPal. I believe one of

my fellow members here asked about filing a complaint.

I know with PayPal, because I'm a internet shopper, I have disputed many things that I've received or did not receive.

So did you -- and PayPal's pretty good about giving you your money back when you don't receive an item or it's the wrong item or you don't get it in time.

Did you -- and they usually have the purchaser's information listed there where you can send an email, because they ask you to send an email to the seller first.

LUKE WALDEN: Right. Right.

MEMBER CLAVO: Prior to them taking action.

Did you do any of those things?

LUKE WALDEN: No, because the website was down when I went to go look for the thing. So it wasn't -- it didn't work anymore, the link.

MEMBER CLAVO: The PayPal website was down or the --

LUKE WALDEN: No, no --

MEMBER CLAVO: Or the seller's website?

LUKE WALDEN: Seller's.

MEMBER CLAVO: Okay. I'm going to ask this question again. Maybe I didn't say it clear.

So when you go on to PayPal, if you have a PayPal

account and you log into your PayPal account it has all the purchases you bought through PayPal or through the original websites.

LUKE WALDEN: Right.

MEMBER CLAVO: And so when you go on there, and you hit the item that you purchased, you're able to say whether or not you received it, if you have an issue, whether it didn't come timely, whether it's the wrong thing.

And then you can dispute that purchase through PayPal. And PayPal's pretty good at crediting you your money back to your account.

So did you do any of those things?

LUKE WALDEN: No.

MEMBER CLAVO: Okay. Thank you.

CHAIRPERSON DUDLEY: Anything else?

MEMBER CLAVO: No, ma'am.

CHAIRPERSON DUDLEY: Okay. Any other Board Member?

Okay. Thank you, Detective Walden. You can hang --

MS. RENTERIA: I'm sorry, ma'am, if I may, just for the record, clarify two things or respond to two items from Mr. Marrache?

CHAIRPERSON DUDLEY: Do you need Detective Walden on the phone for that?

MS. RENTERIA: I do not.

CHAIRPERSON DUDLEY: Okay. Anything else, Detective Walden?

(No response.)

CHAIRPERSON DUDLEY: Okay. Thank you, Detective Walden.

Please go ahead.

MS. RENTERIA: I just wanted to respond to two statements that were made by Mr. Marrache, Mr. Walden's representative.

With regard to POST jurisdiction he had made a comment that the LAPD had not pursued a dishonesty charge and so therefore he questioned POST's ability to also do that.

I just wanted to clarify that POST, the Board and the Commission, are not bound by the decisions of the law enforcement agencies.

So therefore, LAPD's decision not to pursue a dishonesty charge has no bearing on whether or not POST can do so.

And then secondarily, he also seemed to, in the same vein, also make a statement that because the -- our claim of the dishonest conduct occurred before January 1st, 2022, that it was beyond POST's ability to hear that.

However, dishonesty is one of the categories of misconduct that POST can consider prior to January 1st, 2022. I just wanted to clarify that for the record.

CHAIRPERSON DUDLEY: Thank you. Those are helpful clarifications.

Okay. At this time, does the Board wish to adjourn into closed session for deliberations on this case?

Or is the Board ready to take a vote or recommendation of the case?

MEMBER CLAVO: We'll go into deliberation, I think.

CHAIRPERSON DUDLEY: Okay. So here we go.

(Time noted: 1:49 P.M.)

---o0o---

(Closed session was held:
1:55 P.M. to 2:07 P.M.)

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(Time noted: 2:11 P.M.)

CHAIRPERSON DUDLEY: Okay. Are we all set?

We will now reconvene in the regular session to take a vote on the Board's recommendation in the matter of case POST2306324, Luke Baxter Walden, who at the time of the events at issue in this case was employed with the Los Angeles Police Department.

What comments does the Board have on this matter?

Okay. I have a few comments.

In listening to my fellow Board Members, it seemed critical to all of us that someone who has a badge and has authority and has the authority to arrest, has the authority to use potential great bodily injury, it's so important that that person be honest.

And what seemed very important to all of you was that law enforcement officials throughout California and our country be honest.

And that was what I heard over and over again from this Board.

Does anybody want to dispute that? Or add to that?

MEMBER CRAWFORD: I would like to add that just as you said, as law officials, we, as a people, expect for you to be there to protect and serve. And when we come across -- or the public comes or the community comes across an officer who seems dishonest, overzealous, it's a recipe, sometimes, for disaster.

And so I would like to make a motion if it's okay with my Board Members.

CHAIRPERSON DUDLEY: Please.

MEMBER GLASER: May I just add one more comment. So just to sort of close this circle here, in this particular case, I think it -- Mr. Walden's arguments just strained credulity, that he would have -- had been

researching suppressors and then within a few days order one. And that he had intended to order something else entirely. That just -- the probability of that occurring by chance is so vanishingly small that it -- that it seems like it can't be true.

And hence, there -- him having denied that raises an honesty issue, which is, as we say, so important to law enforcement.

CHAIRPERSON DUDLEY: Thank you. Anybody else want to make a comment?

MEMBER JOHNSON: I think --

CHAIRPERSON DUDLEY: Mr. Johnson.

MEMBER JOHNSON: Yes. Johnson.

In regards to that honesty, we definitely made it clear to ourselves, the Board that is, that though LA, Department of Police, didn't charge him or see any dishonesty, that wasn't the issue with us. It was the fact that he was dishonest.

CHAIRPERSON DUDLEY: Okay. Thank you.

Anything else before a motion is made?

Okay. You wanted to make a motion?

MEMBER CRAWFORD: Regina Crawford. And I would like to make a motion to decertify Mr. Walden.

CHAIRPERSON DUDLEY: Is there a second?

MEMBER LARA: I second.

CHAIRPERSON DUDLEY: Okay. Thank you.
Okay. We need roll call, please.
MR. KNAPP: Yes, Madam Chair. Thank you.
Clavo.
MEMBER CLAVO: Aye.
MR. KNAPP: Clavo, aye.
Crawford.
MEMBER CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Dudley.
CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Dudley, aye.
Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, 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 seven ayes, motion passes.

CHAIRPERSON DUDLEY: Thank you.

As this was the last item on the agenda for today, let me just ask, I hate for any of you to leave if there was anything unsaid.

Do any of the members of the Board have any additional comments before we adjourn for the day?

Dr. Glaser.

MEMBER GLASER: I would like to thank the staff of the Division for the excellent data presentation earlier and the progress that you've made in producing useful, valuable data for our consumption and for the public consumption. Thank you.

CHAIRPERSON DUDLEY: Yeah, I would second that motion.

MEMBER CRAWFORD: I third.

CHAIRPERSON DUDLEY: Anything else?

(No response.)

CHAIRPERSON DUDLEY: Okay. So seeing nothing additional, I will need a motion to amend.

MEMBER CLAVO: I make a motion to adjourn.

CHAIRPERSON DUDLEY: Thank you. Thank you.

MEMBER CRAWFORD: Second.

CHAIRPERSON DUDLEY: Thank you.

And the meeting is then adjourned. I don't think we need a roll call on that.

And we will reconvene tomorrow at 9:00 A.M. And to review the last two cases.

Thank you very much.

(Proceedings concluded at 2:13 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 30th day of July 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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INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Luke Baxter Walden

POST ID NUMBER: A95 – T18

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: POST2306324

WRITTEN BY: William Imboden

DATE: 3/13/2025

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I. Executive Summary

Beginning in January 2021, through March 2021, Respondent Officer, Detective Luke Baxter Walden, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address.

In April 2021, the package was intercepted by Custom and Border Protection (CBP) and an investigation was conducted into the purchaser by Homeland Security Investigations (HSI), when it was discovered that the package contained a silencer. In November 2022, Respondent was arrested for attempted possession of a silencer under Penal Code section 33410, a felony, and held to answer at a preliminary hearing in Los Angeles County. In September 2023, Respondent pled no contest to the misdemeanor crime of attempting to possess an assault weapon under Penal Code section 30605(a), a Misdemeanor, and was sentenced to one day in county jail and fines.

During the course of the administrative investigation conducted by LAPD, Respondent denied he was trying to purchase a firearm silencer and stated he was merely trying to purchase a high-end fuel filter for an early 1980’s Toyota Celica he was restoring.

In April 2023, LAPD sustained the allegation of attempting to obtain a firearm silencer. The respondent was served with a notice of intent to terminate his employment with the LAPD and directed to a Board of Rights (BOR) hearing. In February 2024, the Board of Rights unanimously found Respondent “Guilty” of the charge of trying to obtain a firearm silencer, however they reduced the recommended discipline from termination to 30 days of unpaid leave.

The thorough investigation conducted by LAPD clearly establishes that Respondent was purposefully seeking out firearm silencers and suppressors that could be purchased overseas and masked as fuel filters, for specific types of weapons to include

ones the respondent owned. After reviewing the investigation, the Peace Officer Standards and Accountability Division (POSAAD) determined that in addition to an allegation of Acts that Violate the Law in violation of Penal Code section 13510.8(b)(6), an allegation of Dishonesty in violation of Penal Code section 13510.8(b)(1) - Serious Misconduct, be included herein.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent Officer Luke Walden was employed as a Detective with the Los Angeles Police Department (LAPD).

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Police Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of "Supervisor". On June 5, 2022, Respondent was demoted back to the rank of Detective.

In addition to attending the Basic Intensive Police Academy in 1999, prior to his arrest in November 2022, the respondent attended the following in-service training applicable to this investigation:

- 2/17/2000 .45 Pistol Transition Course
- 2/19/2001 Firearms Bean Bag Course
- 7/11/2001 Firearms/Tactical Handgun Course
- 3/2/2004 Firearms/Semi-Auto Pistol Course
- 6/21/2005 Firearms/Tactical Rifle Course
- 2/14/2006 Pedestrian Stops/Weapons Course
- 5/4/2006 Firearms/Tactical Rifle Course
- 9/14/2006 Firearms/Tactical Handgun Course
- 11/8/2006 Firearms/Tactical Rifle Course

- 5/23/2007 Firearms/Tactical Rifle Course
- 7/31/2007 Pedestrian Stops/Weapons Course
- 9/6/2007 Firearms/Tactical Rifle Course
- 12/04/2007 Firearms/Tactical Rifle Course
- 11/02/2009 Firearms/Tactical – Advanced Course
- 5/25/2010 Firearms/Tactical Rifle Update
- 7/3/2012 Firearms/Tactical Rifle Update
- 3/05/2013 Firearms/Tactical Rifle Update
- 10/17/2013 Firearms/Tactical Rifle Update
- 3/25/2014 Firearms/Tactical Rifle Update
- 9/18/2014 Firearms/Tactical Shotgun
- 10/20/2014 Firearms/Tactical Rifle Update
- 4/13/2015 Firearms/Tactical Rifle Update
- 4/06/2016 Firearms/Tactical Rifle Update
- 11/02/2016 Firearms/Tactical Rifle Update
- 11/10/2016 Undercover Operations/Tactical Response
- 4/25/2017 Firearms/Tactical Rifle Update
- 11/09/2017 Firearms/Tactical Rifle Update
- 4/12/2018 Firearms/Tactical Rifle Update
- 12/05/2018 Firearms/Tactical Rifle Update
- 10/01/2019 Firearms/Tactical Rifle Update
- 7/23/2020 Undercover Operations/Tactical Response
- 4/18/2021 Firearms – Sighting Systems

In addition to the above firearms related courses, Respondent attended Tactical Rapid Entry Courses for Narcotics Officers.

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.

During Respondent's 24-year career he has received 155 Citizen and Department commendations. His service records do not show any prior discipline or complaints for similar allegations.

c. Prior Employment History

Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certification

Respondent is assigned POST ID A95 – T18. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic (1/20/2000)
- Intermediate (6/03/2008)
- Advanced (2/10/2011)
- Supervisory (10/24/2016)

e. The Present Allegations of Serious Misconduct

1. Filing of Complaint With Agency

The parcel was intercepted on April 22, 2021, and LAPD IA responded to HSI on April 26, 2021, however, their report does not specify a notification date.

2. Agency Determinations on Complaint, Discipline, and Any Appeals

On February 23, 2022 LAPD concluded their investigation with a recommended finding of Sustained. On February 21, 2023 The Chief of Police upheld the findings and referred the respondent to a Board of Rights for termination. On February 14, 2024 the Board of Rights upheld the findings as well but reduced the discipline to thirty (30) days of unpaid leave/suspension, with no explanation to justify the reduction.

3. Date of Receipt By POST

POST received this initial report on April 13, 2023 with a notification that the case was sent to the BOR on appeal. On January 3, 2025 LAPD notified POST that the BOR appeal was concluded and the discipline was reduced.

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 Los Angeles Police Department administrative investigation which included interviews of two witnesses and the subject officer, as well as summaries of the investigation conducted by Homeland Security Investigations. The LAPD investigation included conversations with agents from the Department of Homeland Security (DHS), Homeland Security Investigations, Custom and Border Patrol, and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The conversations were conducted for background information and factfinding, and not investigative

interviews. In addition, POSAAD interviewed several LAPD personnel involved with the investigation and conducted independent research into fuel filters and solvent traps, and how to convert them into firearms silencers and suppressors.

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

On April 22, 2021, CBP Officer Marisela Pena was assigned to the Los Angeles International Airport mail facility. While screening a bin of parcels received from the People's Republic of China using dedicated X-ray equipment, Officer Pena identified 13 objects that were consistent with firearm silencers. The objects were contained in thirteen separate parcels addressed to recipients throughout California. The parcels were declared as "fuel filters". Upon opening the parcels CBP determined that they were in fact illegal firearms silencers. [1]

CBP generated a list of the recipients and contacted HSI for possible investigation. One of the parcels was addressed to "Luke Waldon" with an address in Granada Hills, CA, and was assigned to HSI Special Agent Razmik Madoyan for follow-up.

[1] *Authority provided in Title 19, Code of Federal Regulations section 162.6 known as "Border Search Authority" allows CBP Officers to conduct examinations of all goods entering the United States. Additionally, these searches at the border do not require probable cause or a warrant as recognized in United States v. Ramsey, 431 U.S. 606, 619 (1977).*

During his initial research into "Luke Waldon", Agent Madoyan discovered he was an active Los Angeles Police Officer. LAPD was contacted and took over the criminal investigation and initiated an administrative investigation. Prior to accepting the investigation, LAPD confirmed Respondent was a current LAPD Detective assigned to the Gang and Narcotics Division (GND). His home address of record with the Department matched the one on the shipping label in Granada Hills, CA. Respondent had been assigned to GND since April 2009 and had worked several assignments including the Buy Team, the Gun Unit, and an FBI Gang Task Force.

Upon inspection of the parcel, LAPD noted that it was shipped by Xu Shi Ming, from Wuhan, China. The packing described the item as a "fuel filter" with a value of 10 dollars. The label also contained graphics in Chinese, which when translated stated, "Spiral ½ - 28 single-core automobile fuel filter (6-inch ½"- 28-black spiral P0171289910)."[2]

> **Note:** ATF published a Technical Bulletin on October 30, 2019, titled "*Inline Filter" Firearms Silencers* which stated among other things that a ½ - 28 righthand bolt thread can be applied to the following firearms: AR-15, M-16, AR-180, most threaded .223/5.56 rifles, most threaded .22 rifles and pistols, most threaded 9mm pistols, Ruger 10/22 Tactical Rifle, newer Mini 14 .223/5.56 rifles, MPA57 submachine pistol, and an MPA 9mm submachine pistol.

LAPD further described the item as a black colored cylindrical object which had a mono-core baffle with a threaded opening on one end. There was also an outer metal tube, a threaded center marked endcap, a threaded ring and a plastic tube. After the item was booked into Evidence, LAPD criminalist Fadil Biraimah of the Forensic Science Division examined it and its components. Criminalist Biraimah's report stated the following:

[2] "1/2 – 28" and "5/8 – 24" as seen throughout this report refers to thread size and count (e.g. ½" diameter shaft with 28 threads per inch (tpi))

> "The external inspection revealed the assembly to be in good condition. It has the general appearance of a silencer. The components are all consistent with machined aluminum with a dark, smooth surface finish. There is an internally threaded collar at one end and an unthreaded opening at the other. There are no indications of amateur or improvised production processes. There are no indications of repurposed material or components. The internal inspection revealed a well-made single piece (monocore) baffle with an open channel from end to end. The monocore baffle divides the tube volume into 8 chambers which are open to the central channel. The first area is larger and is consistent with an entrance chamber. The threaded collar is consistent with a muzzle attachment point. These features are conspicuous suppressor/ silencer design elements that substantiate the classification as a silencer."

He concluded by writing in his report that the assembly, as received, was a firearm silencer as described in California Penal Code section 17210.[3]

LAPD contacted the California Department of Justice (Cal DOJ) and obtained a list of all the firearms that were registered to Respondent. With assistance from Cal DOJ and through further investigation, LAPD determined Respondent had fifty-four (54) registered firearms (41 handguns, 12 rifles, 1 shotgun), many of which were compatible with a ½ - 28 barrel thread size.

LAPD conducted an internal audit of Respondent's internet search history on department computers between January 1, 2020, and April 28, 2021. The audit contained keyword searches for "Silencer", "Fuel Filter", "Solvent Trap", "China", "Threaded Barrel", "Firearm", "Barrel", "33410" (California Penal Code section 33410 makes it a Felony for a person, firm, or corporation to possess a silencer) and "Rifle". The audit determined Respondent searched numerous websites that advertised the sale of threaded barrels for weapons that matched several of the handguns that were registered to Respondent, a rifle that was registered to him, and threaded barrels for weapons not registered to

[3] California Penal Code section 17210 defines a "silencer" as any device or attachment designed to silence, diminish, or muffle the report of a firearm, or any parts intended for their assembly or fabrication

him. The audit determined that Respondent conducted twenty-one (21) internet searches using LAPD computers between December 21, 2020, and April 28, 2021, as follows:

www.kimberamerica.com

- .45 ACP Stainless Steel Threaded Barrel SKU: 4000005
- 9mm Stainless Steel Threaded Barrel SKU: 4000006
    - Respondent had 2 Kimber .45 cal. handguns registered to him
    - Respondent did not have a Kimber 9mm handgun registered to him.

www.brownells.com

- 1911 Threaded Barrel
- Handgun-parts/barrel-parts/barrels/1911-45-acp-suppressor-ready-threaded-barrels

www.opplanet-trybe.com

- TRYBE Defense Glock 22/31 9mm threaded Conversion Pistol Barrel
- TRYBE Defense Glock 23/32 9mm Threaded Conversion Pistol Barrel
- TRYBE Defense Glock 34 9mm match grade threaded Pistol Barrel
- TRYBE Defense AR Pistol Barrel 9mm
- TRYBE Defense Sig Sauer P320
    - Respondent had a Glock 22 registered to him
    - Respondent did not have a Glock 23/32 registered to him
    - Respondent had a Glock 34 registered to him
    - Respondent had an AR 9mm Pistol registered to him
    - Respondent did not have a Sig Sauer P320 registered to him

www.pealtier.com

- Aluminum Barrel End Thread Protector for Ruger 1022 10/22 .223 .308 Compensator
    - Respondent had a Ruger .22 rifle registered to him

The LAPD audit also revealed that Respondent searched websites that advertised the sale of "fuel filters". The search focused on filters that had an inner thread size of ½ - 28 converting to an outer thread size of 5/8 – 24. The ½ - 28 thread size would apply to many of the weapons registered to Respondent.

www.pealtier.com

- New Fuel Filter Suit for Napa 4003 WIX 24003 5/8"- 24 & ½" Turbo Air Filter Threaded End Cap

www.carid.com

- WIX WF10429 Fuel Filter (unknown thread size)

www.yhothe.com

- Fuel Filter for 4002 WIX ½ - 28 5/8 – 24

www.rallyset.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

www.napa4003solventtraps.com

- Aluminum 12-10-6-extension spiral 12-20-12-28-58-24-m141car fuel filter car solvent for Napa 4003 WIX 24003

www.bupuff.com

- Napa 4003 WIX 24003 ½ -28 5/8 – 24 fuel filter aluminum solvent trap

www.riorrkids.com

- Clearance Price Car Oil Fuel Filter for 4003 WIX ½ - 28 5/8 -24

www.kikogift.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

www.solventtrapfuelfilter.com

- Fuel Filter Solvent Trap

www.goopuff.com

- Napa 4003 WIX 24003 ½ - 28 5/8 – 24 fuel filter aluminum solvent trap

Respondent was interviewed by LAPD for the administrative investigation on January 11, 2022, and stated he was in the process of rebuilding two vehicles: a 1983 Toyota Celica and a 1985 Toyota Celica. The respondent stated he ordered a fuel filter for the 1985 which never arrived. He could not recall the vendor, or when he ordered the filter. He later ordered another fuel filter through Amazon.com (on August 21, 2021) which he did receive. Respondent denied ordering or attempting to obtain a firearm silencer. He provided pictures of the vehicles he was restoring along with pictures of the type of fuel filter he ordered, and the bracket used to install it.

The respondent said he had some knowledge of silencers which he obtained during his assignments, however he was not an expert. He knew that firearm silencers were illegal to possess. Furthermore, he did not dispute the results of the internet search audit. Respondent stated he used department computers to research silencers for work related purposes only, however he couldn't provide specific cases or reports that required the specific searches he conducted.

LAPD consulted their Acting General Automotive Supervisor, Gregory Field, who reviewed the websites Respondent visited that advertised the sale of fuel filters, and the item CBP seized. It was his opinion, based on the dimensions of the items Respondent researched that none of them were consistent with any fuel filter for a vehicle and the

item seized could not be used as a fuel filter because it had no internal filtration component.[4]

Because the Respondent was under criminal investigation simultaneously LAPD did not conduct any follow-up administrative interviews. They did try to contact the vendor of the intercepted item only to discover all of the contact information in the package was fraudulent (the phone number was not correct for Wuhan, China; the address does not exist on a Google Maps® search), and the Chinese mail service did not provide any information on the sender's information.

During the criminal investigation of Respondent, LAPD served a search warrant on Respondent's PayPal® account. The search revealed that on March 17, 2021, at 0828 hrs. a transaction was completed for $45.96 for the purchase of a "Napa 4003 WIX 24003-1/2-28 5/8-24 Fuel Filter Aluminum Solvent Trap / ½-28-XH". The recipient of the payment was: "Xu Shi Qi International Limited" in Hong Kong, China.

At the conclusion of their criminal investigation, LAPD obtained an arrest warrant for Respondent, who was subsequently booked into the LA County Jail on November 14, 2022. On November 16, 2022, the LA County District Attorney's Office filed one Felony count of Attempted Possession of a Silencer in violation of Penal Code sections 664 and 33410.

In April 2023, LAPD sustained the allegation of attempting to possess a firearm silencer, referred Respondent to a Board of Rights, and recommended termination as the

[4] In-line automobile fuel filters work by trapping dirt, rust, and other debris as fuel flows through them, preventing these contaminants from reaching the engine's fuel system. The filter contains a pleated paper element or other filter medium that captures particles and contaminants as the fuel passes through. Modern fuel filters are designed to trap all particles larger than 30 microns (0.03 millimeters).

appropriate discipline. A the BOR hearing LAPD Criminalist Biraimah stated that “Napa 4003” is a code word for suppressors known to firearms buyers. After examining the seized item, he determined it was a firearm suppressor compatible with a number of firearms. After examining the list of firearms possessed by Respondent Mr. Biraimah found a number of them could be used with the silencer if modified with a threaded barrel.

Respondent’s supervisor, LAPD Lieutenant Eric Bixler, testified at the BOR hearing that one of Respondent’s job responsibilities was to identify suppressors and that Respondent would have been aware of the seized item’s purpose as a suppressor.

At the conclusion of the BOR hearing the board unanimously agreed that Respondent was guilty of the allegation that he, “attempted to obtain a firearm silencer”. However, the board did not impose the recommended termination and instead reduced the discipline to 30 days of unpaid suspension. At the conclusion of which Respondent was restored to full duty with LAPD. The board did not offer any written explanation for the reduction in discipline.

With respect to the criminal charges, on March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, Respondent pled Nolo Contendre (No Contest) to the misdemeanor charge of Attempt to Possess an Assault Weapon and sentenced to one day in jail, one year of informal probation, community service and $150 in fines. The Felony charge was dismissed as part of the plea agreement.

During the criminal investigation, LAPD’s Internal Criminal Investigations Bureau , consulted Agents and Officers of the Department of Homeland Security, Department of

Justice, Homeland Security Investigations, Custom and Border Protection and Bureau of Alcohol, Tobacco, Firearms, and Explosives in an effort to gain an understanding of the market for illegal silencers, the influx of illegal silencers coming into the country, and how importers and purchasers are attempting to skirt the laws and evade detection. As of the time of their report, LAPD learned that CBP had intercepted thousands of suppressors or parts of suppressors, being shipped into the United States from various vendors based out of China.

The intercepted packages are often mislabeled and incorrectly manifested. Senders often identify the contents of the packages as “filter”, “machine filter nozzle”, “motorcycle filter”, “fuel filter”, or other items with the word “filter” or “solvent trap” in the commodity description.

ATF provided Technical Bulletins regarding the detection and identification of firearm silencers which have been marketed as “in-line filters” and “solvent traps”. A legitimate solvent trap is a device that is attached to a firearm muzzle to catch or “trap” dirty cleaning solvent as it is pushed through the barrel. One end of the trap must be solid and have no hole that will allow a projectile to pass through. Devices that have a hole or an index mark for a hole in the endcap are classified as a “firearm silencer” under the National Firearm Act (NFA), which the United States enacted in 1934.

Purchasers may modify these devices into unregistered (illegal) silencers by simply coring a hole into the enclosed/indexed end, which would prevent the device from trapping dirt or solvents. Some devices marketed as “solvent traps” and “fuel filters” have an index mark showing where to drill a hole to modify the device into a silencer. Some also include silencer baffles, which are common in firearm silencers but serve no purpose in a solvent trap or fuel filter.

Title 18, USC 921(a)(24) defines a firearm silencer or “suppressor” as any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts designed or redesigned and intended for the use in assembling or fabricating a firearm silencer or a firearm muffler, any part intended only for use in such assembly or fabrication. The state of California defined the term “silencer” as a device that reduces the sound of a gun when the gun is fired. California Penal Code section 33410 makes it a Felony for a person, firm, or corporation to possess a silencer.

In order to legally possess a silencer in the United States an individual must apply for and receive advanced approval from the ATF. The silencer must have a registered serial number and bear that number. An individual who had received advanced permission to possess a silencer would appear on the National Firearms Registration and Transfer Record.

The National Firearms Act prohibits the importation of suppressors unless they are for the use by the United States for research, for testing by a registered manufacturer, or to be used as a sample by a registered importer. United States Code, Title 26, section 5844. Additionally, the United States maintains an arms embargo against China making it illegal to import silencers from that country according to the Code of Federal Regulations, Title 27, sections 447.21 and 447.52.

