Memo

To: Professional Standards- Sergeant Kehm

From: Commander B. Lockhart

Date: 10/2/2024

Subject: IA #24-002

On 9/27/2024 I was contacted via email by Sacramento Metropolitan Fire District Fire Investigator Jeff Sargent regarding a fire investigation of a structure fire which occurred at Detective David Erler's residence and his neighbor's residence on 7/24/2024 in Fair Oaks, CA. Investigator Sargent related he had some concerns about the investigation and Detective Erler's involvement and wanted to speak to me. The official report was attached to the email, Sacramento Metropolitan Fire Case 2024-000214. I forwarded the email and contact information to Lieutenant Canepa and asked him to contact Investigator Sargent to obtain further details.

After my review of the case and Lieutenant Canepa's conversation with Investigator Sargent it was determined an internal investigation was necessary. The case file was forwarded to Sergeant Kehm for investigation.

INTERNAL AFFAIRS INVESTIGATION

ACCUSED EMPLOYEE ADMONITION

The date of this interview is November 6, 2024, the time is 10:01 AM. The location of this interview is _Folsom Police Dept – Administrative Conference Room. This investigation is under the direction and command of myself, Sgt. Roman Kehm.

Also present for this interview is Sgt. Warner Herndon.
(name/rank/command)

This interview is in reference to Personnel Complaint **# 24-004** in which *the City of Folsom-Administration* alleges that ***Detective David Erler*** *was involved in off-duty conduct which may be considered unbecoming by a member of this department, or tends to reflect unfavorably upon this department or its members, gave false or misleading statements, or omitted material information to a person of authority in connection with an investigation, and committed conduct that was dishonest, or disgraceful off duty that adversely affects the member's relationship with this department.*

This interview is being recorded. You are admonished that you are to answer all questions asked of you completely, and that all of your answers are to be truthful. Knowingly making false or misleading statements during this interview will be considered a separate offense that could result in discipline, up to and including termination.
Do you understand this admonishment? _Yes_

At this time I will advise you of your rights per AB301.

A. You have the right to have a representative of your choice present during this interview.
(Representative may include an attorney, an association member, or anyone else not connected with this investigation)

And you have chosen: Attorney Sean Howell__
(name/title of representative)

B. You have the right to make your own tape recording of this interview.

C. You will have access to the department's tape recording of your interview if further proceedings are contemplated, or prior to any further questioning at a subsequent time.

D. After the interview, you are entitled to a transcribed copy of any notes, or to any reports or complaints, except those that are deemed confidential.

E. You will be questioned by no more than two interrogators during the course of this interview.

F. If this interrogation is occurring during your off-duty time, you will be compensated in accordance with regular department procedures and you will not be released from employment for any time missed.

G. This interview session will be for a reasonable period of time based on all the circumstances and you will be allowed to attend to your own personal physical necessities.

Do you understand these rights? _Yes_

(continued)

Advise Miranda if **any** possible criminal behavior.
If Miranda is **not** waived, do **Lybarger** admonishment.
Officer can waive actual **reading** of Miranda – But you **MUST** establish his/her knowledge.

MIRANDA ADVISEMENT

- You have the right to remain silent
- Anything you say may be used against you in court
- You have the right to an attorney before and during questioning
- If you cannot afford an attorney, one will be appointed for you before questioning, if you wish

Do you understand each of these rights that I have explained to you? _____
Understanding these rights, do you wish to speak to me now? _____

LYBARGER WARNING
(**ONLY** if Miranda is **not** waived)

- While you have the right to remain silent with regard to any criminal investigation, you **do not** have the right to refuse to answer my administrative questions.
- This is an administrative investigation only. I am, therefore, now **ordering** you to discuss this matter with me.
- If you refuse to discuss this matter, your silence can be deemed insubordination and result in administrative discipline, up to and including termination.
- Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding.
-

Do you understand this: _Yes_

I order you to answer any and all questions asked of you in a truthful and accurate manner, failure to do so may be deemed insubordination and result in administrative discipline up to and including termination of your employment with the City of Folsom.

Begin Interview

At the **CONCLUSION** of the interview:

I request that you not discuss this interview or investigation with anyone other than your representative or myself.

Memo

To: Detective David Erler #269

From: Sergeant Roman Kehm, PSU Sergeant

Date: September 30, 2024

Subject: *Internal Affairs Investigation #IA 24-004*

The Department is investigating a personnel complaint received about you for a possible violation of conduct.

I will be the officer in charge of the investigation. You are asked not to discuss this investigation or the allegations with anyone other than myself. This includes, but is not limited to, any conversation, either in person or by telephone, or any written communication, either on or off duty.

Your interview date and time have not been set at this time. I will reach out to you when I am ready for an interview and at that time we can arrange for a date and time, or I can go through your representative.

You will be allowed to have a representative of your choice present during your interview. Your representative may be a member of the Police Association, an Attorney, or anyone else not connected with this investigation. Should you choose a member of the Association, please notify me who you are selecting before discussing the case with them, so I can verify they are not involved with the investigation.

Folsom Police Department

Richard D. Hillman

CHIEF OF POLICE

MEMORANDUM

Date: (Month) (Day), 2025

To: Detective David Erler

From: Richard D. Hillman, Chief

Subject: **ADMINISTRATIVE LEAVE**

I.

Pursuant to City of Folsom Personnel Rule and Regulation Section 2.01.170 E, you are being placed on paid Administrative Leave effective (Month) (Day), 2025.

II.

This action is taken pending an investigation and disposition by this department of potential disciplinary allegations against you.

III.

During your absence, you are relieved of all duties, rights, and powers arising out of your employment, including your peace officer powers as authorized by Penal Code Section 830.1. With service of this Notice, you are ordered to immediately surrender your service weapon, badge, identification card, and all other City safety equipment to either your supervisor or officers(s) presenting you with this Notice. You are further ordered to immediately surrender any and all city-owned and/or issued keys.

During this period of suspension of peace officer powers, you will not enter any Department facility, unless directed by a supervisor. You will not directly nor indirectly access any Department information system. Any exceptions to these provisions must be approved by your Division Commander in writing.

During this period of suspension of peace officer powers you are no longer privileged to carry a concealed or loaded weapon in either a public place or in a vehicle, or make arrests with peace officer authority.

Effective immediately, you are assigned to day shift with hours of 8:00 a.m. to 5:00 p.m. Monday through Friday with Saturday and Sunday off. You are directed to call in to the Watch Commander during the first half of your shift each day. You must remain at home or at a location authorized by the Watch Commander between 8:00 a.m. and 5:00 p.m. Monday through Friday, and be available by telephone.

IV.

Should you be subpoenaed related to your employment, you shall immediately notify the Watch Commander who will provide you instructions on how to respond. Notwithstanding the provisions of paragraph III, you are still a member of this Department and will be directed to cooperate with the Department in the investigation of these charges.

Any off-duty secondary employment you have is hereby revoked.

V.

The provisions of this Notice and Order are applicable in its entirety to sworn personnel, and with the exceptions of paragraph III, Non-sworn personnel. Failure to adhere to the directions and/or prohibitions of this Notice may result in additional charges being filed against you warranting disciplinary action.

_____ _____

Richard D. Hillman, Chief of Police Date

I understand the agreement as explained above.

_____ _____

David Erler Date

_____ _____

Witnessing Employee Date

Print Name: _____

Interview Questions

Detective David Erler

1. Are you employed with the City of Folsom Police Department? How long?

   YES, 3 yrs PATROL - SINCE 2013 W/ FOLSOM PD

2. What is your current assignment?

   DETECTIVE W/ CID

3. On July 24, 2024, in the early morning hours around 0300 hours was there a structure fire at your residence ([redacted]) and at your neighbor's residence located at [redacted]?

   YES

4. On that morning were you contacted by Sacramento Metropolitan Fire District Fire Investigator Jeffrey Sargent? YES

5. About how long after the initial fire crew showed up did you talk to Fire Investigator Jeffrey Sargent?

   30 MIN TO 1 HOUR

6. Can you tell me what was said during your interview with Fire Investigator Jeffrey Sargent?

7. Did you initially tell Fire Investigator Jeffrey Sargent when he asked if you knew how the fire could have started that you had no idea?

   NO - STATED NO IDEA HOW IF - POSSIBLY HVAC

8. Did you suggest to Fire Investigator Jeffrey Sargent that the neighbors' (at [redacted]) recently installed HVAC system might have had a malfunction?

   YES

9. Did Fire Investigator Jeffrey Sargent ask you if you were burning a stump in the backyard the night prior to the structure fire on 07/23/24?

10. What did you tell him?

11. Did you tell Fire Investigator Jeffrey Sargent you drilled holes in the stump and used a barbecue lighter to burn the stump on Monday morning, 7/22/24?

12. Did Fire Investigator Jeffrey Sargent ask you if you used an accelerant to burn the stump?

13. What did you tell him when Fire Investigator Jeffrey Sargent asked you if you used an accelerant to burn the stump?

14. Did you use an accelerant to burn the stump?

IN THE PAST / DIDN'T THAT NIGHT / HAD USED BBQ LIGHTER

15. Why did you drill holes in the stump?

TO DRY OUT THE STUMP

16. At one point Fire Investigator Jeffrey Sargent explained to you that your neighbor [redacted] saw you burning the stump in your backyard the night prior to the structure fire, and you explained that you and your wife were in your backyard by the pool and that you were burning the stump. Why did you initially deny burning the stump the night prior to the Fire Investigator?

17. Have you told anyone else that the fire could have possibly started due to the neighbor's recently installed HVAC system after you were interviewed by Fire Investigator Jeffrey Sargant?

POSSIBLY SGT KOVPAL / NOT SURE IF IT WAS BEFORE OR AFTER TALKING W/ FIRE INVESTIGATOR

SGT WAGNER / FAMILY

18. Is your home insured by Grange Insurance?

YES

19. On the morning of 7/24/24 around 10:30 AM did you speak with [redacted] [redacted] (claims adjuster) from Grange Insurance regarding the structure fire? (Did you speak with a claims adjuster from Grange Insurance?)

YES

20. And did this conversation with [redacted] [redacted] (claims adjuster) occur after your conversation with Fire Investigator Jeffrey Sargent?

YES

21. Did you tell [redacted] [redacted] (claims adjuster) that you had no idea how the fire could have started?

DOESN'T RECALL

NEVER SPOKE TO FIRE INVESTIGATOR ABOUT FINAL CONCLUSION

22. During your conversation with [redacted] [redacted] (claims adjuster) did you suggest that the fire could have possibly started from the neighbor's recently installed HVAC system?

PROBABLY

23. Did you tell [redacted] [redacted] (claims adjuster) that you were told by the fire department that the fire started at the neighbor's house and spread to yours?

YES, I HEARD FROM A FIRE RESCUE FIGHT

24. Why did you tell [redacted] [redacted] (claims adjuster) that, knowing Fire Investigator Jeffrey Sargent told you he didn't believe the fire started due to the HVAC system and that the stump was believed to be the source of the fire?

NO

25. Did you talk with Sergeant Wagner on the morning of 07/24/2024 at your residence after the structure fire?

YES

26. Did you tell Sergeant Wagner that the fire started because of your neighbor's recently installed HVAC system?

MIGHT OF NOT SURE

27. Can you explain why you weren't truthful at first about the burning of the stump the night prior (on 07/23/24) to the Fire Investigator and then continued to mislead others about the neighbor's HVAC system being the cause of the structure fire?

- WEEK AFTER FIRE WAS TOLD FROM GRANGE INSUR. THAT STUMP WAS CAUSE OF THE FIRE.

Interview Questions

Detective David Erler

1. Are you employed with the City of Folsom Police Department? How long?

2. What is your current assignment?

3. On July 24, 2024, in the early morning hours around 0300 hours was there a structure fire at your residence ([redacted]) and at your neighbor's residence located at [redacted]?

4. On that morning were you contacted by Sacramento Metropolitan Fire District Fire Investigator Jeffrey Sargent?

5. About how long after the initial fire crew showed up did you talk to Fire Investigator Jeffrey Sargent?

6. Can you tell me what was said during your interview with Fire Investigator Jeffrey Sargent?

7. Did you initially tell Fire Investigator Jeffrey Sargent when he asked if you knew how the fire could have started that you had no idea?

8. Did you suggest to Fire Investigator Jeffrey Sargent that the neighbors' (at [redacted] Court) recently installed HVAC system might have had a malfunction?

9. Did Fire Investigator Jeffrey Sargent ask you if you were burning a stump in the backyard the night prior to the structure fire on 07/23/24?

10. What did you tell him?

11. Did you tell Fire Investigator Jeffrey Sargent you drilled holes in the stump and used a barbecue lighter to burn the stump on Monday morning, 7/22/24?

12. Did Fire Investigator Jeffrey Sargent ask you if you used an accelerant to burn the stump?

13. What did you tell him when Fire Investigator Jeffrey Sargent asked you if you used an accelerant to burn the stump?

14. Did you use an accelerant to burn the stump?

15. Why did you drill holes in the stump?

16. At one point Fire Investigator Jeffrey Sargent explained to you that your neighbor [redacted] saw you burning the stump in your backyard the night prior to the structure fire, and you explained that you and your wife were in your backyard by the pool and that you were burning the stump. Why did you initially deny burning the stump the night prior to the Fire Investigator?

17. Have you told anyone else that the fire could have possibly started due to the neighbor's recently installed HVAC system after you were interviewed by Fire Investigator Jeffrey Sargant?

18. Is your home insured by Grange Insurance?

19. On the morning of 7/24/24 around 10:30 AM did you speak with [redacted] [redacted] (claims adjuster) from Grange Insurance regarding the structure fire? (Did you speak with a claims adjuster from Grange Insurance?)

20. And did this conversation with [redacted] (claims adjuster) occur after your conversation with Fire Investigator Jeffrey Sargent?

21. Did you tell [redacted] (claims adjuster) that you had no idea how the fire could have started?

22. During your conversation with [redacted] (claims adjuster) did you suggest that the fire could have possibly started from the neighbor's recently installed HVAC system?

23. Did you tell [redacted] (claims adjuster) that you were told by the fire department that the fire started at the neighbor's house and spread to yours?

24. Why did you tell [redacted] (claims adjuster) that knowing Fire Investigator Jeffrey Sargent told you he didn't believe the fire started due to the HVAC system and that the stump was believed to be the source of the fire?

25. Did you talk with Sergeant Wagner on the morning of 07/24/2024 at your residence after the structure fire?

26. Did you tell Sergeant Wagner that the fire started because of your neighbor's recently installed HVAC system?

27. Can you explain why you weren't truthful at first about the burning of the stump the night prior (on 07/23/24) to the Fire Investigator and then continued to mislead others about the neighbor's HVAC system being the cause of the structure fire?

- INTERVIEW -

R.K.: Okay. Date of this interview is November 5th, 2025, correction, November 6th, 2024. The time is 10:01. The location of this interview is the Folsom Police Department Administrative Conference Room. This investigation is under the direction and command of myself, Sergeant Roman Kehm. Also present for the interview is Sergeant Warner Herndon. This interview is in reference to Personnel Complaint No. 24-004, in which the City of Folsom Administration alleges that Detective David Erler was involved in off-duty conduct which may be considered unbecoming of a member of this department or tends to reflect unfavorably upon this department or it's members. Gave false or misleading statements or admitted material information to a person of authority in connection with an investigation. And committed conduct that was dishonest or disgraceful off duty that adversely effects the member's relationship with this department. This interview is being recorded. You are admonished that you are to answer all questions asked of you completely and that all of your answers are to be truthful. Knowingly making false or misleading statements during this interview will be considered a separate offense that could result in discipline up to and including termination. Do you understand this admonishment?

D.E.: Yes.

R.K.: Okay. At this time, I would advise you of your rights per AB301. You have the right to have a representative of your choice present during this interview. And you have chosen Attorney Sean Howell. You have the right to make your own tape recording of this interview. You will have access to the department's tape recording

of your interview if further proceedings are contemplated, or prior to any further questioning at a subsequent time. After the interview, you're entitled to a transcribed copy of any notes or to any reports or complaints except those that are deemed confidential. You will be questioned by no more than two interrogators during the course of this interview. If this interrogation is occurring during your off-duty time, you will be compensated in accordance with regular department procedures, and you will not be released from employment for any time missed. This interview session will be for a reasonable period of time based on all the circumstances. And you will be allowed to attend to your own personal physical necessities. Do you understand these rights?

D.E.: Yes.

R.K.: Okay. Okay, now I'm going to give you a Lybarger Warning. While you have the right to remain silent with regards to any criminal investigation, you do not have the right to refuse to answer my administration questions -- my administrative questions. This is an administrative investigation only. I am therefore now ordering you to discuss this matter with me. If you refuse to discuss this matter, your silence can be deemed insubordination and result in administrative discipline up to and including termination. Any statement you make under compulsion of threat of such discipline cannot be used against you in a later criminal proceeding. Do you understand this?

D.E.: Yes.

R.K.: Okay. I order you to answer any and all questions asked of you in a truthful and accurate manner. Failure to do so may be deemed insubordination and result in administrative discipline up to and

including termination of your employment with the City of Folsom. Okay. Okay. All right -- uh -- Detective Erler, are you employed with the City of Folsom? And how long?

D.E.: Yes, I've been employed here for three years, roughly.

R.K.: And you were a officer with another agency prior to here?

D.E.: Yes, I was.

R.K.: Okay. And how long there?

D.E.: Um -- I began in 2013, I believe, with -- uh -- the Fortuna Police Department.

R.K.: And what's your current assignment here?

D.E.: Uh -- I'm assigned as a detective in the -- uh -- CID or the Investigations Division.

R.K.: Okay. On -- uh -- July 24th, 2024, in the early morning hours around 300 hours, was there a structure fire at your residence, [redacted] and at your neighbor's residence located at [redacted]?

D.E.: Yes, there was.

R.K.: On that morning, were you contacted by Sacramento Metropolitan Fire District Fire Investigator Jeffrey Sargent?

D.E.: Uh -- yes, I was.

R.K.: Okay. About how long after the initial fire crew showed up, did you talk to Fire Investigator Jeffrey Sargent?

D.E.: I'm not entirely sure what the time duration was. Um -- I believe it was 30 minutes to possibly an hour after, but I couldn't say for certain. But that -- that's what I remember. I think it was about that time.

R.K.: Okay. Thirty to an hour?

D.E.: I believe so.

R.K.: Okay. Okay. Can you tell me what was said during your interview with Fire Investigator Jeffrey Sargent?

D.E.: I mean, I don't -- uh -- I don't remember everything that was said. Um -- just due to all the circumstances of everything. Um -- I had, you know, just gotten woken up to house being on fire. Um -- I was -- I re -- I remember my mind was on a lot of other things other than our direct conversation. So, I -- I know that I don't remember everything that was said. I do remember some of the things that were said.

R.K.: Um -- do you -- can you tell me what those things were that were said?

D.E.: Um -- I remember he asked me if I knew what happened or how the fire started. Um -- I told him that I didn't know. Um -- we -- he asked me about, you know, where my barbeques were located in the backyard, and -- um -- like what kind of barbeques they were. If they were charcoal or -- or like gas. And he wanted to know if I had like -- like flammable stuff around there. Um -- he wanted to know when I last used them. He asked me if I had other -- um -- like had burned anything or had any other fires in the backyard. Um -- and I at one point told him about -- uh -- I had a backyard project going where I was -- had this old like -- um -- palm tree stump in my backyard. And I had been spending several months just like slowly hacking it up, and burning off the -- the -- the pieces, right? Um -- and he wanted to know about that. And I explained to him like my process of like how I was getting rid of that. Um -- but again, my -- I know my mind was on other things, so I was kind of half paying attention to what my conversation with him. Um -- I remember his -- his tone changed with me, and he got upset with me. Um -- and I

realized that I had told him like that I'd burnt the stump like a week prior. And my com -- my focus shifted to what he was saying to me. And I said, look, I'm sorry. I misspoke. I did burn the stump last night. Um -- that was one of the things I did. I -- um -- wasn't the stump per se, it was just the little clippings from the stump. Um -- but he was -- I remember he started saying that I was lying to him, and like trying to hurt his investigation. I was like, look, so I -- look, sir, I'm sorry. Let's -- let me make sure I have answered everything correctly. Ask me again like what's happening. You know, like what do you want to know. I'm like got all this stuff in my mind. I'm not like -- I'm not -- I'm not paying attention to you. Um -- so I made sure that he had the correct information before our conversation ended. I don't -- I don't remember specifically like how I got -- how I got it in or at what -- or what questions he asked, but I do remember saying like -- like yeah, I was out. I did burn, you know, stuff last night in my backyard. Um -- and then he left, and -- um -- I never -- I haven't talked to him since that so.

R.K.: Okay.

D.E.: Um -- I -- I believe -- like if I had to guess, our conversation was maybe ten minutes. But I don't -- I don't know. It could have been -- I could have been longer. It could have been shorter. I don't -- I don't know.

R.K.: Okay. So, I'm going to ask you questions that kind of breakdown that conversation and help clarify it. Okay. Did you initially tell Fire Investigator Jeffrey Sargent when he asked if you knew how the fire could have started that you had no idea?

D.E.: No. I did tell him a theory I had.

R.K.: What was that?

D.E.: Um -- our next door neighbors had just put a new AC unit in their house like the previous day or two. And I was like I -- I -- I don't know, that's something he'd maybe want to look at as -- I remember saying something about something like that. Um -- but I did tell him like I hadn't -- I didn't know how it started. Um -- so --

R.K.: And so, you said --

D.E.: -- I don't --

R.K.: -- you didn't know how it started, but then that you made mention of the neighbors H -- HVAC --

D.E.: Yeah, so --

R.K.: -- system.

D.E.: -- I don't know if that's --

R.K.: Okay.

D.E.: -- the same thing that you're -- what you're asking me, but --

R.K.: Yeah.

D.E.: -- um.

R.K.: Okay. And then -- sorry, are you good?

D.E.: Yeah, like looking back on it, maybe I -- this -- the stump was just not in my mind at -- at that time.

R.K.: Okay. Um -- did you suggest to Fire Investigator Jeffrey Sargent that the neighbors -- uh -- at [redacted] recently installed a HVAC system that might have malfunctioned?