At the conclusion of reviewing the LAPD investigation, POSAAD conducted a simple search of YouTube using the keyword sentence “firearm silencer from fuel filter”. The ensuing search resulted in dozens and dozens of YouTube videos ranging from several seconds to over 45 minutes, discussing the purchasing, packaging, manufacturing and quality of “1/2 – 28 5/8 – 24 fuel filter / solvent traps”, and many not only explained how to easily modify them to silencers, but some showed the silencers in use after modification.

https://www.youtube.com/watch?v=qktwL8KNdw8

https://www.youtube.com/watch?v=R1i0JrRaWPo&t=676s

https://www.youtube.com/watch?v=fMZMbLg2MBc

V. Analysis and Findings

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

11 CCR §1205(a)(1) defines Dishonesty as:
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.

Clear and convincing evidence exists to show that Respondent was dishonest in his answers during the Administrative Investigation into his alleged misconduct.

During the Administrative Investigation into the alleged serious misconduct of "Acts That Violate the Law" (attempting to purchase an illegal firearm silencer, a Felony), the Respondent stated he did not try to purchase a firearm silencer.

I.A. Interview conducted on January 11, 2022

At 5 minutes and 19 seconds (5:19):

Q: [describing the package label to Respondent] "… saying half inch to twenty-eight single core automobile fuel filter. Your name, Luke Walden, and home address were on the shipping label. Do you recall ordering such an item?"

A: "I ordered a fuel filter in the past, I don't remember when. It never got to my house, so I went on Amazon and bought another one ..."

Q: "Who was the vendor… for the fuel filter, do you remember?"

A: "No. I [unintelligible]"

Q: "Can you give me an approximate time frame of when you ordered it"

A: "No. I'm being honest. I can't remember."

At 11:08

Q: "Did you ever order a firearm silencer or suppressor?"

A: "Hell no"

Q: "You do understand what a firearm silencer or suppressor is, is that correct?"

A: "I understand the concept… I've shot them (at department training) but I'm not one hundred percent on how they work … I'm not really well versed."

At 12:56

Q: "Did you ever buy an object or a product that was sold to you under the guise of it being a fuel filter but in actuality it was a firearm suppressor or silencer?"

A: "No"

At 17:17

Q: "have you done internet searches on silencers or firearm suppressors on your department computer?"

A: "yes."

Q: "Why don't you expand on that?"

(Respondent explained that based on sources through the FBI, "bad guys" are going to sell them weapons, mostly ghost guns.)

A: "If you build a gun with a threaded barrel, it becomes an assault pistol at the State level. Me looking that stuff up is based on what I work on."

Respondent claimed to be restoring two old cars, neither of which would use a fuel filter like the item that was seized by CBP. He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The picture of this item, purchased on Amazon in 2021, is vastly different than the item seized by CBP, and is clearly meant to be used as an in-line fuel filter. Additionally, this fuel filter was purchased on August 21, 2021, well after Respondent knew he was under investigation for purchasing the "fuel filter" from China.

At 6:41

Q: "Okay, you're saying you ordered a fuel filter for a vehicle, is that correct?"

A: "yes, sir."

Q: "And that never arrived, right?"

A: "Yes, sir."

Q: "What was the purpose of this fuel filter?"

A: "I have two cars I am rebuilding. One with my son and one for myself …. One is an '83 Celica …. I've done a bunch of suspension and body work to it … we're doing a family project, its something I learned from my dad … and then I have the '85 Celica … on the '85 I'm going to switch the motor to get a bigger engine in there … a super engine … I'm trying to update the fuel system so the car can take the fuel. If you put a bigger engine in you need more gas."

Q: "The fuel filter that you say you ordered that never arrived, was that for the '85 Toyota Celica?"

A: "Yes."

At the **8:10** mark the Respondent stated he was buying a universal fuel filter.

Q: "So you're buying a universal fuel filter you said?"

A: "Yeah. Universal fuel filter. Um, since the one never came, I purchased another one on Amazon. I have photos of all that."

At 20:40

Q: "And you never did any internet searches on your work computer looking to buy a firearm suppressor or silencer shipped to you. Is that correct?"

A: "No. That's correct."

The item CBP seized, which was addressed to Respondent at his home address, while it might be advertised on the internet as a fuel filter (or solvent trap), as manufactured it is functionally inoperable as a fuel filter (it had no filtering

properties), and there are dozens upon dozens of internet sites discussing and showing how to convert this item into a firearm silencer. The item is the exact same brand and size as was located in LAPD's internet audit of the Respondent's internet searches for firearm silencers and was determined to fit many of the firearms Respondent owned. Additionally, the exact name, type, and size are listed on ATF training documents to help law enforcement recognize illegal firearms silencers.

The item purchased using the Respondent's PayPal account was sold by "Xu Shi Qi" in China. The item seized by CBP addressed to Respondent was shipped by "Xu Shi Ming" from China.

The respondent was asked about his internet searches for fuel filters and solvent traps on department computers during his I.A. interview:

Q: "What about fuel filters? Do you recall doing internet searches for that?"
A: "Not independently. No."
Q: "What about solvent traps?"
A: "Not independently."

Respondent's supervisor at LAPD testified at his Board of Rights hearing that one of Respondent's job responsibilities was to identify suppressors and that Respondent would have been aware of the seized item's purpose as a suppressor. However, at the 11 minute and 24 second mark during his I.A. interview when asked if he knew what a firearm silencer or suppressor was, the Respondent stated, "I understand the concept …. I'm not really well versed", in an attempt to downplay his knowledge.

During his I.A. interview on January 11, 2022, in closing, the Respondent stated, "I've been doing this for twenty-three years. There's no way in heck I'm going to jeopardize a twenty-three-year career and a Top Secret FBI security clearance for something that is illegal and could be a felony."

The Board of Review unanimously found the Respondent guilty of the allegation of trying to purchase a firearm silencer, despite the respondent repeatedly denying this fact during the BOR hearing and claiming he only tried to purchase a fuel filter.

> *"Detective Walden maintained that he intended to purchase a high-performance fuel filter. Detective Walden explained that he is a car enthusiast, who Rebuilds cars and has a number of pending and Incomplete projects" – B.O.R. Rationale of Findings Page 2, lines 20 - 24*

b. Does the alleged conduct violate California Regulation 1205(a)(6) – Acts That Violate the Law?

11 CCR § 1205(a)(6) defines Acts That Violate the Law as "*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*".

On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead "No Contest" to the misdemeanor charge of Penal Code sections 664 and 30605(a); *Attempt to Possess an Assault Weapon*. The Felony charge was only dismissed as part of the plea agreement.

Despite Respondent's misdemeanor plea resulting in the dismissal of the felony charge, clear and convincing evidence exists to show that Respondent committed the act of purchasing an illegal firearm silencer, in violation of California Penal Code section 33410, a Felony. This conduct occurred despite his extensive firearms training through POST, in-service training, and on the job exposure to firearm crimes both generally and as part of LAPD's Gun Unit. Although the investigation was turned over to local law enforcement for prosecution, Respondent violated Federal law under section 27 CFR 447.21 and 27 CFR 447.52, as well as the National Firearms Act (USC, Title 26, section 5844).

Respondent spent several weeks between December 21, 2020, and April 28, 2021, searching the internet for "fuel filter" and/or "solvent trap" with some variation of the words and numbers "Napa", "WIX", "1/2", "28", "5/8", "24", "24003", and "4003" as well as various sites advertising threaded pistol barrels. All of these key search words are identified in ATF Technical Bulletin 20-01 "Inline Filter Firearms Silencers" dated October 30, 2019, and/or ATF Technical Bulletin 17-02 "Solvent Traps" dated April 20, 2017. Additionally, LAPD Criminalist Biraimah testified at Respondent's BOR hearing that "Napa 4003" is a well known code for firearms suppressors among firearms enthusiasts. Respondent's searches for Fuel Filter or Solvent Trap ended on March 15, 2021 – two days prior to his purchase of the silencer.

On March 17, 2021, Respondent used his personal PayPal account to purchase a "Napa 4003 WIX 24003 ½ - 28 5/8 -24 Fuel Filter Aluminum Solvent Trap" while off duty. After that date the LAPD internet use audit into Respondent's web searches showed he only searched for websites that sold threaded firearm barrels. His searches for Fuel Filter or Solvent Trap ended on March 15, 2021. On April 22, 2021, a CBP Officer intercepted a package addressed to Respondent at Respondent's home address with the customs description of "Fuel Filter" on the outside. The shipping label also contained the description, "Spiral ½ - 28 single-core automobile fuel filter".

An LAPD Criminalist inspected the item and stated it was his professional opinion that the item was a firearm silencer. An LAPD automotive supervisor inspected the item and stated not only would the item not fit a Toyota Celica, but the item was also incapable of being used as a fuel filter as it had no internal filtering capabilities; it was an open core.

During his career as a peace officer, Respondent served on the LAPD's Gang and Narcotics Division's Gun Unit. Respondent's supervisor at LAPD testified at his personnel Board of Rights hearing that one of Respondent's job

responsibilities was to identify suppressors and that Respondent would have been aware of the seized item's purpose as a suppressor. Additionally, Respondent has qualified as a gun expert for purposes of testifying in State court proceedings[5]. During his IA interview, Respondent claimed to have used department computers to research silencers for work related purposes only, although he could not provide specific cases or reports that required the specific searches he conducted. Even assuming Respondent's statement to be true, it demonstrates that he was fully aware that these products – the same type as the one he ordered for himself shortly thereafter – were firearm silencers.

Respondent is an experienced peace officer with almost twenty-seven years in the LAPD. In his position as an LAPD Officer, Respondent was not only charged generally with getting illegal guns off the streets but had been a part of the LAPD's Gun and Narcotic Division's Gun Unit for approximately three years. By illegally purchasing a silencer from China, Respondent was in effect, committing the same type of crime that he was sworn to prevent.

During Respondent's IA interview on January 11, 2022, beginning at the 14 minute and 11 second mark, he was asked by his attorney to explain why he never owned any firearm suppressors or silencers, he stated, "Because that's illegal". This, together with Respondent's training, knowledge, and admitted research, demonstrates that his purchase of the silencer was an intentional violation of the law.

At the 22 minute and 55 second mark of the interview the I/O asked, "So you're telling me you're obviously aware a firearm suppressor or silencer is illegal in California, is that correct?". To which the Respondent replied, "Yeah, and apparently parts as well, based on the law." This response shows not only Respondent's culpability, but also a persistent lack of accountability by continuing to refer to the silencer as a "part."

Based on the facts and analysis presented, this intentional violation of the law committed by the respondent peace officer is egregious.

[5] Noted by the Board of Rights in its Rationale on Findings, dated February 14, 2024; pg 2, line 24 – pg 3, line 1.

VI. Supporting Evidence and Documentation

- Attachment A – Respondent's POST Profile Report
- Attachment B – Picture of Package as Addressed
- Attachment C – ATF Technical Bulletins
- Attachment D – Picture of Seized Item
- Attachment E – DOJ Printout of Registered Weapons
- Attachment F – LAPD Internal Audit Report
- Attachment G – Search Warrant Supplement (PayPal)
- Attachment H – Amazon Purchase Picture
- Attachment I – Criminal Court Documents
- Attachment J – BOR Rationale Documents
- Attachment K – IA Interview Audio
- Attachment L – LAPD Criminalist Report

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation 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: April 30, 2025

CASE #: POST2306324

PEACE OFFICER: Luke Walden

POST ID#: A95 - T18

AGENCY: Los Angeles Police Department

POST CONSULTANT / BC: William Imboden / Mike Radford

ALLEGATION(S):

Commission Regulation 1205(a)(1) Dishonesty

Commission Regulation 1205 (a)(6) Acts that Violate the Law

January 2021, through March 2021, Respondent Officer, Detective Luke Walden, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, firearm silencers, and noise suppressors commonly sold as "oil filters". On March 17, 2021, Respondent, made an online purchase of a purported automotive oil filter from a company in China, listing his home address as the mailing address.

In April 2021, the package was intercepted by Custom and Border Protection and an investigation was conducted by Homeland Security Investigations when it was discovered that the package contained a silencer.

In November 2022, Respondent was arrested for attempted possession of a silencer under Penal Code section 33410F, a felony, and held to answer at a preliminary hearing in Los Angeles County. In September 2023, Respondent pled no contest to the crime of attempting to possess an assault weapon under Penal Code section 30605(a), a Misdemeanor, and was sentenced to one day in county jail and fines.

During the course of the administrative investigation conducted by LAPD, Respondent denied he was trying to purchase a firearm silencer and stated he was merely trying to purchase a high-end oil filter for an early 1980's Toyota Celica he was restoring.

In April 2023, LAPD sustained the allegation of attempting to obtain a firearm silencer. The respondent was served with a notice of intent to terminate his employment with the LAPD and directed to a Board of Rights hearing. In February 2024, the Board of Rights unanimously found Respondent "Guilty" of the charge of trying to obtain a firearm silencer, however they reduced the recommended discipline from termination to 30 days of unpaid leave.

The investigation conducted by LAPD clearly establishes that Respondent was purposefully seeking out firearm silencers and suppressors that could be purchased overseas and masked as oil filters, for specific types of weapons to include ones the respondent owned.

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 attempted to purchase an illegal firearm silencer and then was dishonest in his internal affairs investigation. These acts were sufficiently egregious to warrant revocation of peace officer certification pursuant to 13510.8(b)(1) and 13510.8(b)(6).

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	Signature	5/8/25 Date
Annemarie Del Mugnaio Assistant Executive Director	Signature	5/8/25 Date
Manny Alvarez Executive Director	Signature	05/09/2025 Date

cc: Mike Radford

cc: Jason Morlock

cc: Chandler Knapp

cc:

POST PROFILE NAME:

WALDEN, LUKE BAXTER

CALIFORNIA COMMISSION ON **POST**

Certification Status: Temporary Suspension

AKA: N/A

DATE: 05/19/2023

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
A95-T18	LOS ANGELES PD	[redacted]		[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
97748	B	01/20/2000		53.00		Invalid
93079	I	06/03/2008	42	53.00		Invalid
86768	A	02/10/2011	78	53.00	0.00	Invalid
85863	S	10/24/2016	78.00	0.00	0.00	Invalid

Total Number of Certificates: 4

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
07/06/1998	10/07/2012	7	PO	07/06/1998	19420	LOS ANGELES PD	F	P	
07/06/1998	06/15/2014	7	DET	10/07/2012	19420	LOS ANGELES PD	F	P	
07/06/1998	06/05/2022	7	SUP	06/15/2014	19420	LOS ANGELES PD	F	P	
07/06/1998			DET	06/05/2022	19420	LOS ANGELES PD	F	P	

*Reason for Separation: 7 = Promotion/Demotion

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
08/31/1998	K	4890-23272-98-072	8		Y	19420	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE
01/15/1999	A	1850-00100-98-001	1064	R	Y	19420	LAPD		BASIC COURSE-INTENSIVE
02/18/1999	K	1850-21025-98-021	16	R	Y	19420	LAPD		ARREST/CONTROL TACTICS UPDATE
04/08/1999	K	1850-20680-98-110	6		Y	19420	LAPD		NETWORK COMMUNICATIONS UPDATE
04/08/1999	K	1850-29901-98-258	2		Y	19420	LAPD		S&K-INTOXIMETER
08/03/1999	K	1850-23761-99-014	8		Y	19420	LAPD		MOBILE FIELD FORCE TRAINING
02/08/2000	K	1850-29900-99-314	8		Y	19420	LAPD		S&K-CRIME SCENE INVEST
02/17/2000	K	1850-29900-99-388	8		Y	19420	LAPD		S&K-.45 PISTOL TRANSITION COUR
05/23/2000	K	1850-29900-99-665	8		Y	19420	LAPD		S&K-DNC FIELD EXERCISES II
01/15/2001	K	1850-29900-00-299	8		Y	19420	LAPD		S&K-FIELD OFFICER UPDATE
01/19/2001	K	1850-32290-00-003	32		Y	19420	LAPD		JUVENILE LAW ENFORCEMENT
02/19/2001	K	1850-29900-00-421	8		Y	19420	LAPD		S&K-FIREARMS BEAN BAG
07/11/2001	K	1850-32095-01-023	8		Y	19420	LAPD		FIREARMS/TACTICAL HANDGUN
10/03/2001	K	1850-22405-01-021	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
04/10/2002	K	1850-22405-01-139	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
05/14/2002	K	1850-21025-01-054	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
06/13/2002	K	1850-22405-01-089	32		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
10/04/2002	K	1850-32651-02-001	40		Y	19420	LAPD		NARC INVESTIGATION
10/21/2002	K	4890-23284-02-001	8		Y	19420	M TOLERNCE		RACIAL PROFILING-MOT
03/06/2003	K	1850-29900-02-415	8		Y	19420	LAPD		S&K-WEAPONS OF MASS DEST
03/25/2003	K	1850-29900-02-473	4		Y	19420	LAPD		S&K-MENTAL ILLNESS FIRST RESP
07/11/2003	K	1850-22120-03-001	24		Y	19420	LAPD		SURVEILLANCE TECHNIQUES
08/04/2003	K	1850-29900-03-024	8		Y	19420	LAPD		S&K-MANAG WORKPLACE MOD #248
10/23/2003	K	1850-23161-03-009	8		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
11/07/2003	K	1850-31725-03-004	40		Y	19420	LAPD		FIELD TRAINING OFFICER
11/19/2003	K	1850-29900-03-083	8		Y	19420	LAPD		S&K-FIELD OFCR UPDATE MOD #247
03/02/2004	K	1850-31810-03-025	16		Y	19420	LAPD	*	FIREARMS/SEMI-AUTO PISTOL
01/20/2005	K	1850-21025-04-031	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
06/21/2005	K	1850-32075-04-039	16		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
10/10/2005	K	1850-22414-05-008	2	X	Y	19420	LAPD		FIREARMS/OFCR SURVL SHOOTING

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
10/24/2005	K	1850-31767-05-032	16	X	Y	19420	LAPD		WMD/L.E. FIELD RESPONSE
02/14/2006	K	1850-22418-05-002	4		Y	19420	LAPD		PEDESTRIAN STOPS/WEAPONS
02/14/2006	K	1850-20832-05-002	4		Y	19420	LAPD	*	VEHICLE STOPS, ADVANCED
04/27/2006	K	1850-23161-05-023	16		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
05/04/2006	K	1850-32075-05-023	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
05/30/2006	K	1850-24270-05-016	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
09/14/2006	K	1850-32095-06-017	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
10/10/2006	K	1850-32693-06-026	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
11/28/2006	K	1850-32075-06-020	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
01/10/2007	K	1850-29502-06-064	4	X	Y	19420	LAPD	*	DRIVING(PSP)
01/10/2007	K	1850-21124-06-059	4	R	Y	19420	LAPD	*	FOOT PURSUITS
01/10/2007	K	1850-29000-06-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
05/23/2007	K	1850-32075-06-050	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
07/31/2007	K	1850-21018-07-017	2		Y	19420	LAPD		BUILDING SEARCHES
07/31/2007	K	1850-22418-07-009	4		Y	19420	LAPD	*	PEDESTRIAN STOPS/WEAPONS
07/31/2007	K	1850-20832-07-010	4	R	Y	19420	LAPD	*	VEHICLE STOPS, ADVANCED
09/06/2007	K	1850-32075-07-022	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
10/02/2007	K	1850-21752-07-010	10	R	Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
12/04/2007	K	1850-32075-07-048	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
03/05/2008	K	1850-32693-07-013	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
10/24/2008	K	1850-31725-08-001	40		Y	19420	LAPD		FIELD TRAINING OFFICER
11/07/2008	K	1850-21165-08-006	4		Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
01/05/2009	K	1850-31789-08-091	8	X	Y	19420	LAPD		WMD UPDATE
01/21/2009	K	1850-20662-08-009	4	X	Y	19420	LAPD		CRIMINAL RECORDS SYSTEM
04/15/2009	K	1850-24270-08-014	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/02/2009	K	1850-24270-09-004	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/02/2009	K	1850-21647-09-027	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
01/13/2010	K	1850-32693-09-012	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
05/12/2010	K	1850-29503-09-109	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
05/25/2010	K	1850-32078-09-037	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/07/2010	K	1850-20147-09-208	10		Y	19420	LAPD		MACTAC BASIC
07/06/2010	K	1850-21165-10-042	4		Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
07/06/2010	K	1850-21065-10-140	4		Y	19420	LAPD	*	FORCE OPTION-SIMULATOR
07/29/2010	K	1850-22680-10-001	8		Y	19420	LAPD		P.R.O.A.C.T.
04/26/2011	K	1850-24270-10-007	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
07/13/2011	K	1850-32693-11-002	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
03/15/2012	K	1850-21752-11-036	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
05/29/2012	K	1850-24270-11-024	6		Y	19420	LAPD	*	SEARCH-ARREST WARRANT
07/03/2012	K	1850-32078-12-067	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/28/2012	K	1850-22435-12-003	2	X	Y	19420	LAPD		OFFICER SAFETY/FIELD TACTICS UPDATE-PLAINCLOTHES
03/05/2013	K	1850-32078-12-085	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/04/2013	K	9260-22020-12-025	8		Y	19420	DOJ		ELECTRONIC SURVEILLANCE
06/19/2013	K	1850-32693-12-025	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
09/10/2013	K	1850-24270-13-004	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
10/17/2013	K	1850-32078-13-010	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
11/06/2013	K	1850-24270-13-015	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
02/20/2014	K	1850-32693-13-024	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
03/19/2014	K	1850-29502-13-140	4	X	Y	19420	LAPD	*	DRIVING(PSP)
03/19/2014	K	1850-21124-13-073	4	X	Y	19420	LAPD	*	FOOT PURSUITS
03/25/2014	K	1850-32078-13-076	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/12/2014	K	1850-32693-13-034	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
06/27/2014	D	1850-00400-13-008	80		Y	19420	LAPD		SUPERVISORY COURSE
06/30/2014	K	9180-25554-13-365	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
07/02/2014	K	1850-29000-14-258	2	X	Y	19420	LAPD		HUMAN TRAFFICKING: IDENTIFY & RESPOND
08/05/2014	K	1850-29000-14-255	2	X	Y	19420	LAPD		MENTAL HEALTH UPDATE
09/18/2014	K	1850-32085-14-001	24	X	Y	19420	LAPD	*	FIREARMS/TACTICAL SHOTGUN
10/20/2014	K	1850-32078-14-048	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
10/30/2014	G	1850-31487-14-001	24	X	Y	19420	LAPD		INVESTIGATIVE SUPERVISORY OPERATIONS-DETECTIVES
04/13/2015	K	1850-32078-14-147	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/10/2015	K	1850-21124-15-013	4		Y	19420	LAPD	*	FOOT PURSUITS
08/13/2015	K	1850-32691-15-014	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
10/17/2015	K	1850-20167-15-005	6	X	Y	19420	LAPD		MAC TAC UPDATE
01/14/2016	K	1850-24270-15-022	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
03/16/2016	K	1850-21165-15-019	4	R	Y	19420	LAPD	*	DRIVER TRNG (EVOC) UPD (PIT)
03/30/2016	K	1820-21842-15-018	8	X	Y	19420	LASD		COPLINK BASIC USERS' COURSE
04/06/2016	K	1850-32078-15-055	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
06/29/2016	K	1850-32691-15-012	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
07/07/2016	K	9180-25554-16-007	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
11/02/2016	K	1850-32078-16-072	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
11/10/2016	K	1850-32592-16-011	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/15/2016	K	1850-21185-16-070	9	X	Y	19420	LAPD	*	USE OF FORCE UPDATE
04/25/2017	K	1850-32078-16-155	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
08/22/2017	K	1850-29303-17-029	4	X	Y	19420	LAPD		BELOW 100
08/22/2017	K	1850-20268-17-028	4	X	Y	19420	LAPD		IMPLICIT BIAS AND COMMUNITY POLICING
10/03/2017	K	1850-24270-17-007	6	R	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
10/24/2017	K	9180-25585-17-116	2	X	Y	19420	POST	*	TACTICAL COMMUNICATION (WEB)
11/09/2017	K	1850-32078-17-077	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
02/01/2018	K	1850-29502-17-058	4	X	Y	19420	LAPD	*	DRIVING(PSP)
02/01/2018	K	1850-21124-17-008	4	X	Y	19420	LAPD	*	FOOT PURSUITS
04/12/2018	K	1850-32078-17-187	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
09/20/2018	K	9180-25587-18-082	2	X	Y	19420	POST		VEHICLE PURSUIT POLICY (WEB)
10/04/2018	K	1850-24270-18-015	6	X	Y	19420	LAPD	*	SEARCH-ARREST WARRANT
11/01/2018	K	1850-29503-18-043	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
11/14/2018	K	1850-32691-18-015	6	X	Y	19420	LAPD		NARCOTICS/TACTICAL RAPID ENTRY
12/05/2018	K	1850-32078-18-084	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
12/18/2018	K	1850-21954-18-071	9	X	Y	19420	LAPD	*	CROWD CONTROL
10/01/2019	K	1850-32078-19-020	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
12/02/2019	K	1850-29503-19-038	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
02/18/2020	K	9180-25585-19-233	2	X	Y	19420	POST	*	TACTICAL COMMUNICATION (WEB)
06/17/2020	K	1850-20799-19-078	8		Y	19420	LAPD	*	DE-ESCALATION & TACTICAL COMMUNICATION
07/23/2020	K	1850-32592-20-004	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/01/2020	K	9180-25590-20-154	2	X	Y	19420	POST		COURTROOM TESTIMONY (WEB)

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
12/08/2020	K	1850-21954-20-014	9	X	Y	19420	LAPD	*	CROWD CONTROL
12/15/2020	K	9180-25588-20-168	4	X	Y	19420	POST		CALLERS IN CRISIS: SUICIDAL CALLERS (WEB)
04/28/2021	K	1850-32063-20-024	8	X	Y	19420	LAPD		FIREARMS - SIGHTING SYSTEMS

***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. 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 = 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)* **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.


F
TO
[redacted]
13

October 30, 2019

"Inline Filter" Firearm Silencers

This information is provided to assist ATF personnel in identifying devices marketed as "inline filters" that are actually firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean, "*...any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

ATF Firearms & Ammunition Technology Division Technical Bulletin 17-02 addressed various types of filters used as "solvent traps" and "firearm silencers." Bulletin 17-02 determined that an unmodified "spin-on" automotive filter is suitable for use as a "solvent trap." With regard to an "inline fuel filter" (IFF), the bulletin acknowledged holes on each end but, relying on solid filter interior, stated "*Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.*"

Recently, FTCB has observed an increased number of criminal cases involving firearm silencers manufactured from IFFs. This increase in the use of IFFs as silencers, as well as the need for more thorough analysis of these items, prompted FTCB personnel to clarify the classification of inline filters purportedly used as solvent traps.