D.E.: Yeah.

R.K.: I believe you just said that?

D.E.: Yeah.

R.K.: Okay. And -- uh -- did Fire Investigator Jeffrey Sargent ask you if you were burning a stump in the backyard the night prior, which would have been on the 23rd of July? Um -- night prior --

D.E.: I --

R.K.: -- to the structure fire?

D.E.: I know it -- I know that he did ask that question. I don't know specifically how he worded it. And I don't remember hearing it, but I remember him getting upset with me saying like why -- why the hell are -- why are you -- why are you lying to me basically. And I, again, like --

S.H.: Okay, do you mind if I ask a question there?

R.K.: Yes, you may.

S.H.: Okay. I -- I just want to be clear, because -- um -- Sergeant is asking you a very specific question, I think. That did the investigator ask you essentially, “Did you burn the stump last night?" Do you remember him asking that? Or do you remember him asking something about the stump, but like hey, when was the last time you burned the stump? Or -- uh -- do you even remember how that question was phrased? But I think you need to speak to the specific question that -- because it sounds like that’s what the investigator claims he specifically asked.

R.K.: So, I’ll ask you again -- uh -- like based on what -- uh -- Attorney Sean Howell had just that did he ask you if you were burning the stump the night prior to the structure fire?

D.E.: I don't -- I don't know. Like I said, I -- I believe he asked something similar to that during our conversation. I don't know specifically what -- what words he said or how he phrased it, or when in our conversation he -- he said that. I -- I believe he did ask something very similar to that if -- if not -- I mean, and it wouldn't surprise me that he asked that question specifically. But I don't have the vivid memory of -- of that specifically.

R.K.: Okay. Have you reviewed the fire investigator's report? Or had you --

D.E.: I haven't seen it.

R.K.: -- been given a copy?

D.E.: I haven't seen it at -- at all. I've -- I requested a report from them for my insurance company, and they gave me an incident report that didn't have anything from him.

R.K.: Okay.

D.E.: So, I don't -- I don't know what -- um --

R.K.: Okay. So, I'm going to read from his report --

D.E.: Okay.

R.K.: -- and see if this helps you recall. Um -- so, he talks about the neighbor -- uh -- the wife, [redacted] [redacted], coming over the night prior. And then that she had talked to your daughter, [redacted], about seeing the stump --

D.E.: Um.

R.K.: -- or a fire in the backyard. And then he asked if you were burning the stump in your backyard the night prior. So, does that help you recall?

D.E.: Well, first of all, [redacted]'s my wife. Um -- uh -- as --

R.K.: Oh, sorry, yes, you're right.

D.E.: Um -- again, like I -- I don't specifically remember him saying that. Um -- I know that when I -- when I re -- remembered him getting upset at me, he said something about a neighbor coming to my house. And -- and I remember saying like okay, I don't have any knowledge of -- of that. I've since found out that, yes, she did -- the neighbor did come over and talked with one of my daughters. Um -- but at the time, I didn't -- I didn't know that -- uh.

R.K.: Was your wife with you during this interview?

D.E.: She was -- I mean, we were all close by. We were like kind of sitting a little ways down the street. Um --

R.K.: So, he says --

D.E.: I remember --

R.K.: -- that when he was talking to you, your wife was standing with you.

D.E.: She -- well --

R.K.: And when he had asked or brought up the fact that the neighbor's wife, [redacted], came over, that your wife responded that your daughter had just informed you two that, yeah, she had come over.

D.E.: Uh.

R.K.: Do you recall that?

D.E.: I -- I recall my wife being there. I don't -- I don't know what -- I don't remember her saying that, but I -- I, again, I'm not disputing that. But I -- I don't -- I don't re -- like I said, I just don't -- I don't remember it.

R.K.: Okay. I'm going to move on. Okay.

S.H.: Hang -- do -- hang on, can I ask a question --

R.K.: Absolutely.

S.H.: -- about that? Um -- and again, if you don't remember, just say you don't remember. Um --

D.E.: Uh-huh.

S.H.: -- if --

R.K.: Do you want to pause?

S.H.: What's that?

R.K.: Do you want -- uh -- us to pause --

S.H.: No -- no --

R.K.: -- and you --

S.H.: -- that's okay.

R.K.: Okay.

S.H.: No, I mean, I'd -- I don't need to prep him for the questions. He, you know. Um -- uh -- my question is this, is it possible that he -- this statement where he's saying, hey, your -- the neighbor said they came over and talked to your daughter, and mentioned the stump, are you sure you weren't burning your stump last night? And then you said, well, yeah -- yeah, I guess I was. But that was the second time he had asked you. The first time he asked you about just burning the bar -- he's asking you about barbeques. When did you say you last barbequed?

D.E.: I don't know, it was like -- maybe like a week before the -- the fire so.

S.H.: Okay, is it possible that he then asked are burn -- when was the last time you burned the stump, or are you burning a stump out here? And you said a week ago, or something like that?

D.E.: Yeah, I mean, it's --

S.H.: I'm not asking you to remember. I'm -- uh -- if you don't remember at all. I'm -- what I'm -- I guess what I'm getting at is, is it possible that he -- he claims -- and I think what you've said is that he sort of like he thinks he confronted you with some kind of dishonest statement. So, is it possible the way that confrontation went down was, hey, have you been barbecuing. No, like a week. Uh -- uh -- what about the stump? You burning the stump? No, I'm not burning the stump. Okay -- um -- then later on, hey, the neighbor came -- came over and said what's going on -- um -- there. Is he -- is he burning a stump in the backyard. So, were you burning one in the backyard? And then you said, yeah -- yeah, I was burning a

stump in the backyard. Well, you're lying to me. I mean, is it possible it could have gone down that -- that way?

D.E.: Yeah, it's possible. Uh --

R.K.: So, yes, sir, listen -- listen. I know you had a lot going on that night.

D.E.: Right.

R.K.: Your -- your house was on fire. You were waking up -- woken up in the middle of the night because of it. Very traumatic. Very scary. And I know this is a little bit since that occurred.

D.E.: Yeah.

R.K.: And you're still dealing with stuff, I get that. But these are pretty specific questions that I think you should or shouldn't know. I'm not asking for details as far as --

D.E.: Okay.

R.K.: -- each word that was said.

D.E.: Right, okay.

R.K.: You should have recollection if you were doing this or not doing this. Does that make sense?

D.E.: Correct.

R.K.: I'm not asking for the --

D.E.: Yeah.

R.K.: -- each specific word that came out of your mouth or the investigator's mouth.

D.E.: Sure, okay. I'll -- I'll -- I'm -- yeah, I'm getting hung up on word speci -- like the specificity of the words, and I'm just, like I said, I -- I don't -- I remember our conversation. I don't remember everything that I said. I don't remember everything he said. I can give --

R.K.: So, as your attorney advised, just if you don't recall, you don't recall.

D.E.: Yeah.

R.K.: Okay?

D.E.: No, that's --

S.H.: I just don't want to give you like a bunch of I don't remember, I don't remember. When he does remember something, it's just --

R.K.: Right.

S.H.: -- how -- that's --

R.K.: And if --

S.H.: -- what we're trying to communicate.

R.K.: And if you remember something, tell me how you remember it.

S.H.: Yeah.

R.K.: Okay.

W.H.: Do you remember him -- do you remember answering him -- um -- that you burnt the stump the morning of the 22nd, Monday?

D.E.: I mean it -- I don't remember giving him a specific date because I couldn't come up with a specific date at that time. Um -- I know that I had been burning the stump, you know, days prior. And if I looked at a calendar maybe, and I was like oh, that was a day off that I had, maybe I was burning it on that day. I know I had burned a week prior. But I also know that I had burned it the night -- earlier that evening, you know, the night before. So -- uh --

W.H.: You say you remember burning it the night before?

D.E.: I do remember physically burning it the night before. But I what I told him --

W.H.: But that's what he asked you, did you burn it the night before.

D.E.: I had -- again, I'm -- I'm no disputing that. I un -- I understand. I don't -- I don't remember him asking me that. If -- I -- I know he wanted -- I -- I'm sure -- uh -- I'm sure he asked me, when did you

last burn the stump. I'm sure he did based upon him being a fire investigator and trying to investigate a fire. I'm sure that he did. I also re -- remember that I don't remember our conversation fully. I remember my mind wandering to other things. I remember saying things without paying close attention to what he was actually asking me. Um -- I know at one point, I misspoke, or lied, or told him something that was un -- unfactual. I told him that I hadn't burned the stump for a week. I don't know if I was thinking about the barbeque questions, or if I had that in my head, or what when he confronted me or when he said something. He said something to me to make me snap back to our conversation and actually start paying very close attention to what he was saying. And I said, yes, I did do this last night. And when I said last night, I mean like 8 o'clock, 9 o'clock, you know, the previous -- previous evening. He said -- and that it was, you know, six, seven, eight, nine hours or whatever -- whatever the math was. And I -- I said I don't -- I made sure that he knew that's what happened. That's --

S.H.: So -- uh -- just --

R.K.: Okay.

S.H.: -- if -- if I understand what you're saying, what you've just described. I think you just ran through it twice. He's confronted you two different times with the same issue about the stump. He didn't ask you one question about the stump, he asked you something about the stump, you don't know what he specifically asked, and you said something like I burned it a week ago, or whatever. Okay? And you don't know if you were thinking --

D.E.: Yeah.

S.H.: -- about barbeque. Then he confronted you in some way with

something, and then he asked you again, and then you're like, no, I burned it last night. You've just said that twice -- uh -- did you --

R.K.: Yeah, well, you --

S.H.: Did you say that by mistake, or do you mean that, yeah, he -- he asked me on two different times --

D.E.: I don't --

S.H.: -- about burning the stump.

D.E.: -- I don't know if he asked me two different times or not. I don't remember him asking me two different times. I remember him getting upset and me going something's -- in my mind, going I -- something's wrong here. I like -- and I started paying attention. I went shit, that's -- no, I burnt the damn stump last night.

S.H.: Right, that's what I'm saying. You just got done saying --

R.K.: I think it --

S.H.: Maybe it's a distinction without a difference.

R.K.: He clarified the answer.

S.H.: Yeah, okay.

R.K.: I'm -- I'm good with that.

S.H.: As long as you --

R.K.: We're ready to move on.

D.E.: All right, like --

R.K.: Okay.

S.H.: I think he's like a little nervous right now. And so, his brain is kind of locking up even now. And you can imagine at 3 o'clock in the morning.

R.K.: No, absolutely.

S.H.: With a fire investigator, your family, the fire alarm didn't go off like it was supposed to. His house fully engulfed when he gets up.

Firetruck is what woke his wife up. He didn't even wake up. It wasn't the fire alarms that woke him up. His family got out because of the sirens of the firetruck. And the stress he's under now, had to have -- and he's making very little sense here and there, and then making good sense other places. Just think -- put yourself in his position --

R.K.: And I --

S.H.: -- that night.

R.K.: -- and I -- I get it. That's what I already --

S.H.: Yeah.

R.K.: -- was saying to you, that you have a lot going on. And now you have this. Just slow down.

D.E.: All right.

R.K.: Think about -- this is -- I want the full honest truth, right?

D.E.: Uh-huh.

R.K.: This is your opportunity to -- to explain from your side what happened, okay? Yeah, I'm asking you questions because I -- I have honest questions about this stuff.

D.E.: Sure.

R.K.: And I need your -- your side of it. Okay? So, I just need to hear it from you.

D.E.: Yeah.

R.K.: Um -- and like Sean keeps telling you is just tell what you do remember. If you don't remember, you don't remember.

D.E.: All right.

R.K.: Okay, I don't want you making stuff up or -- or coming off as if that you're beating around the bush more or less, does that make sense?

D.E.: Yeah.

R.K.: Okay. All right, we'll -- we'll keep going. You good?

D.E.: (No audible response.)

R.K.: Okay. All right. Okay, at one point, did you tell -- uh -- Fire Investigator Jeffrey Sargent you -- uh -- drilled holes in the stump and used a barbeque lighter -- uh -- to burn the stump?

D.E.: Yeah, I had done both of those things, but not in that context. So, I drilled holes in the stump like a year prior.

R.K.: Okay.

D.E.: So, when the rains came last winter, and everything, it'd help rot the stump out. So, I did do that. Um -- and when I would, you know, going back towards closer to when the fire happened, I would -- um -- use hand tools to cut -- you know, break it apart and break off pieces, and then I would burn those. I'd use a barbeque lighter to -- to start those, and those little pieces. And they'd just -- they'd burn up.

R.K.: Okay.

D.E.: So, yeah.

R.K.: Okay. Did Fire Investigator Jeffrey Sargent ask if you had used an accelerant to burn the stump?

D.E.: He did ask that. I do remember him asking that.

R.K.: Okay. Uh -- and what did -- what was your response to Jeffrey Sargent?

D.E.: I told him no.

R.K.: Okay. Did you use an accelerant to burn the stump?

D.E.: I had told him that I had used an accelerant in the past to do different things. Um --

R.K.: But not that night?

D.E.: I said that night I don't think I had. But --

R.K.: You don't remember if you did or didn't?

D.E.: Um -- no, I did use an accelerant that night.

R.K.: Okay. And what is the reason for drilling the holes in the stump?

D.E.: So, again, this -- I -- I was trying to dry it out the like previous year, or whatever.

W.H.: Do you know what type of accelerant you used?

D.E.: Uh -- yeah -- uh -- it was just like -- like barbeque lighter fluid.

W.H.: Did -- you didn't tell him that?

D.E.: I believe I did, but I don't -- I don't know. I haven't read his report, so I don't know if I -- I'm pretty sure I did though.

W.H.: Um -- do you recall him asking you if you used -- uh -- gasoline or lighter fluid to ignite the --

D.E.: He --.

W.H.: -- stump?

D.E.: Uh -- I remember him asking if I used an accelerant. I don't -- and again, I was -- I was talking to him like about how I'd just take a lighter and burn up the little pile of -- of clippings, and stuff. And I didn't need an accelerant for that.

W.H.: Because according to him, he states that he -- he asked you that regarding the gasoline or the lighter fluid, and that you had told him that the lighter fluid was just for the barbeque. Do you recall that? And not the stump?

D.E.: I -- I don't recall that. I mean, I -- I di -- I remember him asking me about accelerants, and I remember saying that I had the barbeque -- or the lighter fluid under the barbeque for -- for lighting the char -- because it's a charcoal grill. Um -- I -- look, I mean, I had used accelerant on the stump; on projects associated with the stump in

the past. I -- I told you I did use it the night of the fire.

R.K.: Okay.

D.E.: I -- I use a -- an accelerant on a little -- little thing. I was just in a hurry, and I -- and I used it. It was like at 9 o'clock, or something like -- uh -- the -- the -- uh -- the night of.

R.K.: Okay. So, I'm going to -- okay. So, I think we clarified this question, but I just want to --

D.E.: Sure.

R.K.: -- so -- so the whole conversation about the initial not -- and not being clear about the burning the stump prior, okay? I think you told me that you're initial denying the burning of the stump the night prior was you had a lot going on. Your mind wasn't on the conversation at that point. But then when he confronted you, you kind of snapped back to it, and then told him that you had burned the stump the night prior, is that correct?

D.E.: Yeah, I told him --

R.K.: Okay.

D.E.: -- that I -- that I did. I told him -- well, I told him what I had done. It's like I went into detail and explained what I had done.

R.K.: Okay. Okay. All right. Um -- have you told anyone else that the fire could have possibly started due to the neighbor's recently installed HVAC system after you were interviewed by Fire Investigator Jeffrey Sargent?

D.E.: I don't know. Um -- so, from this department, there was Corporal -- well -- uh -- Sergeant Koupal came over -- drove over to my house. He was on duty. He drove out there. I don't know remember if that was before or after I talked with him. And he was just like --

R.K.: The fire inve -- before you --

D.E.: Correct.

R.K.: Okay.

D.E.: And Sergeant Koupal was like, hey, do you -- what -- like what happened? I said I don't know. All I know is like I don't know. Like they had their H -- HVAC replaced yester -- maybe it was that. But I wasn't trying to insinuate that -- that they had -- that that was like a matter of fact. I was -- it was just like I -- this could -- could be a thing. I don't know.

R.K.: And you don't know if that was before or --

D.E.: I don't --

R.K.: -- after the conversation.

D.E.: -- know.

R.K.: Okay.

D.E.: Um.

R.K.: Okay. And no one else that you can recall?

D.E.: Um -- Sergeant Wagner came out to my house that day. He's, you know, we talked. I don't -- I maybe said it to him. Um -- I li -- I had like family members calling me the next day or that day, and within the course of 24 hours, maybe I said that was a theory of mine.

R.K.: Okay.

D.E.: But -- um -- but I never tired to -- to say like, you know, this is -- or argue the point of like this is what happened.

R.K.: Okay. Um -- is your home insured by Grange Insurance?

D.E.: Yeah.

R.K.: Okay. Uh -- on the morning of July 24th, 2024, around 10:30 a.m., did you speak with a [redacted], a claims adjuster, from Grange Insurance regarding the structure fire? And if you don't remember her name specifically --

D.E.: Yeah, I --

R.K.: -- did you speak to a --

D.E.: -- did -- so [redacted]'s my -- [redacted] is our -- our person for Grange that we're working with.

R.K.: Then you did speak with her?

D.E.: I know that had talked to her at so -- yeah, that -- that day.

R.K.: Okay. Um -- and did your conversation with [redacted], the claims adjuster, occur after your conversation with Fire Investigator Jeffrey Sargent?

D.E.: Yeah.

R.K.: Okay. Uh -- did you tell [redacted], the claims adjuster, that you had no idea how the fire could have started?

D.E.: I -- I mean, I know that her conversations are recorded, so I would refer back to that. I don't -- I don't know what I said to her.

R.K.: Okay. Um -- so, you don't recall?

D.E.: I -- no, I don't. I mean, I know that they're aware of the stump now, but I -- I don't know if I told her that day or -- I know that I told her short -- like very, very early in the process because she sent a second fire investigator out to -- to verify things. Um -- I -- I know that she opened, you know, she got a -- she assigned a -- a -- what do they call, like a liability adjuster too -- so, they have their separate adjuster for that. Um -- I don't know if that was our first conversation or second. I mean, we talked several times even in the first day.

R.K.: Okay. So, I'm just again, just ask specific question.

D.E.: All right, sorry.

R.K.: Uh -- so, this is -- uh -- her asking in the -- this is a transcribed -- uh -- recording.

D.E.: Okay.

R.K.: Uh -- of the recording. So, she says, “Okay, all right. And did they tell you how the fire started -- uh -- as of yet?” “No, I haven’t -- I haven’t. I talked to the investigator, but that was before he did his thing.” Does that help you recall?

D.E.: Yeah, I remember that. Um -- the -- I never talked with -- with the fire investigator again. He said when we -- when we got done with our conversation, he’s like okay, I’m going to go. I got to do my in -- you know, investigation. Take photos and do -- do everything, and figure it all out. And I said, okay, and he said he was going to come talk to me again. But -- um -- we never -- we never said anything else to each other.

R.K.: Okay.

D.E.: So -- um -- like I said -- uh -- initially, I didn't -- I didn't put two and two together -- um -- that night after I had did what I did with the stump. I was sitting outside at my pool for hours. Like that’s -- my wife and I were talking. We were dealing with some other -- other stuff unrelated. Um -- we were sitting out there talking for hours. And so, in my mind it was -- it wasn’t the stump. Like I couldn't -- it didn't enter my mind.

R.K.: Okay.

D.E.: So, when I talked with [redacted] the first time, I -- I don't know. I -- I don't think that I knew, and I don't think that I, you know.

R.K.: Okay. Um -- during your conversation with -- with [redacted], did you suggest that the fire could have possibly started from the neighbor’s recently installed HVAC system?

D.E.: Yeah, probably.

R.K.: Okay. Okay. Did you tell -- uh -- [redacted] [redacted] that you were

told by the fire department that the fire started at the neighbor's house and then spread to yours?

D.E.: Yeah.

R.K.: Okay.

D.E.: And there was one firefighter I overheard that said that. He said it looked like the fire started at your neighbor's house. And I think that maybe was because their house was more -- more engulfed -- um.

R.K.: And this was a firefighter on the line, not the fire investigator where you heard this?

D.E.: Yeah, it was like just another firefighter that I talked to. Uh -- I couldn't tell you who he was. Don't know his name. Don't -- like but I did hear that. And looking -- and when we were outside looking at the houses, it ki -- it looked like theirs was burnt up a lot more come to find out.

R.K.: Okay, so back to your conversation with the fire investigator. Um -- when he asked again -- when he suggested -- or when you suggested the -- it was possible the neighbor's HVAC system that could have possibly malfunctioned, the fire investigator said he indicated to you that he did not think that was the cause. Do you remember that part of the conversation?

D.E.: No.

R.K.: No. Okay. Okay. And then you had mentioned that you talked to Sergeant Wagner the morning of the structure fire on the 24th of July?

D.E.: Well, he --

R.K.: At your -- in your neighborhood?

D.E.: Yeah, he came out to -- he came out there.

R.K.: Okay. Did you suggest to Sergeant Warner [sic] that the fire possibly started because of the neighbor's recently installed HVAC system?

D.E.: Uh -- I don't -- I don't know if I said that to him or not. I -- I might have. I know that -- yeah, I don't know.

R.K.: Okay. So, Detective Erler, I'm going to ask you, can you explain why -- uh -- you weren't initially truthful about the burning of the stump the night prior on the 23rd to Fire Investigator Sar -- uh -- Jeffrey Sargent? And then continued to mislead others about the neighbor's HVAC system being possibly the cause of the fire?

S.H.: The -- hand on a second. One, that's a com -- really compound. That's two questions.

R.K.: Okay.

S.H.: But two, the question, Sergeant, im -- implies an admission that he was falsifying, misleading, whatever the first thing was. I don't know think he said that that's what he was doing.

R.K.: Uh -- how about this? Can you, in your words, explain why someone would, like the fire investigator or someone else, believe that you were either omitting information, misleading -- uh -- the fire investigator or others about the stump, and possibly the --

D.E.: Uh -- sure.

R.K.: -- the HVAC system?