Solvent traps

Legitimate solvent traps are devices attached to the muzzle of a firearm barrel designed to catch or "trap" dirty cleaning solvent pushed through the barrel from the chamber end and out through the muzzle. Solvent traps are intended to prevent solvent from dripping, spraying, or spattering when pushed out the muzzle end of a firearm barrel. **The front end-cap of a solvent trap must be solid and have no hole that will allow a projectile to pass-through (including "pilot" holes that can be widened to allow a projectile to pass-through or marks indicating the location to drill such a hole). Devices that have a hole in or indexing mark for a hole in the front end-cap are classified as a "firearm silencer" under the NFA.**

Inline filters

In contrast to spin-on filters, IFFs have holes at both ends and are specifically designed to allow fluid to pass through; therefore, inline filters are not objectively suitable for use as solvent traps. Therefore, the only logical purpose for attaching an IFF to the muzzle of a firearm is for use as a firearm silencer.

As referenced in Bulletin 17-02, IFFs are designed to use filter elements or flow valves without center holes. This is a design characteristic IFFs share with some firearm silencers. For example, U.S. Patent 4,530,417 mentions creating a center hole through baffles or wipes installed in a firearm silencer using the first round fired through the device. FTCB personnel tested several commercially sourced IFFs and found that an *unmodified* IFF attached to the barrel of a firearm functions to reduce the report of a portable firearm utilizing this method and would therefore meet the definition of a "firearm silencer."

Fuel dispensing system hoses and nozzles typically utilize 3/4" or 1" National Pipe Tapered (NPT) threads, but threaded firearm barrels are not compatible. Adapters are therefore needed to attach IFFs to firearms (see chart below). FTCB research found no fuel fittings of the same size and pitch as those commonly found on firearm barrels. NOTE: Multiple adapters may be needed between the barrel and IFF.

Accordingly, FTCB has determined that an inline fuel filter possessed with a firearm modified to accept it, or with an adaptor(s) designed to affix the filter to the muzzle of a firearm (multiple adapters may be required), demonstrates intent to use the inline fuel filter to silence, muffle, or diminish the report of a portable firearm; therefore, it is a "**firearm silencer**" as defined. Further, as discussed below, an inline fuel filter with an end-cap having threads of the same size and pitch of those commonly found on threaded firearm barrels is a "**firearm silencer**" as defined.

YouTube contains a plethora of videos demonstrating IFFs (attached to firearm barrels) being used as silencers. Additionally, there are numerous websites on the Internet marketing various parts and kits intended for use in IFFs. A simple Google search for "NAPA 4003" will return

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multiple sites advertising items promoted as "fuel filters" that have no filtering capability. Similar parts and kits are also marketed as "solvent traps," "solvent trap accessories," or "dry storage containers."

Such deceptive advertisements sometimes include an "NFA Warning" or a legal disclaimer regarding the use or modification of these devices as, or in the fabrication of, firearm silencers. The inclusion of these disclaimers or statements, as well as customer comments and reviews, suggest the seller's knowledge of the intended end use of those items.

Some of the devices marketed as IFFs come assembled with end-caps threaded with the same sizes as found on firearm barrels, which negates the need for a thread adapter. These devices may contain the same threads in each end-cap, different sized threads in each end-cap, or even a threaded rear end-cap along with an unthreaded front end-cap.

EXAMPLES OF "FIREARM SILENCERS"

Threaded adapter and NAPA 4003 IFF

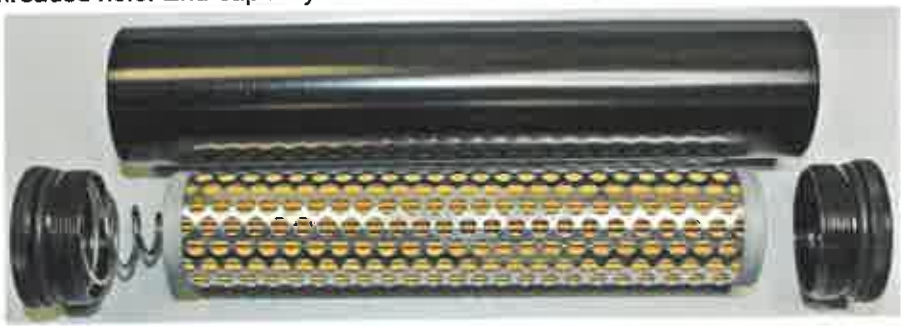
Threaded adapter for use with spin-on and inline filters. Multiple external thread pitches for use with different sized threads. Most common internal thread pitches are: 1/2-28 or 5/8-24 for compatibility with threaded firearm barrels. The adapter pictured is for use in attaching various sized automotive filters and is externally threaded with: 3/4-16, 13/16-16, and 3/4NPT (tapered pipe threads). NAPA/WIX IFFs are assembled with 3/4NPT internal threads in both end-caps.



Inline filter marketed as NAPA 4003

End-caps typically contain internal threads compatible with threaded firearm barrels. Most common sizes are 1/2x28 or 5/8x24. Filter element is too short for housing and will allow fluids to bypass without filtering. May have different size threads in each end cap or may have threads in only one end while other end has an unthreaded hole. End-cap may be marked inside or out with thread size.

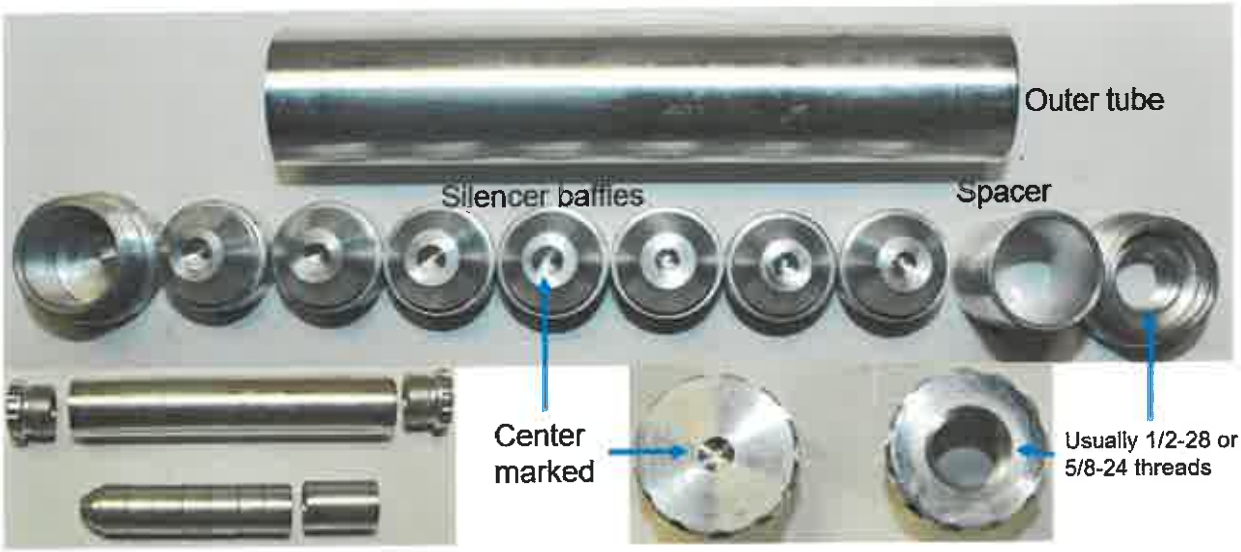




1C

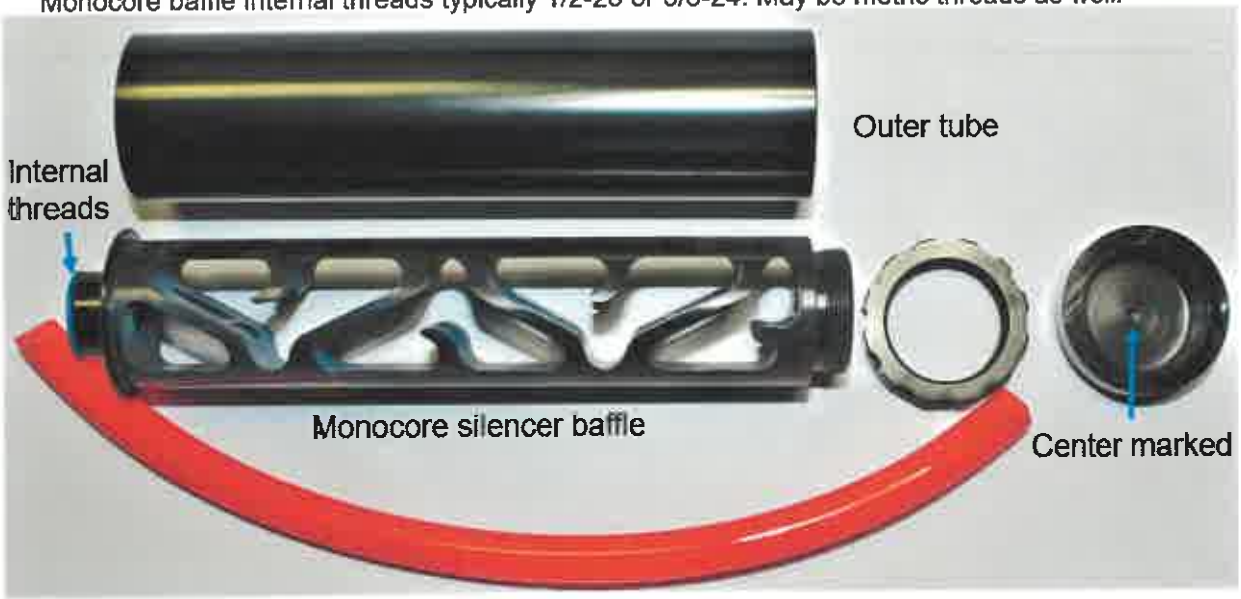
Marketed as NAPA 4003 filter

No filtering capability. Multiple silencer baffles and end-cap with center indicated. Includes a spacer to create a "blast chamber" at barrel end of device, a known silencer feature.



Marketed as NAPA 4003 filter

No filtering capability. Monocore silencer baffle with one end threaded for attachment to firearm barrel. Pictures on website may include mock-up of device, with hose attached, on a car or motorcycle engine. Includes an open nut to retain tube over monocore baffle and a closed end-cap with a mark indicating the center, and a length of hose. No fittings for included hose. Monocore baffle internal threads typically 1/2-28 or 5/8-24. May be metric threads as well.



ID

The following list of known firearm barrel thread sizes is not all-inclusive and intended only as a general reference.

AMERICAN STANDARD THREADS

THREAD	APPLICATION	CALIBER	TYPE
1/2-20 RH	Tec 22	.22 Caliber	Pistol
1/2-20 RH	CZ-452/455	.22 / 17 HMR	Rifle
1/2-28 RH	AR-15, M-16, AR-180	.223 / 5.56	Rifle
1/2-28 RH	Most Threaded .223 / 5:56		Rifle
1/2-28 RH	Most Threaded .22's		Rifle / Pistol
1/2-28 RH	Most Threaded 9mm		Pistol
1/2-28 RH	Ruger 10/22 Tactical	.22 Caliber	Rifle
1/2-28 RH	Newer Mini 14	.223 / 5.56	Rifle
1/2-28 RH	MPA57	5.7x28 MM	Submachine Pistol
1/2-28 RH	MPA "Mini"	9MM	Submachine Pistol
1/2-36 RH	AR-15, M-16, AR-180	9mm	Rifle
9/16-24 LH	FN FAL	.308 Caliber	Rifle
9/16-24 RH	Most Threaded .40		Pistol
9/16-24 RH	AR Grendel	6.50	Rifle
9/16-24 RH	Older Mini 14	.223 / 5.56	Rifle
9/16-24 RH	L1-A1	.308 Caliber	Rifle
9/16-24 RH	Glock 20	10 mm	Pistol
9/16-24 RH	H&K 94	9x19mm	Rifle
9/16-24 RH	MP5	9mm	Submachine Pistol
.578x28 RH	Most Threaded .45 Caliber		Pistol
.578x28 RH	Threaded 1911	.45 Caliber	Pistol
5/8 x 11 RH	M11/M12	.380 Caliber	Submachine Pistol
5/8-24 RH	Most Threaded .308		Rifle
5/8-24 RH	Many Threaded .30		Rifle
5/8-24 RH	UZI Carbine/ SMG	9mm	Rifle
5/8-24 RH	Ruger Mini 30	.30 Caliber	Rifle
5/8-24 RH	AR-10 / M14	.308 Caliber	Rifle
5/8-24 RH	300 Blackout	.300 Caliber	Rifle
5/8-24 RH	AR-15	7.62x39	Rifle
11/16x16 RH	MPA .45 Caliber Rifles		
11/16x24 RH	.450 Bushmaster		Rifle
11/16x24 RH	Alternative .308 Threading		Rifle
11/16x24 RH	Alternative bull barrel Threading		Rifle
3/4-10 RH	M10 / M11	9mm	Submachine Pistol
3/4-24 RH	Desert Arms Tactical Rifles		
7/8" x 9 RH	MPA10	.45 Caliber	Submachine Pistol
7/8" x 14 RH	All Barretts & EDM	.50 BMG	Rifle
1" x 14 RH	AR450	.50 BMG	Rifle
1" x 14 RH	McMillian TAC-50	.50 BGM	Rifle

IE

METRIC THREADS

THREAD	APPLICATION	CALIBER	TYPE
M8 x .75 RH	Walter p22	.22 Caliber	Pistol
M8 x .75 RH	M&P 22	.22 Caliber	Pistol
M8 x .75 RH	Colt/Umarex 1911 A1	.22 Caliber	Pistol
M8 x .75 RH	Colt Gold Trophy	.22 Caliber	Pistol
13mm x 1 LH	Steyr Aug	.223 /5.56	Rifle
13mm x 1 RH	Galil	.223 / 5.56	Rifle
13mm x 1 RH	Galil	.308 / 7.62	Rifle
13mm x 1 RH	Older Glock 26	9x19mm	Pistol
13.5mm x 1 LH	Sig P228/P229/P239	9mm	Pistol
14mm x 1 LH	AK-47	7.62x39	Rifle
14mm x 1 RH	VZ58	7.62x39	Rifle
14mm x 1 RH	Yugo SKS	7.62x39	Rifle
15mm x 1 RH	H&K 91 / G3	7.62x39	Rifle
15mm x 1 RH	H&K 93 / 33 / G-53	5.56	Rifle
16mm x 1 LH	Threaded H&K .45 Barrels		Pistol
16mm x 1 RH	H&K Mark 23 (Socom)	.45 Caliber	Pistol
17mm x 1 RH	MAS 1949-56	.308 Caliber	Rifle
18mm x 1 RH	Sako TRG	.338 Caliber	Rifle
18mm x 1.5 RH	Accuracy International	.338 Caliber	Rifle
22mm x.75 RH	Saiga 12 Gauge		Shotgun
		7.62x39, 7.62x54	
24mm x 1.5 RH	AK-74	5.45x39	Rifle
		5.56x45	
26mm x 1.5 LH	PAP M92 / M85	7.62x39	Pistol

COMMON FILTER THREADS

THREAD	APPLICATION
3/4-16 RH	Ford, Dodge, & Jeep Spin-on Oil Filters
13/16-16 RH	Chevy & GM Spin-on Oil Filters
3/4 NPT	Standard Pipe fittings
3/4 NPT	Napa 4003 Inline Fuel Filter
3/4 NPT	Wix 24003 Inline Fuel Filter

This information is intended to assist ATF and law enforcement personnel in identifying items marketed as "inline filters" that are "firearm silencers" as defined. If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.

IF

April 20, 2017

"Solvent Traps"

This information is provided to assist ATF personnel tasked with differentiating so-called "solvent traps" from firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

Background:

Numerous manufacturers and sellers are marketing devices that they call "solvent traps." These devices often resemble firearm silencers, and many contain multiple design characteristics of firearm silencers. "Solvent traps" are marketed as devices which are attached to the barrel of a firearm during cleaning in order to catch excess cleaning fluids. These devices attach to firearm barrels in the same method as firearm silencers.

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean—

"*...any device **for** silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and **intended** for use in assembling or fabricating a firearm silencer or firearm muffler, and any part **intended** only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

As highlighted in the above definition, a key factor in distinguishing between a "solvent trap" and a firearm silencer is the **intended** use for the device. Some devices called "solvent traps" may have a legitimate purpose as a firearm accessory. However, while the manufacturer's stated intent for the item may be useful in classifying that item, the objective design characteristics must support this use.

2A

Background (cont.):

Certain commercially available items such as cleaning solvent traps, automotive oil/fuel filters, flashlights, and freeze plugs are sometimes used to assemble firearm silencers. Such items are unregulated *until* a possessor assembles, accumulates, or otherwise demonstrates these articles are to be used for making a firearm silencer. Once such an item(s) is possessed with the intent to be used in assembling or fabricating a firearm silencer, it comes within the purview of the GCA and NFA and is properly classified as a "firearm silencer."

Identification:

The first "solvent traps" that the Firearms & Ammunition Technology Division examined were in the form of repurposed oil filters. While some sellers marketed these devices as "solvent traps," others sold them as NFA registered firearm silencers, under names such as the "Econo-can." Registered firearm silencers of this type may have the thread adaptor as the registered part.

Many unmodified oil filters are recognized as having a legitimate purpose as "solvent traps" and are not generally classified as firearm silencers unless used as a firearm silencer.



Oil Filter



"Solvent trap"



Firearm with solvent trap attached

2B

Identification (cont.):

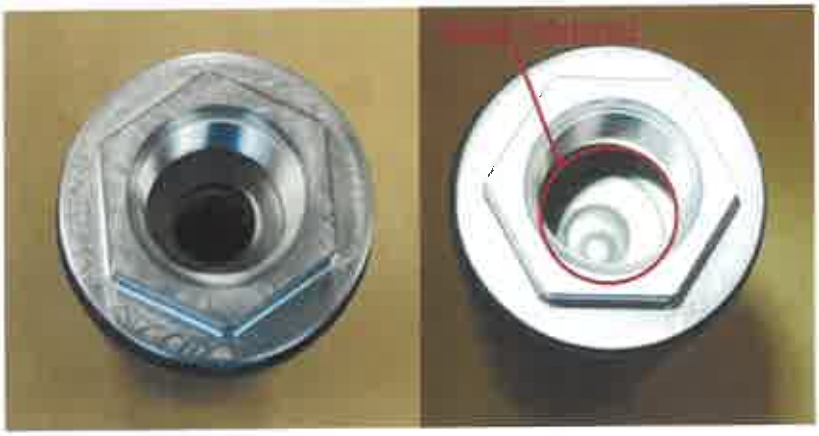


Firearm Silencer

The next phase of "solvent traps" evolution was the use of fuel filters, which more closely resembled the appearance of traditional firearm silencers. Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.



Fuel Filter "Solvent trap"



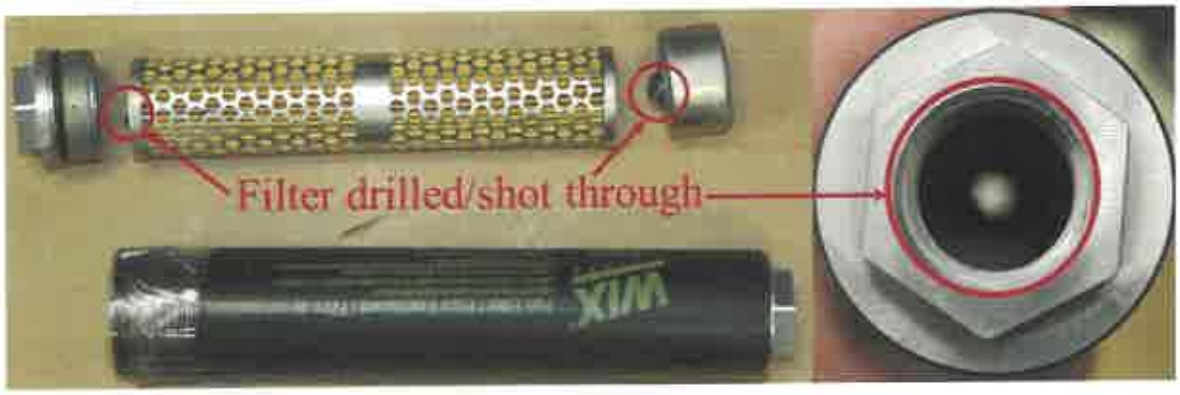
Fuel Filter "Solvent trap"

2C

Identification (cont.):



Firearm Silencer



Firearm Silencer

Flashlight bodies are also sold as "solvent traps," with one end threaded to attach to a firearm barrel and the forward end-cap solid. Like unmodified oil filters or fuel filters, many flashlight "solvent traps" have been determined to have a legitimate purpose of catching excess cleaning fluids.



Flashlight "Solvent trap"



Flashlight "Solvent trap"

20

Identification (cont.):

However, flashlight "solvent traps" are sometimes sold with index markings, showing where the hole would need to be drilled in order to modify the "solvent trap" into a firearm silencer. FATD has consistently held the opinion that any index marking is the same as having a hole in the location of the index. Accordingly, any flashlight "solvent trap" with a hole drilled in the forward end-cap could be classified as a firearm silencer.



Flashlight Firearm Silencer



Flashlight Firearm Silencer



Flashlight Firearm Silencer

The current trend in the "solvent trap" market are devices which utilize the characteristics of firearm silencers. Unlike the previously mentioned oil/fuel filters and flashlight "solvent traps," these devices are not repurposed. These devices are specifically manufactured as firearm silencers while being marketed as "solvent traps." These devices often come with a set of "spacers" which resemble firearm silencer baffles.

These "spacers" serve no legitimate purpose in a "solvent trap" as they prevent the collection of cleaning fluids. Some sellers have also marketed their devices as "dry storage containers" which are reportedly or allegedly designed to safely store items such as heirloom seeds. FATD does not recognize this stated purpose as a legitimate reason to attach such a device to a firearm barrel as the objective design features support classification as a firearm silencer.

2E

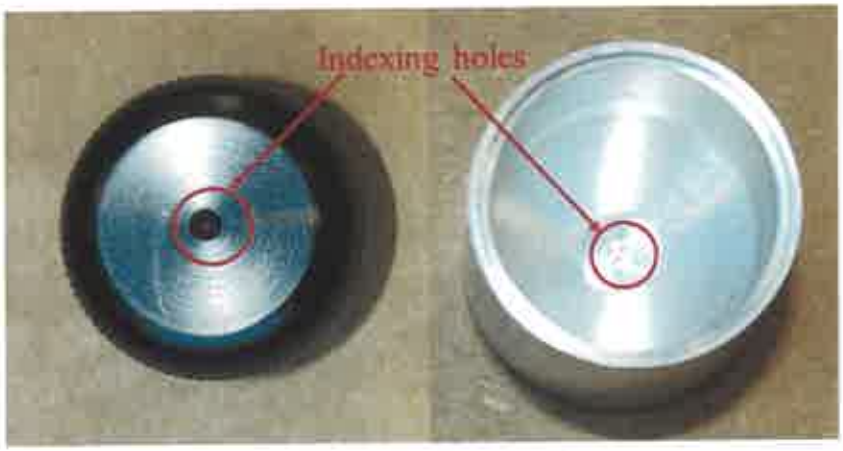
Identification (cont.):



Firearm Silencer



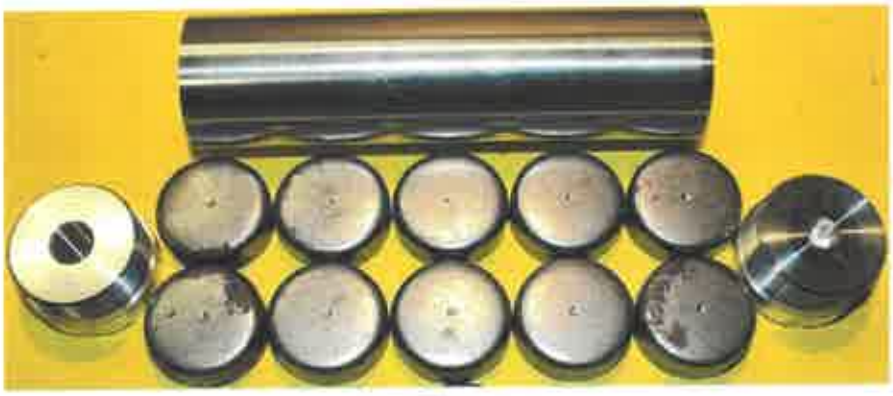
Firearm Silencer baffles



Firearm Silencer components

2F

Identification (cont.):



Firearm Silencer



End-cap Modified freeze plug

In conclusion, for a device to be considered a "solvent trap" and not a firearm silencer, it must be designed and actually function in such a way to trap and hold cleaning fluids without holes, index markings or other design features that demonstrate it is actually intended to be used for silencing the report of a firearm. Such an item is considered a solvent trap because the statutory definition of silencer does not include otherwise unregulated items simply because they have the capability, or may be adapted, to be used as silencers. Instead, the statute speaks of a device "for" silencing or muffling. Therefore, mere possession of a "solvent trap" or components which *could* be used in the assembly of a firearm silencer does not necessarily constitute possession of a firearm silencer. Intent must be demonstrated or communicated. For example, indexing holes as shown above demonstrate such intent because these serve no benefit in collecting solvent or debris, but demonstrate the location of holes if these parts are to be used in a silencer.

26

Identification (cont.):

Finally, an unregulated device such as a "solvent trap" may be repurposed by an individual such that a regulated NFA firearm silencer is made. Where the objective design or characteristics of the item do not make it clear that the item is now "for" silencing or diminishing the report of a portable firearm, it is the Special Agent's responsibility to establish the requisite intent.

This general guidance is provided to assist ATF Special Agents and Industry Operations Investigators and our Federal, State and local law enforcement partners, but is not meant to be used in lieu of a formal determination. FATD cannot render a formal determination without physically examining a submitted sample.

If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.



L4Q30606

RE: LAPD Inquiry

BOFAFS <BOFAFS@doj.ca.gov>
Thu 4/22/2021 10:38 AM
To: Ross Nemeroff <31679@lapd.online>

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Here are his records. You will her from another agency concerning the permit.

Thanks,

Chris

RE: NAM/WALDEN,LUKE DOB[redacted]
RESPONSE TO QGM INQUIRY

DATA IN AFS.