D.E.: Uh -- look from -- from fire investigators point of view, if you ask some -- if you as someone a question about stuff that's burning, and they lie to you, and say something that's untruthful, yeah, that you're -- you're going to assume that they're purposely lying to you. Um -- again, I fully admit and understand that I did lie to him. What was going through my head was everything but, you know, what he

was saying to me. I should have paid closer to -- attention to what he was saying. I shouldn't have, you know, blown him off. Um -- again -- um -- what -- what was going through my mind what's not to be dishonest or -- or misleading to him. I was trying to give him truthful information. I was confused during part of the infor -- interview. Um -- I had, you know, other things -- like I've -- we've talked about on my mind. As far as the -- the -- your -- your question about the HVAC thing, I believe I've said this already, I didn't believe that my actions with the stump caused this fire at the time. And as an investigator, I was grasping at straws trying to figure out how my house burnt down, and how my neighbor's house burnt down. Um -- I had overheard a firefighter say, you know, it looked like it possibly -- your house possibly caught on fire from their house. Okay. I had overheard, you know, someone say they heard, you know, an explosion maybe coming from where their HVAC system was. Again, I wasn't trying to say as a matter of fact I -- I know this -- this occurred. It was, okay, well what happened. I don't know, maybe it was this, but I don't -- but I don't know. And I certainly didn't want people saying that as like a matter of fact. It was -- it was just my -- my thoughts. And I've since gone to several people and said, look, that's not what happened. Their AC unit didn't blow up. There wasn't an electrical thing from their HVAC. It wasn't -- it wasn't that. Uh -- you know, I -- but again, at the time with everything that was going on in my mind, and I'm just, again, I wasn't thinking a hundred percent clearly. But I was like, oh, yeah, that HVAC truck was parked out front. They got a new HVAC yesterday. So, that's where my mind went is like, oh, maybe that was the cause. Not that was the cause, but maybe.

W.H.: You say you went back and told her when -- that it -- it wasn't the HVAC. What made you make that determination?

D.E.: Once I heard from -- from Grange, their fire investigator that they sent out, their second one. He called me and -- uh -- I don't know if he called. I did talk to him, and he said, no, it was -- it's obvious. He said the burn patterns ori -- originated from in and around where that stump was, and that's where -- and I said okay, thank you for telling me that. And --

R.K.: Do you remember roughly when that was?

D.E.: God. Uh -- so it was probably a week after the fire.

R.K.: Week after, okay.

W.H.: So, would you -- with the fire investigator, would you think that he's a professional in his -- he has -- he's an expert in his profession, correct?

D.E.: (No audible response.)

W.H.: Would it be safe to say that?

D.E.: I think for him specifically, he started our conversation with saying I'm brand new to this. I -- he's a retired deputy from -- uh -- I think El Dorado County or something like that. And he hasn't been a fire investigator for very long.

S.H.: Hang on.

D.E.: So --

S.H.: Which fire investigator are we talking about now?

W.H.: The first one was the -- Sargent.

S.H.: Yeah, are we talking about the one --

R.K.: Yeah, are we talking about the one --

W.H.: Jeffrey Sargent.

R.K.: -- from -- from fire.

Male: (Overlapping).

S.H.: Or the one from your insurance company?

D.E.: I'm taking about the one --

S.H.: Because I got con -- you're refer is -- um --

D.E.: I'm talking about the one from the fire, Jeffrey Sargent.

S.H.: Uh -- yeah, and I thought you were talking about the second one, because that was what he was talking about. So, I don't know which one he's talking about.

D.E.: I'm talking about Sargent.

R.K.: Jeffrey Sargent.

D.E.: Jeffrey Sargent.

R.K.: Yes.

S.H.: Okay.

D.E.: So --

W.H.: And he's brand new.

D.E.: He's -- from what he told me, he said that he's new like relatively new at this.

W.H.: So, you remember him telling you that?

D.E.: At the beginning of our conversation like that's how he introduced himself. Like I'm a fire investigator. I haven't been doing it for that long, but I'm a retired deputy and want to talk about this. Like you know.

W.H.: So, what his ex -- what your --

D.E.: So, yeah.

W.H.: -- belief of his -- uh -- experience, is that what maybe clouded your -- your judgment on giving him -- leading him that it might be the AC as if he's digging.

D.E.: I wasn't --

W.H.: Trying to say, hey, this -- this -- it was the stump that you did this.

D.E.: Well, no --

W.H.: Did you dig this --

D.E.: -- but --

W.H.: -- did you do this to the stump?

D.E.: But I believe that when one of the -- one of his questions is do you know how this might have -- like how this happened, or what could have caused this? And I said I don't know. I think it could have been this -- this -- this thing. Like they just had this thing put in yesterday. I don't know anything about fires. I don't know how house fires get started. But I don't -- it -- it's -- I just said like maybe take a look at it. I don't -- I'm not -- wasn't trying to accuse anybody of doing anything or like shoddy work, or -- or anything like that. I just like --

W.H.: Okay. I get that. But then he says, well, it didn't start there. It originated at the stump. And we had your neighbors come over and talk about a fire.

D.E.: But he --

W.H.: You're saying, no, it's not the stump. I wasn't there at the stump, okay.

S.H.: No, he -- he -- he stated earlier to Sergeant Kehm's question, he doesn't remember the guy ever telling him what the -- the fire investigator, Sargent, never told him, by the way, I've looked at this preliminarily, and it's the stump that caused it. In fact what he said was, after having the conversation with him, he said, well, I got to do a few more things and go talk to some people, and I'll get back to you. Then he never got back to him.

W.H.: I'm talking about the time at the scene. He -- he mentioned he kept

going back to the stump and saying that it wasn't the AC, it was at the stump. And you're saying, no, I wasn't at the stump. That's where he got to --

S.H.: He might have said that in his report, but I don't think my client's ever said that.

D.E.: No, I don't remember him -- he did ask me about the stump, but I don't like I don't remember him saying like it's not the AC. Like quit -- and -- and I -- and it's not like I was arguing that point with him. I just made that like a simple, you know, sentence or two. Like I just know they got a new HVAC thing put in. Like -- uh -- uh -- I don't know like if -- uh -- my thought was like he's a fire investigator. Maybe that's something he wants to know about. Not -- again, I don't -- I'm not an expert in it. I don't --

R.K.: Okay.

D.E.: -- I don't know so -- uh.

R.K.: So, I'm -- I'm done with my questioning. Do you guys have anything you want to add?

S.H.: Uh -- just really quick. When you're telling -- whatever the question was and the response, when you at least initially told -- um -- uh -- Fire Investigator Jeffrey Sargent that -- um -- you had like you'd burned it, the stump, or burned wood from the stump like a week ago or a few days ago, were you trying to mislead him? Did you -- were you trying to lead him to believe that the -- the burning of the stump occurred days and days ago, hasn't been a fire since. So, it couldn't have been the stump. It's got to be that HVAC. Do you remember having a conversation like that with Fire Investigator Jeffrey Sargent?

D.E.: I wasn't trying to mislead anyone. I've never tried to mislead

anyone through this. It was -- I understand that I said some stuff that wasn't accurate to him. And I tried to -- I tried to do my best to clarify all that. I never once tried to lie to another coworker here and say, oh, it's -- it's their freaking HVAC. Like that's -- I just throwing out opinions or like could be's.

S.H.: Okay. That's all I had.

R.K.: Anything you want to ad, Detective Erler before we conclude the interview?

D.E.: Um -- no, I think -- I don't think I have anything else to add. Unless you have any more questions.

R.K.: No, I'm done. Okay. I request that you do not discuss this interview or investigation with anyone other than your representative or myself. Okay?

D.E.: Okay.

R.K.: All right, we're going to conclude this interview at 10:51.

(Recording Ends)

- INTERVIEW CONCLUDED -

Folsom Police Department

Richard D. Hillman

CHIEF OF POLICE

MEMORANDUM

Date: February 24, 2025

To: Detective David Erler

From: Richard D. Hillman, Chief

Subject: **ADMINISTRATIVE LEAVE**

I.

Pursuant to City of Folsom Personnel Rule and Regulation Section 2.01.170 E, you are being placed on paid Administrative Leave effective February 24, 2025.

II.

This action is taken pending an investigation and disposition by this department of potential disciplinary allegations against you.

III.

During your absence, you are relieved of all duties, rights, and powers arising out of your employment, including your peace officer powers as authorized by Penal Code Section 830.1. With service of this Notice, you are ordered to immediately surrender your service weapon, badge, identification card, and all other City safety equipment to either your supervisor or officers(s) presenting you with this Notice. You are further ordered to immediately surrender any and all city-owned and/or issued keys.

During this period of suspension of peace officer powers, you will not enter any Department facility, unless directed by a supervisor. You will not directly nor indirectly access any Department information system. Any exceptions to these provisions must be approved by your Division Commander in writing.

During this period of suspension of peace officer powers you are no longer privileged to carry a concealed or loaded weapon in either a public place or in a vehicle, or make arrests with peace officer authority.

Effective immediately, you are assigned to day shift with hours of 8:00 a.m. to 5:00 p.m. Monday through Friday with Saturday and Sunday off. You are directed to call in to the Watch Commander during the first half of your shift each day. You must remain at home or at a location authorized by the Watch Commander between 8:00 a.m. and 5:00 p.m. Monday through Friday, and be available by telephone.

IV.

Should you be subpoenaed related to your employment, you shall immediately notify the Watch Commander who will provide you instructions on how to respond. Notwithstanding the provisions of paragraph III, you are still a member of this Department and will be directed to cooperate with the Department in the investigation of these charges.

Any off-duty secondary employment you have is hereby revoked.

V.

The provisions of this Notice and Order are applicable in its entirety to sworn personnel, and with the exceptions of paragraph III, Non-sworn personnel. Failure to adhere to the directions and/or prohibitions of this Notice may result in additional charges being filed against you warranting disciplinary action.

Richard D. Hillman, Chief of Police — Date: 2/24/25

I understand the agreement as explained above.

David Erler — Date: 2-24-25

Witnessing Employee — Date: 2-24-25

Print Name: A BATES

Folsom Police Department

Richard D. Hillman

CHIEF OF POLICE

PERSONAL AND CONFIDENTIAL
HAND DELIEVERED

(Month) (Day), 2025

Detective David Erler
Folsom Police Department
46 Natoma Street
Folsom, CA 95630

RE: PRELIMINARY NOTICE OF DISCIPLINARY ACTION – TERMINATION OF EMPLOYMENT

Dear Detective David Erler,

YOU ARE HEREBY NOTIFIED that the City of Folsom intends to discipline you with termination of employment effective (Month) (Day), 2025, as a result of your acts and omissions described below.

Applicable Rules, Policies, and Procedures

Your acts and omissions described below violated the City of Folsom Personnel Rules and Regulations, policies of the Folsom Police Department contained in the Folsom Police Policy Manual (FPPM), and provisions of the Memorandum of Understanding between the City of Folsom and the Folsom Police Officers' Association (MOU), specifically:

FOLSOM POLICE POLICY MANUAL

FPPM 339 – STANDARDS OF CONDUCT

339.5.8(c) PERFORMANCE

Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other

person of authority, in connection with any investigation or in the reporting of any department related business.

FPPM 339 – STANDARDS OF CONDUCT

339.5.9(h) CONDUCT

Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department.

FFPM 339 – STANDARDS OF CONDUCT

339.5.9(m) CONDUCT

Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members

CITY OF FOLSOM PERSONNEL RULES AND REGULATIONS

CHAPTER 1.08 PERSONNEL ACTIONS, EMPLOYEE ACTIVITIES, AND DISCIPLINE

Section 1.08.110 Causes for Discipline

(B) Behavior

(1) Willful or negligent violation of the Personnel Rules and Regulations, resolutions, and other related ordinances including departmental rules, regulations, and policies.

(4) Conduct that is unbecoming a City officer or employee which tends to discredit the City or City service.

(C) Work Performance

(9) Violation of department policies, rules, directives, or procedures, or administrative regulations of the City.

FOLSOM POLICE OFFICERS' ASSOCIATION MEMORANDUM OF UNDERSTANDING

ARTICALE XII – DISCIPLINE PROCEDURE

Section E - Cause for Disciplinary Action

1. Discipline shall be for cause. Examples of conduct or performance deficiencies that may warrant discipline include, but are not limited to:

    f. Discourteous, or unbecoming behavior
    h. Dishonesty
    i. Misconduct, i.e. any behavior that brings harm or discredit to the City
    n. Violation of a City rule, policy, or procedure

Summary of Facts

1. On July 24, 2024, around 0308 hours, personnel from the Sacramento Metropolitan Fire District (S.M.F.D.) responded to [redacted] in Fair Oaks, CA for a reported structure fire. On arrival, fire personnel observed a fire that extended to the two residences at [redacted] and [redacted]. [redacted] is your residence, Detective David Erler, and [redacted] is the residence of [redacted] (Citrus Heights Police Officer) and [redacted], your next-door neighbors.

2. S.M.F.D. Fire Investigator (F.I.) Jeffrey Sargent responded to the scene at approximately 0342 hours and conducted an investigation into the cause of the fire. Based on his examination, physical evidence, firefighters and witness statements, F.I. Sargent determined that the fire originated at a palm tree stump located on the property of [redacted] owned by you.

3. F.I. Sargent interviewed you as a part of his investigation. A summary of that interview is contained in F.I. Sargeant's report. At the end of F.I. Sargent's report, he wrote, "At the conclusion of my interview with D. Erler, it was evident that he was being less than truthful with me."

4. On September 27, 2024, F.I. Sargent emailed Folsom Police Commander Brian Lockhart regarding the fire investigation at [redacted] and attached the S.M.F.D. report (Case #2024-000214) to his email. F.I. Sargent had some concerns about your involvement with the investigation. Commander Lockhart asked Lieutenant David Canepa (your division supervisor) to follow up with F.I. Sargent for further details. After Lieutenant Canepa's conversation with F.I. Sargent and further review of the S.M.F.D. fire investigation report, Commander Lockhart ordered an internal affairs investigation regarding dishonesty allegations.

5. On October 3, 2024, Sergeant Kehm interviewed F.I. Sargent as a witness to this investigation. F.I. Sargent explained he was dispatched to a structure fire on July 24, 2024 around 0342 hours. F.I. Sargent stated when he arrived on scene, he was contacted by a Citrus Heights Police Officer who was identified as [redacted] (resident of [redacted]). [redacted] informed F.I. Sargent that he received a text message from his wife [redacted] around 2100 on July 23, 2024, to the effect of "Fucking Dave is burning a stump." [redacted] stated he later received a subsequent text message the morning of July 24th, from [redacted] stating, "houses on fire."

6. F.I. Sargent stated he also spoke with [redacted] who informed him that she was inside her house around 2100 hours on July 23, 2024, when she observed flames through the back windows of her home and noticed a fire burning at the fence that separates her property and yours. [redacted] stated she was concerned and went over to your residence to inform you. [redacted] stated she could see you and your wife in the backyard. When she knocked on the door your 16-year-old daughter answered the door, and she acknowledged that you were burning a stump in the backyard.

7. After speaking with [redacted] and [redacted], F.I. Sargent spoke with you. F.I. Sargent asked you if you knew how the fire started, and you told F.I. Sargent you had no idea. When F.I. Sargent later asked you again you told F.I. Sargent that your neighbor's [redacted] had a new HVAC system recently installed, and it had possibly malfunctioned. F.I. Sargent asked you if you were aware that [redacted] came over to your residence and spoke with your daughter the night prior about the fire in the backyard and your wife, [redacted] Erler, interrupted saying that your daughter had just informed you two of that a couple of minutes ago. F.I. Sargent then asked you again if

you were burning a stump in the backyard and you denied it saying you were burning a stump two days ago on July 22nd. F.I. Sargent then confronted you with the fact that [redacted] had come over to your residence the night before when she saw the fire by the fence, and you admitted then that you and your wife were in the backyard by your pool, and you were burning a stump.

8. F.I. Sargent asked you if you used an accelerant to burn the stump in your backyard and you denied using any type of accelerant.

9. On October 3, 2024, [redacted] sent an email to Folsom Police Chief Rick Hillman expressing her concerns about you and the interview with F.I. Sargent. [redacted] closed her email by saying, "I believe it shows his lack of integrity and I'm hoping proper actions be taken."

10. On October 8th, 2024, [redacted] was interviewed as a witness. [redacted] stated he heard about some untruthful rumors that you were spreading at the Folsom Police Department, specific to the fire that morning and how it may have been related to the new HVAC system [redacted] had installed. [redacted] stated he confronted you through text messages and you completely deny telling anyone that you thought that it was [redacted]s fault or his family's fault.

11. On October 9, 2024, Sergeant John Wagner was interviewed as a witness to this investigation. Seargeant Wagner responded to your house the morning of the fire. Sergeant Wagner stated in his interview that you mentioned your neighbor's newly installed HVAC system when talking about the fire and there was no mention of the stump being burned the night prior.

12. Grange Insurance adjuster [redacted] provided the audio recording of her contact with you on July 24, 2024, around 1030 hours which was after the fire department had responded to your house. [redacted] asked you if the fire department told you how the fire started, and you stated they had not at that time. [redacted] later asked you if there was anything else significant to the loss that you would like to add and you told [redacted] about the neighbor's HVAC system being replaced and added that when you mess with electrical stuff bad things can happen.

13. After [redacted] [redacted] received the S.M.F.D. final report and reviewed it she was asked if Grange Insurance was going to classify this claim as fraudulent and she said no however she was extremely concerned about your status as a police officer, and that you would provide misleading statements while omitting pertinent information to her and the company she represents.

14. On November 6, 2024, you were interviewed as an accused employee in this Internal Affairs investigation. You were admonished to "answer all questions asked of you completely and that all of your answers are to be truthful. Knowingly make[ing] false or misleading statement during this interview will be considered a separate offense that could result in discipline up to and including termination."

15. You were asked what you remembered from your conversation with F.I. Sargent the morning of the fire. You remembered F.I. Sargent asking you if you knew how the fire started, and you replied saying you did not know. You said you remembered F.I. Sargent changing his tone and getting upset with you at one point during your conversation with him which made you realize that you had burned the stump a week prior. Then you clarified that you had in fact burned the stump the night prior on July 23rd.

16. You were initially asked by F.I. Sargent if you knew how the fire was started, and you responded saying you had no idea and you made mention of the neighbor's [redacted]s) newly installed AC unit and it was something that F.I. Sargent might want to look into. You stated that looking back on that night, the stump was not on your mind at that time. You were asked if you suggested to F.I. Sargent if the neighbor's HVAC system might have malfunctioned and you replied by saying yes.

17. You were asked if F.I. Sargent asked if you were burning a stump in your backyard the night prior to the fire (on July 23rd) and you responded saying you know F.I. Sargent did ask this question, but you could not remember specifically how he worded it. You further stated that you did remember hearing this question, but you remember F.I. Sargent getting upset and asking why were you lying to him.

18. Sergeant Warner Herndon was present during your interview and asked if you remembered telling F.I. Sargent that you burned the stump on the morning of Monday July 22nd and you did not remember

giving a specific date. Sergeant Herndon reminded you that F.I. Sargent asked you if you were burning the stump the night prior (July 24th) and you did not remember being asked this question. You said you were sure the question was asked since F.I. Sargent was investigating a fire, but you did not remember your conversation fully and your mind was wandering to other things and you were saying things without paying close attention to what F.I. Sargent was asking you.

19. You stated that you knew at one point you either misspoke or lied and told F.I. Sarent that he had not burned the stump for a week. You said you did not know if you were thinking about the BBQ questions or what. You said F.I. Sargent said something to you that made you pay close attention to what he was asking, and you admitted to burning the stump the night before around 8 or 9 PM.

20. You were asked if F.I. Sargent asked you if you used an accelerant to burn the stump and you stated he did. You were asked what your response to the question was and you said it was no. You were then asked if you did use an accelerant to burn the stump and you said you told F.I. Sargent you had in the past to do different things but that you did not think you had that night. You were asked to confirm if you could not remember if you did or did not use an accelerant that night and you responded saying that you did use an accelerant that night. You were asked what type of accelerant, and you said you used lighter fluid.

21. You were asked if you told anyone else that the fire had been caused by the neighbor's recently installed HVAC system after speaking with F.I. Sargent and you stated Sergeant Derek Koupal arrived at you house and at some point, asked what happened. You stated you did not know but that your neighbors had their HVAC system replaced yesterday. You stated you were not trying to insinuate anything. You stated you may have mentioned the HVAC system to Sergeant Wagner when he responded to your house.

22. You confirmed you spoke with a [redacted] [redacted] from Grange Insurance on the morning of July 24th around 1030 hours and that was after you spoke with F.I. Sargent. You were asked if you told [redacted] [redacted] that you had no idea how the fire started, and you stated you could not recall what you said to [redacted] [redacted].

23. You were asked if you suggested the fire could have started from the neighbor's recently installed HVAC system to [redacted] and you replied with probably. You stated you overheard a firefighter say it looked like the fire started at the neighbor's house.

24. You were asked if you remembered being told by F.I. Sargent he did not believe the neighbor's HVAC caused the fire when you suggested this to him. You responded saying you did not remember this.

25. You were asked to explain in your own words why someone would believe that you were omitting information to mislead the fire investigator or others about the stump and the HVAC system and you responded by saying if someone lies to you and says something untruthful you are going to assume they are purposely lying to you. You stated you fully admit and understand that you did lie to F.I. Sargent. You said what was going through your head was everything but what he was asking you and you should have paid closer attention to what he was saying. You should not have blown him off. You stated that it was not in your mind to be dishonest or misleading and you were trying to give him truthful information. You said you did not believe your actions with the stump caused the fire at the time. You were only suggesting the HVAC as a matter of fact thought, or saying a maybe.

26. You were asked again by Sergeant Herndon about your conversation with F.I. Sargent regarding the stump and the HVAC system and you responded saying you know F.I. Sargent asked about the stump, but you were only suggesting the HVAC system because it was recently installed. You were thinking a fire investigator would want to know that information.

Probation Extension

A review of your personnel file revealed that in August 1, 2022 to November1, 2022 your probation period was extended for three months. In July of 2022 Lieutenant Lou Wright wrote a memo to Chief Hillman. Lieutenant Wright wrote that you (Officer Erler at the time) took no notes while conducting a DUI investigation and then did not review you body worn camera footage to assist with the accuracy and details of the arrest report. This caused discrepancies between the official arrest report and what was captured on your body worn camera.