* DROS - PRIVATE PARTY TRANSFER
SER/ZMP794 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 4
DOT/20200127 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/PAPIK,GREGORY MATTHEW DOB/[redacted]
ADR/[redacted]
CTY/[redacted] CCC/1900
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]/91344 CCC/1900
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI[redacted] - LAPD OCA/[redacted]
FCN/2742003701606

* DROS - PRIVATE PARTY TRANSFER
SER/C145718 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ 75 SP 01
DOT/20180816 BBL/4 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

10A

ADR/[redacted]
CTY/[redacted]CCC/1900
*** SELLER/TRANSFEROR INFORMATION ***
SNM/BROWN,VICTOR ARNOLD SDB/[redacted]
SDD/[redacted]
SCY/[redacted]CCC/1900
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741823905491

* DROS - PRIVATE PARTY TRANSFER
SER/HRZ3204 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MP 9 PRO SERIES
DOT/20180529 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/NOSKI,CHRISTOPHER EDMUND DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/CALIFORNIA GUN GIRLS LLC DID/21517
DDD/23121 COLTRANE AVE
DCY/NEWHALL DST/CA DZC/91321 DCC/1900 DTN/661-373-4658
ORI/[redacted] LOS ANGELES CO SD OCA/[redacted]
FCN/2321815901738

* DROS - PRIVATE PARTY TRANSFER
SER/NKW568 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/35
DOT/20180514 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/KENNEDY,SCOTT HAYES DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/CALIFORNIA GUN GIRLS LLC DID/21517
DDD/23121 COLTRANE AVE
DCY/NEWHALL DST/CA DZC/91321 DCC/1900 DTN/661-373-4658
ORI/[redacted] LOS ANGELES CO SD OCA/[redacted]

10B

FCN/2321815507694

* DROS - DEALER SALE
SER/BFSA761 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/17L
DOT/20170801 BBL/6-02 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741722601601

* DROS - DEALER SALE
SER/BEXS296 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 4
DOT/20170801 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741722601600

* DROS - PRIVATE PARTY TRANSFER
SER/HSJ6436 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/M P 9L
DOT/20170418 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/DIAZ,DANIEL DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]

FCN/2741712202714

* DROS - DEALER SALE
SER/Y090900Q16 MAK/BNL BENELLI SPA CAL/12
TYP/SI SHOTGUN SEMI-AUTOMATIC MOD/M4
DOT/20170202 BBL/18-5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741704401799

* DROS - DEALER SALE
SER/ZMP794 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN4
DOT/20151214 BBL/5-3 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741536205963

* DROS - DEALER SALE
SER/ZMP792 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN4
DOT/20151214 BBL/5-3 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741536205932

* DROS - DEALER SALE
SER/WH014908 MAK/WAL CARL WALTHER CAL/22

10D

TYP/RI RIFLE SEMI-AUTOMATIC ...OD/HK 416D
DOT/20150619 BBL/16-1 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/BIG 5 SPORTING GOODS 104 DID/16683
DDD/24329 W MAGIC MOUNTAIN PKWY
DCY/VALENCIA DST/CA DZC/91355 DCC/1900 DTN/661-253-1832
ORI/[redacted] - LOS ANGELES CO SD OCA/[redacted]
FCN/2321518202820

* DROS - DEALER SALE
SER/349480 MAK/SR STURM, RUGER & CO CAL/22
TYP/RI RIFLE SEMI-AUTOMATIC MOD/10 22
DOT/20150604 BBL/18 COL/BROWN
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/BIG 5 SPORTING GOODS 104 DID/16683
DDD/24329 W MAGIC MOUNTAIN PKWY
DCY/VALENCIA DST/CA DZC/91355 DCC/1900 DTN/661-253-1832
ORI/[redacted] - LOS ANGELES CO SD OCA/[redacted]
FCN/2321516600950

* DROS - DEALER SALE
SER/XEC899 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/41 GEN4
DOT/20140925 BBL/5-31 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2741428002372

* DROS - DEALER SALE
SER/XEC904 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/41 GEN4
DOT/20140925 BBL/5-31 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1855 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741428002371

* DROS - PRIVATE PARTY TRANSFER
SER/GLB949 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20140519 BBL/4-49 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/BANCROFT,VINCENT LAWRENCE III DOB[redacted]
ADR[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/FIRING-LINE INC DID/12985
DDD/18348 EDDY ST
DCY/NORTHRIDGE DST/CA DZC/91324 DCC/1900 DTN/818-349-1420
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741414902598

* DROS - DEALER SALE
SER/HSJ6436 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MP9L
DOT/20140412 BBL/5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB[redacted]
ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/ALL STATE POLICE EQUIPMENT CO INC DID/20611
DDD/2821 METROPOLITAN PL
DCY/POMONA DST/CA DZC/91767 DCC/1900 DTN/909-596-2470
ORI/[redacted] POMONA PD OCA/[redacted]
FCN/2871412301211

* DROS - DEALER SALE
SER/HRZ3204 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/M AND P 9 PRO
DOT/20140303 BBL/5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/GRETA'S GUNS INC DID/16324
DDD/4228 LOS ANGELES AVE
DCY/SIMI VALLEY DST/CA DZC/93063 DCC/5600 DTN/805-520-4867
ORI/[redacted]- SIMI VALLEY PD OCA/[redacted]
FCN/7931407401216

* DROS - PRIVATE PARTY TRANSFER
SER/RH12559 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P14
DOT/20130614 BBL/5 COL/CHROME/STAINLESS
*** PURCHASER INFORMATION ***
NAM/GLOVER,JOSHUA ADAM DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/FIRING-LINE INC DID/12985
DDD/18348 EDDY ST
DCY/NORTHRIDGE DST/CA DZC/91324 DCC/1900 DTN/818-349-1420
ORI/[redacted]- LAPD OCA/[redacted]
MIS/P U 06 24 2013
FCN/2741317102395

* DROS - PRIVATE PARTY TRANSFER
SER/GLB949 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20130520 BBL/4-5 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/LLOYD,THOMAS ALLEN SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/GRETA'S GUNS INC DID/16324
DDD/4228 LOS ANGELES AVE
DCY/SIMI VALLEY DST/CA DZC/93063 DCC/5600 DTN/805-520-4867
ORI/[redacted] SIMI VALLEY PD OCA[redacted]
FCN/7931314500461

* DROS - PRIVATE PARTY TRANSFER

SER/TDM7281 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4566
DOT/20120229 BBL/4 COL/CHROME/STAINLESS
*** PURCHASER INFORMATION ***
NAM/HOM,JAPHET CHOY DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** SELLER/TRANSFEROR INFORMATION ***
SNM/WALDEN,LUKE BAXTER SDB/[redacted]
SDD/[redacted]
SCY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741206600348

* DROS - DEALER SALE
SER/EAR8523 MAK/SW SMITH AND WESSON CAL/380
TYP/PI PISTOL SEMI-AUTOMATIC MOD/BG380
DOT/20110729 BBL/2-75 COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/ALL STATE POLICE EQUIPMENT CO INC DID/20611
DDD/2821 METROPOLITAN PL
DCY/POMONA DST/CA DZC/91767 DCC/1900 DTN/909-596-2470
ORI/[redacted] POMONA PD OCA/[redacted]
FCN/2871121500130

* DROS - DEALER SALE
SER/NKW568 MAK/GLC GLOCK,INC CAL/40
TYP/P PISTOL MOD/35
DOT/20091007 BBL/5-32
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
MIS/P U 10 17
FCN/2740928600489

* DROS - DEALER SALE
SER/X14688 MAK/UBE ALDO UBERTI CAL/45
TYP/P PISTOL MOD/1860ARMYC
DOT/20080109 BBL/5-5

*** PURCHASER INFORMATION *
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740801201818

* DROS - DEALER SALE
SER/HBN744 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34
DOT/20050610 BBL/5-25
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740516601240

* DROS - DEALER SALE
SER/FWA730 MAK/GLC GLOCK,INC CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/21
DOT/20040304 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - BURBANK PD OCA/[redacted]
MIS/INV530
FCN/2440407000960

* DROS - DEALER SALE
SER/FNA947 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/17
DOT/20031116 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - BURBANK PD OCA/[redacted]
MIS/25
FCN/2440332400446

* DROS - DEALER SALE
SER/FTG718 MAK/GLC GLOCK,INC CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/22
DOT/20031009 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]

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CTY/[redacted]
ORI/[redacted] BURBANK PD OCA/[redacted]
MIS/32
FCN/2440328801172

* DROS - DEALER SALE
SER/TDT8880 MAK/SW SMITH AND WESSON CAL/454
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4506
DOT/20030428 BBL/4-5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740312200306

* DROS - DEALER SALE
SER/NM169623 MAK/SPH SPRINGFIELD ARMORY CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/1911AI
DOT/20021001 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
MIS/34898 DEV
FCN/2740228100285

* DROS - DEALER SALE
SER/CV20798 MAK/CLT COLT CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/1091M1991A1
DOT/20011004 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740127800159

* DROS - DEALER SALE
SER/DA7331 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/LDA14
DOT/20010709 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740119201220

* DROS - DEALER SALE
SER/RH12559 MAK/POD PARA ORDNANCE CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/D1445ER
DOT/20010614 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2740116600160

* DROS - DEALER SALE
SER/A1720 MAK/FOZ CESKA ZBROJOVKA FOX CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ97B
DOT/20010223 BBL/4-84
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740105700095

* DROS - DEALER SALE
SER/G151016 MAK/SSS SAUER, J. P., & SONS CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P220
DOT/20010116 BBL/4-4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740101700184

* DROS - DEALER SALE
SER/K067705 MAK/KIE KIMBER CAL/454
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CLASICCUST
DOT/20001107 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2740031300319

* DROS - DEALER SALE
SER/CBS6119 MAK/SW SMITH AND WESSON CAL/38
TYP/PR PISTOL REVOLVER MOD/49-3
DOT/19990125 BBL/2

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*** PURCHASER INFORMATION *
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2749902600114

* DROS - DEALER SALE
SER/CBS6119 MAK/SW SMITH AND WESSON CAL/38
TYP/PR PISTOL REVOLVER MOD/49
DOT/19981222 BBL/2
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2749835700171

* DROS - DEALER SALE
SER/UB05585 MAK/FOZ CESKA ZBROJOVKA FOX CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P10 F
DOT/20200312 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2742009000219

* DROS - DEALER SALE
SER/UB01996 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P 10 F
DOT/20200121 BBL/4-25 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] - LAPD OCA/[redacted]
FCN/2742003400213

* DROS - DEALER SALE

SER/1374685 MAK/SR STURM, RUGER & CO CAL/22
TYP/RI RIFLE SEMI-AUTOMATIC MOD/10 22
DOT/20191205 BBL/16 UOM/IN COL/BROWN
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741935001003

* DROS - DEALER SALE
SER/UB02001 MAK/FOZ CESKA ZBROJOVKA FOX CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P10F OR
DOT/20191016 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741930500843

* DROS - DEALER SALE
SER/BLRH981 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/45 GEN 5 MOS
DOT/20190619 BBL/4 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741918400739

* DROS - DEALER SALE
SER/CVF8325 MAK/SW SMITH AND WESSON CAL/357
TYP/PR PISTOL REVOLVER MOD/M327
DOT/20190502 BBL/5 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***

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NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741913303195

* DROS - DEALER SALE
SER/ADGL428 MAK/GLC GLOCK,INC CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/34 GEN 5 MOS
DOT/20190221 BBL/5-31 UOM/IN COL/BLACK
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI/[redacted] LAPD OCA/[redacted]
FCN/2741906500550

* DROS - DEALER SALE
SER/C540418 MAK/CZU CZ USA CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CZ SHADOW 2
DOT/20180816 BBL/4-5 UOM/IN COL/GRAY
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
*** DEALER INFORMATION ***
DLR/LOS ANGELES POLICE REVOLVER & ATHLETIC CLUB DID/12489
DDD/1880 N ACADEMY DR
DCY/LOS ANGELES DST/CA DZC/90012 DCC/1900 DTN/323-221-5222
ORI[redacted] LAPD OCA/[redacted]
FCN/2741823905521

* DROS - DEALER SALE
SER/A5403 MAK/FOZ CESKA ZBROJOVKA FOX CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/97
DOT/20000428 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]

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FCN/2740012200417

* DROS - DEALER SALE
SER/TDM7281 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4566
DOT/20000224 BBL/4-25
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI[redacted] LAPD OCA/[redacted]
FCN/2740005600199

* DROS - DEALER SALE
SER/TDN1967 MAK/SW SMITH AND WESSON CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/4506
DOT/19990819 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749923200118

* DROS - DEALER SALE
SER/K040569 MAK/KIE KIMBER CAL/45
TYP/PI PISTOL SEMI-AUTOMATIC MOD/CLASSIC CUS
DOT/19990609 BBL/5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749916100193

* DROS - DEALER SALE
SER/VZE3898 MAK/SW SMITH AND WESSON CAL/9
TYP/PI PISTOL SEMI-AUTOMATIC MOD/5906
DOT/19981212 BBL/4-5
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
ORI/[redacted] LAPD OCA/[redacted]
FCN/2749834800410

* DROS - DEALER SALE
SER/22191991 MAK/SR STURM, RUGER & CO CAL/22
TYP/PI PISTOL SEMI-AUTOMATIC MOD/MK2

100

DOT/19980219 BBL/4
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
ORI/[redacted]- LAPD OCA/[redacted]
FCN/2749805400052

* DROS - DEALER SALE
SER/AF19030 MAK/SSS SAUER, J. P., & SONS CAL/40
TYP/PI PISTOL SEMI-AUTOMATIC MOD/P229
DOT/19970616 BBL/3-75
*** PURCHASER INFORMATION ***
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
ORI/[redacted]- LAPD OCA/[redacted]
FCN/2749716800268

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/SM72384 MAK/SW SMITH AND WESSON CAL/556
TYP/R RIFLE MOD/MP15
DOT/20180606
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted]- CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1861816315008

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/DS29163 MAK/DBS DOUBLE STAR CORP CAL/556
TYP/R RIFLE MOD/STAR 15
DOT/20180517
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted]- CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1861813704605

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/LE036468 MAK/CLT COLT CAL/223
TYP/R RIFLE MOD/LE6920
DOT/20080820
NAM/WALDEN,LUKE BAXTER DOB/[redacted]

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ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860823300266

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/9362530 MAK/KSI KASSNAR-FIAS IMPORTS CAL/762
TYP/R RIFLE MOD/MAK90
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301302

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/SL002434 MAK/CLT COLT CAL/556
TYP/R RIFLE MOD/SPORTER
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301300

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/K4320 MAK/AAR AMERICAN ARMS INC CAL/9
TYP/P PISTOL MOD/SITES
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] - CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301299

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/65907 MAK/KSI KASSNAR-FIAS IMPORTS CAL/762
TYP/R RIFLE MOD/MAK90
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
AD[redacted]

10 Q

CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301298

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/9420 MAK/MEI MERIDIAN FIREARMS CO CAL/308
TYP/R RIFLE MOD/FA91G3
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301297

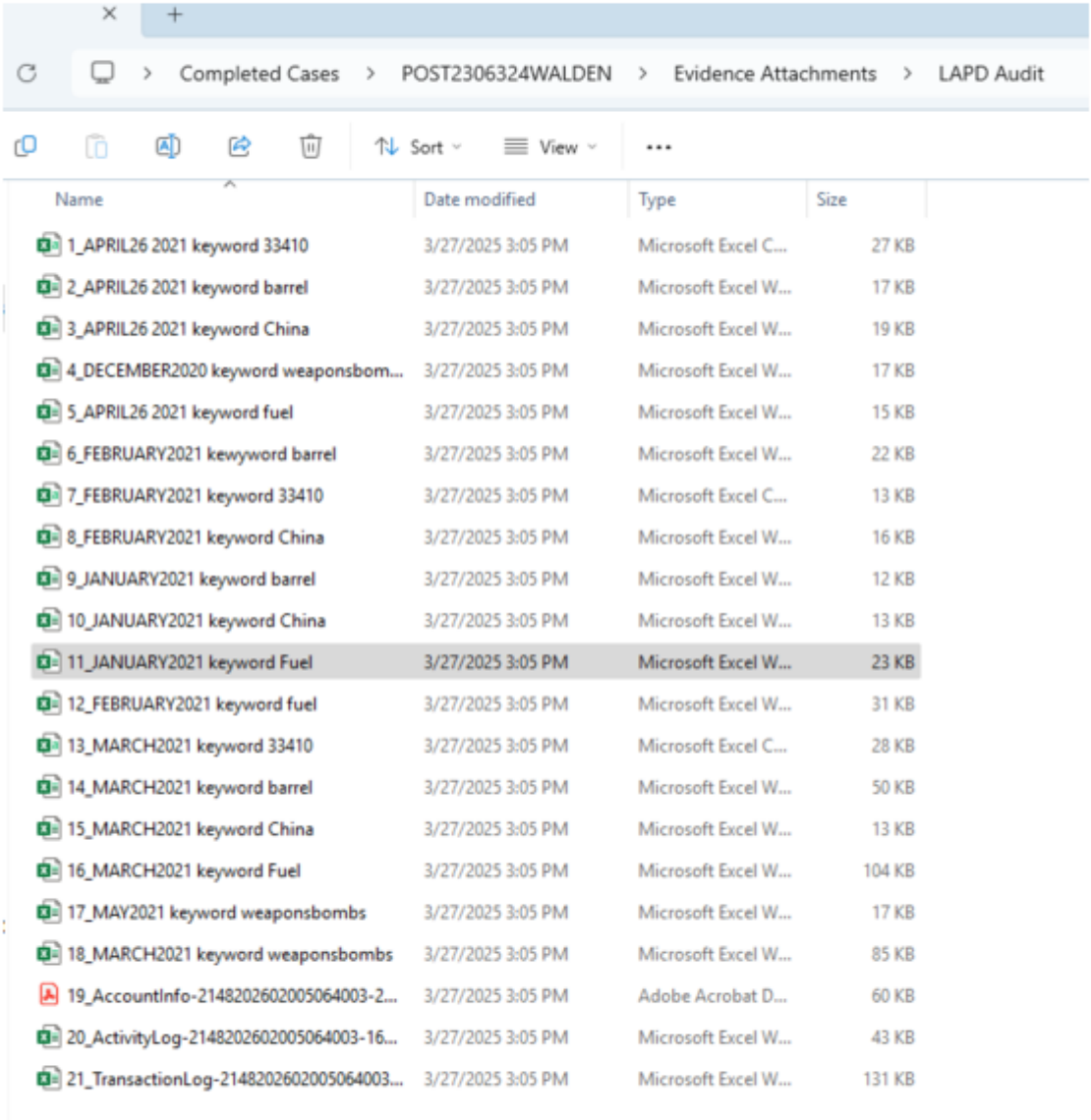
* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/A91277 MAK/US UNITED STATES CAL/9
TYP/R RIFLE MOD/AT9
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301295

* REGISTRATION
** DO NOT ARREST BASED SOLELY ON THIS RESPONSE **
SER/10089 MAK/EAA EAGLE ARMS CAL/556
TYP/R RIFLE MOD/EA15
DOT/20001108
NAM/WALDEN,LUKE BAXTER DOB/[redacted]
ADR/[redacted]
CTY/[redacted]
REG/REGISTRATION
ORI/[redacted] CA DOJ BUREAU OF FIREARMS OCA/[redacted]
FCN/1860031301294

END AFS RESPONSE.

From: Ross Nemeroff <31679@lapd.online>
Sent: Thursday, April 22, 2021 9:40 AM
To: BOFAFS <BOFAFS@doj.ca.gov>
Subject: LAPD Inquiry

10 R


Completed Cases
POST2306324WALDEN
Evidence Attachments
LAPD Audit
Sort
View
Name
Date modified
Type
Size
1_APRIL26 2021 keyword 33410 3/27/2025 3:05 PM Microsoft Excel C... 27 KB
2_APRIL26 2021 keyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 17 KB
3_APRIL26 2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 19 KB
4_DECEMBER2020 keyword weaponsbom... 3/27/2025 3:05 PM Microsoft Excel W... 17 KB
5_APRIL26 2021 keyword fuel 3/27/2025 3:05 PM Microsoft Excel W... 15 KB
6_FEBRUARY2021 kewyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 22 KB
7_FEBRUARY2021 keyword 33410 3/27/2025 3:05 PM Microsoft Excel C... 13 KB
8_FEBRUARY2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 16 KB
9_JANUARY2021 keyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 12 KB
10_JANUARY2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 13 KB
11_JANUARY2021 keyword Fuel 3/27/2025 3:05 PM Microsoft Excel W... 23 KB
12_FEBRUARY2021 keyword fuel 3/27/2025 3:05 PM Microsoft Excel W... 31 KB
13_MARCH2021 keyword 33410 3/27/2025 3:05 PM Microsoft Excel C... 28 KB
14_MARCH2021 keyword barrel 3/27/2025 3:05 PM Microsoft Excel W... 50 KB
15_MARCH2021 keyword China 3/27/2025 3:05 PM Microsoft Excel W... 13 KB
16_MARCH2021 keyword Fuel 3/27/2025 3:05 PM Microsoft Excel W... 104 KB
17_MAY2021 keyword weaponsbombs 3/27/2025 3:05 PM Microsoft Excel W... 17 KB
18_MARCH2021 keyword weaponsbombs 3/27/2025 3:05 PM Microsoft Excel W... 85 KB
19_AccountInfo-2148202602005064003-2... 3/27/2025 3:05 PM Adobe Acrobat D... 60 KB
20_ActivityLog-2148202602005064003-16... 3/27/2025 3:05 PM Microsoft Excel W... 43 KB
21_TransactionLog-2148202602005064003... 3/27/2025 3:05 PM Microsoft Excel W... 131 KB

LOS ANGELES POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION

CORONER CASE NUMBER | ☐ MULTIPLE

DATE THIS REPORT	DATE ORIGINAL RPT.	SPECIFIC TYPE OF ORIGINAL RPT. (ADW, TFV, EVID., ARREST/BURG., ETC.)	RD	DR NO.
7/12/2022	6/2/2022	17210 PC	9999	21-991310

VICTIM BOOKED TO / ARRESTEE (AS ON ORIGINAL REPORT)	IF RECLASSIFYING TO HOMICIDE SEX / DESCENT / AGE VICT'S	BKG NO. (SUPPL TO ARREST)	WORK FOLDER PERIOD ORIG. RPT / INDEX NO.

CASE STATUS 1 ☐ CLEARED BY ARREST 2 ☐ CLEARED OTHER 3 ☐ REPORT UNFOUNDED 4 ☒ INVESTIGATION CONTINUED

Use this section only to add or correct info - do not repeat info from previous reports. Exception: Complete entire suspect info if making final disposition.

DATE OCCURRED	CHANGE TO - ON OR BETWEEN MO DAY YEAR TIME	&	MO DAY YEAR TIME	TYPE ORIGINAL REPORT - CHANGE TO	RD- CHG. TO	DR NO. CHG. TO	INV DIV CHG TO

PROPERTY VALUE:	ADDITIONAL LOSS	PARTIAL RECOVERY	TOTAL RECOVERY	DELETED FROM ORIG. RPT.	DESCRIPTION CHANGE ☐	ITEM NOS. RECOVERED/DELETED (ON MULTI. RPTS. USE NARRATIVE)

	SEX	DESC	HAIR	EYES	HEIGHT	WEIGHT	DOB	AGE	NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)
S-1	[redacted]								Walden, Luke [redacted]
									ACTION TAKEN: IC
S-2									NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)
									ACTION TAKEN
S-3									NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)
									ACTION TAKEN

NARRATIVE (USE BELOW COLUMNS FOR MULTIPLE REPORTS ONLY)

P/T/D	MULTIPLE RPT: DR NOS.	TYPE OF CRIME	RD	VICTIM'S NAME	DATE ORIG. RPT.	VALUE

SUPPLEMENTAL

I, Detective II Nemeroff, conducted an additional review of Walden's internet searches, which included specific dates and times, as well as other websites visited. I noted that a web link to Paypal.com succeded the internet searches for either a threaded barrel or "fuel filter".

I believed that a search of Walden's Paypal account may have revealed evidence of the purchase of threaded barrels, and compatible threaded "fuel filters", with the potential of creating an illegal silencer. Additionally, Walden's Paypal account may have revealed the origin of the contraband. Thus, I authored a search warrant for Walden's Paypal account. On June 2, 2022, the Honorable Judge Margaret Bernal, reviewed and signed the warrant.

I electronically served Paypal Holdings Inc. on June 2, 2022. On June 8, 2022, Paypal Holdings Inc. responded to the warrant and provided the following; Paypal Registration information, email address, phone number, addresses, financial information, bank accounts, credit cards, debit cards, for Luke Walden. Walden activity and transaction log confidentiality notice and disclaimer.

The information provided from Paypal Holdings Inc.was contained within a Microsoft Excel document. The following information was discovered in the "Payments Sent" tab, line 79; March 17, 2021, 8:28 AM, Hong Kong Xu Shi Qi International Limited, Mobile Express Checkout Payment Sent, Completed, $45.96, transaction ID 0NJ604204B558012M, Instant transfer [redacted] Checking [redacted] com, [redacted] com, Walden Luke, [redacted] United States, Item ID LWL012102, BUY 1 GET 1 FREE LAST DAY FOR **NAPA 4003 WIX 24003 - 1/2-28 5/8-24 FUEL FILTER ALUMINUM SOLVENT TRAP / 1 / 2-28-XH-**

WAS PROPERTY BOOKED IN CONJUNCTION WITH THIS REPORT OR INCIDENT?	☐ NO ☐ YES	IF YES, HAS 10.08.00 BEEN COMPLETED?	☒ NO ☐ YES
SUPERVISOR APPROVING	SERIAL NO. 34507	REPORTING OFFICER(S) NEMEROFF	SERIAL NO. 31679 / DIVISION SOD
DATE & TIME REPRODUCED / DIVISION / CLERK		REPORTING OFFICER(S)	SERIAL NO. / DIVISION

Search Amazon

Visit the EVIL ENERGY Store ★★★★½ 925

EVIL ENERGY Inline 100 Micron Fuel Filter 6AN 8AN 10AN Adapter Universal 50MM

Amazon's Choice in Automotive Replacement Fuel Filters by E...



Last purchased Aug 21, 2021.

50mm-Bracket , Black-1

View order | Set reminder

Visit the EVIL ENERGY Store ★★★★½ 925

EVIL ENERGY 50mm car Oil/Fuel/Gas Pump Mounting Bracket Single Filter Clamp Cradle Black

Amazon's Choice in Automotive Replacement Fuel Filters by E...



SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA VS.
LUKE BAXTER WALDEN

CASE NUMBER : BA510524 (LAC-BA510524-01)
VIOLATION DATE : 04/22/21
CASE FILING DATE: 11/22/22
WITH THE FOLLOWING OFFENSE(S):

COUNT 01: 664-33410 PC FELONY

12/07/22 AT 830 AM IN CRIM JUSTICE CTR (LAC) DEPT 030

CASE CALLED FOR ARRAIGNMENT

PARTIES: ARMENUI A. ASHVANIAN (JUDGE) ROSARIO S. GARCIA (CLERK)

LORI CASILLAS (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 664-33410 PC.