Lieutenant Wright also wrote that in mid-June 2022 he received an email from the mother of a victim from an assault case. Lieutenant Wright directed Sergeant Brian Mendenhall (your direct supervisor at the time) to ask you if you had received an email from the victim containing additional documentation of the incident, his injuries, and medical records. According to Sergeant Mendenhall, you informed him that you had not received any email from the victim. Lieutenant Wright followed up with the victim asking for an email correspondence showing he had emailed you, which he did and was contrary to what you told Sergeant Mendenhall.

Analysis

As police officers, we are held to a high standard on and off duty. As a veteran officer with over 13 years on the job, you should have no doubt about our department's and city's expectations. Honesty and integrity are perhaps the most important virtues. However, your recent actions have fallen short of these standards. To give misleading statements such as you were not burning the stump when first asked by F.I. Sargent and to omit information during your insurance claim interview with Grange Insurance Representative [redacted] were in clear violation of the Folsom Police Policy Manual (FPPM), City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

Your duty as an officer is to give complete and accurate statements regardless of the circumstances. Understandably, you were stressed and under much emotion being woken up to your house on fire and the neighbor's house on fire. Speaking with a fire investigator and knowing their role as an investigator, it should have been known that burning a stump in your backyard was relevant information, especially when asked about it by the fire investigator. You felt that the neighbor's recently installed HVAC unit was pertinent information. When you finally admitted to burning the stump the night before the structure fire and were then asked if any accelerant was used, you should have again been truthful about using an accelerant. This question was asked after you were confronted by the fire investigator about being honest and having just admitted to the burning of the stump.

Everyone makes mistakes in life, but we have a responsibility to own our mistakes, especially as police officers in formal investigations such as an investigation to determine the cause of a structural fire in a residence. Even after your experience with the fire investigator, you continued to mention the HVAC system, so much so the neighbor, Officer [redacted] from a different police department, confronted you through text messages that he was hearing you say it was his HVAC system that started the fire and never the burning of your stump in your backyard. If you felt it was relevant to continue to mention your neighbor's new HVAC system, why did you not feel the burning of your stump approximately 6 hours earlier relevant to mention?

Folsom Police Department

Richard D. Hillman

CHIEF OF POLICE

Right to Respond

Please note this is a Preliminary Notice of Disciplinary Action. Before the implementation of any discipline, you have the right to review all relevant documents and materials and to respond orally and/or in writing to the charges and to the proposed discipline. Copies of the material and documents supporting this proposed discipline are enclosed.

You have a right, per the MOU between the City and FPOA, to request a Skelly meeting within five (5) workdays after receiving this Preliminary Notice of Disciplinary Action. The request must be made in writing by you or your representative and delivered to the Human Resources Director, within the specified time frame. Failure to respond or inaction within the specified time will result in the waiver of the right to a Skelly meeting and the proposed discipline will become the final order. Should you choose to request a Skelly meeting, please address the request to the City of Folsom, Human Resources Director, Allison Garcia, 50 Natoma Street, Folsom, CA 95630.

You may bring a representative of your choice to the Skelly meeting; however, this is not an evidentiary hearing. No witnesses will be permitted or examined. This is an opportunity for you to provide a response to the allegations supporting the proposed discipline and to explain why it should not be imposed or why the level of discipline should be modified.

Sincerely,

Richard D. Hillman
CHIEF OF POLICE

Encl. Supporting documents and materials

Cc: City Manager
City Attorney
Human Resources Director

Outlook

FW: Inquiry from Folsom PD Website

From Rick Hillman <rhillman@folsom.ca.us>
Date Thu 10/3/2024 8:06 AM
To Roman Kehm <rkehm@folsom.ca.us>

1 attachments (140 KB)
2024-000214.pdf;

Rick Hillman
Police Chief
Folsom Police Department
46 Natoma Street, Folsom, CA 95630
rhillman@folsom.ca.us
b: 916-355-7231 o:916-461-6450
www.folsom.ca.us

Serve with purpose * Relentlessly pursue criminal behavior * Proactively foster positive relationships.

This email contains confidential and/or privileged material under the work product doctrine, the attorney-client privilege, and/or the official information privilege. The information is intended for the sole use of the recipient(s) to whom it is addressed. Any reliance on or review of this email by anyone other than the intended recipient or any distribution or forwarding of this email without the express written permission of the Chief of Police is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: Tracie Callahan <tcallahan@folsom.ca.us>
Sent: Thursday, October 3, 2024 7:05 AM
To: Rick Hillman <rhillman@folsom.ca.us>
Subject: FW: Inquiry from Folsom PD Website

This came into the general police chief email. Please let me know if you'd like me to forward it to someone else.

Thanks

From: [redacted]
Sent: Thursday, October 3, 2024 3:29 AM
To: Police Chief <policechief@folsom.ca.us>
Subject: Inquiry from Folsom PD Website

You don't often get email from [redacted]. Learn why this is important

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is [redacted]. Until recently I lived in my home in fair oaks for 11 years. I lived next door to one of your officers, Mr David Erler. On the evening of July 23rd at approximately 9pm I had gone outside to water my trees and noticed a large fire in Mr Erler's backyard. I ran over to his house to let him know. His older daughter answered the door and told me Mr Erler was lighting a palm tree stump to burn it out. I did observe him through the open door standing in his yard watching the fire. Hesitantly I left knowing the stump was right against our shared fence. But she assured me he had it under control. At approximately 3 am on July 24th I woke to my fire alarms, fire and smoke outside my window. I was lucky enough to wake my 4 children and get them out safely. I was not able to get my family pets out due to the quick spread of the fire. Luckily the firefighters were able to rescue all our pets except one cat who passed in the fire.

We spoke to the fire investigator and told him all we knew. I have just recently received and reviewed the investigation report to find out that Mr Erler had lied numerous times about what may have been the cause and even stated it may have come from our home and 5 day old air conditioning unit. He did not mention he was burning a stump, until many inquiries from the investigator and even stated he had lit it the day before and again stated it was that morning and finally admitting he had lit it that evening at 9pm.

I understand people make mistakes but as a police officer I find it very disturbing that he would lie multiple times to a fire investigator. I respect our men and women of law enforcement and I just wanted to make you aware of the type of person Mr Erler has shown himself to be. I am attaching the fire investigation report as I believe it shows his lack of integrity and I am hoping proper actions be taken. Thank you for your time. If you need to reach me my email is [redacted] or my phone number is [redacted]

Cordially,

[redacted]

Sent from my iPhone

Sent from my iPhone

Memo

Date: September 27, 2024

To: Commander Andrew Bates

From: Sergeant Roman Kehm
Professional Standards Unit

Subject: ***EXECUTIVE SUMMARY***
Internal Affairs Investigation – IA 24-004

COMPLAINANT: External

DATE OF OCCURRENCE: July 24, 2024

EMPLOYEE(S) INVOLVED: Detective David Erler

EMPLOYEE'S SUPERVISOR: Sergeant John Wagner

SYNOPSIS:

On September 27, 2024, Commander Lockhart received an email from Sacramento Metropolitan Fire District Fire Investigator Jeffrey Sargent regarding a fire investigation of a structure fire which occurred at Detective David Erler's residence and his neighbor's residence on 07/24/2024 in Fair Oaks, CA. Fire Investigator related he had some concerns about the investigation and Detective Erler's involvement and wanted to speak to CMDR Lockhart. Fire Investigator Sargent attached the official fire investigation report (SMFD Case #2024-000214) to the email. CMDR Lockhart had Lieutenant Dave Canepa of the Criminal Investigation Division contact Fire Investigator Sargent to obtain further details.

After contacting Fire Investigator Sargent, Lt. Canepa was informed that there were concerns with Detective Erler's responses to Fire Investigator Sargent's questions during his investigation. Fire Investigator Sargent had determined the start of the fire was at a palm tree stump next to the fence line of [redacted] (Detective Erler's residence) and [redacted]. The fire then jumped to the fence and eventually the two residences. Per a witness (resident at [redacted]) they observed Detective Erler next to the stump, while it was on fire the night prior (07/23/2024) to the structure fire. When Fire Investigator Sargent interviewed Detective Erler he had to ask several times if Detective Erler had knowledge of how the fire started and Detective Erler denied any knowledge of how the fire could have started and even suggested that the neighbor just had a HVAC system installed that could have malfunctioned. When asked about the stump Detective Erler stated he lit the stump on fire two days prior on the morning of 07/22/2024. Fire Investigator Sargent then confronted Detective Erler that he had evidence that Detective Erler was burning the stump on the night prior to structure fire. Detective Erler then admitted to lighting the stump on fire. When asked if Detective Erler had used any type of an accelerant he stated he only used a barbecue lighter.

ALLEGATIONS:

FPPM 339 – STANDARDS OF CONDUCT

339.5.8(c) PERFORMANCE

Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person of authority, in connection with any investigation or in the reporting or any department related business

339.5.9(h) CONDUCT

Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department.

339.5.9(m) CONDUCT

Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or moral, or tends to reflect unfavorably upon this department or its members

SUMMARY:

On 09/27/2024 Commander Lockhart received an email from Sacramento Metropolitan Fire District Fire Investigator Jeffrey Sargent regarding a fire investigation which occurred at Detective Erler's residence ([redacted], Fair Oaks) and the neighbor's residence at [redacted], Fair Oaks on 07/24/2024 around 0308 hours. Fire Investigator Sargent had some concerns about the investigation and Detective Erler's involvement. Fire Investigator Sargent had attached the Sacramento Metropolitan Fire District (SMFD) report (Case #2024-000214) to the email. CMDR Lockhart sent the email to Lieutenant Canepa (Detective Erler's Division Supervisor) to follow up with Fire Investigator Sargent for further details. After review of the case and Lt. Canepa's conversation with Fire Investigator Sargent, CMDR Lockhart determined an internal investigation was necessary.

I, Sergeant R. Kehm, supervisor of the Professional Standards Unit, was assigned the case to investigate the above allegations.

On 09/30/2024, CMDR Bates served Detective Erler with the accused employee notice and placed him on temporary modified duty assigning him to the Records Division.

On 10/01/2024, I received the SMFD report and reviewed the case. On 07/24/2024, Fire Investigator Sargent was called to the scene at [redacted], Fair Oaks to investigate the origin and cause of the fire. Fire Investigator Sargent concluded the fire originated at a palm tree stump located on the property of [redacted] (Detective Erler's residence). The fire then extended to the structures of [redacted] and [redacted]. Fire Investigator Sargent based his conclusion on fire scene examination, physical evidence, firefighters and wittiness statements, and the knowledge of fire development.

Fire Investigator Sargent contacted the residents at [redacted], [redacted] and [redacted]. [redacted] was wearing a Citrus Heights Police Department uniform at the time of contact. [redacted] stated he received a text at 0309 hours from his wife [redacted] that read, "House on fire". [redacted] was asked if his wife told him what happened and [redacted] stated he had received a text at 2107 hours (on 07/23/2024) from [redacted] that read, "Fucking Dave is burning a stump". [redacted] stated "Dave" lived next door at [redacted] and also informed Fire Investigator Sargent that "Dave" was a Folsom Police Officer.

Fire Investigator Sargent then contacted [redacted], and she stated at 2100 hours (on 07/23/2024) she was inside her house and noticed large flames on the fence that separated her residence and [redacted]. [redacted] stated the fence looked to be on fire. [redacted] stated she went next door to talk to the neighbors, who she identified as Dave and [redacted] Erler. As [redacted] was next door, she could see Dave in the backyard near the fence and she could still see the flames. [redacted] stated she knocked on the door and made contact with [redacted] (Dave and [redacted]'s 16-year-old daughter). [redacted] stated she could see [redacted]'s dad in the backyard, and she could see a fire between the houses near the fence. [redacted] replied that everything was okay and that her dad was burning a stump in the backyard. [redacted] went back to her residence and texted her husband that Dave was burning a stump.

Fire Investigator Sargent then made contact with Detective Erler and asked him if he knew how the fire could have started. Detective Erler replied he had no idea. When asked again, Detective Erler then suggested the neighbors had an HVAC system installed, and it was possible there might have been a malfunction. Fire Investigator Sargent asked Detective Erler if he recalled [redacted] coming over to the house the night prior (07/23/2024) and Detective Erler was reluctant to answer. [redacted] Erler replied saying their daughter had just told them that information a little bit ago. Fire Investigator Sargent asked Detective Erler if he was burning a stump in his backyard the night prior and he replied that he wasn't burning a stump last night but had been on Monday morning (07/22/2024). Detective Erler explained when he had bought the house there was a palm tree stump at the fence line. Detective Erler drilled holes in the stump and used a barbecue lighter to try and burn the stump away. Fire Investigator Sargent asked Detective Erler if he used any type of an accelerant which he denied. Fire Investigator Sargent told Detective Erler he was being untruthful and explained the statement [redacted] had given him about seeing the fire the night prior (07/23/2024). Detective Erler then stated he and his wife were in their backyard earlier in the night sitting around their

swimming pool. While the two were sitting around the pool, Detective Erler was burning the stump. Detective Erler stated there was no fire on the fence prior to [redacted] coming over to their residence and speaking with their daughter, [redacted] Erler.

I spoke with Folsom Police Department Sergeant Herndon regarding the investigation. Part of Sergeant Herndon duties are to assist with internal affair investigations. During the discussion Sergeant Herndon recalled a prior incident with Detective Erler where his probation was extended due to several policy violations. I reviewed Detective Erler's personnel file and located a department memo authored by Lieutenant Wright on 07/20/2022 addressed to the Chief of Police. Lieutenant Wright wrote the following in the memo:

I bring these issues to your attention as I feel it shows a continued pattern of poor decision making, report preparation and accuracy thereof, attention to detail, policy violations and a general lack of professionalism, Esprit De Corps, accountability and integrity (refer to attached memo for further details).

On 10/03/2024 the Chief received an email from [redacted] explaining what she had witnessed the night prior (07/23/2024) to the structure fire and her concern that Detective Erler was "lying" to the Fire Investigator. [redacted] wrote on the evening of 07/23/2024 she had gone in her backyard to water her trees and noticed a large fire in Detective Erler's backyard. [redacted] wrote that she ran next door to let them know. Detective Erler's older daughter opened the door and told [redacted] that her dad, Detective Erler, was lighting a palm tree stump to burn it out. [redacted] wrote that she observed Detective Erler in the backyard watching the fire. [redacted] left the residence concerned but was assured Detective Erler had the fire under control. Early the next morning around 0300 hours [redacted]a woke up to their house on fire.

On 10/03/2024 I meet with Fire Investigator Sargent at his station house (3000 Fulton Avenue, Sacramento). I interviewed Fire Investigator Sargent regarding his involvement and observations related to the structure fire. Fire Investigator Sargent went over the event details which were consistent with his report. Fire Investigator Sargent also stated when he talked to Detective Erler he had informed him of his background and prior law enforcement experience. Fire Investigator Sargent had already spoken to [redacted] and [redacted] prior to speaking to Detective Erler. Fire Investigator Sargent stated he had to pry the truth out of Detective Erler regarding the burning of the palm tree stump the night before the structure fire. When Detective Erler finally came clean he stated he did not intentionally light the house on fire. Fire Investigator Sargent

was taken back because when he ended the conversation there were no signs of remorse or any form of apology from Detective Erler regarding the misleading statements.

I asked Fire Investigator Sargent if he could explain the time gap between when [redacted] saw the fire in the backyard around 2100 hours on 07/23/2024 to when the structure fire was called in on 07/24/2024 around 0308 hours. Fire Investigator Sargent stated it could have possibly been a hot ember that caught the house on fire or if the tree root system was still on fire underground and the roots reached over to the resident of [redacted].

I asked Fire Investigator Sargent about Detective Erler's statement that he lit the tree stump on fire using only a barbecue lighter and if that was possible. Fire Investigator Sargent stated it was very unlikely and there would most likely been an accelerant used. Fire Investigator Sargent stated Detective Erler mentioned that he drilled holes into the stump and then lit it on fire. Fire Investigator Sargent stated one method is to drill holes into the stump which are then filled with an accelerant. Fire Investigator Sargent stated Detective Erler had two barbecues in his backyard which were not affected by the fire. One was a smoker style and the other was a charcoal style barbecue. There was lighter fluid next to the barbecue. Fire Investigator Sargent stated he was not able to test for any type of accelerant due to the active fire suppression occurring during the time of his investigation.

I asked Fire Investigator Sargent if he inspected the HVAC system to determine if it was the cause of the fire due to Detective Erler's comment about it and Fire Investigator Sargent stated he did. Fire Investigator Sargent stated the HVAC system was not the cause of the fire and that all the evidence showed the cause of the fire was the palm tree stump in Detective Erler's backyard which was next to the fence that separated the two houses affected by the fire.

Fire Investigator Sargent informed me that he was taken back by his contact with Detective Erler due to several issues. Fire Investigator Sargent stated he was a Sheriff Deputy with the El Dorado County Sheriff's Office for 21 years prior to becoming a Fire Investigator. Fire Investigator Sargent stated after he had talked to [redacted] and his wife [redacted] he walked over to where Detective Erler and his wife [redacted] Erler were at which was a neighbor's house. As Fire Investigator Sargent was walking towards Detective Erler and his wife, Detective Erler looked at Fire Investigator Sargent and then turned around and said something to his wife [redacted] Erler before turning back around to face Fire Investigator Sargent. This reminded Fire Investigator Sargent of

previous contact in his past where people weren't wanting to talk to him regarding an investigation. Fire Investigator Sargent only mentioned this because of how his contact with Detective Erler ended up. Fire Investigator Sargent also mentioned that he told Detective Erler he was a prior Deputy Sheriff with the El Dorado County Sheriff's Office for 21 years, but Detective Erler still tried to deny any knowledge of burning the stump in his backyard or use any type of an accelerant. Fire Investigator Sargent admitted that he was upset with Detective Erler having to "pry" the information out of him and when the truth was finally revealed that there were no signs of remorse or apology from Detective Erler. Fire Investigator Sargent also mentioned that [redacted] Erler interrupted him when he was confronting Detective Erler to his untruthfulness and said, her husband was just upset about everything that has happened.

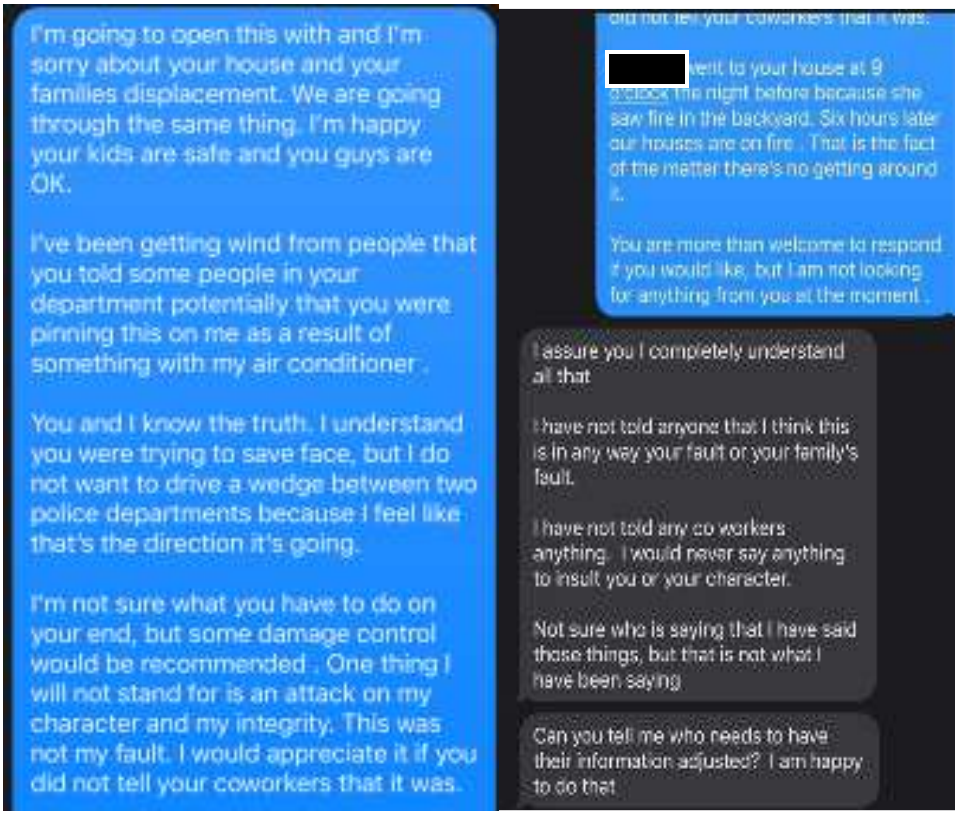
Fire Investigator Sargent also mentioned when the fire captain took Detective Erler back to his residence to retrieve some last-minute items he attempted to talk to [redacted] Erler, but she gave him the "I need to go to the bathroom" excuse and went inside. Fire Investigator Sargent stated [redacted] Erler never mentioned having to go to the restroom any time prior until Detective Erler left. Fire Investigator Sargent stated [redacted] Erler never came back outside until her husband came back to the neighbor's house.

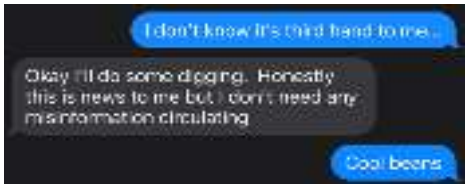
I asked Fire Investigator Sargent if he recorded his statement with the involved parties and Fire Investigator Sargent said no.

On 10/04/2024 I called [redacted] and his wife [redacted] and arranged to meet with them on 10/08/2024 at their current residence at [redacted], Rancho Cordova.

On 10/08/2024 I met with both [redacted] and [redacted] at their current residence located at [redacted] in Rancho Cordova. I spoke with [redacted] first around 1134 hours. [redacted] confirmed that he was on duty at the time he received the first text from his wife [redacted] which read "Fucking Dave is burning a stump". [redacted] then stated around 0300 hours the following morning he received another text from his wife which read, "houses on fire". [redacted] then started getting text alerts from his Arlo camera system showing his family members leaving out the front door of his residence. [redacted] also noticed smoke coming out the front door. [redacted] notified his communications center that his house was on fire as he responded to his residence.

Once [redacted] was at his residence, he was contacted by Fire Investigator Sargent where he notified him of the text message he had received from his wife. When I asked [redacted] if he had any communication with Detective Erler about the fire any time after, [redacted] mentioned he had heard from a traffic officer in his department that Detective Erler was telling people that [redacted] HVAC system was the cause of the fire. [redacted] sent Detective Erler the following text message thread:





[redacted] stated he confirmed with Fire Investigator Sargent that it was not his HVAC system that caused the fire. [redacted] was concerned that Detective Erler was not taking ownership of his involvement with the fire and then possibly spreading rumors that it was [redacted] HVAC system and not being truthful with the Fire Investigator Sargent the morning of the fire.

[redacted] was able to provide me with Detective Erler's insurance company which was identified as Grange Insurance.

I asked [redacted] if he still had the text messages from his wife [redacted] regarding "Fucking Dave is burning a stump" and the "houses on fire". [redacted] stated the text messages auto deleted after a period of time and he was not able to recover them.

I then spoke with [redacted] around 1145 hours. I asked [redacted] if she could describe to me what she saw the night prior to the structure fire when she was in her backyard. [redacted] stated she was in her backyard watering her redwood trees when she saw a big fire in Detective Erler's backyard. [redacted] stated she went over to Detective Erler's house to inform them and their daughter opened the door. [redacted] told the daughter there was a fire in their backyard and the daughter said her dad was burning a stump. The daughter told [redacted] that her dad had it under control. [redacted] stated she could see the backyard from the front door, and she saw Detective Erler standing next to the fire. [redacted] stated she was nervous because the fire was next to the fence, but she figured Detective Erler had it under control. [redacted] stated that was when she texted her husband that Dave was burning a stump. [redacted] stated she went back to her house and turned off the water and watched a movie before going to bed. [redacted] did not think of the fire after that. [redacted] was then woken up by her fire alarm around 3:00 AM in the morning. [redacted] got everyone out of the house and texted her husband that the house was on fire.

[redacted] described the fire as big as the fence and stated it was up over the fence.

I contacted Grange Insurance and spoke with [redacted] who was the claims adjuster for Detective Erler's claim. I explained the reason for my contact and [redacted] was able to provide me with the audio recording from her conversation with Detective Erler on 07/24/2024 around 1030 hours.

I reviewed the transcript of the conversation, and during the conversation [redacted] asked what fire department responded to the scene. Detective Erler responded by saying Sac Metro was there and they were the ones doing the report and investigation. [redacted] then asked if they had told him how the fire started and Detective Erler responded by saying no, that he had talked to the fire investigator, but it was before the fire investigator had conducted his investigation. Later, in the conversation [redacted] asked Detective Erler if there was anything else to this loss that might be significant, and Detective Erler responded by saying that his neighbors just had their HVAC system replaced the day before and he felt that was relevant information. Detective Erler stated he knows when you mess with electrical stuff that bad things can happen. [redacted] then asked if Detective Erler knew the name of the HVAC company and Detective Erler stated he did not know. [redacted] then asked if the HVAC system was on the shared side of the home and Detective Erler replied saying yes and what he was told by the fire department was that the fire originated at the neighbor's house and spread to his house. Detective Erler then said he did not think anything malicious occurred but felt it was relevant to what was going on.

After review of the transcripts, I contacted [redacted] and confirmed with her that her conversation with Detective Erler was after Detective Erler had spoken with Fire Investigator Sargent. I asked [redacted] if her company had a copy of the SMFD report and she stated they did. I asked [redacted] after her conversation with Detective Erler and then after reviewing the SMFD fire investigation report how her company was going to proceed with the claim. [redacted] stated the insurance company was not going to classify the claim as fraudulent, but she was very concerned that Detective Erler was a police officer and would give misleading statements and omit pertinent information to her and her company.

I received the video and photos from Fire Investigator Sargent related to his investigation. The video showed [redacted] leaving her home but there was no time stamp on the video. The video was when [redacted] went to Detective Erler's residence to inform him of the fire she saw in Detective Erler's backyard on 07/23/2024. The other remaining photos were of the two houses and the damaged property caused by the fire.

On 10/09/2024 around 1412 hours I conducted an interview with Sergeant Wagner as a witness officer. Sergeant Wagner advised he went to Detective Erler's residence the morning of the fire (07/24/2024) around 0700 hours. Sergeant Wagner advised he and Detective Erler talked about what had happened and Detective Erler mentioned that his neighbors had their HVAC system replaced the day prior to the fire. Detective Erler did

not mention anything about the burning of the stump in his backyard the night before the fire to Sergeant Wagner. Sergeant Wagner mentioned that Detective Erler never stated how the fire started and that he was only making assumptions. Sergeant Wagner stated he and Lieutenant Canepa assisted Detective Erler and his family by getting resources to them through the Officers' Union and the Chief's Foundation. Sergeant Wagner stated about two weeks after the fire he heard that Sacramento Metro Fire said the cause of the fire was a stump that burned in Detective Erler's backyard. Sergeant Wagner did not remember who he heard it from, and he never talked to Detective Erler about it. Sergeant Wagner mentioned that he has never had any concerns with Detective Erler's integrity or honesty since he has supervised him.

On 11/05/2024 around 1001 hours myself and Sergeant Herndon conducted an administrative interview with Detective Erler as the accused employee. Present during the interview as Detective Erler's representative was Attorney Sean Howell. Detective Erler was admonished to answer all my questions truthfully and accurately.

Detective Erler confirmed he talked with Fire Investigator Sargent possibly 30 minutes to an hour after the fire crews showed up to his house on the morning of 07/24/2024. I asked Detective Erler if he could tell me what he remembered from his conversation with Fire Investigator Sargent and Detective Erler stated he was asked if he was burning anything in his backyard. Detective Erler stated at one point he told the fire investigator he had a project going in his backyard where he had been spending several months hacking up a palm tree stump and burning off the pieces. Detective Erler stated he was half paying attention to what his conversation was with Fire Investigator Sargent due to other things on his mind.

Detective Erler stated Fire Investigator Sargent's tone changed and he got upset with Detective Erler. Detective Erler stated he realized he had told Fire Investigator Sargent that he had burnt the stump a week ago. His focus shifted back to what he was saying and stated he misspoke. Detective Erler told Fire Investigator Sargent at the moment that he had burned the stump the night prior to the structure fire. Detective Erler stated it was clipping that he was burning from the stump. Detective Erler remembered Fire Investigator Sargent telling him that he was lying and trying to hurt his investigation. Detective Erler stated he had a lot on his mind and that he made sure to give Fire Investigator Sargent the correct information before their conversation ended.

Detective Erler stated he had a theory of how the fire possibly started. He initially told Fire Investigator Sargent the neighbor's next door to his residence had just put in a new HVAC system the previous day.

When I asked Detective Erler if Fire Investigator Sargent asked Detective Erler if he was burning a stump in his backyard the night before the structure fire Detective Erler responded saying he remembered Fire Investigator Sargent asking that question, but he did not remember how he worded it. Detective Erler remembered Fire Investigator Sargent getting upset with him and saying, "why the hell are you lying to me". Attorney Sean Howell asked Detective Erler if he remembered the Fire Investigator asking, if he burned the stump the night prior or the last time Detective Erler burned the stump. Detective Erler responded by saying again he was not sure how the question was phrased but that something similar to that was asked during their conversation.

I asked Detective Erler if he had seen the Fire Investigator's report or been given a copy and Detective Erler said he had not. Detective Erler stated he was given the case number which he gave to his insurance company. I read from the report to try and help refresh Detective Erler's memory. I read that the neighbor [redacted] came over to Detective Erler's residence the night prior to the structure fire and she talked to one of his daughters about seeing a fire in his backyard and then Fire Investigator Sargent asking Detective Erler if he was burning a stump in his backyard the night prior. Detective Erler did not remember him specifically saying that. Detective Erler just remembers Fire Investigator Sargent getting upset with him and saying something about the neighbor coming to his house. Detective Erler remembers saying he did not have knowledge of that but since found out that [redacted] did come over to his house and talk to one of his daughters, but at the time he was not aware of that occurring.

I asked Detective Erler if his wife was with him during his conversation with Fire Investigator Sargent and Detective Erler stated she was close by. I told Detective Erler that Fire Investigator Sargent said his wife was standing with him and when he mentioned [redacted] coming over to his house the night prior, Detective Erler's wife responded that their daughter had just informed them of that occurring. Detective Erler responded saying he remembered his wife being there but not her saying that. Detective Erler was not denying that it occurred but he did not remember it.

Attorney Howell again told Detective Erler if he did not remember then to just say he did not remember. Attorney Howell talked to Detective Erler to try and clarify how the conversation with Fire Investigator Sargent went. I reminded Detective Erler that I was

asking him specific questions that he should recall. I was not asking Detective Erler to remember specific words said but if he could recall what he was doing or not doing the night before the structure fire. I again asked Detective Erler to tell me how he remembered the conversation and what he was doing the night prior. Detective Erler stated he remembered his conversation with Fire Investigator Sargent just not every specific word that was said.

Sergeant Herndon asked Detective Erler if he remembered telling Fire Investigator Sargent that he was burning the stump the morning of July 22nd. Detective Erler stated he did not remember telling Fire Investigator Sargent a specific date, but he knew he had burned the stump a week prior and the night before the structure fire. Sergeant Herndon confirmed that Detective Erler remembered saying he was burning the stump the night before the structure fire and Detective Erler said he did. Sergeant Herndon reminded Detective Erler that that's what he was asked. Detective Erler responded, saying he was not disputing that, but he did not remember him asking that. Detective Erler was sure he was asked that question during their conversation, but he does not remember when because his mind was wandering about other things that morning. Detective Erler remembered saying things without paying close attention to what was being asked of him. Detective Erler stated he remembered at one point he misspoke or lied or gave Fire Investigator Sargent un-factual information. Detective Erler stated he told Fire Investigator Sargent that he had not burned the stump for a week, but he could not recall if he was thinking about barbecuing when he responded to that question. Detective Erler stated when Fire Investigator Sargent confronted him, his mind snapped back to their conversation, and he started paying close attention to was he was being asked and then he told Fire Investigator Sargent that he had burned the stump the night prior.

Attorney Howell clarified with Detective Erler by asking if Fire Investigator Sargent asked him about the stump and Detective Erler responded by saying he burnt it a week ago, but Detective Erler was thinking about barbecuing when he responded and then when Fire Investigator Sargent confronted him, Detective Erler then responded saying I burned it the night before. Detective Erler stated it was a mistake and when Fire Investigator Sargent got upset Detective Erler remembered there was something wrong and that when he realized he was asking about the stump and he then answered that he was burning the stump the night before.

Attorney Howell pointed out that Detective Erler was nervous and had a lot of things he has been dealing with especially the morning of the fire. I explained to Detective Erler that I understood that and to slow down and answer my questions honestly and that this

was his opportunity to explain his side of what happened. I explained that I did not want Detective Erler to make stuff up and to only answer to what he remembers so it does not come off as if he is avoiding the specific questions.

I asked Detective Erler if he remembered telling Fire Investigator that he had drilled holes in the stump and used a barbecue lighter to burn the stump. Detective Erler stated he did tell Fire Investigator Sargent that but that he had drilled the holes in the stump a year prior to help rot the stump out. Detective Erler stated he was using hand tools to break the stump apart and then he would burn the pieces with a barbecue lighter.

I asked Detective Erler if he remembered Fire Investigator Sargent asking him if he used an accelerant to burn the stump and Detective Erler stated he did and that he told Fire Investigator Sargent that he did not use an accelerant. I asked Detective Erler if he did use an accelerant the night before to burn the stump and Detective Erler stated he did.

Sergeant Herndon asked Detective Erler what type of an accelerant did he use and Detective Erler stated he used barbecue lighter fluid. Sergeant Herndon stated to Detective Erler that he did not tell Fire Investigator Sargent that. Detective Erler stated he believed he did. Sergeant Herndon asked Detective Erler if he remembered Fire Investigator Sargent if he used gasoline or lighter fluid to burn the stump and Detective Erler stated he remembered Fire Investigator Sargent asking him if he used an accelerant. Detective Erler remembered telling Fire Investigator Sargent that he would use a lighter to burn up the little pieces or clippings and he did not use an accelerant for that. Sergeant Herndon stated Fire Investigator Sargent asked him about the lighter fluid and Detective Erler responded to Fire Investigator Sargent that it was used for barbecuing and not for the stump. Detective Erler stated he did not recall that. Detective Erler stated he recalled being asked about accelerants and he told Fire Investigator Sargent that he had lighter fluid under the barbecue for his charcoal grill. Detective Erler stated he did use accelerant on the stump and projects associated with the stump in the past and also on the night prior to the structure fire. Detective Erler stated he used the accelerant because he was in a hurry around 9 PM.

I asked Detective Erler if he had told anyone else that the fire could have possibly started due to the neighbor's recently installed HVAC system after he was interviewed by Fire Investigator Sargent and Detective Erler remembered Sergeant Koupal coming to his house that morning while Sargeant Koupal was on duty. Detective Erler stated Sergeant Koupal asked if he knew how the fire started, and Detective Erler stated he did not know. Detective Erler mentioned the neighbor had their HVAC system replaced the day before

but he was not trying to insinuate anything. Detective Erler stated Sergeant Wagner came by later that morning too.

I asked Detective Erler if his house was insured by Grange insurance and if he talked to a claims adjusted named [redacted] around 1030 hours on the morning of the fire and he stated he did. I confirmed with Detective Erler that his conversation with the claims adjuster was after his conversation with Fire Investigator Sargent. I asked Detective Erler if he recalled telling the claims adjuster that he had no idea how the fire could have started, and Detective Erler stated he did not know what he said to her. I read from the transcribed recording of Detective Erler's conversation with the claims adjuster reading that Detective Erler did not know how the fire started. Detective Erler stated he was never officially told how the fire started that morning because he never talked to Fire Investigator Sargent after he did his investigation. Detective Erler stated the burning of the stump was the night prior and several hours before the structure fire so in his mind it was not the stump that started the fire.

I asked Detective Erler if he suggested to the claims adjuster that the fire could have possibly started from the neighbor's recently installed HVAC system and Detective Erler stated he probably did. I asked Detective Erler if he told the claims adjuster that he was told by the fire department the fire started at the neighbor's house and then spread to his and Detective Erler stated he did. Detective Erler stated he overheard a fire fighter from one of the crews saying that it looked like the fire started at the neighbor's house.

I asked Detective Erler if he remembered during his conversation with Fire Investigator Sargent, when Detective Erler suggested to Fire Investigator Sargent that it was possible the neighbor's HVAC system could have possibly malfunctioned that Fire Investigator Sargent told he did not think that was the cause of the fire. Detective Erler said no he did not remember that part of their conversation.

I asked Detective Erler if he suggested to Sergeant Wagner the morning he came out to his neighborhood that the fire could have possibly started because of the neighbor's recently installed HVAC system and Detective Erler he was not sure but he might have.

I asked Detective Erler if he could explain in his own words why someone like the Fire Investigator or anyone else would believe that he was either omitting information or misleading the Fire Investigator or others about the stump and possibly about the HVAC system and Detective Erler stated he should have paid closer attention to what the Fire Investigator was saying. Detective Erler stated he should not have blown him off.

Detective Erler was not being dishonest or misleading and that he was trying to give him truthful information. Detective Erler stated he was confused during part of the interview with the Fire Investigator because he had other things on his mind. Detective Erler stated that at the time he did not believe his actions with the stump caused the fire. Detective Erler stated that he was just suggesting the neighbor's HVAC as a possibility for the cause of the fire but he was not saying it as matter of fact. Detective Erler stated that he has since told several people that it was not the HVAC system.

Sergeant Herndon asked Detective Erler what made his determination that it was not the HVAC system and Detective Erler stated he was told by the Grange Insurance Fire Investigator that it was the stump that was the cause of the structure fire. Detective Erler stated he was told that about a week after the fire.

Detective Erler again stated he was not trying to mislead anyone. He understood that he said some things to the Fire Investigator that were not accurate, but he tried his best to clarify all that. Detective Erler stated he never tried to lie to another coworker and say it was the HVAC system, and he was only throwing out opinions.

The interview was concluded, and Detective Erler was requested not to discuss the interview or the investigation to anyone but myself or his representative.

STATEMENTS:

SACRAMENTO METROPOLITAN FIRE DISTRICT FIRE INVESTIGATOR JEFFREY SARGENT

On 10/03/2024 around 1525 hours I interviewed Sacramento Metropolitan Fire District Fire Investigator Jeffrey Sargent at his office, Station 101, which is located at 3000 Fulton Avenue, Sacramento. Fire Investigator Sargent stated the following in summary:

(I asked Fire Investigator Sargent if he responded to a structure fire on 07/24/2024 around 0342 hours)

Yes

(I asked Fire Investigator Sargent what his investigation revealed as to the cause and start of the fire)

The cause of the fire was due to the neighbor or the occupant Dave Erler. I learned through my investigation, through interviews that he was burning a palm tree stump at the property line between his residence and the residence to the left of his.

(I asked Fire Investigator Sargent if he spoke with the neighbor [redacted])

Correct

(I confirmed that [redacted] was a Citrus Heights Police Officer)

Yes

(I confirmed that [redacted] had received a text message from his wife [redacted] around 2100 hours)

Correct

(I confirmed that the text message read “Fucking Dave is burning a stump.”

Correct

(I asked Fire Investigator Sargent if he met with [redacted] and if he did what did she tell him)

She told me the night prior at about 2100 hours she was home inside of her house. Out the back windows, she could see flames or fire at the fence that separates her property and Dave Erler’s property. She said the flames were pretty big or pretty high. So, she had gone next door to Erler’s house and as she walked next door, she could see Erler and his wife in their backyard. She knocked on the door, and their 16-year-old daughter answered the door, and she told the daughter that there was a fire in the backyard at the fence. And the girl responded, my dad is burning a stump back there. She was basically telling her, well does he know that the fence is on fire. The daughter said, I will tell my parents, or whatever. So, they ended the conversation, and then she returned to her home.

She went to bed, and then it was right around 3:00 a.m. she started smelling smoke. When she woke up the house was on fire. They were trying to evacuate in the process of that. So, her husband, [redacted], who’s employed with Citrus Heights Police

Department and was working patrol. He had just got this text at about 3 o'clock in the morning from his wife saying the house is on fire. He radioed to his com center that he was responding to his residence because there was some kind of fire. Could you send the fire department there, and then everybody just kind of arrived together.

To back up a little bit. After she returned back to the house after being at Erler's, she texted her husband. I don't remember what time it was, it was very shortly after she came back. It was something to the effect of fucking Dave is burning a stump or something in his backyard. I don't have actual copies of that text. I know that [redacted] still does. He had showed me on his phone when I had spoken to him. He showed me the text message. And at the time, he didn't forward me a copy of it but I know he still has it.

(I asked Fire Investigator Sargent if he then talked to Detective Erler and to confirm if Detective Erler denied any knowledge of how the fire started)

Yeah.

(I confirmed with Fire Investigator Sargent that he then continued to question Detective Erler and Detective Erler suggested that the neighbors had a HVAC system recently installed, and it possibly malfunctioned)

Correct.

(I asked Fire Investigator Sargent if he inspected the HVAC system to determine it was or was not the cause of the fire)

I did, and it was not the cause. It was not even based on my investigation. I determined that the origin area of the fire was at the stump and that the direction of travel of that fire was from the west to the east I believe. From Erler's residence towards [redacted]'s house.

(I confirmed with Fire Investigator Sargent that it was not the HVAC system and that it was the stump that was the cause of the fire)

I did. [redacted], they did have an HVAC system recently installed within a couple weeks of the fire. However, I had spoken to [redacted] and [redacted] when I first arrived at the scene. They were the first people that I ran into. This was a fairly big fire for the two homes. It went second alarm, meaning they had to dispatch another whole company

of firefighters due to both structures. The volume of fire in [redacted]'s residence and then it extended into Erler's residence as well. It was pretty chaotic when I first arrived. When I first arrived, there were about six marked Citrus Heights PD units parked on the street away from the fire. Which kind of struck me as odd when I first arrived because I knew I was in Sac Sheriff's jurisdiction. I don't get a whole lot of details. I'm just being requested to go. I was trying to process what was going on, and then there was a bunch of uniforms running around and I was directed towards [redacted]. I spoke to him, and then he said, you know, go talk to my wife. Go talk to her, she knows the rest of the story. So, I had had all this information prior to talking to Erler.

I think I was thrown off by the story that he gave me originally. One of my first follow up questions to him was I knew that he wasn't being truthful with me for the majority of the contact. So, I just threw out, do you have any idea of how you think this fire could have started? Because he was telling me I don't know anything. That was when he came off with the neighbors had a new HVAC system installed just recently. So then I led into, do you know that [redacted] came over to your house the night prior. And I said did your daughter tell you that she came over? And that was when the wife interrupted, and she was like, oh, well, she just told us that a few minutes ago before you came over to talk to us. We just found that out. I go then were you guys out in the backyard burning a stump, and he denied it. Then he finally came up with, well, two days prior, I was burning a stump. I was burning the stump in the backyard. So, I just let him tell that story. Then I said you know [redacted] came over to the house because she saw a fire on the fence last night. And then he finally came clean and was like okay, well, my wife and I were in the backyard. She was in the pool. I was sitting next to the pool, or whatever. And while I was sitting there, I was burning the stump. I was like why did I have to pry all that out of you and he didn't say anything.