THE COURT ORDERS A PRE-PLEA REPORT PURSUANT TO PENAL CODE SECTION 1203.7.

THE DEFENDANT'S COUNSEL DOES NOT CONSENT TO A PRE-PLEA INTERVIEW.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

THE DEFENDANT DENIES ANY AND ALL SPECIAL ALLEGATIONS.

.
THE MATTER IS SET FOR PRELIMINARY HEARING SETTING ON JANUARY 25, 2023, AT 8:30 A.M., IN DEPARTMENT 34.
.
TIME ESTIMATE: 2 HOURS.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
01/25/23 830 AM PRELIM SETTING/RESETTING DIST CRIM JUSTICE CTR (LAC) DEPT 034

DAY 00 OF 30

12/07/22 BAIL TO STAND, # U2521467128

CUSTODY STATUS: BAIL TO STAND.

ON 12/07/22 at 0830:

ON 01/23/23 at 0830:

PROBATION OFFICERS REPORT RECEIVED THIS DATE

AND DELIVERED TO DIVISION 34. (3 COPIES) MAIL BIN

ENTRY BY: TTANG

NEXT SCHEDULED EVENT:

PRELIM SETTING/RESETTING

01/25/23 AT 830 AM IN CRIM JUSTICE CTR (LAC) DEPT 034

CASE CALLED FOR PRELIM SETTING/RESETTING

PARTIES: MICHAEL D. ABZUG (JUDGE) STEPHEN REYES (CLERK)

CARMEN KERR (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

THE MATTER IS CONTINUED FOR PRELIMINARY HARING TO MARCH 9, 2023
AT 8:30 A.M., IN DEPARTMENT 34, AS THE STIPULATED 28 OF 30 DATE.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:
03/09/23 830 AM PRELIMINARY HEARING DIST CRIM JUSTICE CTR (LAC) DEPT 034

DAY 28 OF 30

01/25/23 BAIL TO STAND, # U2521467128
01/25/23 BAIL TO STAND, # U2521467128

CUSTODY STATUS: BAIL TO STAND.

ON 01/25/23 at 0830:

ON 01/25/23 at 0830:

03/09/23 AT 830 AM IN CRIM JUSTICE CTR (LAC) DEPT 034

CASE CALLED FOR PRELIMINARY HEARING

PARTIES: EFRAIN M. ACEVES (JUDGE) STEPHEN REYES (CLERK)

CARMEN KERR (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

THE MATTER IS CALLED FOR PRELIMINARY HEARING.
.
BOTH SIDES ANNOUNCE READY FOR PRELIMINARY HEARING.
.
THE MATTER IS TRANSFERRED TO DEPARTMENT 43 FOR PRELIMINARY HEARING FORTHWITH. ALL PARTIES ARE ORDERED TO DEPARTMENT 43 FORTHWITH.
.
THE DEFENDANT WAIVES CONTINUOUS PRELIMINARY HEARING.
.
THE PEOPLE TO TRANSPORT CASE FILE.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:
03/09/23 1000 AM PRELIMINARY HEARING DIST CRIM JUSTICE CTR (LAC) DEPT 043

DAY 28 OF 30

03/09/23 BAIL TO STAND, # U2521467128

CUSTODY STATUS: BAIL TO STAND.

ON 03/09/23 at 0830:

03/09/23 AT 1000 AM IN CRIM JUSTICE CTR (LAC) DEPT 043

CASE CALLED FOR PRELIMINARY HEARING
.
PARTIES: KIMBERLEY BAKER GUILLEMET (JUDGE) MICHELLE GARCIA (CLERK)

PRISCILLA MIRELES (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

COUNT (01) : DISPOSITION: HELD TO ANSWER

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

THE MATTER IS CALLED FOR PRELIMINARY HEARING.
.
BOTH SIDES ANNOUNCE READY.
.
THE DEFENDANT, IN OPEN COURT, WAIVES FORMAL READING OF THE COMPLAINT AND STATEMENTOF CONSTITUTIONAL AND STATUTORY RIGHTS.
.
THE DEFENDANT WAIVES CONTINUOUS PRELIMINARY HEARING.
.

PEOPLE'S ORAL REQUEST TO DESIGNATE ROSS NEMEROFF AS THE INVESTIGATING OFFICER IS GRANTED.

.
WITNESS, ROSS NEMEROFF, IS SWORN AND TESTIFIES FOR THE PEOPLE.
.
THE FOLLOWING PEOPLE'S EXHIBITS ARE MARKED FOR IDENTIFICATION
AND LATER ADMITTED IN EVIDENCE:
.
1) COLOR PHOTOGRAPH OF 4 IMAGES
2) COLOR PHOTOGRAPH OF 4 IMAGES WITH PURPLE PACKAGING
3) COLOR PHOTOGRAPH OF 4 IMAGES WITH MULTIPLE OBJECTS
4) COLOR PHOTOGRAPH OF 4 IMAGES WITH MULTIPLE OBJECTS
5) 1 PAGE SCREENSHOT OF QOOPUFF WEBSITE

6) 1 PAGE SCREENSHOT OF KIKOGIFT WEBSITE
7) 1 PAGE SCREENSHOT OF KIMBER WEBSITE
8) 1 PAGE SCREENSHOT OF SOLVENTTRAPFUELFILTER WEBSITE
9) 1 PAGE DOCUMENT WITH INFORMATION HIGHLIGHTED IN YELLOW
.
DEFENSE COUNSEL CROSS EXAMINES THE WITNESS.
.
PEOPLE REST.
.
THERE IS NO AFFIRMATIVE DEFENSE.
.
THE DEFENDANT'S ORAL MOTION TO DISMISS DUE TO INSUFFICIENCY OF
THE EVIDENCE IS HEARD AND DENIED.
.
THE COURT FINDS SUFFICIENT CAUSE AS TO COUNT 1 AND THE
DEFENDANT IS HELD TO ANSWER TO DEPARTMENT 119 OF THE GENERAL
JURISDICTION COURT FOR ARRAIGNMENT ON MARCH 23, 2023
AT 8:30 A.M.
.
THE CASE IS TRANSFERRED TO THE GENERAL JURISDICTION COURT.

BOND TO REMAIN. BOND TRANSFERRED TO SUPERIOR COURT.

NEXT SCHEDULED EVENT:

FELONY ARRAIGNMENT/PLEA, ON MARCH 23, 2023, IN SUPERIOR COURT OF LOS ANGELES
COUNTY, CENTRAL DISTRICT, DEPT 119, AT 830 AM.

CUSTODY STATUS: BAIL TO STAND.

ON 03/09/23 at 1000:

ON 03/20/23 at 0830:

PRELIMINARY HEARING TRANSCRIPTS RECEIVED 03-20-23

FROM COURT REPORTER P. MIRELES

FOR HEARING(S) CONCLUDING 03-09-23.

DELIVERED TO DEPT. 119 MAIL BIN. -AUDITOR: V. DOMINGUEZ

NEXT SCHEDULED EVENT:

MATTER PREV SET/REMAIN ON CLDR

03/23/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR ARRAIGNMENT

PARTIES: DAVID R. FIELDS (JUDGE) SYLVIA M. CEDENO (CLERK)
FRANKI DALTON (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

INFORMATION FILED AND THE DEFENDANT IS ARRAIGNED.

DEFENDANT WAIVES ARRAIGNMENT, READING OF INFORMATION/INDICTMENT, AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 664-33410 PC.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

-BOND
-DDA: KRISTOPHER GAY
DEFENDANT ENTERS PLEA OF NOT GUILTY TO THE CHARGES AND DENIES ANY AND ALL SPECIAL ALLEGATIONS.
.
ON DEFENSE MOTION, THE MATTER IS CONTINUED AS INDICATED BELOW.
.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
05/10/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 03/23/23 at 0830:

05/10/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: DAVID R. FIELDS (JUDGE) CHRISTIAN LARA (CLERK)
FRANKI DALTON (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

- BOND // DDA: KRISTOPHER GAY
.
THE MATTER IS SET FOR PRETRAIL HEARING
AS INDICATED BELOW.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
07/06/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 05/10/23 at 0830:

07/06/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CRAIG RICHMAN (JUDGE) GABRIELA LOPEZ (CLERK)
ANNE STEWART (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

- ON BOND / DDA: KRISTOPHER GAY
.
MATTER IS CONTINUED TO 08-23-23 AT 8:30 A.M. IN THIS DEPARTMENT
FOR PRETRIAL HEARING AS DAY 0 OF 30.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
08/23/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 07/06/23 at 0830:

08/23/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CRAIG RICHMAN (JUDGE) GABRIELA LOPEZ (CLERK)
RAQUEL RODRIGUEZ (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

- DDA: KRISTOPHER GAY / ON BOND
.
MATTER IS CONTINUED TO 09-29-23 AT 8:30 A.M. IN THIS DEPARTMENT
FOR PRETRIAL HEARING AS DAY 0 OF 30.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
09/29/23 830 AM PRETRIAL HEARING DIST CENTRAL DISTRICT DEPT 119

DAY 00 OF 30

CUSTODY STATUS: BAIL TO STAND.

ON 08/23/23 at 0830:

09/29/23 AT 830 AM IN CENTRAL DISTRICT DEPT 119

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CRAIG RICHMAN (JUDGE) GABRIELA LOPEZ (CLERK)
RAQUEL RODRIGUEZ (REP) KRISTOPHER GAY (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL

DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.

ON PEOPLE'S MOTION, COURT ORDERS INFORMATION AMENDED BY INTERLINEATION TO ADD VIOLATION 664-30605(A) PC MISD AS COUNT 02.

DEFENDANT ADVISED OF AND PERSONALLY AND EXPLICITLY WAIVES THE FOLLOWING RIGHTS:

TRIAL BY COURT AND TRIAL BY JURY

CONFRONTATION AND CROSS-EXAMINATION OF WITNESSES;

SUBPOENA OF WITNESSES INTO COURT TO TESTIFY IN YOUR DEFENSE;

AGAINST SELF-INCRIMINATION;

DEFENDANT ADVISED OF THE FOLLOWING:

THE NATURE OF THE CHARGES AGAINST HIM, THE ELEMENT OF THE OFFENSE IN THE INFORMATION AND POSSIBLE DEFENSES TO SUCH CHARGES;

THE POSSIBLE CONSEQUENCES OF A PLEA OF GUILTY OR NOLO CONTENDERE, INCLUDING THE MAXIMUM PENALTY AND ADMINISTRATIVE SANCTIONS AND THE POSSIBLE LEGAL EFFECTS

AND MAXIMUM PENALTIES INCIDENT TO SUBSEQUENT CONVICTIONS FOR THE SAME OR SIMILAR OFFENSES;

THE EFFECTS OF PROBATION;

IF YOU ARE NOT A CITIZEN, YOU ARE HEREBY ADVISED THAT A CONVICTION OF THE OFFENSE FOR WHICH YOU HAVE BEEN CHARGED WILL HAVE THE CONSEQUENCES OF DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.

COUNSEL FOR THE DEFENDANT JOINS IN THE WAIVERS AND CONCURS IN THE PLEA.

COURT FINDS THAT EACH SUCH WAIVER IS KNOWINGLY, UNDERSTANDINGLY, AND EXPLICITLY

MADE;

THE DEFENDANT WITH THE COURTS APPROVAL, PLEADS NOLO CONTENDERE TO COUNT 02 A VIOLATION OF SECTION 664-30605(A) PC. THE COURT FINDS THE DEFENDANT GUILTY.

COUNT (02) : DISPOSITION: CONVICTED

COURT ORDERS AND FINDINGS:

-THE COURT ADVISES THE DEFENDANT OF PAROLE RIGHTS.

COURT FINDS THAT THERE IS A FACTUAL BASIS FOR DEFENDANT'S PLEA, AND COURT ACCEPTS PLEA.

ON PEOPLE'S ORAL MOTION, THE INFORMATION IS AMENDED BY INTERLINEATION ADDING COUNT 2, 664/30605(A) PENAL CODE, ATTEMPTED POSSESSION OF AN ASSAULT WEAPON, A MISDEMEANOR.
.
DEFENSE COUNSEL STIPULATES TO A FACTUAL BASIS PURSUANT TO PEOPLE V WEST AND THE DISCOVERY PROVIDED.
.

THE COURT IMPOSES SENTENCE PURSUANT TO THE PLEA AGREEMENT.

WAIVES TIME FOR SENTENCE.

NEXT SCHEDULED EVENT:
SENTENCING

DEFENDANT WAIVES ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING JUDGMENT:

AS TO COUNT (02):

IMPOSITION OF SENTENCE SUSPENDED

DEFENDANT PLACED ON SUMMARY PROBATION

FOR A PERIOD OF 001 YEARS UNDER THE FOLLOWING TERMS AND CONDITIONS:

SERVE 001 DAYS IN LOS ANGELES COUNTY JAIL

DEFENDANT GIVEN TOTAL CREDIT FOR 1 DAYS IN CUSTODY 1 DAYS ACTUAL CUSTODY AND 0 GOOD TIME/WORK TIME

PLUS $40.00 COURT OPERATIONS ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)

$30.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)

PERFORM 100 HOURS OF COMMUNITY SERVICE

DEFENDANT SHALL PAY A RESTITUTION FINE IN THE AMOUNT OF $150.00 TO THE COURT

TOTAL DUE: $220.00

IN ADDITION:

-DEFENDANT IS ORDERED TO PAY A PROBATION REVOCATION RESTITUTION FINE PURSUANT TO PENAL CODE SECTION 1202.44, IN THE AMOUNT OF $ 150.00. THIS FINE SHALL BECOME EFFECTIVE UPON THE REVOCATION OF PROBATION.

COURT ORDERS AND FINDINGS:

-OBEY ALL LAWS AND ORDERS OF THE COURT.

-DEFENDANT ACKNOWLEDGES TO THE COURT THAT THE DEFENDANT UNDERSTANDS AND ACCEPTS ALL THE PROBATION CONDITIONS, AND DEFENDANT AGREES TO ABIDE BY SAME.

ANY MANDATORY AND NON-PUNITIVE FEES OR ASSESSMENTS ORDERED IN THIS CASE ARE NOT CONDITIONS OF PROBATION

- ONLY POSSESS WEAPONS APPROVED BETWEEN THE PARTIES.
.

- COMMUNITY SERVICE MAY BE COMPLETED AT ANY NON-PROFIT ORGANIZATION.
.
FINES AND FEES ARE STAYED. ABILITY-TO-PAY HEARING IS NOT HELD.
.
ANY REMAINING COUNTS/ALLEGATIONS ARE ORDERED DISMISSED/STRICKEN PURSUANT TO PENAL CODE SECTION 1385.
.
DEFENDANT IS ORDERED TO PROVIDE PROOF OF COMPLETION OF THE COMMUNITY SERVICE ON OR BEFORE FEBRUARY 29, 2023, IN THE CLERK'S OFFICE.
.
BOND IS EXONERATED.
.
NUNC PRO TUNC LANGUAGE IS GENERATED IN ERROR.

COUNT (02): DISPOSITION: CONVICTED

REMAINING COUNTS DISMISSED:

COUNT (01): DISMISSED DUE TO PLEA NEGOTIATION

DMV ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:
02/29/24 830 AM FINES/FEES DIST CENTRAL DISTRICT DEPT CLK

CUSTODY STATUS: ON PROBATION

ON 09/29/23 at 0830:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Clara Shortridge Foltz Criminal Justice Center Dept. - 119

XCNBA510524-01 **July 2, 2024**

The People of the State of California **8:30 AM**

vs.

WALDEN, LUKE BAXTER

Honorable Craig Richman, Judge
G. Lopez, Judicial Assistant

Raquel Rodriguez (#9485), Court Reporter

PC664-33410, PC664-30605(a)

NATURE OF PROCEEDINGS: Probation Modification Hearing

The following parties are present for the aforementioned proceeding:

LUKE BAXTER WALDEN, Defendant
Kristopher E. Gay, Deputy District Attorney
Bill Howard Seki, Private Counsel

The matter is called for Probation Modification Hearing.

There being no objection by the People, defense written motion for early termination is heard and granted.

Probation terminated.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Clara Shortridge Foltz Criminal Justice Center Dept. - 56

XCNBA510524-01 **October 23, 2024**

The People of the State of California **8:30 AM**
vs.
WALDEN, LUKE BAXTER

Honorable Kevin S Rosenberg, Judge
G. Solorio, Judicial Assistant Marianna Donner (#7504), Court Reporter

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PC664-33410, PC664-30605(a)

NATURE OF PROCEEDINGS: Petition for Dismissal 1203.4 PC

The following parties are present for the aforementioned proceeding:

No Appearances

The matter is called for Petition for Dismissal 1203.4 PC.

The matter is handled in Chambers.

The People waive their appearance as to this hearing only.

The People have indicated that they oppose the petition.

The Court having read and considered the petition pursuant to Penal Code section 1203.4, rules as follows:

As to Count 002: The Court grants the petition for dismissal pursuant to Penal Code section 1203.4, plea of guilty or nolo contendere, or verdicts or findings of guilt be set aside and vacated and a plea of not guilty be entered, and that the Complaint or Information be, and is hereby, dismissed.

Order for Dismissal is signed and filed.

Pursuant to Penal Code section 1203.425, this record shall not be disclosed to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency.

The Court waives/suspends the balance of fine and fees.

Clerk's office to give notice.

Date: _____ By: _____, Deputy

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 11 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 03/06/2025 By _____, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

FILED
Superior Court of California
County of Los Angeles
MAR 23 2023
David W. Slayton, Executive Officer/Clerk of Court
By: S. Cedeno, Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. 01 LUKE BAXTER WALDEN [redacted] Defendant(s).	**CASE NO. BA510524** *INFORMATION* Arraignment Hearing Date: 03/23/2023 Department: CEN 119

INFORMATION
SUMMARY

Ct. No.	Charge	Charge Range	Defendant	Allegation	Alleg. Effect
1	PC 664/33410	16-2-3 County Jail	WALDEN, LUKE BAXTER		

The District Attorney of the County of Los Angeles, by this Information alleges that:

COUNT 1

On or about April 22, 2021, in the County of Los Angeles, the crime of ATTEMPTED POSSESSION OF A SILENCER, in violation of PENAL CODE SECTIONS 664 and 33410, a Felony, was committed by LUKE BAXTER WALDEN, who did unlawfully possess a silencer for firearms.

It is further alleged that probation shall not be granted except in an unusual case where the interests of justice would best be served. Penal Code section 1203(e)(11).

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

NOTICE: Conviction of this offense prohibits you from owning, purchasing, receiving, possessing, or having under your custody and control any firearms, and effective January 1, 2018, will require you to complete a Prohibited Persons Relinquishment Form ("PPR") pursuant to Penal Code § 29810.

THIS INFORMATION CONSISTS OF 1 COUNT(S).

Filed in Superior Court,
County of Los Angeles

DATED: 3/24/23

GEORGE GASCÓN
DISTRICT ATTORNEY
County of Los Angeles,
State of California

BY: _____
KRISTOPHER E GAY
DEPUTY DISTRICT ATTORNEY

/MAP

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of __ pages.

DAVID W. SLAY TON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

By: _____ Deputy

Date: _____

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 2 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 03/19/2025 By: _____, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. **01 LUKE BAXTER WALDEN** [redacted] Defendant(s).	**CASE NO. BA510524** ***FELONY COMPLAINT***

The undersigned is informed and believes that:

COUNT 1

On or about April 22, 2021, in the County of Los Angeles, the crime of ATTEMPTED POSSESSION OF A SILENCER, in violation of PENAL CODE SECTIONS 664 and 33410, a Felony, was committed by LUKE BAXTER WALDEN, who did unlawfully possess a silencer for firearms.

It is further alleged that probation shall not be granted except in an unusual case where the interests of justice would best be served. Penal Code section 1203(e)(11).

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: The People of the State of California intend to present evidence and seek jury findings regarding all applicable circumstances in aggravation, pursuant to Penal Code section 1170(b) and *Cunningham v. California* (2007) 549 U.S. 270.

NOTICE: A Suspected Child Abuse Report (SCAR) may have been generated within the meaning of Penal Code §§ 11166 and 11168 involving the charges alleged in this complaint. Dissemination of a SCAR is limited by Penal Code §§ 11167 and 11167.5 and a court order is required for full disclosure of the contents of a SCAR.

NOTICE: Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

NOTICE: Conviction of this offense prohibits you from owning, purchasing, receiving, possessing, or having under your custody and control any firearms, and effective January 1, 2018, will require you to complete a Prohibited Persons Relinquishment Form ("PPR") pursuant to Penal Code § 29810.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER BA510524, CONSISTS OF 1 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on November 14, 2022.

ROSS NEMEROFF
DECLARANT AND COMPLAINANT

GEORGE GASCÓN, DISTRICT ATTORNEY

BY: KRISTOPHER E GAY, DEPUTY

AGENCY:	LAPD - SPECIAL OPERATION DIV.	I/O: ROSS NEMEROFF	ID NO.: 31679	PHONE : (213) 484-6700
DR NO.:	21001210	OPERATOR: MAP	PRELIM. TIME EST.:	2 HOUR(S)

DEFENDANT	CII NO.	DOB	BOOKING NO.	BAIL RECOM'D	CUSTODY R'TN DATE
WALDEN, LUKE BAXTER	[redacted]	[redacted]		$1	

It appearing to the Court that probable cause exists for the issuance of a warrant of arrest for the above-named defendant(s), the warrant is so ordered.

LUKE WALDEN

BAIL: $_____

DATE: _____

_____
Judge of the Above Entitled Court

NON-WARRANT DEFENDANTS:

DEFENDANT	CII NO.	DOB	BOOKING NO.	BAIL RECOM'D	CUSTODY R'TN DATE

FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

LUKE BAXTER WALDEN

Ct.	Charge	Charge Range	Allegation	Alleg. Effect
1	PC 664/33410	16-2-3 County Jail		

I order that the defendant(s) be held to answer therefore and be admitted to bail in the sum of:

LUKE BAXTER WALDEN 20,000 Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

LUKE BAXTER WALDEN 3/23/23 in Dept 119

at: 8:30 A.M.

Date: 3/9/23

Committing Magistrate

Kimberley Baker Guillemet

GRANT OF PROBATION 1203 PC

1. ☒ SERVE 365 DAYS IN THE LOS ANGELES COUNTY JAIL, ☐ CONCURRENT WITH _____ ☐ CONSECUTIVE TO _____ ☒ ALL TIME.
   DEFENDANT TO RECEIVE TOTAL CUSTODY CREDIT OF _____ DAYS (CREDIT OF DAYS ACTUAL PLUS _____ DAYS GOOD TIME/WORK TIME).
2. ☐ SERVE _____DAYS IN A ☐ RESIDENTIAL ☐ OUTPATIENT TREATMENT PROGRAM: _____.
   DEFENDANT TO BE RELEASED TO AN AUTHORIZED REPRESENTATIVE OF THAT PROGRAM AND IS TO COMPLY WITH ALL PROGRAM TERMS AND CONDITIONS. (013)
   IF DEFENDANT LEAVES OR IS DISCHARGED FROM THE PROGRAM PRIOR TO COMPLETION, DEFENDANT IS TO REPORT TO COURT ON THE NEXT COURT DAY. (013)
3. ☒ PAY A **FINE** IN THE SUM OF $_____ PLUS PENALTY ASSESSMENTS, OR SERVE _____ ADDITIONAL DAY (S) IN COUNTY JAIL, CONSECUTIVE.
4. ☐ MAKE **RESTITUTION TO VICTIM** _____ PURSUANT TO PC 1202.4 (f) IN THE SUM OF $_____. (048) ADDITIONALLY, 10% PER ANNUM INTEREST PURSUANT TO PC 1202.4 (f) (3) (G).
   ☐ IN AN AMOUNT AND IN THE MANNER AS THE PROBATION OFFICER SHALL PRESCRIBE, SUBJECT TO A HEARING IF REQUESTED. (052/060)
   ☐ IN THE STIPULATED SUM OF $_____. (051) ☐ IN A SUM STIPULATED NOT TO EXCEED $_____. (055)
5. ☒ PERFORM 20 (DAYS) (HOURS) OF (CAL TRANS) (COMMUNITY SERVICE), COMPLETION DATE DUE TO BE DETERMINED BY THE COURT. (189, 190)
6. ☒ **OBEY ALL LAWS, RULES, REGULATIONS AND ORDERS OF THE COURT AND OF THE PROBATION DEPARTMENT**. (541/542)
7. ☐ **PARTICIPATE** IN A PROGRAM OF EDUCATION, TREATMENT OR REHABILITATION AIMED AT DRUG ABUSE, AS DIRECTED BY THE PROBATION OFFICER (539).
8. ☐ **COOPERATE WITH THE PROBATION OFFICER** IN A PLAN FOR. (530)
9. ☒ SEEK AND MAINTAIN TRAINING, SCHOOLING OR EMPLOYMENT AS DIRECTED BY THE PROBATION OFFICER. (500)
10. ☒ SUPPORT DEPENDENTS AS DIRECTED BY THE PROBATION OFFICER. (503)
11. ☒ REPORT TO THE PROBATION DEPARTMENT WITHIN 48 HOURS AFTER RELEASE FROM CUSTODY EAST SAN FERNANDO VALLEY AREA OFFICE AT 14414 DELANO ST. VAN NUYS, CA 91401 (817)
12. ☒ **SUBMIT YOUR PERSON AND PROPERTY TO SEARCH AND SEIZURE** AT ANY TIME OF THE DAY OR NIGHT BY ANY PROBATION OFFICER OR OTHER PEACE OFFICER, WITH OR WITHOUT A WARRANT, PROBABLE CAUSE OR REASONABLE SUSPICION. (576)
13. ☒ **DO NOT OWN, USE, OR POSSESS ANY DEADLY OR DANGEROUS WEAPONS**, INCLUDING ANY FIREARMS, KNIVES OR OTHER CONCEALABLE WEAPONS. (934)
    ☐ *THIS PROHIBITION IS FOR 10 YEARS PER PENAL CODE SECTION 12021 (c) (1).*
14. ☒ **THE WEAPON INVOLVED IN THIS CASE** IS ORDERED CONFISCATED AND DESTROYED BY THE ARRESTING AGENCY. (234)
15. ☒ USE ONLY YOUR TRUE NAME, DATE OF BIRTH AND ADDRESS, AND DO NOT GIVE FALSE INFORMATION TO ANY PEACE OFFICER AT ANY TIME. (535)
16. ☐ IF YOU LEAVE THE COUNTRY, YOU SHALL NOT RE-ENTER THE UNITED STATES ILLEGALLY. IF YOU DO RETURN, REPORT TO THE PROBATION OFFICER WITHIN (3) DAYS, AND PRESENT DOCUMENTATION WHICH PROVES YOU ARE IN THE U.S. LEGALLY. (469)
17. ☒ **DO NOT OWN, USE, POSSESS, BUY OR SELL ANY CONTROLLED SUBSTANCES**, OR ASSOCIATED PARAPHERNALIA, EXCEPT WITH VALID PRESCRIPTION, AND STAY AWAY FROM PLACES WHERE USERS, BUYERS, OR SELLERS CONGREGATE. DO NOT ASSOCIATE WITH PERSONS KNOWN BY YOU TO BE CONTROLLED SUBSTANCE USERS OR SELLERS, EXCEPT IN AN AUTHORIZED TREATMENT PROGRAM. (926)
18. ☐ **SUBMIT TO PERIODIC CONTROLLED SUBSTANCE TESTING** WHEN REQUESTED BY THE PROBATION OFFICER OR ANY OTHER PEACE OFFICER. (584)
19. ☐ **REGISTER** WITH YOUR LOCAL POLICE AGENCY AS A ☐ CONTROLLED SUBSTANCE – H&S 11590 (925) ☐ SEX - PC 290 (927) ☐ ARSON - PC 457.1 (902) ☐ GANG MEMBER – PC 186.30 (877) OFFENDER, CARRY PROOF OF REGISTRATION AT ALL TIMES, AND DISPLAY REGISTRATION TO ANY PEACE OFFICER UPON REQUEST.
20. ☐ ABSTAIN FROM THE PURCHASE, POSSESSION AND CONSUMPTION OF ALL ALCOHOL AND ALCOHOLIC BEVERAGES AND STAY OUT OF PLACES WHERE THEY ARE THE CHIEF ITEM OF SALE. (350)
21. ☐ NOT USE FORCE OR VIOLENCE ON THE VICTIM _____. (418)
22. ☐ DO NOT USE OR THREATEN TO USE FORCE OR VIOLENCE AGAINST ANY PERSON. DO NOT ANNOY, HARASS OR, MOLEST ANY PERSON OR WITNESS INVOLVED IN THIS CASE ESPECIALLY _____. (913)

23. ☐ DO NOT HARASS, BOTHER, MOLEST, ANNOY OR COMMUNICATE WITH _____ AND STAY AWAY FROM SAID PERSON (S), THEIR RESIDENCE OR PLACE OF EMPLOYMENT. (413)
24. ☐ STAY 100 YARDS AWAY FROM AND HAVE NO CONTACT WITH _____. (904)
25. ☐ STAY AWAY FROM LOCATION OF ARREST. (904) ☐ STAY AWAY FROM _____. (904)
26. ☐ ENROLL WITHIN 30 DAYS IN AND SUCCESSFULLY COMPLETE A 52 WEEK BATTERER'S TREATMENT PROGRAM BY THE PROBATION DEPARTMENT. ATTEND ALL COUNSELING SESSIONS, KEEP ALL PROGRAM APPOINTMENTS AND PAY ALL PROGRAM FEES IN ACCORDANCE WITH DEFENDANT'S ABILITY TO PAY. (369)
27. ☐ OBEY THE PROTECTIVE ORDER ISSUED IN THIS OR ANY OTHER CASE. (579) ☐ DEFENDANT SERVED WITH A COPY OF THE PROTECTIVE ORDER IN OPEN COURT. (578)
28. ☒ PROVIDE A DNA SAMPLE AND PALM PRINTS IMPRESSION PURSUANT TO PC SECTIONS 296 AND 296.1 (790)

29. ☒ **PAY ALL OF THE FOLLOWING (CHECK ALL THAT APPLY):**
☒ **A RESTITUTION FINE** OF A MINIMUM OF $200.00 CALCULATED PER 1202.4 (b)-(e) AND A 10% RESTITUTION FINE SERVICE CHARGED PER 1202.4 (l).
☐ **A PROBATION REVOCATION RESTITUTION FINE** IN THE SAME AMOUNT AS THE RESTITUTION FINE, PER PC 1202.44, PAYMENT IS STAYED UNTIL PROBATION IS REVOKED AND SENTENCE IMPOSED. (107)
☒ **A PAROLE REVOCATION RESTITUTION FINE** IN THE SAME AMOUNT AS THE RESTITUTION FINE, PER PC SECTION 1202.44, PAYMENT IS STAYED UNTIL PAROLE IS REVOKED AND YOU ARE RETURNED TO PRISON. (106)
☐ **LAB ANALYSIS** THE DEFENDANT IS TO PAY A FINE IN THE AMOUNT OF $50.00 (11372.5 HEALTH &SAFETY, LAB ANALYSIS) PLUS A PENALTY ASSESSMENT OF $85.00 ($50.00 PURSUANT TO SECTION 1464 OF THE PENAL CODE AND $35.00 SECTION 76000 GOVERNMENT CODE) (184)
☒ **A COURT SECURITY FEE** OF $30.00 PER PC 1465.8(A) (l) {PER COUNT}. (SF)
☒ **A CRIMINAL CONVICTION/FACILITIES ASSESSMENT** OF $30.00 PER GOVT. CODE SECTION 70373 (a) GC. (CC)
☐ **A DRUG PROGRAM** OF $150.00 (PER DRUG COUNT EXCEPT 11357 (B) H&S) PER HEALTH AND SAFETY CODE SECTION 11372.7 (a).
☐ **A CRIME PREVENTION FINE** OF $10.00 PER PENAL CODE SECTION 1202.5 (PC THEFT-RELATED AND VANDALISM CASES) (CP)
☐ **A SEX OFFENDER FINE** OF ☐ $300.00 (1ST OFFENSE) ☐ $500 (2ND AND SUBSEQUENT OFFENSES) PER PENAL CODE 290.3, PLUS PENAL ASSESSMENT.
☐ **A DOMESTIC VIOLENCE PAYMENT** OF ☐ $400.00 ☐ $ _____PER PENAL CODE SECTION 1203.097 (a)(5). ($400.00 MINIMUM)
☐ **A DEJ RESTITUTION FINE** OF $ _____PER PENAL CODE SECTION 1001.90/PENAL CODE SECTION 1001.3. (112)

30. ☐_____

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of__ pages.
DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.
Date:_____ By:_____, Deputy



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 12 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 03/04/2025 By: _____, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MISDEMEANOR SENTENCING MEMORANDUM – GENERAL MISDEMEANORS

Defendant: Walden, Luke			Case No.: BA510524
Date: 9-29-23	Dept./Div.: 119	Prosecutor: K. Gay, DA	Defense Att'y: B. Seki, Pvt
Judge: C. Richman	Clerk: G Lopez	Reporter: R. Rodriguez	Interpreter/Language: —

Arraignment for Judgment

☐ **Arraignment for judgment and time for sentencing is waived.** There is no legal cause why judgment should not now be pronounced.
As to Count _____, a violation of § _____ of the ☐ Penal Code ☐ H&S Code ☐ W&I Code ☐ Vehicle Code ☐ _____ Code

Sentence

1. ☐ **Probation is denied. Defendant is to serve** _____ **days in the Los Angeles County Jail**, forthwith. ☐ consecutive to _____ ☐ concurrent _____
Defendant to receive **custody credit** of _____ days actual plus _____ days GT/WT, for a total of _____ days ☐ Time may be served in any penal institution.
2. ☐ **Pay a fine of** $_____ plus penalty assessments.
3. ☐ Pay the fines, fees, and assessments as set forth in paragraph 21 below.
4. ☐ **Execution of the foregoing sentence is suspended (ESS)**, and the following conditional sentence is imposed:

Conditional Sentence (PC § 1203b) / Order of Probation (PC § 1203a)

☑ **Imposition of sentence is suspended (ISS)** ☐ With supervision by county probation officer (formal probation),
for a period of 1 years/months upon the following terms and conditions:

1 ☑ **Serve** 1 **days in the Los Angeles County jail,** ☐ consecutive to _____ ☐ concurrent with _____ ☐ Suspended.
Defendant to receive **custody credit** of 1 days actual plus 0 days GT/WT, for a total of 1 days. ☐ Time may be served in any penal institution.
☐ Time may be served on consecutive weekends of two days each, beginning _____. **(772)**
☐ Time may be served in any city jail having actual confinement, at Defendant's expense. **(021)**
☑ Defendant may not participate in Sheriff's home detention/EHM per PC § 1203.016(e). **(771)** ☐ Work furlough not allowed per PC § 1208(b).

2 ☑ **Perform** _____ **days of Community Labor** (CalTrans, MTA-MAARS, HBT, graffiti removal, beach cleanup, community cleanup, _____), **or perform** 100 **hours of approved Community Service,** with credit for _____ days actual. Sign up for such work only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. ☐ This work is in lieu of the days of jail specified in paragraph 1 above.

3 ☐ **Pay a fine** of $_____ plus penalty assessments, **or** in default thereof serve _____ additional days in County jail, consecutive, **or** perform an additional _____ days/hours of Community Labor or Community service/_____. ☐ **Defendant elects jail in lieu of fine,** forthwith, consecutive to all other time.
☐ Fine may be paid in monthly installments of not less than $_____. **(124)** ☐ Defendant to report to Financial Evaluator to work out a payment plan. **(163)**

4 ☐ **Make restitution to victim** _____ pursuant to PC § 1202.4(f) **(048)** ☐ in an amount to be determined at a hearing. **(067)** ☐ *Harvey* waiver taken. ☐ in the stipulated sum of $_____. **(048)** ☐ per any final civil judgment against you. **(100)** ☐ Liability is admitted but amount disputed.

5. ☐ **Do not own, use, or possess any dangerous or deadly weapons,** including any firearms, knives, or other concealable weapons. **(230)** ☐ The weapon involved in this case is ordered confiscated and destroyed by the arresting agency. **(234)** ☐ This prohibition is for 10 years as to any firearm pursuant to PC § 29805(a).
6. ☐ **Do not use or threaten to use force or violence against any person.** Do not annoy, harass, or molest any victim or witness in this case, especially _____. **(913)**
7. ☐ Stay ☐ _____ ☐ 100 yards away from and have no contact with _____. **(904)**
8. ☐ Stay ☐ _____ ☐ 100 yards away from ☐ the location of the arrest ☐ _____. **(904)**
9. ☐ **Obey any Protective Order** issued in this or any other case. **(579)** ☐ Defendant is served with a copy of the Protective Order in open court. **(578)**
10. ☐ Enroll within 30 days and successfully complete: _____. **(373)**
11. ☐ **Do not own, use, or possess any controlled substances, or associated paraphernalia,** except with valid prescription, and stay away from places where users or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, unless attending a drug treatment program. **(926)**
12. ☐ **Do not drink or possess any alcoholic beverage,** and stay out of the places where they are the chief item of sale. **(901)**
☐ Do not drink or possess any alcoholic beverages before you turn age 21. **(344)**
13. ☐ **Attend** _____ **Alcoholics/Narcotics/Sexual Compulsives Anonymous** meetings at the rate of _____ meeting(s) per week for _____ weeks. **(356/473)**
14. ☐ **Submit your person and property to search and seizure** at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause, or reasonable suspicion. **(576)**
15. ☐ **Use only your true name,** stated to be: _____. **(924)** Do not give any false information to any peace officer at any time. **(535)**
16. ☐ **Do not associate with any persons known by you to be criminal street gang members,** affiliates, or associates, and stay away from all places where you know such persons congregate, except in an authorized anti-gang program. **(918)** Obey any gang injunction that applies to you. **(399)**
17. ☐ **Do not own, use, possess,** buy or attempt to buy, or sell any aerosol paint containers, felt tip markers, any glass or metal scribes, any masonry, glass or carbide drill bit, any grinding stone, awl, chisel, carbide scribe, and any other device or implement capable of marking or marring any property or writing any graffiti. **(921)**
18. ☐ Vandalism cases (VC § 13202.6): **Your driver's license is suspended** for ☐ 2 years (max.) ☐ _____. **(247)** ☐ Surrender your driver's license forthwith **(273)**
19. ☐ Submit to booking (PC § 7(21)) and release within 7 days.
20. ☐ If you are deported from/otherwise leave the United States, notify the Court (& Probation) in writing of your address and telephone number outside the United States within 72 hours of deportation/departure. Continue to pay all of your financial obligation to the Court (& to Probation) while outside the United States. **(474)**

21. ☐ **Pay all of the following (check all that apply):**

☑ **A restitution fine** of ☐ $150.00 ☐ $_____ ($1,000 max.) per PC § 1202.4(b). **(098)**	☐ **Cost of probation services** per PC § 1203.1b, ☐ as determined by the Probation Officer, subject to a hearing if requested ☐ in the amount of $_____ per month
☑ **A probation revocation restitution fine** in the same amount as the restitution fine, per PC 1202.44, payment is stayed until probation is revoked and sentence imposed.	☐ **A drug program fee** of $_____ per drug count (except H&S § 11357(b)) per H&S § 11372.7(a). (Drug convictions only, $150 max.)
☑ **A court facilities assessment** of $30.00 per GC § 70373(a) (Per count.) (SA:CC)	☐ **A crime prevention fine** of $10 per PC § 1202.5 (PC theft-related & vandalism) (SA:CP)
☐ **A state surcharge** of $_____ per PC § 1465.7 (20% of base fine) (SA:AB)	☐ **A sex offender fine** of ☐ $300 (1st off.) ☐ $500 (2nd/sub. off.) PC § 290.3, plus penalty assessment.
☑ **A court operations assessment** of $40.00 per PC § 1465.8(a)(1). (Per count.) (SA:SF)	☐ **A child abuse prevention restitution fine** of $_____, per PC § 294 ($1,000 max.)
☐ **A crime lab fee** of $50.00 plus penalty assessment per H&S § 11372.5. **(184)**	☐ **A domestic violence payment** of ☐ $500 (min.) or ☐ $_____ per PC § 1203.097(a)(5).
☐ **An administrative screening fee** of $25.00 per PC § 1463.07/GC § 29550(f). (D OR)	☐ **A criminal justice administration fee** of $_____, payable to the local arresting agency, per GC §§ 29550(c), 29550.1, or 29550.2(a) (agency's actual cost).
☐ **A citation processing fee** of $10.00 per PC § 1463.07/GC § 29550(f). (D cited and released in field or at jail facility.)	
☐ _____	

22. ☑ ONLY to possess weapons approved by bureau parties
Court to be stayed w/o ability to pay
23. ☑ **Obey all laws and orders of the court (541)** ☐ and rules and regulations of the Probation Department. **(542)**

☐ **Defendant acknowledges that he/she understands and accepts the terms and conditions of probation. (810)**
☐ Defendant is ordered to pay attorney fees ☐ in the amount of $_____ ☐ in the amount determined by the Financial Evaluator, pursuant to PC § 987.8(b), through the Clerk's Office. **(182)** ☐ After a noticed ability to pay hearing.
☑ **Counts/Allegations** financing **are dismissed/stricken** on the People's motion pursuant to PC § 1385 as to this Defendant.

Compliance dates: Defendant is ordered to appear in person on each of the following compliance dates. (683)

Surrender for jail:		POE/Progress report on:	
Pay fines/fees by:		Restitution hearing in: Dept./Div. ____	
Complete work/c-s by:	2/29/24	Other:	

I understand, accept, and will comply with the foregoing conditional sentence and compliance dates and will return to Court as ordered.

Defendant's Signature:	Attorney's Signature:

Defendant's Address: _____

Defendant's Telephone: _____

_____
Judge/Commissioner of the Superior Court

RX

CRIM 086 (Rev. 03/18) DISTRIBUTION: White – Court Copy Canary – Defendant Copy

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 02/08/2005 By: _____, Deputy

RATIONALE ON FINDINGS

LUKE WALDEN, #34898

B.F. NO. 31674

C.F. NO. 21-001144

WEDNESDAY, FEBRUARY 14, 2024

. . . . .

MS. AMIN: SO NOW THE BOARD IS NOW READY IN THE MATTER OF LUKE WALDEN, BOX 31674. THE BOARD WILL NOW PROVIDE THE RATIONALE ON ITS FINDINGS.

THIS CASE WAS HEARD DURING TWO HEARING DATES AND INCLUDES THE TESTIMONY FROM THE FOLLOWING FIVE WITNESSES: JOHN JIZMEJIAN, LUKE WALDEN, GREG FIELD, FADIL BIRAIMAH, AND ERIC BIXLER. THE BOARD ADMITTED INTO EVIDENCE DEPARTMENT'S EXHIBITS 1 THROUGH 18, ACCUSED EXHIBITS A THROUGH E, AND BOARD EXHIBIT NO. 1.

THE BOARD HAS CONSIDERED AND CAREFULLY REVIEWED AND WEIGHED ALL OF THE EVIDENCE INTRODUCED. ALTHOUGH OUR RATIONALE INCLUDES CITATIONS TO THE RECORD TO HIGHLIGHT PARTICULAR TESTIMONY OR EXHIBITS, THE BOARD'S FINDINGS AND CONCLUSIONS ARE NOT BASED SOLELY ON THOSE SPECIFIC RECORD CITATIONS BUT RATHER ON THE BOARD'S REVIEW OF THE ENTIRE RECORD OF THIS CASE.

FURTHER, THE BOARD NOTES THAT ITS FINDINGS OF FACT ENCOMPASS THE CREDIBLE TESTIMONY AND EVIDENCE

PRESENTED AT THE HEARING, AS WELL AS LOGICAL INFERENCES DRAWN THEREFROM. A CREDIBILITY DETERMINATION MAY RELY ON A VARIETY OFF FACTORS, INCLUDING THE CONTEXT OF THE WITNESS' TESTIMONY, THE WITNESS' DEMEANOR, THE WEIGHT OF THE RESPECTIVE EVIDENCE, ESTABLISHED OR ADMITTED FACTS, INHERENT PROBABILITIES, AND REASONABLE INFERENCES THAT MAY BE DRAWN FROM THE RECORD AS A WHOLE. CREDIBILITY FINDINGS NEED NOT BE AN ALL-OR-NOTHING PROPOSITION. INDEED, NOTHING IS MORE COMMON IN ALL KINDS OF ADJUDICATORY DECISIONS THAN TO BELIEVE SOME, BUT NOT ALL, OF A WITNESS' TESTIMONY.

THE DEPARTMENT HAS THE BURDEN TO PROVE BY A PREPONDERANCE OF THE EVIDENCE FOR COUNT 1 THAT "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

THE ESSENCE OF THE PARTIES' POSITION IS THAT, ON THE ONE HAND, THE DEPARTMENT ALLEGES THAT WALDEN ATTEMPTED TO PURCHASE A FIREARM SILENCER, WHEREAS DETECTIVE WALDEN MAINTAINED THAT HE INTENDED TO PURCHASE A HIGH-PERFORMANCE FUEL FILTER. DETECTIVE WALDEN EXPLAINED THAT HE IS A CAR ENTHUSIAST, WHO REBUILDS CARS AND HAS A NUMBER OF PENDING AND INCOMPLETE PROJECTS. AMONG OTHER THINGS, HE IS ALSO A WELDER AND HAS BEEN QUALIFIED AS A GUN EXPERT FOR THE

PURPOSES OF TESTIFYING IN STATE COURT PROCEEDINGS.

GREG FIELD, A SENIOR AUTOMOTIVE SUPERVISOR, TESTIFIED THAT THE ITEM CONFISCATED BY CBP CANNOT BE USED AS A FUEL FILTER BECAUSE IT HAS NO FILTRATION COMPONENT INSIDE IT. HE BELIEVED THAT, ACCORDING TO THE ONLINE SEARCHES, THE ITEM PURCHASED, WHICH WAS A NAPA 4003, INTENDED USE IS AS A FIREARM SILENCER.

BOARD EXHIBIT 1 DEPICTS A FEW OF THE URL WEBSITES DETECTIVE WALDEN SEARCHED PRIOR TO THE SUBJECT PURCHASE. MR. FIELD BELIEVED THEM NOT TO BE FUEL FILTERS.

MR. BIRAIMAH, THE FIREARM ANALYST, EXPLAINED THAT THE NAPA 4003 IS A CODE WORD FOR SUPPRESSORS KNOWN TO FIREARM BUYERS. HE FURTHER EXPLAINED THAT FUEL FILTERS AND SOLVENT TRAPS CANNOT BE INTERCHANGEABLY USED. MR. BIRAIMAH EXAMINED THE CONFISCATED ITEM AND DETERMINED IT TO BE A FIREARM SUPPRESSOR COMPATIBLE WITH A NUMBER OF FIREARMS. AND UPON EXAMINING DETECTIVE WALDEN'S LIST OF PURCHASED FIREARMS, MR. BIRAIMAH FOUND A NUMBER OF THOSE FIREARMS COULD BE USED IF MODIFIED.

ERIC BIXLER TESTIFIED THAT ONE OF DETECTIVE WALDEN'S RESPONSIBILITIES WAS TO IDENTIFY SUPPRESSORS, AND THAT DETECTIVE WALDEN WOULD HAVE BEEN AWARE OF THE CONFISCATED ITEM'S PURPOSE AS A SUPPRESSOR.

IN CONCLUSION, THE BOARD FINDS YOU UNANIMOUSLY GUILTY ON COUNT 1.

THIS CONCLUDES THE RATIONALE FOR THE FINDINGS PHASE OF THIS BOR CASE.

--OOO--

Los Angeles Police Department
Forensic Science Division
1800 Paseo Rancho Castilla, Los Angeles CA 90032

Laboratory Report

SID-21-007329 / Req. # 0001
Report finalized: June 1, 2021

DR #:	21-99-13105	**Name Associated:**	NEMEROFF
Requested By:	NEMEROFF #31679	**Offense:**	Other
Contact:	31679@lapd.online	**Service:**	Firearms - Test Fire Firearm

Analysis Requested: -- Determine if the assembly, as received, is a silencer as described in California penal code section 17210.

I, the undersigned analyst, as a Criminalist employed by the Los Angeles Police Department, am prepared to testify to the information provided in this report. The following results relate only to the items tested.

Evidence Item(s):

- Item 6 (LIMS #1-6): One (1) metal ring
- Item 7 (LIMS #1-7): One (1) outer tube
- Item 8 (LIMS #1-8): One (1) monocore baffle

Dates of Laboratory Activity: 5/14/2021 — 5/25/2021

Observation(s)

Items 6 through 8 were received as a single assembly. As received, the item 8 monocore baffle is secured within the item 7 outer tube by the item 6 metal ring.

TESTING:

- An external inspection of the assembly was conducted to assess its general appearance, condition and construction.

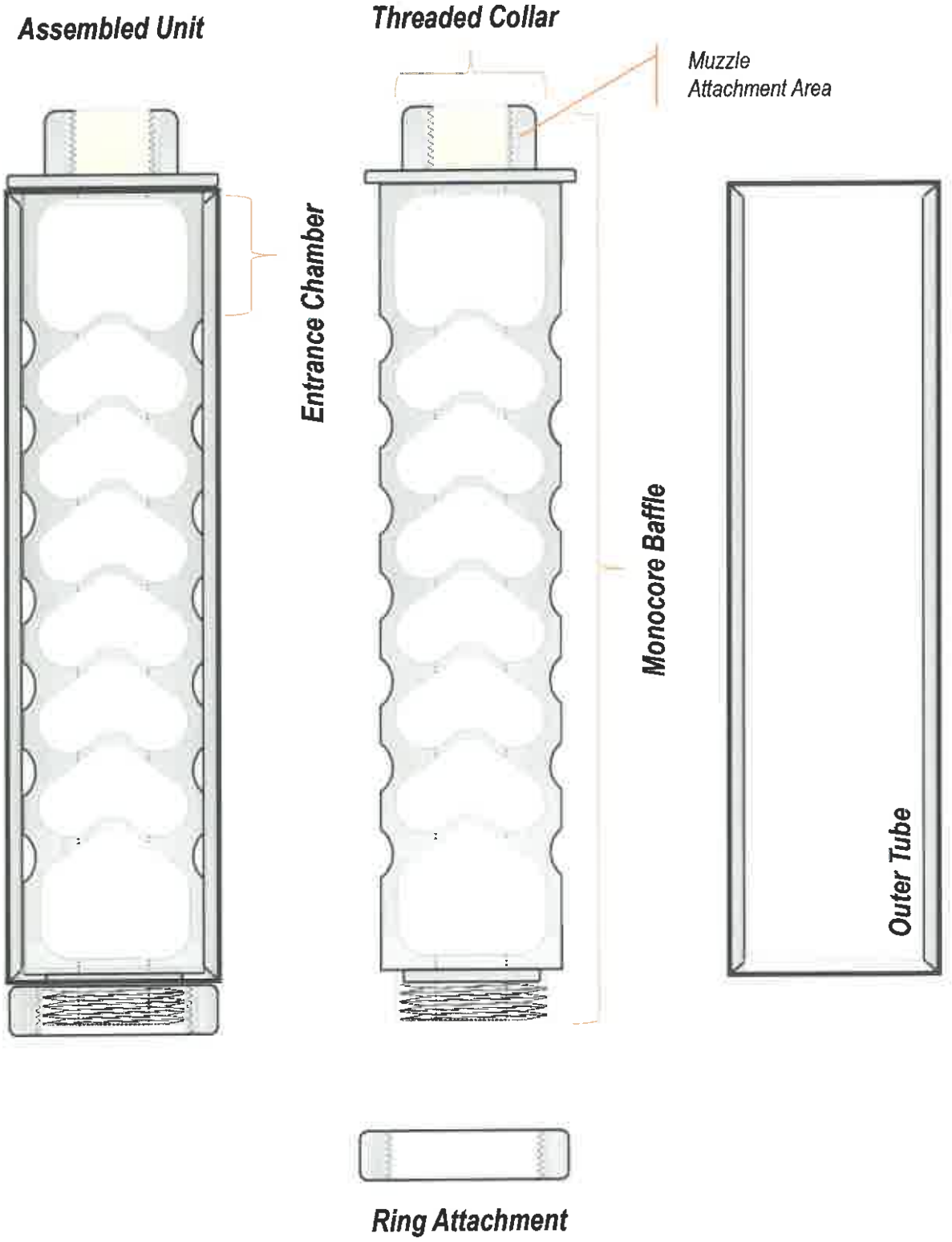
- The assembly was dismantled and inspected for distinctive silencer structural features.

TEST RESULTS:
The external inspection revealed the assembly to be in good condition. It has the general appearance of a silencer. The components are all consistent with machined aluminum with a dark, smooth surface finish. There is an internally threaded collar at one end and an unthreaded opening at the other. There are no indications of amateur or improvised production processes. There are no indications of repurposed material or components. The internal inspection revealed a well-made single piece (monocore) baffle with an open channel from end to end. The monocore baffle divides the tube volume into 8 chambers which are open to the central channel. The first area is larger and is consistent with an entrance chamber. The threaded collar is consistent with a muzzle attachment point. These features are conspicuous suppressor / silencer design elements that substantiate the classification as a silencer.

Conclusion(s)

The assembly, as received, is a silencer as described in California penal code section 17210.