To be honest with you, I kind of lit into his ass because prior to I was trying to establish a rapport with him. I didn't expect it to go the way that it did. I knew that he worked for Folsom PD before I went and talked to him because [redacted] told me that he was a cop with Folsom PD. The battalion chief was like, Citrus Heights PD officers and Folsom PD officers, they live next door to each other. That's kind of weird. But then after talking to [redacted], after talking to [redacted], and when I was walking down, they were at the end, Erler and his wife were at the end of the court. And when I was walking towards them, I know he saw me walking towards them, and he had turned his back to me and had said something to his wife. So, as I told you before, I was basically a real cop for 21 years before I started doing this. And I've gotten that back towards me, when I've gone to talk to people before. So, it kind of rubbed me a little bit wrong, but at the same time,

I wasn't sure, it was early in the morning, so I just thought, it's not you know. Then I introduced myself to him. His name was familiar to me from when I worked at the SO. I thought that we had worked on some kind of case together. It turns out we didn't, but he knew that I was previous law enforcement, that I'm a sworn peace officer now in my position as a fire investigator. Then when it went sideways, I said to him you know that I'm not some schmuck out here, you know, some podunk fire investigator out here. I just can't believe that you basically lied to me. I just had to pry all that information out of you. I was pissed. I was offended. I would not expect that from you. Accidents happen. This is not a big deal. Yeah, it sucks. Both of your houses are destroyed, but people make mistakes. He was like well I didn't intentionally do this. I don't think you intentionally did it either. It's not a big deal, but it's a big deal because you're lying to me. His wife had interrupted and said he's just upset because of what's going on. That's understandable. That doesn't mean that you lie about it.

So, one of the fire captains had come over. They were trying to do some overhaul inside of the houses, and there were some items that they wanted the people to be able to salvage out of the house. They had taken Erler over to the house to get that stuff. In the meantime, I started talking to his wife. She kind of gave me the whole "I need to go to the bathroom" excuse. And she went into the neighbor's house to go to the bathroom because I let her. But it wasn't like she's been standing there trying to go to the bathroom because they knew the neighbors. They had been inside the neighbor's house for a while, and then they had come outside just before I went and talked to them. I just got bad vibes from both of them the whole time. It was like they were being evasive. I can't prove this, but based on my training and experience, it is like when he turned his back to me originally, it was like, okay, well, I think that's probably the investigator coming, so just kind of follow my lead type of thing. That's how I took it. But again, I was trying to give him the benefit of the doubt, and that was the last time I talked to Erler. It was never like I'm sorry, you know, I fucked up. I even told him you know the game of how we always have the information before we go and talk to people. I was just coming over here to get your side of the story, and I hadn't even gone and examined the scene yet. So, I was like, you know, forget you. I'm done, and I went and did the rest of my investigation.

(I asked Fire Investigator Sargent if he asked Detective Erler if he used any type of an accelerant)

He said he had not. I was not able to get any samples of that from the stump. It was hard for me to do that that night just because there was so much active fire suppression wise. They were still actively trying to put this fire out.

(I confirmed with Fire Investigator Sargent that Detective Erler stated he used a barbeque lighter)

Correct

(I asked Fire Investigator Sargent, in his expert opinion if a barbeque lighter is even something that could light a stump on fire without any type of accelerant)

You would need some type of accelerant in order to get that stump to ignite. He did say that he drilled holes in it. That is a common way of burning stumps where you drill holes into it, and then usually people put in some kind of accelerant in there. And then they light it off, and they let it burn. So, he may have used lighter fluid for a barbeque because he did have a smoker and a charcoal barbeque over on that side along the fence. That was not the cause of the fire. Those barbeques were not, but it would only make sense that he had the lighter, he would use it to make the flames like what [redacted] witnessed the night before, would be indicative of lighter fluid.

(I asked Fire Investigator Sargent if he recorded the statements)

No

(I asked Fire Investigator Sargent if he could explain the time gap as to his expert opinion when [redacted] first saw the fire in Detective Erler's backyard around 2100 hours to when the fire was called in around 0300 hours the next morning. I asked if it could have been an ember)

That is one way that it could have happened. I don't believe that that's the first time that he's been burning this stump. It can penetrate the rooting system, and it can burn underground through the roots. If the root system of the palm tree extended into the [redacted]'s property that could be the cause of the fire. There could have been some kind of ember from the fence or some yard debris that blew over into [redacted]'s property and skunked around or smoldered through the night. And then it got some oxygen from the wind and caught causing that started from there. Those are two hypotheses that are very viable. Yeah.

(I asked Fire Investigator Sargent if he knew of an insurance claim being filed)

I don't. We don't really work with the insurance companies.

(I asked if the insurance companies would reach out to get a copy of the fire report)

What happens usually is when we go do an origin cause investigation on a fire. For example, we'll say State Farm Insurance, they'll get the claim. And then they'll go and they'll have contracts with private fire investigators. And they'll assign a case out to the private investigator. Usually, the private investigator will contact us and say, hey, I was assigned to [redacted] what did you see out there? And we'll tell them whatever we saw. And they'll be like, okay, well, we're going to go out and do our own investigation.

(I asked Fire Investigator Sargent if he had been contacted by a private investigator)

I've never been contacted by anybody. I know [redacted] had USAA insurance. I don't think that I got that far with Erler. [redacted] would be the one to be able to provide you with all that information. As a matter of fact, I know that an investigator from USAA was out looking at [redacted]'s house, but I don't know if that was the investigator from the insurance company or if that was a fire investigator. I don't know. If it was, they would have had to have contacted Erler's insurance company

(I asked Fire Investigator Sargent if any neighbors had come to him with any information related to the fire)

No. [redacted] had sent me, a few weeks after the fire, him and I have been kind of playing phone tag, and actually a couple days after the fire, his brother got sick and his brother died. [redacted] and his family were going through quite a bit. He had sent me one video that kind of showed [redacted] going next door the night before. And then he sent me some still photos of the fire coming in the man door for the garage from that side of the house. He didn't tell me where he heard this, but I know that between Folsom and Citrus Heights he heard through the grapevine that Erler was telling people that the fire was caused by the HVAC unit at [redacted]'s house. [redacted] was pretty fired up about that because he asked me number one, had I talked to you guys yet. And two he had not gotten a copy of the report so asking if the fire was caused by our HVAC unit? I said, no. He said this guy is telling people that it was the HVAC unit at our house. I said I can't speak on that, but you know, he already knew. Because after I talked to Erler, I went back and talked to [redacted], and I could kind of sense the first time that I talked to him, [redacted] and his wife, that there was some kind of tension between the two households. So, when I went back, I asked [redacted], I said, hey, you know, do you

guys kind of beef with each other? And he was like, we just don't get along. He wouldn't really elaborate on it. He had a lot going on that night and I didn't pry. I was trying to make sure that this was something that Erler didn't purpose to. Which I don't believe he did but then again, it's hard for me to believe anything that he tells me at this point.

Before I guess Erler and [redacted]'s son, and I don't know the age of his son, I guess they were in some kind of 415. Don't quote me on this, I thought [redacted] said either Erler got up in his son's face or kind of went hands on with him. And basically, ever since then, the two haven't gotten along. This was prior to the incident. I guess [redacted] kind of confronted Erler about it, and they just kind of disagreed to agree type of thing.

END OF STATEMENT

The interview concluded at 1556 hours.

[redacted]

On 10/08/2024 around 1134 hours I interviewed [redacted] at his current residence located at [redacted] in Rancho Cordova. [redacted] stated the following in summary:

(I asked [redacted] if he could tell me what occurred the night prior to the fire on 07/23/2024)

Around 9 o'clock that night, 2100 I got a text message from [redacted], my wife, basically telling me that Dave Erler, my neighbor, was burning a stump in his backyard. I kind of responded with, well, that's not the best thing to do right now. And the night went on as usual. Nothing weird. I would assume, based on the hour, [redacted] had gone to bed soon thereafter. At about 3 o'clock in the morning, I got a text that said houses, like multiple houses on fire. After talking with her later, it was talk to text. I didn't really believe that. I'm like what are you talking about. It didn't make sense. So, I was at work at the time, and my phone started going off. The Arlo started giving me notifications of motion at the front door. Clicked on it, and I see the various members of my family going out the front door. Smoke coming out the front door. So, I got on my radio. I said, [redacted] my house is on fire. I'm enroute there, and then I gave the city to one of my subordinates and drove Code 3 to my house. Come around the corner, there's fire trucks lining both sides of the street. I see the fire, and the smoke coming out of the general area of my house. I park at the opening of the cul-de-sac. I see [redacted] standing on the corner crying. Family's

all standing there. They were all okay. So, I walked down the street, and saw my house was burning. The fireman working on it was really coming from between the houses. I actually radioed because I didn't see any of the deputies there. I actually radioed to have some of the county guys come out and notify the rear neighbors and case they had to evacuate.

At some point Dave actually did come up to me that night. He looked very concerned. He didn't really say anything to me. Kind of hemmed and hawed at me. And I knew what he was probably thinking, like oh crap, our houses are on fire. I told him something along the line of you go take care of yours, I'll take care of mine. And he walked off. That was more or less the last time I saw him that night. I talked with the battalion chief at the scene, said, hey, all of us are out. I'm just worried about the animals, and then they did their thing, and put the fire out

(I asked [redacted] prior to receiving the text message from his wife on the evening or the 23rd did he see Detective Erler or anyone else in his family burning a stump)

I did not, no.

(I asked [redacted] if he had ever seen Detective Erler burning a stump)

No.

(I confirmed if the stump that was burning was located along the fence line between their two houses)

Yeah, they had a big palm tree that had been cut down prior to them moving in. I looked over his fence, and I've been in his backyard a small handful of times after that. Yeah, there was a stump. I would say the edge of the stump was probably, I don't know, probably a foot, maybe less from the fence line. It's on the fence on his side.

(I asked [redacted] if anything was said between him and Detective Erler regarding the cause of the fire)

I might have something. So, not a whole heck of a lot happened verbally between us. I got wind that maybe there had been some untruths being told. Like maybe he had said

something to somebody in his department about my air conditioner because we just had an air conditioner put in about five days prior. So basically called him on it.

(I asked [redacted] if that communication was through text message)

Yeah. I'll see if I can find it for you real quick. So, one of my traffic Sergeants, [redacted] said that he had been at a training or something with somebody from Elk Grove PD, who I believe was also motor, who knew a guy from Folsom PD. So, it's like fourth hand info. I'm getting word that he's telling people up in Folsom that it was my air conditioner. There really is nobody else there that would know that other than him.

([redacted] then read me a text message thread between him and Detective Erler)

I'll read it to you if you don't mind. I said, "I'm going to be open with this, and I'm sorry about your house and your family's displacement. We are going through the same thing. I'm happy your kids are safe, and you guys are okay. I've been getting wind from people that you told some people in your department potentially that you were pinning this on me as a result of something with my air conditioner." I said, "You and I know the truth. And I understand you were trying to save face, but I do not want to drive a wedge between two police departments because I feel that's the direction it's going. I'm not sure what you have to do on your end, but some damage control would be recommended. One thing I will not stand for is an attack on my character and my integrity. This was not my fault. I'd appreciate it if you do not tell your coworkers that it was." I said, "[redacted]a went to your house at 9 o'clock the night before because she saw fire in the backyard. Six hours later, our houses are on fire. That is the fact of the matter, there's no getting around it. You're more than welcome to respond if you would, but I'm not looking for anything from you at this moment." He responded with, "I assure you I completely understand all that. I have not told anyone that I think this is in any way your fault or family's fault. I've not told any coworkers anything. I would never say anything to insult your character. I'm not sure who was saying that, and I have said those things, but that is not what I have been saying. Can you tell me who needs to have their information adjusted? I'm happy to do that." I said, "I don't know it's third hand to me." He said, "Okay, I'll do some digging. Honestly, this is news to me, but I don't need any misinformation circulating." And then I said, "Cool beans." So, that's the end of that. So, that has been really the only communication that I've had with him after those texts were exchanged. They were sent on 07/30/2024 around 1003 hours.

(I asked [redacted] if a fire investigator from Grange Insurance had contacted him)

Yeah, I don't recall the date or the time. It was a gentleman, and I remember him being very just chipper about life. It was over the phone. It came from a different area code, Seattle, I think, was the area code it came from.

(I confirmed with [redacted] that his insurance company was USAA)

Yes, sir.

(I asked [redacted] if he had seen anything from his insurance company from Detective Erler's insurance company)

I did ask my insurance carrier, I asked our agent, [redacted] what insurance he had for my records. And he just simply responded with Grange Insurance. Just throwing it in Google, and the area code I got a call from I can assume they were one and the same.

(I asked [redacted] if there was anything else he wanted to add or thought I should know)

I mean, the report is pretty obviously what happened. It's really unfortunate because as it reads, it could have been nothing more than an insurance claim, but when you can't take ownership of something you did. The absence of the truth is lying. And, you know, I hate doing this, but at the same time, if he's not going to be honest and forthcoming with stuff like this, then it's kind of one of those professional standards we have. And that's the bottom line for me.

(I asked [redacted] if he talked to the fire investigator the night of the fire after their initial contact)

I did. I gave him my statement and he walked away. He came back, and he just closed up with me more or less saying I'm going to have something for you, the report will be done at some point is really it.

END OF STATEMENT

The interview concluded at 1144 hours.

[redacted]

On 10/08/2024 around 1145 hours I interviewed [redacted] at her current residence located at [redacted] in Rancho Cordova. [redacted] stated the following in summary:

(I asked [redacted] if she could go over the events that occurred the previous night and then the morning of the actual fire)

I have huge redwoods in my in my backyard. And I go out there, and I have a little sprinkler that I turn on really low, and I set an hour timer, and I move them. I went out there, and at 9 o'clock, and saw a big fire on their side of the fence. I thought maybe because we've all done it, you know, you have to smoke meat overnight, so I thought maybe his smoker exploded. So, I went running over there, pounding on the door, ringing the doorbell, which I don't think works. But finally, their daughter, I heard her start coming down the stairs, and I'm like there's a fire in your backyard. And she's like, oh, I know, dad's burning a stump. I'm like it was a pretty big fire. I'm not going to lie, it was all the way up to the fence line, and I'm like, oh, right now? She's like yeah, he's got it under control. He's burning a stump. I'm like okay and I could see when she opened the door, they have a big door, and you could see out the big window, and he was standing there. So, I saw him standing there. I was like okay.

(I asked [redacted] if she saw Detective Erler next to the fire)

I mean, he was staring at it. I don't know how close he was, I just saw his silhouette with the fire in front of him. And so, I was like okay. I was a little nervous because it was pretty big, and it was right there on the fence. Then I went home. I turned off my water, and watched a movie, and then went to bed. And then at 3 o'clock in the morning, I woke up to my fire alarms going off in my room flashing. We have blackened curtains. So, I fling open my curtains, and I see that my fence is on fire. And I'm like okay, just thinking it's just the fence. Go get my kids, the two little who are downstairs. We're downstairs. Go get my two little ones out of bed because they're not waking up from the fire alarms for some reason. I'm getting airhorns next time. Then we go out to the front room by the stairway, and I noticed the smoke pouring downstairs. And my older kids are not getting up even though the fire alarms are all going off. So, I run upstairs, kick my older daughter's door open. My son-in-law who lives with us right now opens his door, and I'm all get her. Get them out. Because I had to leave my little kids down at the bottom of the

stairs. Ran back down to them. Left them out, stood at the door or stairway for them to get out. And waited for them. Went back in, threw open my slider to let my dogs out, because they wouldn't go out the front door. I've trained them not to, so they were like I don't know. I'm like so go potty. I don't know what else to do. I ran back out, ran across the street, turned around. That's when I sent him the message, talk to text of I said house on fire, but it said houses on fire. Turned around, took a picture because the flames were just shooting out of my roof which was insane to me. And then moved my kids because they were all across the street, and the smoke started heading towards them. And then we sat there. A lot of our neighbors came out and helped. My son was in literally just his underwear, so they took him down the street to get him some clothes. None of us had shoes. So, some of our neighbors all brought us shoes. It took a long time for them to put it out. And I've been to house fires with him. I do ride-a-longs just for fun. And it's our date night. I was just watching. I'm like they're not putting it out. It's not stopping. It was pretty crazy.

(I asked [redacted] if she could see the fire over the fence and if the fence was a standard five and a half or six foot fence)

Yes, and brand new. Like two or three months old.

(I asked [redacted] if she was at ground level in her backyard when she noticed the fire over the fence)

Yes. I was right at my slider door. When I went to go move my water, I saw it. And I'm like oh, my God, and I went running over there because I literally thought that his smoker might have exploded. It just looked weird. It was pretty big, so that's why I was like who sets a fire that big.

(I asked [redacted] if she noticed the fire after she went over to Detective Erler's house to when she got back to her house)

I'm going to be honest, it was those weeks of over a hundred degree weather, and I was really frustrated, because I think it's a really stupid time to do it, and to do it at night. I was frustrated, so no, because I know sometimes, it's better for me to not see things just because I get angry and rather than yelling at people because it's not my business. But I figured he's an adult, and he's an officer, and you should know. And I've been camping all of my life, and I'm like you don't go to bed unless you know that the fire is out. Right? So, I figured he would handle it appropriately and all I would do is just yell at him and it

wouldn't make the situation any better. So, because it was 9 o'clock at night and you're burning a stump.

(I asked [redacted] if she had any interactions with Detective Erler or his wife after the structure fire)

No. They went down into the cul-de-sac, we happened to go this way up because of the way the smoke kept blowing, it was kind of chasing us. So, I ended up putting all of my kids in my neighbor's doorway, cubbyhole, to keep the smoke from hitting them. Also, so they're not staring at the fire.

(I asked [redacted] if she had seen any fire or any activity in the backyard prior to going to bed the night before)

No.

(I confirmed with [redacted] that she did not see anything on a Monday morning)

Nope, I didn't see anything, and I was always out in my backyard because I have a huge backyard, and lots of plants. And the squirrels ate my drip system, so I have to water by hand. So, I'm out there every other day

(I confirmed with [redacted] that she gave her statement to the Fire Investigator the morning of the structure fire)

I did text [redacted] (her husband), and I did cuss. This is why I don't talk to people if I'm angry. And I said, "Fucking Dave is burning a stump" at 9 o'clock as I was walking back from his house because I was a little frustrated.

(I asked [redacted] if she had any interactions through text afterwards)

I don't think I even have his number.

(I asked [redacted] if any of her neighbors would have possibly seen the fire prior to the structure fire)

No, most of our neighbors pretty much stay in their houses and go to bed pretty early. We're the only late ones in the group usually. And we literally are surrounded by plants

and trees. You can't see. Like that's one thing that our backyard is because we have a pool and so it's shaded all day. And it's nice in the summer and you can't really see your neighbors in my backyard. And I don't even know who lives behind Dave (Detective Erler) on the other side.

(I confirmed with [redacted] that she sent a video or photos to the Fire Investigator)

I sent a video of me going out of the house and over to their house.

(I asked [redacted] if there was anything else she could think of)

I don't think so.

END OF STATEMENT

The interview concluded at 1154 hours.

SERGEANT JOHN WAGNER

On 10/09/2024 around 1412 hours I interviewed Sergeant Wagner in the Folsom Police Department Professional Standards Unit Office. I admonished Sergeant Wagner. I ordered Sergeant Wagner to answer all my questions truthfully and accurately. I asked Sergeant Wagner what his current assignment was and Sergeant Wagner stated the following in summary:

I am the sergeant in charge of general investigations.

(I asked Sergeant Wagner how long he has been in his current position)

A little more than two years.

(I asked Sergeant Wagner if he was the direct supervisor for Detective David Erler)

I am his direct supervisor.

(I asked Sergeant Wagner how long he has been Detective Erler's direct supervisor)

Approximately three months.

(I asked Sergeant Wagner if he was aware of Detective Erler's situation regarding the structure fire at his residence located at [redacted] in Fair Oaks which occurred in July of this year)

I am aware of it.

(I asked Sergeant Wagner if he responded to Detective Erler's residence the morning of the fire on 07/24/2024 or any time after the fire had occurred)

I went there early that morning around 7:00 AM.

(I asked Sergeant Wagner if he had a conversation with Detective Erler regarding the fire and what had occurred)

Yeah, we talked about the fire. We talked, and it was brought up that the neighbor had a heat and air unit installed the previous day. And I was looking at the neighbor's house as to where the fire was located, and I asked Detective Erler if it was a reputable company that put the heat and air unit in. And he said he believed so. That they had markings on the side of their work trucks. And I completely assumed that the fire started because the heat and air company installed the new unit in the neighbor's house. And I just assumed that the fire started in the neighbor's house and went into his house. And that was what Detective Erler, and I talked about.

(I asked Sergeant Wagner if Detective Erler said specifically how the fire started)

He did not.

(I asked Sergeant Wagner if he felt Detective Erler was just making assumptions)

Yeah. What it looked like at the time. I remember saying, gosh, I hope it was a good company with insurance. And because it looked pretty obvious to me that it was a heat and air company issue.

(I asked Sergeant Wagner if Detective Erler informed him that he had spoken with a fire investigator from the Sacramento Metropolitan Fire District)

No, he did not.

(I asked Sergeant Wagner if Detective Erler told him the cause of the fire was possibly the neighbor's HVAC system)

Yeah, we talked about it, and that was what we both had figured that morning.

(I asked Sergeant Wagner if he assisted with getting Detective Erler and his family resources in their time of need)

Yeah, we immediately started to work on it.

(I asked Sergeant Wagner what he did or who did he contact)

It was our union we got in contact with. And my supervisor, Lieutenant Canepa, and we both started trying to figure out what resources we could get to help out Detective Erler and his family. I offered to rent a moving truck for him, and to come back and move all his stuff into the truck, but he elected to wait until he talked with his insurance.

(I asked Sergeant Wagner if he was aware of the Chief's Foundation assisting)

Yes.

(I asked Sergeant Wagner if he knew what was said to the foundation as far as the situation)

No. It went through Canepa, if I remember right. But I just remember hearing they did give him some money. I don't remember how much. And I believe it was similar to a similar incident with another employee who had a house fire, and they did the same for him.

(I asked Sergeant Wagner if it was expressed to the Chief's Foundation or the Union that the cause of the fire was possibly the HVAC system at the neighbor's house)

I don't know. I think they just knew that there was a fire.

(I asked Sergeant Wagner if Detective Erler mentioned anything about lighting a stump on fire in his backyard the night prior to the structure fire or any other day before the structure fire)

No, he did not.

(I asked Sergeant Wagner if he had ever heard of that occurring any time since)

So, I did hear a couple weeks later. I don't remember who it was from that the Sac Metro Fire said that there was a stump that was burned in the backyard. And I never talked to Erler about it. I figured it was none of my business. And I never heard if that was what caused it or what.