Not to Scale


Assembled Unit
Threaded Collar
Muzzle
Attachment Area
Entrance Chamber
Monocore Baffle
Outer Tube
Ring Attachment

Analyst: F. Biraimah #N3140 323-415-8169 5-27-21

Admin Review: R. Garcia #G9120 6- 1-21

Tech Review: R. Garcia #G9120 6- 1-21

AGENDA ITEM REPORT

Title: POST2306324 - LUKE BAXTER WALDEN (POST ID: A95-T18)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
07/16/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
William Imboden	Mike Radford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

PURPOSE	**FINANCIAL IMPACT**
	No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

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

BACKGROUND:

Respondent began his employment with the LAPD on July 6, 1998, as a full-time Peace Officer. On October 07, 2012, Respondent was promoted to the rank of Detective and on June 15, 2014, was promoted to the rank of “Supervisor”. On June 5, 2022, Respondent was demoted back to the rank of Detective.

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, while on-duty, accessed the internet using computers owned by the Los Angeles Police Department (LAPD) to research threaded barrels for firearms, and firearm silencers and noise suppressors commonly sold as “fuel filters” by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. During the Administrative Investigation into the alleged serious misconduct of “Acts That Violate the Law” (attempting to purchase an illegal firearm silencer, a Felony), the Respondent was found to be dishonest when he stated he did not try to purchase a firearm silencer. These

actions constituted Acts that Violate the Law as defined in Commission Regulation 1205(a)(6) and Dishonesty as defined in Commission Regulation 1205(a)(1).

Audio/Video Evidence Link(s):

- BR14_POST2306324_Walden Luke_Attachment K IA Interview Redacted.m4a

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that Respondent's actions constitute serious misconduct, specifically, Dishonesty as defined in Commission Regulation 1205(a)(1), and Acts that Violate the Law as described in Commission Regulation Regulation 1205(a)(6), in that Respondent researched threaded barrels for firearms, firearm silencers and noise suppressors commonly sold as "fuel filters" by Chinese companies. On or about March 17, 2021, Respondent, while off-duty used a computer to purchase a purported automotive fuel filter from a company in China, listing his home address as the mailing address. On March 9, 2023, Respondent was held to answer at a preliminary hearing for the felony charge of Attempted Possession of a Silencer. On September 29, 2023, as the result of a plea bargain, Respondent was allowed to plead "No Contest" to the misdemeanor charge of Penal Code sections 664 and 30605(a); Attempt to Possess an Assault Weapon. The Felony charge was only dismissed as part of the plea agreement. During the internal investigation, Respondent was dishonest when he stated he was only purchasing a fuel filter for two vehicles he was rebuilding, neither of which would use a fuel filter like the item that was seized by U.S. Customs and Border Protection (CBP). He further perpetuated this dishonesty by claiming he had ordered other fuel filters for the vehicles, one of which never arrived, and provided a picture of the fuel filter that he had installed in one of the vehicles. The item CBP seized, which was addressed to Respondent at his home address. The item purchased may be advertised on the internet as a fuel filter (or solvent trap) to otherwise disguise its intended use; as manufactured it is functionally inoperable as a fuel filter (it had no filtering properties), and there are dozens of internet sites discussing and showing how to convert this item into a firearm silencer.

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation 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_POST2306324_Walden_Luke_ISF.pdf
BR02_POST2306324_Walden_Luke_ExecReviewDivisonRec.pdf
BR03_POST2306324_Walden_Luke_Attachment_A_POSTProfile_Redacted.pdf
BR04_POST2306324_Walden_Luke_Attachment_B_Package_Picture_Redacted.pdf
BR05_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin1.pdf
BR06_POST2306324_Walden_Luke_Attachment_C_ATF_Bulletin2.pdf
BR07_POST2306324_Walden_Luke_Attachment_D_Seized_Item.PNG
BR08_POST2306324_Walden_Luke_Attachment_E_DOJ_Printout_Redacted.pdf
BR09_POST2306324_Walden_Luke_Attachment F_LAPD Audit screenshot.png
BR10_POST2306324_Walden_Luke_Attachment_G_Search_Warrant_Supplement_Redacted
BR11_POST2306324_Walden_Luke_Attachment_H_Amazon_Purchase.pdf
BR12_POST2306324_Walden_Luke_Attachment_I_Criminal_Court_Documents_Redacted.pd
BR13_POST2306324_Walden_Luke_Attachment_J_BOR_Rationale.pdf
BR15_POST2306324_Walden_Luke_Attachment_L_Criminalist_Report.pdf

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF Luke Walden, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke, notifying Respondent that the Division had found reasonable grounds for revocation of Respondent's POST certification, on May 14, 2025. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on May 21, 2025, and the Board scheduled the case for a hearing which was held on July 16, 2025. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☒ Intermediate
- ☒ Advanced
- ☒ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 7/16/25

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

WEDNESDAY, JULY 16, 2025

10:04 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)

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

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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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

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Assistant Executive Director
Peace Officer Standards
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Professional Conduct Northern Bureau

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Intake and Disposition Bureau

CHELSEA WIJAYA
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Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

SIMONE RENTERIA
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

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

ALSO PRESENT

LUKE BAXTER WALDEN
Peace Officer, POST ID A95-T18

MARLON MARRACHE

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WEDNESDAY, JULY 16, 2025 10:04 A.M.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning, everyone.

Great to see all of you.

Today is Wednesday, July 16th, and the time is 10:04.

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

Please note that this hearing is being live streamed, recorded and transcribed.

Thank you so much to the transcriber.

Further, please note that the microphones are auto on/off. When you begin speaking, they will go live. With this, you will need to watch your crosstalk. That too will go live.

We will now call the roll of Board Members.

MR. KNAPP: Thank you, Madam Chair.

Good morning, Members of the Board.

Member Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Member Crawford.

MEMBER CRAWFORD: Present.

MR. KNAPP: Member Doyle.

(No response.)

MR. KNAPP: Member Dudley.
CHAIRPERSON DUDLEY: Here.
MR. KNAPP: Member Glaser.
MEMBER GLASER: Here.
MR. KNAPP: Member Johnson.
MEMBER JOHNSON: Here.
MR. KNAPP: Member Lara.
MEMBER LARA: Here.
MR. KNAPP: And Member Pena.
MEMBER PENA: Here.
MR. KNAPP: Thank you.
Madam Chair, seven of nine.
CHAIRPERSON DUDLEY: Thank you. A quorum has been established.
And thank you, Mr. Knapp, for all the work you did to get us all here today. Very much appreciated.
I would now like to introduce Board Counsel. To my left, Christopher Beatty.
And POST Assistant Executive Director, Annemarie Del Mugnaio. I do this every time. I have so much respect for our Assistant Director and I never can get the name just perfect. But, Del Mugnaio?
MS. DEL MUGNAIO: Del Mugnaio.
CHAIRPERSON DUDLEY: What?
MS. DEL MUGNAIO: Del Mugnaio.

CHAIRPERSON DUDLEY: Del Mugnaio.

MS. DEL MUGNAIO: There you go.

CHAIRPERSON DUDLEY: Del Mugnaio.

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 of the matters.

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 five 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 that if you wish to comment on disciplinary matters scheduled to be heard today or tomorrow by the Board, you must wait until the 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 your complaint, you will have an opportunity to address the Board at that time.

Following these rules is necessary to comply with

the law and to avoid compromising the Board's mission.

Now, is there anyone present in the audience or appearing remotely who would like to address the Board during public comment?

Let's start with people present first. Anyone present?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, let me inquire, is there anybody remotely?

(No response.)

CHAIRPERSON DUDLEY: Okay. Moving on.

Let's go 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 January 16th, 2025, transcripts?

(No response.)

CHAIRPERSON DUDLEY: Seeing none. Are there any questions or comments from the Board regarding the minutes?

Seeing none.

If the Board concurs, the appropriate action would be a motion to approve the meeting transcript from the January 16, 2025, meeting.

Is there a motion?

MEMBER CLAVO: I make a motion to approve the

Pena.

MEMBER PENA: Aye.

MR. KNAPP: Pena, aye.

That's seven in favor. Motion carries.

CHAIRPERSON DUDLEY: Okay.

Let's move on to the next case.

This is -- thank you, both. I know that was a difficult case to report on. Very much appreciate your professionalism.

POST2306324, Luke Baxter Walden POST A95-T18.

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 issue in this case was employed by the Los Angeles Police Department.

Thank you.

MR. IMBODEN: Good afternoon, Madam Chair, Members of the Board.

My name's William Imboden, I'm one of the law enforcement consultants assigned to the Professional Conduct Bureau for Southern California in the Peace Officer Standards and Accountability Division.

With me today is Simone Renteria, an attorney with

our Legal Affairs Bureau.

And I'm here today to present case POST2306324 involving Luke Baxter Walden with the Los Angeles Police Department.

It's the Division's determination that clear and convincing evidence exists to demonstrate that the respondent, Luke Walden, committed an act of serious misconduct as set forth in Penal Code Section 13510.8 on March 17th, 2021.

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 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.

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.

In this presentation I will present a brief outline of the Division's findings of the investigation in this matter.

Respondent began his career with the Los Angeles Police Department on July 6, 1998; on October 7th, 2012, was promoted to the rank of detective; on June 15th, 2014, was promoted to the rank of supervisor.

On June 5th, 2022, respondent was demoted back to the rank of detective.

Respondent holds the following POST certifications: Basic, intermediate, advanced and supervisory.

During respondent's 24-year career, he has received 155 citizen and department commendations. His service records do not show any prior discipline or complaints for similar allegations.

On April 22nd, 2021, US Customs and Border Patrol -- Border Protection intercepted a suspicious package from China at the Los Angeles International Airport mail facility.

The package, which was labeled, quote, fuel filter, and addressed to respondent at his home address, actually contained an illegal firearm silencer.

The label also contained graphics in Chinese which,

when translated, stated, quote, "spiral 1/2 to 28 single core automobile fuel filter, parentheses, six-inch half to 28 black spiral P0171289910," close parentheses.

Half inch to 28 and 5/8 to 24, as will be mentioned throughout this presentation, refers to the thread size and count. For example half-inch diameter shaft with 28 threads per inch.

Upon learning respondent was a current LAPD officer, the investigation was turned over to the LAPD Internal Affairs Bureau.

Once the seized item was booked into evidence at LAPD, criminalist Fadil Biraimah of the Forensic Science Division examined it and its components. Next slide.

His report described the item as having the following characteristics:

Quote, "it has the general appearance of a silencer. The components are all consistent with machined aluminum with a dark, smooth surface finish.

"There is an internally threaded collar at one end and an unthreaded opening at the other.

"The internal inspection revealed a well-made, single piece monocore baffle with an open channel from end to end.

"The monocore baffle divides the tube into eight chambers which are open to the central channel.

"The first area is larger and is consistent with an entrance chamber. The threaded collar is consistent with a muzzle attachment point.

"These features are conspicuous suppressor silencer design elements that substantiate the classification as a silencer," end quote.

He concluded his report by stating, the assembly as received, was a firearm silencer as defined in California Penal Code Section 17210, which states: A silencer is any device or attachment designed to silence, diminish or muffle the report of a firearm or any parts intended for their assembly or fabrication.

A search through the California Department of Justice revealed respondent had 54 registered firearms, many of which were compatible with the half-inch, 28-thread barrel size.

LAPD conducted an audit of Respondent's internet search history on department computers between January 1, 2020, and April 28, 2021.

Using search words including, quote, silencer, fuel filter, solvent trap, China, threaded barrel and others.

The audit revealed that during that time frame, respondent conducted 21 internet searches and searched numerous websites that advertised the sale of threaded barrels for weapons registered to him as well as

additional weapons not registered to him.

The audit also revealed that respondent searched websites that are advertised -- that advertised the sale of, quote, fuel filters. The search focused on filters that had an inner thread size of half -- 1/2 to 28 converting to an outer thread side of 5/8 to 24.

The 1/2 to 28 thread size would apply to many of the weapons registered to respondent.

LAPD's IA consulted their acting general automotive supervisor who reviewed the websites that respondent visited that advertised the sale of fuel filters and inspected the item that Customs and Border Protection seized.

Next slide.

It was his opinion, based on the dimensions of the items respondent researched, that none of them were consistent with any fuel filter for a vehicle and that the items seized could not be used as a fuel filler because it had no internal filtration component.

Inline automobile fuel filters work by trapping dirt, rust and other debris as fuel flows through them preventing these contaminants from reaching the engine's fuel system.

The fuel -- sorry, the filter contains a pleated paper element or other filter medium that captures

particles and contaminants as the fuel passes through.

Modern fuel filters are designed to trap all particles larger than 30 microns or .03 millimeters.

Next slide.

The Bureau of Alcohol Tobacco and Firearms issued law enforcement bulletins on April -- in April of 2017 and October of 2019. These bulletins advised that devices that are specifically manufactured as firearm silencers were being marked online as inline fuel filters despite having no filtering medium.

One such product is marketed as a quote, "Napa 4003," end quote, inline fuel filter.

When LAPD served a search warrant on the Respondent's PayPal account, the search revealed that on March 17th, 2021, at 8:28 A.M. a transaction was completed for $45.96 for the purchase of a quote, "Napa 4003 WIX24003 1/2 to 28, 5/8 to 24 fuel filter, aluminum solvent trap, half inch to 28 XH," end quote.

The recipient of the payment was Xu Shi Qi International Limited in Hong Kong, China.

Respondent was arrested by LAPD on November 14th, 2022, and booked into the LA County Jail.

On November 16th, 2022, the LA County District Attorney Office filed one count of Penal Code Section 664 and 33410, attempted possession of a silencer, a

felony.

On March 9th, 2023, Respondent was held to answer for the felony at a preliminary hearing. And on September 29th, 2023, as a result of a plea bargain, Respondent pled no contest to one count of attempt to possess an assault weapon, a misdemeanor.

The felony was only dismissed as part of the plea agreement.

Despite Respondent's misdemeanor plea resulting in the dismissal of the felony charge, clear and convincing evidence exists to show that Respondent committed the act of purchasing an illegal firearm silencer in violation of California Penal Code Section 33410, a felony.

This conduct occurred despite his extensive firearms training through POST, in-service training, and on-the-job exposure to firearms crimes, both generally and as a part of Los Angeles PD's gun unit.

Although the investigation was turned over to local law enforcement for prosecution, Respondent also violated federal law under Section 27 CFR 447.21 and 27 CFR 447.52, as well as the National Firearms Act USC Title 26, Section 5844.

Respondent is an experienced peace officer with almost 27 years with the -- in the LAPD and his position

as an LAPD officer, Respondent was not only charged generally with getting illegal guns off the street, but had been part of the LAPD's gun and narcotics division gun unit for approximately three years.

By illegally purchasing a silencer from China, Respondent was, in effect, committing the same type of crime that he was sworn to prevent.

During the administrative investigation into the alleged serious misconduct of acts that violate the law, Respondent was dishonest when he stated several times to the IA investigators that he did not try to purchase a firearm silencer.

Respondent stated he ordered a fuel filter a, quote, "Universal fuel filter for a 1985 Toyota Celica, which never arrived." He could not recall the vendor or when he ordered the filter. He later ordered another fuel filter through Amazon.com which he did receive. In looking at them in comparison, they look nothing alike.

Respondent denied ordering or attempting to obtain a firearm silencer despite the ceased item being addressed to him at his home address and despite the use of his PayPal account to purchase it.

The item is the exact same brand and size as was located in LAPD's internet audit of the Respondent's internet searches for firearm silencers and was

determined to fit many of the firearms Respondent owned.

Next slide.

Additionally, the exact name, type and size of the item are listed on ATF training documents to help law enforcement recognize illegal firearm silencers.

Next slide.

Respondent stated he only had a cursory knowledge of silencers, but was not an expert. He admitted he knew they were illegal to possess and he did not dispute the results of the internet search audit, but said those searches were for work-related purposes only.

However, he could not provide specific cases or reports that required searches he conducted. And his internet searches ceased two days prior to the items being purchased using Respondent's personal PayPal account.

Next slide.

LAPD sustained the allegation of attempting to possess a firearm silencer and referred the Respondent to a Board of Rights with a recommendation for termination from employment.

At the Board of Rights Respondent continued to deny that he tried to buy a firearm silencer and repeated that he attempted to buy a fuel filter for his 1985 Toyota Celica.

However, the item seized would not only not fit a 1985 Toyota Celica, it would be useless as a fuel filter because it has no filtering properties.

At the Board of Rights hearing, LAPD criminalist Biraimah stated that, quote, Napa 4003, end quote, is a code word for suppressers known to firearm buyers.

After examining the seized item, he determined it was a firearm suppresser compatible with a number of firearms.

After examining the list of firearms possessed by Respondent, Mr. Biraimah found a number of them could be used with a silencer if modified with a threaded barrel.

Respondent's supervisor, LAPD Lieutenant Eric Bixler testified at the Board of Rights hearing that one of Respondent's job responsibilities was to identify suppressors and that the Respondent would have been aware of the seized item's purpose as a suppressor.

At the conclusion of the Board of Rights hearing, the Board unanimously agreed that Respondent was guilty of the allegation that he attempted to obtain a firearm silencer.

The facts I've just recited support the Division's finding that Respondent was involved in serious misconduct, specifically dishonesty and acts that

violate the law.

For purposes of the Division's analysis, clear and convincing evidence means evidence of a charge is clear and convincing so long as there's a high probability that the charge is true.

The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that Respondent's POST certification be suspended or revoked. And 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 weeks in advance and then purchasing an item that was clearly intended to be used as a firearm silencer.

This is in direct conflict with Respondent's general duty to uphold the law. And is, in fact, the exact type of crime Respondent was charged with preventing as part of the specialty unit he was assigned to.

His 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 IA, and at his Board of Rights, 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 to respect the rights of the members of the public.

With that, I'm happy to have answer any questions the Board may have.

CHAIRPERSON DUDLEY: Does the Board have any questions or comments?

Yes.

MEMBER PENA: There was an earlier slide that showed a -- an authentic filter; right? A real one; right?

MR. IMBODEN: Correct.

MEMBER PENA: Okay. I just wanted to make sure.

CHAIRPERSON DUDLEY: Any other comments?

(No Response.)

CHAIRPERSON DUDLEY: Questions?

(No Response.)

CHAIRPERSON DUDLEY: 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 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 a serious misconduct as defined by Penal Code Section 13510.8 and Commission Regulation 1205 occurred?

Is there anyone from the public who would like to address the Board at this time?

Looking to the audience?

(No response.)

CHAIRPERSON DUDLEY: Anyone on the phone?

MR. KNAPP: Yes.

CHAIRPERSON DUDLEY: Okay. Please.

MARLON MARRACHE: Hi, yeah, my name is Marlon, M-A-R-L-O-N, last name Marrache, M-A-R-R-A-C-H-E, representing my classmate, Luke Walden. Just wanted to add a couple of facts, if you will, about this

particular matter.

We want to talk about the dishonesty allegation.

In the presentation by Mr. Imboden that he said that March 17th, 2021, that the department considered dishonesty, that's not the case.

As a matter of fact, throughout this whole process, the allegation of dishonesty is what we consider a false statement or a misleading statement around truthfulness, et cetera, was never, ever discussed.

And we just wanted to point out that during this whole process, from the beginning, when there is an investigation of internal affairs initiated, all the way up to the levels of review, including the inspector general, please bear in mind that at no point did the Los Angeles Police Department in their process ever consider an allegation of dishonesty.

You're talking about a Captain I and a Captain III from the department in that division. You're talking about a commander and deputy chief from Internal Affairs; a commander and a deputy chief from the bureau as well.

And they all have to go to the tenth floor where the chief is and present these allegations.

And yes, it was directed to a Board of Rights, it was serious misconduct. But at no point was it ever

considered to have a dishonesty allegation.

In fact, what Mr. Imboden also forgot to mention is that there is a process with LAPD called a masked complaint, which means that the accused employee is unaware of the actual allegations or unaware that they're actually being investigated by Internal Affairs.

And so it wasn't until September 14th, 2021, when Luke Walden was actually aware of this particular matter, this particular alleged misconduct.

So I just really wanted to point that out to make sure that the Board understands what the process of the Los Angeles Police Department is.

And just a little bit of my background is I've been involved in discipline since 2008. I have put on over 30 Board of Rights when I worked Internal Affairs for over five years.

I actually teach a POST-certified course in Internal Affairs and I've been hired as a witness, expert, as it relates to IA matters alone.

So my expertise is -- my scope is very, very narrow. And just based on my experience -- not just because he's my classmate -- is the fact that this allegation should have never been framed in the first place. In fact, when I attended the SB 2 seminar, I was told that POBAR, Peace Officers Bill of Rights do not

apply.

And for the fact that the SB 2 panel, or Mr. Imboden, actually consider an allegation of dishonesty to frame, that would be considered a 3304 issue, which means it's beyond the statute of limitations.

So just wanted to that know.

And Luke is also present. And I'm going to hand the mike over to Luke to let you know what he's doing now and what he's been doing ever since his Board of Rights concluded.

Thank you.

LUKE WALDEN: Hello?

CHAIRPERSON DUDLEY: Yes.

LUKE WALDEN: Hello. Hello, this is Detective Walden.

Hey, so I have about -- I have over 27 years of service with the Los Angeles Police Department.

I've worked in multiple capacities within the department, undercover, buying narcotics, I've gone through multiple polygraphs.

When you go to a federal task force you're polygraphed. They do extensive background.

And based on the information provided in the rationale where I spoke to Mr. Imboden to kind of

understand what the whole process was, because I thought it was already done.

I had gone through the process, I made some decisions based on financial needs to not pursue fighting it all the way to the end, because it's either pay my mortgage and take care of my kids or be homeless. I made those decisions. And that's the reasons I did take the plea deal.

I know that we wrote an outline. We provided it to the Board.

I think it's a three-page document laying out all the discrepancies within the POST rationale.

When I spoke with Mr. Imboden regarding it, he advised me that he did not have all the information from the Los Angeles Police Department Internal Affairs.

When I asked how is a rationale written up without all the facts, being a detective of, I don't know, 15, 16 years, he couldn't give me an answer for that.

There's a lot of discrepancies in here. He talks about my training. As far as POST training that's all qualification. Has nothing to do with expertise, firearms expertise.

I was assigned to the gun unit. It was only for a year. The three years is incorrect.

Because after that year I went to the federal task

force. And I went through extensive background.

My sole purpose was to deal with apps, which is prohibited possessors, people who have mental illness and/or they have a criminal background.

And there were -- when I was there, we authored about 44 search warrants to deal with that. I never have nor attended any training regarding suppressors. I've never been trained on suppressors.

Currently the department has no training of suppressors or silencers.

When they provided the document regarding the ATF information, written by the ATF, I had never seen that, no one ever taught me that.

The other issues that were in there as far as training experience, yes, I was responsible for getting guns off the street.

That was part of the job that I did with the feds, because I did have experience with AR-15s, Glocks and 1911s and the ghost guns.

And I've testified as an expert.

There's issues with the firearms that they say that I own that will accept a suppressor. None of them were found during the preliminary hearing. And it was admitted to by the investigator to find threaded barrels, I didn't have threaded barrels. And during the

search of the computer, threaded barrels were not located.

I know Mr. Imboden talks about the search ending at a certain time. From what I understand, they had a scope of certain days that they chose to do.

I don't know that scope, but I think that's just a little bit reaching.

I haven't lied in the 27 years that I've been on the job. I haven't perjured myself. I have no complaints of lying and denying. I've currently been back to work about a year and a half.

I've currently filed probably over 100 cases.

I work with victims, suspects, interview them, I'm still working with -- still working as a police officer.

A Board of Rights deemed me, which is like yourself, civilians or sworn, that deemed me okay to return to work.

It didn't meet the egregious nature that is being told today.

So I hope that you guys take into consideration the write-up that was provided.

I understand that not everybody was privy to the Los Angeles Police Department's policies and procedures. And I understand that the Los Angeles Police Department doesn't always provide all the information when needed

because I work there.

So I understand how that works.

But I hope you that you take all this into consideration for your decision today.

Thank you.

CHAIRPERSON DUDLEY: Detective Walden, are you still there?

LUKE WALDEN: Yeah, I'm still here.

CHAIRPERSON DUDLEY: Okay. Good. This is Joyce Dudley, the Chair of this Board.

It was unclear to me whether the first person who spoke was an attorney or not. Or if he was just a colleague of yours?

LUKE WALDEN: He's acting as my attorney. He's not an attorney, but he has a law degree. He doesn't have a bar degree -- he's not bar -- he's my representation.

CHAIRPERSON DUDLEY: Okay. So I just want to be clear on this. He's representing you, but not as an -- but he is not someone who's been sworn in by the California Bar; is that correct?

LUKE WALDEN: That's correct.

CHAIRPERSON DUDLEY: Okay.

MARLON MARRACHE: That would be correct, ma'am.

CHAIRPERSON DUDLEY: That's fine. I understand.

And do you have an attorney representing you in

this matter?

LUKE WALDEN: No, I do not.

CHAIRPERSON DUDLEY: Okay. Fine.

Is there anything else you wanted to say?

LUKE WALDEN: No, ma'am.

CHAIRPERSON DUDLEY: Okay. Is there any questions from the Board?

MEMBER CLAVO: I have a question.

CHAIRPERSON DUDLEY: Yes. Dr. Clavo.

MEMBER CLAVO: The question I have, is, is it my understanding, did I mishear or did I hear correctly that you took a plea deal for the initial charges of purchasing a silencer?

LUKE WALDEN: No. The district attorney -- the district attorney offered a plea deal at the arraignment, which was like in January. And because he said based on the information provided by the Internal Affairs investigator, I guess there was a 13 seized -- 13 potential suppressors seized on that day when they went to go find it. And I was the only person charged.

No other people -- no other person in LA County. And it was because I was a police officer.

I was -- I believe I was targeted. It was not my intent in any way to purchase a suppressor.

I truly am -- I provided information to Internal

Affairs with all the stuff I'm doing with my kids, building cars. I had photos.

At the Board of Rights, Jiz Bagian (phonetic), who was the administrative investigator, when they asked -- when counsel asked him that, he said we didn't do anything with that evidence.

That could have exonerated me, so I kind of feel like I got shortchanged by my own department in our -- our -- in our due process of, you know, doing what's right.

I think that I'm supposed to do investigation, I'm supposed to take all the facts, put it together and present it to a district attorney and they make the ultimate decision whether or not they're going to file the case.

It was almost kind of like: We're going to let this guy take the hit. And I -- you know, when you're going through this, it's very stressful. It's high anxiety. You're not getting paid, you're -- I was assigned home for two years. I'm not getting paid.

And I have to live off of whatever I saved to combat this. And I just didn't have the money to battle this.