(I asked Sergeant Wagner in his time of supervising Detective Erler had he had any concerns of dishonesty)

No.

END OF STATEMENT

The interview was concluded at 1420 hours. I asked Sergeant Wagner not to discuss the interview or the investigation with anyone other than myself.

DETECTIVE DAVID ERLER

On 11/06/2024 myself and Sergeant Warner Herndon interviewed Detective David Erler in the Folsom Police Department Administrative Conference room. Present with Detective Erler as his representative was Attorney Sean Howell. I admonished Detective Erler and informed him of his rights. I ordered Detective Erler to answer all my questions truthfully and accurately. I asked Detective Erler if he was employed with the City of Folsom and for how long. Detective Erler stated the following in summary:

Yes, I've been employed here for roughly three years.

(I asked Detective Erler if he was a police officer with a prior agency)

Yes, I was.

(I asked Detective Erler how long was he at his prior agency)

I began in 2013, I believe with the Fortuna Police Department.

(I asked Detective Erler what his current assignment was)

I'm assigned as a detective in C.I.D. or the Investigations Division.

(I asked Detective Erler if there was a structure fire at his residence located at [redacted] and at his neighbor's residence located at [redacted] around 0300 hours on July 24, 2024)

Yes, there was.

(I asked Detective Erler if he was contacted by a Sacramento Metropolitan Fire District Fire Investigator Jeffrey Sargent on the morning)

Yes, I was.

(I asked Detective Erler about how long after the initial fire crew showed up was it before he talked to Fire Investigator Jeffrey Sargent)

I'm not entirely sure what the time duration was. I believe it was 30 minutes to possibly an hour after, but I couldn't say for certain. But that's what I remember. I think it was about that time.

(I asked Detective Erler if he could tell me what was said during his interview with Fire Investigator Jeffrey Sargent)

I don't remember everything that was said just due to all the circumstances of everything. I had, you know, just got woken up to the house being on fire. I remember my mind was on a lot of other things other than our direct conversation. So, I know that I don't remember everything that was said. I do remember some of the things that were said.

(I asked Detective Erler if he could tell me what he does remember being said)

I remember he asked me if I knew what happened or how the fire started. I told him that I didn't know. He asked me about, you know, where my barbeques were located in the backyard, and what kind of barbeques they were. If they were charcoal or gas. And he wanted to know if I had flammable stuff around there. He wanted to know when I last used them. He asked me if I had burned anything or had any other fires in the backyard.

I at one point told him about a backyard project going where I had this old palm tree stump in my backyard. And I had been spending several months slowly hacking it up, and burning off the pieces, right? He wanted to know about that. And I explained to him like my process of how I was getting rid of that. But again, I know my mind was on other things, so I was kind of half paying attention to what my conversation with him. I remember his tone changed with me, and he got upset with me. I realized that I had told him that I'd burnt the stump like a week prior. And my focus shifted to what he was saying to me. And I said, look, I'm sorry. I misspoke. I did burn the stump last night. That was one of the things I did. It wasn't the stump per se, it was just the little clippings from the stump. I remember he started saying that I was lying to him, and trying to hurt his investigation. I was like, look, sir, I'm sorry. Let me make sure I have answered everything correctly. Ask me again like what's happening. You know, what do you want to know. I got all this stuff in my mind. I'm not paying attention to you. I made sure that he had the correct information before our conversation ended. I don't remember specifically how I got it in or what questions he asked, but I do remember saying yeah, I was out. I did burn stuff last night in my backyard. Then he left, and I haven't talked to him since. I believe if I had to guess, our conversation was maybe ten minutes. But I don't know. It could have been longer. It could have been shorter. I don't know.

(I asked Detective Erler if he initially told Fire Investigator Jeffrey Sargent when he asked Detective Erler if he knew how the fire could have started that Detective Erler stated he had no idea)

No. I did tell him a theory I had.

(I asked Detective Erler what his theory was)

Our next-door neighbors had just put a new AC unit in their house like the previous day or two. And I don't know, that's something he'd maybe want to look at. I remember saying something about something like that. But I did tell him I didn't know how it started. Yeah, looking back on it, maybe the stump was not in my mind at that time.

(I asked Detective Erler if he suggested to Fire Investigator Jeffrey Sargent that the neighbor's at [redacted] recently installed an HVAC system might have malfunctioned)

Yeah.

(I asked Detective Erler if Fire Investigator Jeffrey Sargent asked him if he was burning a stump in his backyard the night prior on July 23rd)

I know that he did ask that question. I don't know specifically how he worded it. And I don't remember hearing it, but I remember him getting upset with me saying like why the hell are you lying to me basically.

(Attorney Sean Howell asked to speak asking the following question to Detective Erler: Okay. I just want to be clear, because Sergeant is asking you a very specific question, I think. That did the investigator ask you essentially, “Did you burn the stump last night?" Do you remember him asking that? Or do you remember him asking something about the stump, but like hey, when was the last time you burned the stump? Or do you even remember how that question was phrased? But I think you need to speak to the specific question because it sounds like that’s what the investigator claims he specifically asked.)

(I asked Detective Erler again if Fire Investigator Jeffrey Sargent asked him if he was burning a stump the night prior to the structure fire)

I don't know. Like I said, I believe he asked something similar to that during our conversation. I don't know specifically what words he said or how he phrased it, or when in our conversation he said that. I believe he did ask something very similar to that if not I mean, and it wouldn't surprise me that he asked that question specifically. But I don't have a vivid memory of that specifically.

(I asked Detective Erler if he had reviewed the fire investigator’s report or if he had seen the report)

I haven’t seen it at all. I requested a report from them for my insurance company, and they gave me an incident report that didn't have anything from him.

(I read a section from the fire investigator’s report to Detective Erler to see if the report helped refresh Detective Erler’s memory: So, he talks about the neighbor, the wife [redacted], coming over the night prior. And that she had talked to your daughter, [redacted], about seeing the stump or a fire in the backyard. And then he asked if you were burning the stump in your backyard the night prior. So, does that help you recall?)

Well, first of all, [redacted]’s my wife. Again, I don't specifically remember him saying that. I remembered him getting upset at me, he said something about a neighbor coming to my

house. And I remember saying like okay, I don't have any knowledge of that. I've since found out that, yes, the neighbor did come over and talked with one of my daughters. But at the time, I didn't know that.

(I asked Detective Erler if his wife was present during his interview)

I mean, we were all close by. We were like kind of sitting a little ways down the street.

(I read from the fire investigator's report to Detective Erler: So, he says when he was talking to you, your wife was standing with you. And when he had asked or brought up the fact that the neighbor's wife, [redacted]a, came over, that your wife responded that your daughter had just informed you two of that, yeah, she had come over.

I asked Detective Erler if he recalled that)

I recall my wife being there. I don't remember her saying that, but I, again, I'm not disputing that. But like I said, I just don't remember it.

(Attorney Sean Howell asked to speak again to Detective Erler: If you don't remember just say you don't remember. No, I mean, I don't need to prep him for the questions. My question is this, is it possible that he, this statement where he's saying, hey, the neighbor said they came over and talked to your daughter, and mentioned the stump, are you sure you weren't burning your stump last night? And then you said, well, yeah, I guess I was. But that was the second time he had asked you. The first time he asked you about barbeques. When did you say you last barbequed?)

I don't know. It was like maybe a week before the fire.

(Attorney Sean Howell asked Detective Erler the following: Okay, is it possible that he then asked when was the last time you burned the stump, or are you burning a stump out here? And you said a week ago, or something like that?)

Yeah.

(Attorney Sean Howell asked Detective Erler the following: I'm not asking you to remember. If you don't remember at all. I guess what I'm getting at is, is it possible that he claims and I think what you've said is that he sort of confronted you with some kind of dishonest statement. So, is it possible the way that confrontation went down was, hey,

have you been barbecuing. No, like a week. What about the stump? You burning the stump? No, I'm not burning the stump. Okay then later on, hey, the neighbor came over and said what's going on there. Is he burning a stump in the backyard. So, were you burning one in the backyard? And then you said, yeah, I was burning a stump in the backyard. Well, you're lying to me. I mean, is it possible it could have gone down that way?)

Yeah, it's possible.

(I tried to explain to Detective Erler that I was not expecting him to remember every word that was said but he should be able to remember what he was doing or not doing.)

Sure, okay. I'm getting hung up on the specificity of the words, and I'm just, like I said, I don't remember our conversation. I don't remember everything that I said. I don't remember everything he said.

(I again explained to Detective Erler if he remembered something then to tell me how he remembered it)

(Sergeant Herndon asked Detective Erler if he remembered telling Fire Investigator Jeffrey Sargent that he was burning the stump on the morning of the 22nd when he was asked)

I don't remember giving him a specific date because I couldn't come up with a specific date at that time. I know that I had been burning the stump, you know, days prior. And if I looked at a calendar maybe, and I was like oh, that was a day off that I had, maybe I was burning it on that day. I know I had burned a week prior. But I also know that I had burned it earlier that evening, you know, the night before.

(Sergeant Herndon clarified that Detective Erler remembered burning the stump the night before)

I'm not disputing that. I understand. I don't remember him asking me that. I'm sure he asked me, when did you last burn the stump. I'm sure he did based upon him being a fire investigator and trying to investigate a fire. I'm sure that he did. I also remember that I don't remember our conversation fully. I remember my mind wandering to other things. I remember saying things without paying close attention to what he was actually asking me. I know at one point, I misspoke, or lied, or told him something that was un-factual. I

told him that I hadn't burned the stump for a week. I don't know if I was thinking about the barbeque questions, or if I had that in my head, or what when he confronted me or when he said something. He said something to me to make me snap back to our conversation and actually started paying very close attention to what he was saying. And I said, yes, I did do this last night. And when I said last night, I mean like 8 o'clock, 9 o'clock, you know, the previous evening. It was, you know, six, seven, eight, nine hours or whatever the math was. I made sure that he knew that's what happened.

(Attorney Sean Howell clarified what Detective Erler had said: If I understand what you're saying, what you've just described. I think you just ran through it twice. He's confronted you two different times with the same issue about the stump. He didn't ask you one question about the stump, he asked you something about the stump, you don't know what he specifically asked, and you said something like I burned it a week ago, or whatever. Okay? And you don't know if you were thinking about the barbeque. Then he confronted you in some way with something, and then he asked you again, and then you're like, no, I burned it last night. You've just said that twice. Did you say that by mistake, or do you mean that, yeah, he asked me on two different times about burning the stump?)

I don't know if he asked me two different times or not. I don't remember him asking me two different times. I remember him getting upset and me going something in my mind, something's wrong here. And I started paying attention. I went shit, no, I burnt the damn stump last night.

(Attorney Sean Howell stated the following: I think he's a little nervous right now. And so, his brain is kind of locking up even now. And you can imagine at 3 o'clock in the morning. With a fire investigator, your family, the fire alarm didn't go off like it was supposed to. His house was fully engulfed when he gets up. Firetruck is what woke his wife up. He didn't even wake up. It wasn't the fire alarms that woke him up. His family got out because of the sirens of the firetruck. And the stress he's under now, he's making very little sense here and there, and then making good sense other places. Just put yourself in his position that night.)

(I explained to Detective Erler that I wanted the full honest truth. I explained that this was his opportunity to explain from his side what happened. I explained that I was asking him questions because I had honest questions regarding some stuff. I explained to Detective Erler that if he did not remember to say he did not remember and not to make stuff up or come off as though he's "beating around the bush".)

(I asked Detective Erler if he told Fire Investigator Jeffrey Sargent that he drilled holes in the stump and used a barbeque lighter to burn the stump)

Yeah, I had done both of those things, but not in that context. So, I drilled holes in the stump like a year prior. So, when the rains came last winter, and everything, it'd help rot the stump out. So, I did do that. Going back towards closer to when the fire happened, I would use hand tools to break it apart and break off pieces, and then I would burn those. I'd use a barbeque lighter to start those, and those little pieces. And they'd burn up.

(I asked Detective Erler if Fire Investigator Jeffrey Sargent asked him if he had used an accelerant to burn the stump)

He did ask that. I do remember him asking that.

(I asked Detective Erler what his response to Fire Investigator Jeffrey Sargent was)

I told him no.

(I asked Detective Erler if he used an accelerant to burn the stump)

I had told him that I had used an accelerant in the past to do different things.

(I asked Detective Erler about that night regarding the accelerant)

I said that night I don't think I had.

(I asked Detective Erler if he remembered if he did or if he did not)

No, I did use an accelerant that night.

(I asked Detective Erler what was the reason for drilling the holes in the stump)

I was trying to dry it out the previous year, or whatever.

(Sergeant Herndon asked Detective Erler what type of accelerant he used)

It was barbeque lighter fluid.

(Sergeant Herndon informed Detective Erler that he did not tell Fire Investigator Sargent that information)

I believe I did, but I don't know. I haven't read his report, so I don't know. I'm pretty sure I did though.

(Sergeant Herndon asked Detective Erler if he remembered Fire Investigator Jeffrey Sargent asking him if he used gasoline or lighter fluid to ignite the stump)

I remember him asking if I used an accelerant. I was talking to him about how I'd take a lighter and burn up the little pile of clippings, and stuff. And I didn't need an accelerant for that.

(Sergeant Herndon asked Detective Erler if he recalled telling Fire Investigator Jeffrey Sargent when he asked that the lighter fluid was just for the barbeque and not for the stump)

I don't recall that. I remember him asking me about accelerants, and I remember saying that I had the barbeque or the lighter fluid under the barbeque for lighting the charcoal because it's a charcoal grill. I mean, I had used accelerant on the stump; on projects associated with the stump in the past. I told you I did use it the night of the fire. I use an accelerant on a little thing. I was just in a hurry, and I used it. It was like at 9 o'clock, or something the night of.

(I confirmed with Detective Erler his response regarding the burning of the stump the night prior to the fire. I think you told me that the initial denying of the burning of the stump the night prior was you had a lot going on. Your mind wasn't on the conversation at that point. But then when he confronted you, you kind of snapped back to it, and then told him that you had burned the stump the night prior, is that correct)

Yeah, I told him that I did. I told him what I had done. It's like I went into detail and explained what I had done.

(I asked Detective Erler if he had told anyone else that the fire could have possibly started due to the neighbor's recently installed HVAC system after he was interviewed by Fire Investigator Jeffrey Sargent)

I don't know. So, from this department, there was Sergeant Koupal who drove over to my house. He was on duty. He drove out there. I don't remember if that was before or after I talked with him. Sergeant Koupal was like what happened? I said I don't know. All I know is I don't know. Like they had their HVAC replaced yesterday. Maybe it was that. But I wasn't trying to insinuate that was a matter of fact. I was like this could be a thing. I don't know.

(I asked Detective Erler if he knew if this conversation with Sergeant Koupal was before or after his conversation with Fire Investigator Jeffrey Sargent)

I don't know.

(I asked Detective Erler if there was anyone else)

Sergeant Wagner came out to my house that day. We talked. I maybe said it to him. I had family members calling me the next day or that day, and within the course of 24 hours, maybe I said that was a theory of mine. But I never tried to say like, you know, this is or argue the point of this is what happened.

(I asked Detective Erler if his house was insured by Grange Insurance)

Yeah.

(I asked Detective Erler if on the morning of July 24th, 2024, around 10:30 a.m., had he spoke with a [redacted] [redacted], a claims adjuster, from Grange Insurance regarding the structure fire)

Yeah I did. [redacted] is our person for Grange that we're working with. I know that I had talked to her that day.

(I asked Detective Erler if his conversation with [redacted] [redacted], the claims adjuster, occurred after his conversation with Fire Investigator Jeffrey Sargent)

Yeah.

(I asked Detective Erler if he told [redacted] [redacted], the claims adjuster, that he had no idea how the fire could have started)

I know that her conversations are recorded, so I would refer back to that. I don't know what I said to her.

(I asked Detective Erler if he recalled or not)

No, I don't. I know that they're aware of the stump now, but I don't know if I told her that day. I know that I told her very early in the process because she sent a second fire investigator out to verify things. I know that she assigned a liability adjuster too so, they have their separate adjuster for that. I don't know if that was our first conversation or second. I mean, we talked several times even in the first day.

(I informed Detective Erler that I asked a very specific question. I read the following from the transcript of Detective Erler's conversation with [redacted] [redacted]: "Okay, all right. And did they tell you how the fire started as of yet?" "No, I haven't -- I haven't. I talked to the investigator, but that was before he did his thing." I asked Detective Erler if that helped him recall)

Yeah, I remember that. I never talked with the fire investigator again. He said when we got done with our conversation, he's like okay, I'm going to go. I got to do my investigation. Take photos and do everything, and figure it all out. And I said, okay, and he said he was going to come talk to me again. But we never said anything else to each other. So like I said initially, I didn't put two and two together that night after I had did what I did with the stump. I was sitting outside at my pool for hours. My wife and I were talking. We were dealing with some other stuff unrelated. We were sitting out there talking for hours. And so, in my mind it wasn't the stump. It didn't enter my mind. So, when I talked with [redacted] the first time, I don't know. I don't think that I knew.

(I asked Detective Erler if he suggested that the fire could have possibly started from the neighbor's recently installed HVAC system)

Yeah, probably.

(I asked Detective Erler if he told [redacted] [redacted] that he was told by the fire department that the fire started at the neighbor's house and then spread to his)

Yeah. And there was one firefighter I overheard that said that. He said it looked like the fire started at your neighbor's house. And I think that maybe was because their house was more engulfed.

(I asked Detective Erler if this fire fighter was on the line and not the fire investigator)

Yeah, it was just another firefighter that I talked to. I couldn't tell you who he was. Don't know his name. But I did hear that. And when we were outside looking at the houses, it looked like theirs was burnt up a lot more come to find out.

(I asked Detective Erler if he remembered Fire Investigator Jeffrey Sargent indicating to him that he did not believe the HVAC system was the cause of the fire)

No.

(I asked Detective Erler if he remembered talking to Sergeant Wagner on the morning of July 24th in his neighborhood)

Yeah, he came out there.

(I asked Detective Erler if he suggested to Sergeant Wagner that the fire possibly started because of the neighbor's recently installed HVAC system)

I don't know if I said that to him or not. I might have. Yeah, I don't know.

(I asked Detective Erler if he could explain in his own words why someone, like the fire investigator or someone else, would believe that he was either omitting information, misleading the fire investigator or others about the stump and possibly the HVAC system)

From the fire investigators point of view, if you ask someone a question about stuff that's burning, and they lie to you, and say something that's untruthful, yeah, you're going to assume that they're purposely lying to you. Again, I fully admit and understand that I did lie to him. What was going through my head was everything but, you know, what he was saying to me. I should have paid closer attention to what he was saying. I shouldn't have, you know, blown him off. Again what was going through my mind was not to be dishonest or misleading to him. I was trying to give him truthful information. I was confused during part of the interview. I had other things, like we've talked about, on my mind. As far as your question about the HVAC thing, I believe I've said this already, I didn't believe that my actions with the stump caused this fire at the time. And as an investigator, I was grasping at straws trying to figure out how my house burnt down, and how my neighbor's house burnt down. I had overheard a firefighter say it looked like it your house possibly

caught on fire from their house. Okay. I had overheard someone say they heard an explosion maybe coming from where their HVAC system was. Again, I wasn't trying to say as a matter of fact I know this occurred. It was, okay, well what happened? I don't know, maybe it was this, but I don't know. And I certainly didn't want people saying that as like a matter of fact. It was just my thoughts. And I've since gone to several people and said, look, that's not what happened. Their AC unit didn't blow up. There wasn't an electrical thing from their HVAC. It wasn't that. But again, at the time with everything that was going on in my mind, and again, I wasn't thinking a hundred percent clearly. But I was like, oh, yeah, that HVAC truck was parked out front. They got a new HVAC yesterday. So, that's where my mind went, oh, maybe that was the cause. Not that that was the cause, but maybe.

(Sergeant Herndon brought up that Detective Erler said he went back and told her that it was not the HVAC system. Sergeant Herndon asked Detective Erler what made him make that determination)

Once I heard from Grange, their fire investigator that they sent out, their second one. He called me and I don't know if he called. I did talk to him, and he said, no, it was obvious. He said the burn patterns originated from in and around where that stump was, and I said okay, thank you for telling me that.

(I asked Detective Erler if he roughly knew when that was)

God. It was probably a week after the fire.

(Sergeant Herndon asked Detective Erler if it would be safe to say the fire investigator was an expert in his profession)

I think for him specifically, he started our conversation with saying I'm brand new to this. He's a retired deputy from, I think, El Dorado County or something like that. And he hasn't been a fire investigator for very long.

(Attorney Sean Howell asked to clarify which fire investigator Sergeant Herndon was referring to)

(Sergeant Herndon clarified by saying Jeffrey Sargent)

I'm talking about Sargent

(Sergeant Herndon then asked if he was brand new)

From what he told me, he said that he's new like relatively new at this.

(Sergeant Herndon confirmed with Detective Erler that he remembered hearing that)

At the beginning of our conversation that's how he introduced himself. I'm a fire investigator. I haven't been doing it for that long, but I'm a retired deputy and want to talk about this. So yeah.

(Sergeant Herndon asked Detective Erler based on his belief of Fire Investigator's experience that maybe he was leading him that it might be the AC when Fire Investigator was trying to say it was the stump that you did this)

But I believe that when one of his questions was do you know how this happened, or what could have caused this? And I said I don't know. I think it could have been this thing. They just had this thing put in yesterday. I don't know anything about fires. I don't know how house fires get started. But I said maybe take a look at it. I wasn't trying to accuse anybody of doing anything or like shoddy work, or anything like that.

(Sergeant Herndon stated to Detective Erler that he was saying it was not the stump and that Detective Erler was not at the stump)

(Attorney Sean Howell then spoke saying: No, he stated earlier to Sergeant Kehm's question, he doesn't remember the guy ever telling him what the fire investigator, Sargent, never told him, by the way, I've looked at this preliminarily, and it's the stump that caused it. In fact what he said was, after having the conversation with him, he said, well, I got to do a few more things and go talk to some people, and I'll get back to you. Then he never got back to him.)