And so they offered a plea deal which was a misdemeanor. And I took it for financial reasons in

hopes that it didn't violate POST, which it did -- based on -- researched it, so I could go back to work if the Board allows me.

And the Board did.

And so I went back to work.

Yes, I got demoted. Yes, I worked a bunch of special details. Yes, I have probably a little bit more knowledge than most. But I don't have the experience that they're talking about.

I read the rationale and I seen the write-up regarding the training that I've had and that's all my qualification.

It has nothing to do with firearms training in the sense of how they work, how to take them apart. That's all qualification.

So to use that is like bolstering a report to make it look more egregious than it truly is.

CHAIRPERSON DUDLEY: Thank you, Detective Walden. One moment, please.

Dr. Clavo.

MEMBER CLAVO: Just a follow-up on that, Ma'am.

CHAIRPERSON DUDLEY: Yes.

Okay. Hang on one second.

Detective Walden, Dr. Clavo has a follow-up question or statement. Just standby.

MEMBER CLAVO: So just for clarity purposes, for myself. My initial question was: Did you take a plea deal?

You said no. But in the end of your statement you said yes.

So is it yes you took a plea deal, or no you took a plea deal?

LUKE WALDEN: All right. I think your initial question was for the silencer and the answer was no.

I took a plea deal for a lesser charge based on what the district attorney's office offered.

MS. RENTERIA: And Madam Chair, if I may answer that question for Board Member Clavo?

CHAIRPERSON DUDLEY: One moment, please.

Dr. Clavo, anything else?

MEMBER CLAVO: I'm fine.

CHAIRPERSON DUDLEY: Okay. Thank you. Yes.

MS. RENTERIA: Just to clarify, Mr. Walden was charged and arrested for a felony, which was attempted possession of a silencer. That was pled down. And so he pled no contest to a misdemeanor, which was attempted possession of an assault weapon.

CHAIRPERSON DUDLEY: Yes. I think Dr. Clavo understood that.

MEMBER CLAVO: Yes.

CHAIRPERSON DUDLEY: Thank you. Any other questions or comments from the Board?

Yes, Dr. Glaser.

MEMBER GLASER: Thank you.

So, Mr. Walden, I just would like to get clarity.

Are you -- are you denying that you ordered that item?

And that you conducted the internet searches that are in the record relating to a suppressor with a threaded barrel?

LUKE WALDEN: Am I -- did I -- no, I ordered the part. It was for my car. It was -- based on the information that was provided on the internet, I thought it was for my car. Because I'm putting in a bigger engine. And I thought it would allow additional -- more fuel. The car originally comes with a four cylinder, 22R. I'm putting in a V-8 because I want to hotrod it with my kid. So I can do drifting and rally and stuff.

So the way it was presented on the internet, is that it was a high-flow fuel filter. That's what I thought and --

MEMBER GLASER: Would you --

LUKE WALDEN: If I can explain, sir, about the searches on the internet.

MEMBER GLASER: Uh-huh.

LUKE WALDEN: That's the next question?

MEMBER GLASER: Yes, please do.

LUKE WALDEN: Okay. So, assigned to the FBI gang task force. I provided some expertise when it came to us purchasing guns. We bought a lot of guns. We worked the MS task force, MS-13, so we were buying guns and a lot of them were attached to murders.

We did have external informants. And when I say that, I worked with informants since 2009. The informants -- these informants are federal informants.

When you work with the fed -- when you work with an informant that's assigned to you and you're an LAPD agent, LAPD, those -- there's documentation that is required. It's called an informant contact sheet and every time you talk to them, every time, they call you 20 times you got to fill out 20 pieces of paper.

They give you information, you write it down.

With the federal informants, they are not required that, because their informant information is captured by the feds, we don't have that documentation.

So what had happened was, in over -- over that time frame, from January to February -- because we -- we were in a lull waiting for the Assistant US Attorney to give us direction on several of the murder suspects from MS-13 how they were going to, what we were going to do,

when we were going to make the takedowns and arrests.

And so we were -- we had these informants that were providing information regarding guns sales, firearms sale and narcotics sales.

But it was ultimately up to the federal -- the FBI agents to make the determination whether or not they wanted to move forward on these cases.

The -- since these -- these guns with suppressors -- that's how the pictures came through and the information came through. So I started researching it because I didn't have the knowledge base. And the guys would say, well, you should know this. You had worked the gun unit.

Yeah, but I didn't have the training.

So I went on Google and I put in "silencer." I put in -- and then I tried to figure out how it would work or how it would work based on what you need to get the filing. Or at least make the arrest.

As you guys may or may not know, federal charges are different than state charges.

And a lot of times if it's going to go federal, they need specific -- it needs to be from -- the gun was manufactured in -- from state to state. So state -- interstate commerce.

And so that's -- that's why I did it. We had three

separate cases from two informants that provided information, they provided pictures. I didn't see captured those pictures they were on the FBI's -- the agents' cell phones.

I think my phone died.

Can you guys still hear me?

MEMBER GLASER: Yeah, we hear you.

LUKE WALDEN: Okay. So --

CHAIRPERSON DUDLEY: Okay. Dr. Glaser, do you need more information?

MEMBER GLASER: I'm going to follow up.

CHAIRPERSON DUDLEY: Okay. I think Dr. Glaser has a follow-up question and that may address whatever else you wanted to add to this.

And I know that we have at least two more Board Members who want to be heard.

But go ahead, Dr. Glaser.

MEMBER GLASER: Yeah, I would just like more clarity. You are acknowledging that you ordered that item. And it's your claim that it's just coincidentally while you were trying to order a filter for a car, you -- the item that you ended up ordering happened to be a functioning suppressor for a firearm that would not function as a filter for a car?

LUKE WALDEN: Yeah, basically -- based on what I

was told, because I never received it. And over the course of a couple months, I didn't know I was under investigation.

So that was sometime in April, I believe, what I was told by the Internal Affairs.

Then I realized, hey, it never came, I figured the porch pirates stole my packages because I was working probably 12 to 15 hours a day, a week, because we were after -- we were working a lot of murder cases, so our hours were always crazy.

And then -- so I ordered another fuel filter -- because the other one didn't come.

So I said, well, at least with Amazon, I will get a receipt and I will get a -- I'll get confirmation. And also if it doesn't show up, you know, I can ask for an additional one. Which I should have done in the first place --

CHAIRPERSON DUDLEY: Okay. Thank you.

LUKE WALDEN: And this could have all been avoided.

CHAIRPERSON DUDLEY: Detective Walden, thank you. I think you've -- you've answered --

LUKE WALDEN: Oh. Okay. Sorry.

CHAIRPERSON DUDLEY: -- Dr. Glaser's question.

Now I know that next was Mr. -- Lieutenant Lara and then after that is Regina. Okay. Go ahead. Crawford.

MEMBER LARA: Charles would do just fine.

So normally speaking, my question is, say I go on to Amazon. And I'm going to order an item. I generally order online to the specific item that I need. Say if I -- it was for the Celica or the enhanced V-8, I would order the item to match the engine to which I -- I'm building out.

So how is it that by pure coincidence you end up with what is essentially a functioning silencer that's purely coincidentally, what you ordered online?

Can you explain that to me?

LUKE WALDEN: I was -- well, that's how it was presented. I ordered the part for my car. And it was a high-flow fuel filter. I never got it.

Then I went on Amazon and I did the same thing.

And, no, based on what you're saying, as a former mechanic, the -- because I worked on cars prior to becoming a law enforcement agent, police officer, I never -- these -- the fuel filter never came. So I ordered a second one.

And they're called universal fuel filters. I think it was in the slides. And that's the one I ordered.

And it's a high-flow universal fuel filter.

Based on all the research, there's -- in that -- in the ATF document, there's a ton of things in there

that -- I had no idea that could be used as a suppressor.

Which, I would assume that they're fuel filters based on what -- how they're sold. They're sold on Amazon. They're sold on eBay. They're sold on all these different websites, which is not illegal. And you're taking -- you're purchasing that.

So I didn't know that it was a suppressor. Otherwise, I would not have -- I would have avoided this whole situation.

MEMBER LARA: Okay. Presumably one buys a fuel filter to filter fuel.

Meaning there will be some medium by which particulate or contaminants will be extracted from said fuel.

So I'm not going to deny that it's high-flow, there's no baffling in this and there's an expression in Latin, caveat emptor, which means "buyer beware."

I imagine that with as much background as you have -- or purport to have in mechanics, that you would recognize that this item would not function as a fuel filter because it has no medium by which to filter fuel.

Can you explain that to me?

LUKE WALDEN: No. I believed it can because it showed -- I don't have the documentation, because I

didn't take pictures of it. I didn't know I was going to get in trouble for buying a fuel filter.

But it -- on the -- on the website, it showed filtration, it showed it hooked up to a car with a -- with a line going from the -- from the fuel line from the back, from the gas tank, up.

So based on the subject, I didn't look for the filament, which is the item that traps the debris, because it showed everything in the -- in the -- on the website.

And based on what I was understanding when they did the Board of Rights they tried to pull the link up from the website to use it in their investigation and they couldn't find it because it had been taken down.

MEMBER LARA: Thank you.

CHAIRPERSON DUDLEY: Detective Walden, were you being honest when you pled guilty or no contest to attempting to purchase an assault rifle? An assault weapon?

LUKE WALDEN: As far as honest how? Because that was the charge that they offered. So I wasn't trying to buy an assault weapon, but that's the charge that they gave me for the plea deal.

CHAIRPERSON DUDLEY: Okay. That was the one they offered.

LUKE WALDEN: Yeah.

CHAIRPERSON DUDLEY: And that was the one you pled guilty or no contest to.

LUKE WALDEN: Yes.

CHAIRPERSON DUDLEY: And when you did that, were you being honest?

LUKE WALDEN: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Thank you.

Ms. Crawford.

MEMBER CRAWFORD: So reading your report, you sound like you were a car enthusiast. And --

LUKE WALDEN: Yes.

MEMBER CRAWFORD: And given your background and being a mechanic and an officer of the law, one of the things that kind of caught me, and it was an "aha" moment, was how many guns that you owned in the house.

So answer this question.

As LAPD, if you were to come into my home and I owned -- what was it 54 guns, and rifles. That wouldn't be a little bit alarming?

LUKE WALDEN: No, ma'am. I know that it -- in today's society based on -- that people are afraid of guns.

I was raised around guns. I fired my first firearm at five years old. My family was raised on a farm. So

for me guns is kind of like having a hammer.

The intention is not there to run around murdering people.

It -- I shoot competitively. I have for years. Under IDPA.

As far as the amount of guns, I worked -- when I did work the gun unit, we did have a lot of people who owned guns.

Now a lot of the guns I owned, they're worth thousands and thousands of dollars. So they're -- it's like an investment. And I buy them. I sell them.

Of the guns that I owned, half of them were not mine. And when I say that they weren't originally mine.

My brother died in '96 in a car accident. And some of them were his. And then some of them were my father's, so I inherited them either from my father or from my brother, who passed away.

So most of the -- a bulk of them, maybe two-thirds of them, were originally not mine.

But because of registration and following the law and all the -- Senate Bills, I uphold the law and basically registered them to me so that they would be in safekeeping, because I was working in law enforcement. There are locked up in safes so that no one has access to them. Not even my kids.

If I go recreational, we take safety and take the kids and go through the safety rules and go shooting as -- you know, at the local range.

MEMBER CRAWFORD: Mr. Walden, you said something that was very interesting.

Being in law enforcement, you wanted to follow the law.

I work formerly for the Department of Defense. And knowingly, if I purchased something or had something in my house that could give pause or question to -- you didn't -- did you report that to your senior leadership?

LUKE WALDEN: Report what?

MEMBER CRAWFORD: That you were buying these items that --

LUKE WALDEN: No --

MEMBER CRAWFORD: You're an expert. You're an expert.

LUKE WALDEN: No, I'm not an expert in suppressors.

MEMBER CRAWFORD: You are not, okay.

LUKE WALDEN: I know that the POST has tried to frame it that way. But, no, I've never dealt with a suppressor. I've never seen one in real life.

Based on my -- as far as how they come apart, how they work, I've had no formal training.

When it comes to suppressors, I have -- based on

what I did, I would buy a fuel filter for my car. I never got it. I bought another one. And then all of a sudden I was under investigation.

If it had come and I found out that it was in this suppressor type form, I would have booked it into evidence and told them.

CHAIRPERSON DUDLEY: Okay. Thank you. Thank you, Detective Walden.

Anything else? Any other questions?

MEMBER CLAVO: I have two.

CHAIRPERSON DUDLEY: Yes, Dr. Clavo.

MEMBER CLAVO: The first one is for Mr. Imboden.

I want to make sure I heard you. I think -- I believe it was you and not Mr. Walden that stated that the fuel filter that was ordered was listed under a name that is known by gun enthusiasts or individuals who are purchasing illegal silencers and is known to be listed under the name in which the fuel -- fuel filter was purchased; is that correct? Did I make sense?

MR. IMBODEN: That's correct. The code -- the term "Napa 4003" is known amongst the gun enthusiasts as a code word for "silencer."

MEMBER CLAVO: Mr. Walden, did I understand that you said you are currently working back as a police officer for the last year and a half?

LUKE WALDEN: Yes.

MEMBER CLAVO: I lied. I have a third question.

So with that, you were doing research on silencers on a work computer prior -- two days prior, I believe, to receiving, or being arrested, or being notified that you had received silencers in the mail.

LUKE WALDEN: No. That's incorrect.

MEMBER CLAVO: Okay.

MS. RENTERIA: Two days prior to him purchasing the item, the silencer, he had been researching the Napa 4003 inline fuel filters, as well as threaded barrels.

Mr. Walden claimed that he was doing that for work-related purposes, based on FBI informants, information that they had received.

So from POST's perspective it demonstrates knowledge of the item that he was purchasing, because he had spent so much time researching those items, by his own admission, and then bought the item he was in fact researching.

MEMBER CLAVO: Thank you. That was the clarity I was seeking. Appreciate that.

CHAIRPERSON DUDLEY: And just so I'm clear on this, was he saying that he was researching filters? Or suppressors?

MS. RENTERIA: He said he was researching

suppressors, silencers, for an illegal firearm sales that they were investigating.

Those silencers were being marketed as Napa 4003 fuel filters or solvent traps.

CHAIRPERSON DUDLEY: Thank you.

Anything else?

Yes, Mr. Johnson?

MEMBER JOHNSON: For Mr. Walden.

LUKE WALDEN: Yes, sir.

MEMBER JOHNSON: The question I have is, has others bought this particular so-called fuel filter that you was confused on and made complaints?

Or did you make a complaint that this particular suppressor would not work as a fuel filter?

LUKE WALDEN: As far as people buying it and using it, I don't know.

I know that based on what was told to me that there were 13 fuel filters recovered that they believe to be silencers. And I was the only one charged, as far as the District Attorney's Office.

MEMBER CRAWFORD: So there were others is what you're implying?

LUKE WALDEN: Yeah. And they -- based on what I was told by the -- because I had -- in our FBI unit, we had members of HSI and Homeland Security and they do all

the checks on what comes in and out of the searches.

They basically told me that, generally, they send a letter to the person and say, hey, you can't own this.

And they said that they have thousands of those things coming in.

CHAIRPERSON DUDLEY: Okay. Thank you.

Yes, Ms. Clavo. Pena.

MEMBER PENA: Mr. Walden, I have a few questions for you.

What type of car was it that you were seeking to buy a filter for?

LUKE WALDEN: A 1985 Celica GT hatchback.

MEMBER PENA: What kind again? I'm sorry.

LUKE WALDEN: It's all right. Okay. It's a 1985 Toyota Celica.

MEMBER PENA: Okay. Is it running?

LUKE WALDEN: Right now it's been disassembled. So I took all of the -- the fuel system out. And I'm currently taking the engine out so that I can put a larger or better running engine in. Because the engine in there is old and I need to put a new bigger -- bigger engine in.

MEMBER PENA: Okay. So that's -- that's the car that you were attempting to order a filter for?

LUKE WALDEN: Yes.

MEMBER PENA: You said you subsequently ordered another filter when you didn't receive the first one; is that right?

LUKE WALDEN: Yes, ma'am.

MEMBER PENA: Did you install that filter?

LUKE WALDEN: No, because I was told I was under investigation. And then I was sent home. And I didn't have the money to work on the project.

MEMBER PENA: Okay. How soon after ordering the first filter that was intercepted by the Border Patrol, did you order the second filter?

LUKE WALDEN: I think April, so -- about four months. So the first one didn't come, which I assumed it got stolen.

And we were working the murder cases, so I was never home. I hadn't -- I was working seven days a week doing surveillance.

And so I realized, hey, that part never came. Because suspension pieces came, shocks came, brakes came, which was all being put together. And I realized that the fuel filter wasn't here. So I --

MEMBER PENA: Did you --

LUKE WALDEN: -- went on Amazon and ordered a new one.

MEMBER PENA: Did you know at that point that you

were under investigation?

LUKE WALDEN: No, ma'am. I wasn't told -- so I got a notice -- I ordered it in, I believe, August. I got an email from Internal Affairs, because it was masked, in September. Like middle of August is when it showed up. September I was told I was under investigation. I still wasn't told what for.

I had to get legal counsel.

Once I got legal counsel, it was like maybe the end of September, November, somewhere around there, where they told -- you know, IA told the -- my counsel. Then we set up an interview. And that was done over the phone I think in January.

I can't remember the exact dates.

MEMBER PENA: Okay. Thank you.

CHAIRPERSON DUDLEY: Yes. Okay. So Mr. Johnson, then Mr. Lara.

MEMBER JOHNSON: On that first fuel filter that you never received, did you make a complaint to Amazon?

Or is there some documentation that you have that you never received the first item you ordered? If --

LUKE WALDEN: No. So the -- I never received it. I was working -- I was working 15 hour days for -- every day. So I never received it.

Once I realized it was there, to me it was like --

I thought it was 20 bucks. But guess it was 45 bucks. I didn't remember the price.

So I figured it had got stolen. I went looking for the website. I couldn't remember how to find it.

So I said I'm going to go on Amazon and order my -- that part and I'll just eat the 20 bucks. Which, I thought -- the whole time I thought it was 20 bucks.

CHAIRPERSON DUDLEY: In the past when Amazon did not deliver items to you, did you complain and seek to get your money back?

LUKE WALDEN: In the past, I've had front bumpers for 300 bucks and I haven't gotten it. So sometimes I complain, sometimes I figure someone steals it. Sometimes there's no recourse if you don't do it within a certain time period.

This company, the website --

CHAIRPERSON DUDLEY: Okay. Thank you. Mr. Lara.

MEMBER LARA: Mr. Johnson asked the first question I was going to ask, which was have you requested a refund or filed a complaint?

But out of curiosity, why didn't you order the same filter you had previously ordered?

LUKE WALDEN: Why didn't I order the same -- it was a universal fuel filter. That's what I ordered on the first one. It never came.

The second one, I ordered a universal fuel filter and that came.

That's how it was -- that's how it was sold on the internet. It was a universal, high-flow fuel filter.

I ordered the first one, never came.

I went looking for the same thing on the Amazon, that one, they had a different versions and I wanted a more compact one so it wouldn't get swiped off the bottom of the car. And so I found the other one, which is the one that I purchased.

It's very similar in dimensions, as far as length, I believe.

CHAIRPERSON DUDLEY: I think I lost track.

When you got the second one, did you install it?

LUKE WALDEN: No. That was asked before.

CHAIRPERSON DUDLEY: Why didn't you install it?

LUKE WALDEN: Oh, because I had taken the whole car apart. I took the whole fuel system. I had to put a bigger -- I was putting in larger fuel pump to put the fuel through the fuel filter. So I bought all the fuel --

CHAIRPERSON DUDLEY: I'm sorry. I don't know much about cars. So just if you could give me a simple answer to this.

LUKE WALDEN: Okay.

CHAIRPERSON DUDLEY: You purchased a filter --
LUKE WALDEN: Yes.
CHAIRPERSON DUDLEY: -- that didn't come.
LUKE WALDEN: Right.
CHAIRPERSON DUDLEY: And then you purchased a filter that had the same name that did come. And --
LUKE WALDEN: Yes.
CHAIRPERSON DUDLEY: I'm asking if you attempted to install the second filter with the same name as the one that didn't come?
LUKE WALDEN: I attempted to install it? No, I did not, because that's when I was made aware -- like maybe a couple months later. Because we were still working a lot, I just didn't have the time to work on the project.
CHAIRPERSON DUDLEY: Okay. Thank you.
LUKE WALDEN: So I was ordering the entire fuel system.
CHAIRPERSON DUDLEY: Okay. Thank you.
Anything else?
MEMBER CLAVO: One more question.
CHAIRPERSON DUDLEY: Go ahead, Dr. Clavo.
MEMBER CLAVO: I'm not going to say one more. I might have several.
So it was my understanding that the initial fuel filter was purchased through PayPal. I believe one of

my fellow members here asked about filing a complaint.

I know with PayPal, because I'm a internet shopper, I have disputed many things that I've received or did not receive.

So did you -- and PayPal's pretty good about giving you your money back when you don't receive an item or it's the wrong item or you don't get it in time.

Did you -- and they usually have the purchaser's information listed there where you can send an email, because they ask you to send an email to the seller first.

LUKE WALDEN: Right. Right.

MEMBER CLAVO: Prior to them taking action.

Did you do any of those things?

LUKE WALDEN: No, because the website was down when I went to go look for the thing. So it wasn't -- it didn't work anymore, the link.

MEMBER CLAVO: The PayPal website was down or the --

LUKE WALDEN: No, no --

MEMBER CLAVO: Or the seller's website?

LUKE WALDEN: Seller's.

MEMBER CLAVO: Okay. I'm going to ask this question again. Maybe I didn't say it clear.

So when you go on to PayPal, if you have a PayPal

account and you log into your PayPal account it has all the purchases you bought through PayPal or through the original websites.

LUKE WALDEN: Right.

MEMBER CLAVO: And so when you go on there, and you hit the item that you purchased, you're able to say whether or not you received it, if you have an issue, whether it didn't come timely, whether it's the wrong thing.

And then you can dispute that purchase through PayPal. And PayPal's pretty good at crediting you your money back to your account.

So did you do any of those things?

LUKE WALDEN: No.

MEMBER CLAVO: Okay. Thank you.

CHAIRPERSON DUDLEY: Anything else?

MEMBER CLAVO: No, ma'am.

CHAIRPERSON DUDLEY: Okay. Any other Board Member?

Okay. Thank you, Detective Walden. You can hang --

MS. RENTERIA: I'm sorry, ma'am, if I may, just for the record, clarify two things or respond to two items from Mr. Marrache?

CHAIRPERSON DUDLEY: Do you need Detective Walden on the phone for that?

MS. RENTERIA: I do not.

CHAIRPERSON DUDLEY: Okay. Anything else, Detective Walden?

(No response.)

CHAIRPERSON DUDLEY: Okay. Thank you, Detective Walden.

Please go ahead.

MS. RENTERIA: I just wanted to respond to two statements that were made by Mr. Marrache, Mr. Walden's representative.

With regard to POST jurisdiction he had made a comment that the LAPD had not pursued a dishonesty charge and so therefore he questioned POST's ability to also do that.

I just wanted to clarify that POST, the Board and the Commission, are not bound by the decisions of the law enforcement agencies.

So therefore, LAPD's decision not to pursue a dishonesty charge has no bearing on whether or not POST can do so.

And then secondarily, he also seemed to, in the same vein, also make a statement that because the -- our claim of the dishonest conduct occurred before January 1st, 2022, that it was beyond POST's ability to hear that.

However, dishonesty is one of the categories of misconduct that POST can consider prior to January 1st, 2022. I just wanted to clarify that for the record.

CHAIRPERSON DUDLEY: Thank you. Those are helpful clarifications.

Okay. At this time, does the Board wish to adjourn into closed session for deliberations on this case?

Or is the Board ready to take a vote or recommendation of the case?

MEMBER CLAVO: We'll go into deliberation, I think.

CHAIRPERSON DUDLEY: Okay. So here we go.

(Time noted: 1:49 P.M.)

---o0o---

(Closed session was held:
1:55 P.M. to 2:07 P.M.)

---o0o---

(Time noted: 2:11 P.M.)

CHAIRPERSON DUDLEY: Okay. Are we all set?

We will now reconvene in the regular session to take a vote on the Board's recommendation in the matter of case POST2306324, Luke Baxter Walden, who at the time of the events at issue in this case was employed with the Los Angeles Police Department.

What comments does the Board have on this matter?

Okay. I have a few comments.

In listening to my fellow Board Members, it seemed critical to all of us that someone who has a badge and has authority and has the authority to arrest, has the authority to use potential great bodily injury, it's so important that that person be honest.

And what seemed very important to all of you was that law enforcement officials throughout California and our country be honest.

And that was what I heard over and over again from this Board.

Does anybody want to dispute that? Or add to that?

MEMBER CRAWFORD: I would like to add that just as you said, as law officials, we, as a people, expect for you to be there to protect and serve. And when we come across -- or the public comes or the community comes across an officer who seems dishonest, overzealous, it's a recipe, sometimes, for disaster.

And so I would like to make a motion if it's okay with my Board Members.

CHAIRPERSON DUDLEY: Please.

MEMBER GLASER: May I just add one more comment. So just to sort of close this circle here, in this particular case, I think it -- Mr. Walden's arguments just strained credulity, that he would have -- had been

researching suppressors and then within a few days order one. And that he had intended to order something else entirely. That just -- the probability of that occurring by chance is so vanishingly small that it -- that it seems like it can't be true.

And hence, there -- him having denied that raises an honesty issue, which is, as we say, so important to law enforcement.

CHAIRPERSON DUDLEY: Thank you. Anybody else want to make a comment?

MEMBER JOHNSON: I think --

CHAIRPERSON DUDLEY: Mr. Johnson.

MEMBER JOHNSON: Yes. Johnson.

In regards to that honesty, we definitely made it clear to ourselves, the Board that is, that though LA, Department of Police, didn't charge him or see any dishonesty, that wasn't the issue with us. It was the fact that he was dishonest.

CHAIRPERSON DUDLEY: Okay. Thank you.

Anything else before a motion is made?

Okay. You wanted to make a motion?

MEMBER CRAWFORD: Regina Crawford. And I would like to make a motion to decertify Mr. Walden.

CHAIRPERSON DUDLEY: Is there a second?

MEMBER LARA: I second.

CHAIRPERSON DUDLEY: Okay. Thank you.
Okay. We need roll call, please.
MR. KNAPP: Yes, Madam Chair. Thank you.
Clavo.
MEMBER CLAVO: Aye.
MR. KNAPP: Clavo, aye.
Crawford.
MEMBER CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Dudley.
CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Dudley, aye.
Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, 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 seven ayes, motion passes.

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 30th day of July 2025.



Connie J. Parchman, CSR
Certified Shorthand Reporter
License No. 6137