(Sergeant Herndon then stated he was referring to the time at the scene when Fire Investigator Sargent went back to the stump and said it was not the AC and that the fire started at the stump and Detective Erler said he was not at the stump.)

(Attorney Sean Howell then said the Fire Investigator's report might have said that but Detective Erler never said that)

No, I don't remember him ask me about the stump, but I don't I don't remember him saying like it's not the AC. And it's not like I was arguing that point with him. I just made that like a simple, you know, sentence or two. I just know they got a new HVAC thing put in. My thought was like he's a fire investigator. Maybe that's something he wants to know about. I'm not an expert in it. I don't know so.

(I asked Detective Erler if he had anything he wanted to add before I ended the interview)

(Attorney Sean Howell then asked Detective Erler: Just really quick. When you're telling, whatever the question was and the response, when you at least initially told Fire Investigator Jeffrey Sargent that you had burned it, the stump, or burned wood from the stump like a week ago or a few days ago, were you trying to mislead him? Were you trying to lead him to believe that the burning of the stump occurred days and days ago, hasn't been a fire since. So, it couldn't have been the stump. It's got to be that HVAC. Do you remember having a conversation like that with Fire Investigator Jeffrey Sargent?)

I wasn't trying to mislead anyone. I've never tried to mislead anyone through this. I understand that I said some stuff that wasn't accurate to him. And I tried to do my best to clarify all that. I never once tried to lie to another coworker here and say, oh, it's their freaking HVAC. I was just throwing out opinions or like could be's. I don't think I have anything else to add. Unless you have any more questions.

END OF STATEMENT

The interview concluded at 1051 hours. I requested Detective Erler not to discuss this interview or investigation with anyone else other than myself or his representative.

Folsom Police Department

Richard D. Hillman

CHIEF OF POLICE

PERSONAL AND CONFIDENTIAL
HAND DELIVERED

May 29, 2025

Detective David Erler
Folsom Police Department
46 Natoma Street
Folsom, CA 95630

RE: FINAL NOTICE OF DISCIPLINARY ACTION–TERMINATION OF EMPLOYMENT

Dear Detective David Erler,

YOU ARE HEREBY NOTIFIED that the City of Folsom intends to discipline you with termination of employment effective May 28, 2025, for violating the policies, rules, and regulations of the Folsom Police Department Policy Manual (FPPM), the Memorandum of Understanding (MOU) between the City of Folsom and the Folsom Police Officers Association (FPOA), and the City of Folsom Personnel Rules and Regulations.

Applicable Rules, Policies, and Procedures

Your acts and omissions described below violated the City of Folsom Personnel Rules and Regulations, policies of the Folsom Police Department contained in the Folsom Police Policy Manual (FPPM), and provisions of the Memorandum of Understanding between the City of Folsom and the Folsom Police Officers' Association (MOU), specifically:

FOLSOM POLICE POLICY MANUAL

FPPM 339 – STANDARDS OF CONDUCT

339.5.8(c) PERFORMANCE

Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person of authority, in connection with any investigation or in the reporting of any department related business.

FPPM 339 – STANDARDS OF CONDUCT

339.5.9(h) CONDUCT

Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department.

FFPM 339 – STANDARDS OF CONDUCT

339.5.9(m) CONDUCT

Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members

CITY OF FOLSOM PERSONNEL RULES AND REGULATIONS

CHAPTER 1.08 PERSONNEL ACTIONS, EMPLOYEE ACTIVITIES, AND DISCIPLINE

Section 1.08.110 Causes for Discipline

(B) Behavior

(1) Willful or negligent violation of the Personnel Rules and Regulations, resolutions, and other related ordinances including departmental rules, regulations, and policies.

(4) Conduct that is unbecoming a City officer or employee which tends to discredit the City or City service.

(C) Work Performance

(9) Violation of department policies, rules, directives, or procedures, or administrative regulations of the City.

FOLSOM POLICE OFFICERS' ASSOCIATION MEMORANDUM OF UNDERSTANDING

ARTICALE XII – DISCIPLINE PROCEDURE

Section E - Cause for Disciplinary Action

1. Discipline shall be for cause. Examples of conduct or performance deficiencies that may warrant discipline include, but are not limited to:

   f. Discourteous, or unbecoming behavior
   h. Dishonesty
   i. Misconduct, i.e. any behavior that brings harm or discredit to the City
   n. Violation of a City rule, policy, or procedure

Summary of Facts

1. On July 24, 2024, around 0308 hours, personnel from the Sacramento Metropolitan Fire District (S.M.F.D.) responded to [redacted] court in Fair Oaks, CA for a reported structure fire. On arrival, fire personnel observed a fire that extended to the two residences at [redacted] and [redacted] is your residence, Detective David Erler, and [redacted] is the residence of [redacted] (Citrus Heights Police Officer) and [redacted], your next-door neighbors.

2. S.M.F.D. Fire Investigator (F.I.) Jeffrey Sargent responded to the scene at approximately 0342 hours and conducted an investigation into the cause of the fire. Based on his examination, physical evidence, firefighters and witness statements, F.I. Sargent determined that the fire originated at a palm tree stump located on the property of [redacted] owned by you.

3. F.I. Sargent interviewed you as a part of his investigation. A summary of that interview is contained in F.I. Sargeant's report. At the end of F.I. Sargent's report, he wrote, "At the conclusion of my

interview with D. Erler, it was evident that he was being less than truthful with me."

4. On September 27, 2024, F.I. Sargent emailed Folsom Police Commander Brian Lockhart regarding the fire investigation at [redacted] ourt and attached the S.M.F.D. report (Case #2024-000214) to his email. F.I. Sargent had some concerns about your involvement with the investigation. Commander Lockhart asked Lieutenant David Canepa (your division supervisor) to follow up with F.I. Sargent for further details. After Lieutenant Canepa's conversation with F.I. Sargent and further review of the S.M.F.D. fire investigation report, Commander Lockhart ordered an internal affairs investigation regarding dishonesty allegations.

5. On October 3, 2024, [redacted] sent an email to Folsom Police Chief Rick Hillman expressing her concerns about you and your interview with F.I. Sargent. [redacted] closed her email by saying, "I believe it shows his lack of integrity and I'm hoping proper actions be taken."

6. On October 3, 2024, Sergeant Kehm interviewed F.I. Sargent as a witness to this investigation. F.I. Sargent explained he was dispatched to a structure fire on July 24, 2024 around 0342 hours. F.I. Sargent stated when he arrived on scene, he was contacted by a Citrus Heights Police Officer who was identified as [redacted] (resident of [redacted]. [redacted] informed F.I. Sargent that he received a text message from his wife [redacted] around 2100 on July 23, 2024, to the effect of "Fucking Dave is burning a stump." [redacted] stated he later received a subsequent text message the morning of July 24th, from [redacted] stating, "houses on fire."

7. F.I. Sargent stated he also spoke with [redacted] who informed him that around 2100 hours on July 23, 2024, she observed flames and noticed a fire burning at the fence that separates her property and yours. [redacted] stated she was concerned and went over to your residence to inform you. When she knocked on the door, your 16-year-old daughter answered the door, and acknowledged that you were burning a stump in the backyard. [redacted] stated she could see you and your wife in the backyard while the stump was burning.

8. After speaking with [redacted] and [redacted], F.I. Sargent spoke with you at the scene on July 24th, 2024. F.I. Sargent asked if you knew

how the fire could have started, and you told him you had no idea. When F.I. Sargent later asked you the same question again, you told him that your neighbors ([redacted] had a new HVAC system recently installed, and it had possibly malfunctioned. At that time, you did not mention that you had burned a palm tree stump in your backyard approximately six hours before the structure fires.

9. During the same interview, F.I. Sargent asked if you were aware that [redacted] came to your residence and spoke with your daughter the night prior about a fire in your backyard. Your wife, [redacted] Erler, interrupted, saying that your daughter had just informed you two of that a couple of minutes ago.

10. F.I. Sargent then asked you if you were burning a stump in your backyard the night before the structure fires and you denied it. Specifically, you told him that you were not burning a stump that night but had burned a stump on Monday morning, which was two days earlier, on July 22nd.

11. F.I. Sargent then confronted you with the fact that [redacted] had come to your residence the night before (July 23rd) when she saw the fire by the fence, and you admitted then that you and your wife were in the backyard by your pool, and you were burning a stump at that time.

12. F.I. Sargent asked if you used an accelerant to burn the stump in your backyard and you denied using any type of accelerant to burn the stump the night before the structure fire.

13. During the interview on October 3, 2024, Sgt. Kehm asked F.I. Sargent if he inspected your neighbor's HVAC system to determine if it was the cause of the fire. F.I. Sargent confirmed that he did perform such an inspection as a part of his investigation. F.I. Sargent determined that the HVAC system was not the cause of the fire. Instead, all of the evidence showed the cause of the fire to be the palm tree stump in your backyard, which was located next to the fence separating the two houses affected by the fire.

14. On October 8th, 2024, Sergeant Kehm interviewed [redacted] as a witness to this investigation. [redacted] stated he heard about some untruthful rumors that you were spreading at the Folsom Police Department, specific to the fire and how it may have been related to the new HVAC system [redacted] had installed. [redacted]

stated he confronted you through text messages and you completely denied telling anyone that you thought the fire was [redacted] fault or his family's fault.

15. On October 9, 2024, Sergeant John Wagner was interviewed as a witness to this investigation. Seargeant Wagner, who was your direct supervisor at the time, responded to your house the morning of the fire. Sergeant Wagner stated in his interview that you mentioned your neighbor's newly installed HVAC system as a possible cause of the fire when you spoke to him on the morning of July 24, 2024. You did not tell Sergeant Wagner that you had burned a stump in your backyard the night before the fire or mention that to him as a possible cause of the fire.

16. You contacted your homeowners' insurance the morning of the fire, speaking with Grange Insurance adjuster [redacted] [redacted] at 1030 hours. This conversation occurred after the fire department had responded to your house and after you had spoken with F.I. Sargent. Ms. [redacted] provided the audio recording of her contact with you that morning to Sgt. Kehm as a part of his investigation. In that conversation, [redacted] [redacted] asked if the fire department told you how the fire started, and you stated they had not at that time.

17. Later in the same conversation, insurance adjuster [redacted] [redacted] asked if there was anything else significant to the loss that you would like to add. In response, you told her about the neighbor's HVAC system being replaced and stated your opinion that when you mess with electrical stuff, bad things can happen.

18. In the same conversation, you told Ms. [redacted] that you were told by the fire department that the fire originated at the neighbor's house and spread to your house. You said you did not think anything malicious occurred, but felt it was relevant to what was going on.

19. At no time relevant to this investigation did you inform Ms. [redacted] that you burned a stump in your backyard a few hours before the houses caught fire.

20. After insurance adjuster [redacted] [redacted] received the S.M.F.D. final report and reviewed it, you asked if Grange Insurance was going to classify your claim as fraudulent. She said no, however, she was extremely concerned that, as a police officer, you would provide

misleading statements and omit pertinent information to her and the company she represents.

21. On November 6, 2024, you were interviewed as an accused employee in this Internal Affairs investigation. You were admonished to "answer all questions asked of you completely and that all of your answers are to be truthful."

22. During your Internal Affairs interview, you confirmed that when F.I. Sargent asked if you knew how the fire started, you told him you did not know.

23. During your Internal Affairs interview, you confirmed that you told F.I. Sargent your theory about how the fire started. Specifically, you told him about the neighbor's ([redacted]'s) newly installed AC unit and stated that was something he might want to look into. When Sgt. Kehm asked if you suggested to F.I. Sargent that the neighbor's HVAC system might have malfunctioned, you replied by saying yes.

24. During your Internal Affairs interview, you confirmed that you did not tell F.I. Sargent you had burned a stump in your backyard a few hours before the structure fire in response to his general question about how the fire could have started.

25. During your Internal Affairs interview, you also confirmed that you did not tell F.I. Sargent that you had burned a stump in your backyard a few hours before the structure fire, even when he specifically asked if you had done so. While you could not remember the exact question F.I. Sargent asked, you admitted that he did ask something similar to "were [you] burning the stump the night prior to the structure fire?"

26. Sergeant Warner Herndon was present during your Internal Affairs interview and asked if you remembered telling F.I. Sargent that you burned the stump on the morning of Monday July 22nd. You responded that you did not remember giving a specific date. However, you stated that you had been burning the stump days prior and/or a week prior to the fire.

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29. During your Internal Affairs interview, you admitted telling F.I. Sargent you had not used an accelerant to burn the stump.

30. During your Internal Affairs interview, you also admitted that you did in fact use an accelerant, lighter fluid, to burn the stump at your property on the night of July 23, 2024.

31. During your Internal Affairs interview, you were asked if you told anyone else that the fire had been caused by the neighbor's recently installed HVAC system after speaking with F.I. Sargent. You stated that Sergeant Derek Koupal arrived at your house on the morning of the fire and at some point, asked what happened. You admitted telling Sergeant Koupal that you did not know what happened, but your neighbors had their HVAC system replaced yesterday.

32. During your Internal Affairs interview, you also stated that you may have mentioned the HVAC system to Sergeant Wagner when he responded to your house. This is consistent with Sergeant Wagner's statement, as described in paragraph 15 above.

33. During your Internal Affairs interview, you confirmed you spoke with [redacted] from Grange Insurance on the morning of July 24th around 1030 hours and that conversation occurred after you spoke with F.I. Sargent. You were asked if you told [redacted] that you had no idea how the fire started, and you stated you could not recall what you said to [redacted].

34. During your Internal Affairs interview, you were asked if you suggested to [redacted] that the fire could have started from the neighbor's recently installed HVAC system. You replied, "Yeah, probably".

35. During your Internal Affairs interview, you were asked to explain in your own words why someone would believe that you were omitting information to mislead the fire investigator or others about the stump and the HVAC system. You responded by saying, from the fire

investigator's point of view, if someone lies to you and says something untruthful, you are going to assume they are purposely lying to you. You went on to say that you "fully admit and understand that [you] did lie to [F.I. Sargent]".

36. In response to the same question during your Internal Affairs interview, you said what was going through your head was everything but what F.I. Sargent was asking you. You said you should have paid closer attention to what he was saying and you should not have blown him off. You stated it was not in your mind to be dishonest or misleading and you were trying to give him truthful information. You said you did not believe your actions with the stump caused the fire at the time. You said you only suggested the HVAC as a possible cause of the fire because that was your thought at the time and you thought a fire investigator would want to know that information.

37. During your Internal Affairs interview, you stated that Grange Insurance hired its own fire investigator. You said that you spoke with this investigator approximately one week after the fire and, at that time, he told you "it's obvious". You stated, "He said the burn patterns ... originated from in and around where that stump was, and that's where" the fire started.

Probation Extension

A review of your personnel file revealed that your probation period was extended for three months, from August 1, 2022 to November1, 2022. In July of 2022, Lieutenant Lou Wright wrote a memo to Chief Hillman documenting the reasons for extending your probation. Lieutenant Wright wrote that you (Officer Erler at the time) took no notes while conducting a DUI investigation and then did not review your body worn camera footage to assist with preparation of the associated arrest report. Discrepancies were found between the official arrest report and what was captured on your body worn camera, calling into question the accuracy of the report.

Lieutenant Wright also wrote that in mid-June 2022, he received an email from the mother of a victim from an assault case you handled. Based on that email, Lieutenant Wright directed Sergeant Brian Mendenhall (your direct supervisor at the time) to ask you if you had received an email from the victim containing additional documentation of the incident, his injuries, and medical records. According to Sergeant Mendenhall, you informed him that you had not received any email from the victim. Lieutenant Wright followed up with the victim, asking for any email correspondence showing that he had provided the

information to you. The victim sent Lieutenant Wright a copy of the email(s) in question, demonstrating that what you told Sergeant Mendenhall was false.

Analysis

As police officers, we are held to a high standard on and off duty. As a veteran officer with over 13 years on the job, you should have no doubt about our department's and city's expectations. Honesty and integrity are perhaps the most important virtues. However, your recent actions have fallen short of these standards. You gave false and misleading statements to F.I. Sargent, you made misrepresentations to him, and you omitted material information in connection with his fire investigation. You also omitted material information and gave misleading statements and/or made misrepresentations during your insurance claim interview with Grange Insurance Representative [redacted]. These statements were in clear violation of the Folsom Police Policy Manual (FPPM), City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

Your duty as an officer is to give complete and accurate statements regardless of the circumstances. Understandably, you were stressed and under much emotion being woken up to your house on fire and the next-door neighbor's house on fire. Even so, speaking with a fire investigator, you should have known that burning a stump in your backyard within hours of the structure fire was relevant information. You should have shared that information with the fire investigator, especially when asked about it directly. As a detective, you were keenly aware of F.I. Sargent's role as an investigator, so it is not credible that you forgot you had burned the stump six hours earlier, even with everything that was happening. You felt that the neighbor's recently installed HVAC unit was pertinent information and shared that with the fire investigator, showing that you were able to focus on the possible cause of the fire even while under stress and filled with strong emotion.

When you finally admitted to burning the stump the night before the structure fire and were then asked if any accelerant was used, you should have been truthful about using an accelerant. This question was asked after you were specifically confronted by the fire investigator about being dishonest. The fact that you still failed to admit the truth makes that false statement even more egregious.

Even after your experience with the fire investigator, you continued to mention the HVAC system, insinuating that it was the cause of the fire, but never mentioning that you had burned a stump in your backyard a few hours before the fire. This was misleading at best and tends to reflect unfavorably upon this department and its members in violation of the Folsom Police Policy Manual, City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

In addition, this information made its way to your neighbor, Officer [redacted] eissenfluh from a different police department. [redacted] confronted you through text messages about you suggesting that it was his HVAC system that started the fire even though you both knew that was not true. You told [redacted] you did not tell anyone that the fire was in any way his or his family's fault, but in fact you told F.I. Sargent, insurance adjuster [redacted], Sgt. Wagner, and Sgt. Koupal about [redacted]'s new HVAC system, implying that it was the cause of the fire. These contradictory statements further undermine your credibility and violate the Folsom Police Policy Manual, City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

Additionally, [redacted] stated in a text message that he didn't "want to drive a wedge between two police departments because I feel like that's the direction it's going." While your misleading and contradictory statements would reflect unfavorably upon this department and its members regardless of your neighbor's employment, in this case you also damaged the reputation of this department and its members with at least one other law enforcement agency in the region and with the Sacramento Metropolitan Fire District, in violation of the Folsom Police Policy Manual, City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

Everyone makes mistakes in life, but as police officers, we have a responsibility to own our mistakes. This is especially true in formal investigations, whether on or off duty. An investigation to determine the cause of a structure fire in a residence and a related insurance claim are both undoubtedly formal investigations. As police officers, owning our mistakes in formal investigations is of paramount importance. If we improperly deny making a mistake, give misleading information about the circumstances, or omit pertinent facts in an attempt to cover up the mistake, our credibility and our capacity to function in the position of public trust we are afforded as officers are severely undermined, if not entirely destroyed.

Recent legislation also underscores the strong public policy against dishonesty by police officers, further supporting the proposed discipline.

Right to Respond

Please note this is the Final Notice of Disciplinary Action. Following the Preliminary Notice of Disciplinary Action presented to you on February 24, 2025, and the subsequent Skelly Meeting held on April 22, 2025, the City has sustained the proposed discipline.

Your termination of employment with the City of Folsom will be effective **May 29, 2025**.

Folsom Police Department

Richard D. Hillman

CHIEF OF POLICE

You are hereby advised that you have the right to appeal this disciplinary action. Per the Memorandum of Understanding between the City and Folsom Police Officers Association, within ten (10) workdays after receipt of this Final Notice of Disciplinary Action you may appeal this action to arbitration. The Notice of Appeal must be filed with the Human Resources Director (contact information below) within the specified time frame.

Allison Garcia
Human Resources Director
50 Natoma Street
Folsom, CA 95630
Email: agarcia@folsom.ca.us

If you fail to file a notice of appeal within this time period, the disciplinary action shall become final and there shall be no further appeal. You have the right to review all relevant documents and materials pertaining to this disciplinary action. All documents and materials supporting this disciplinary action have been previously provided to you.

If you appeal this disciplinary action to arbitration, the decision of the arbitrator shall be final and binding on the parties. No appeal or review of the arbitrator's decision by Writ or other mechanism before any court, administrative tribunal or any other forum on any legal theory or basis shall be possible.

Sincerely,



Bryan Whitemyer
City Manager

Cc: Chief of Police
City Attorney
Human Resources Director

Folsom Police Department

Richard D. Hillman

CHIEF OF POLICE

PERSONAL AND CONFIDENTIAL
HAND DELIEVERED

(Month) (Day), 2025

Detective David Erler
Folsom Police Department
46 Natoma Street
Folsom, CA 95630

RE: FINAL NOTICE OF DISCIPLINARY ACTION – TERMINATION OF EMPLOYMENT

Dear Detective David Erler,

YOU ARE HEREBY NOTIFIED that the City of Folsom intends to discipline you with termination of employment effective March 4, 2025, as a result of your acts and omissions described below.

Applicable Rules, Policies, and Procedures

Your acts and omissions described below violated the City of Folsom Personnel Rules and Regulations, policies of the Folsom Police Department contained in the Folsom Police Policy Manual (FPPM), and provisions of the Memorandum of Understanding between the City of Folsom and the Folsom Police Officers' Association (MOU), specifically:

FOLSOM POLICE POLICY MANUAL

FPPM 339 – STANDARDS OF CONDUCT

339.5.8(c) PERFORMANCE

Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other

person of authority, in connection with any investigation or in the reporting of any department related business.

FPPM 339 – STANDARDS OF CONDUCT

339.5.9(h) CONDUCT

Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department.

FFPM 339 – STANDARDS OF CONDUCT

339.5.9(m) CONDUCT

Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members

CITY OF FOLSOM PERSONNEL RULES AND REGULATIONS

CHAPTER 1.08 PERSONNEL ACTIONS, EMPLOYEE ACTIVITIES, AND DISCIPLINE

Section 1.08.110 Causes for Discipline

(B) Behavior

(1) Willful or negligent violation of the Personnel Rules and Regulations, resolutions, and other related ordinances including departmental rules, regulations, and policies.

(4) Conduct that is unbecoming a City officer or employee which tends to discredit the City or City service.

(C) Work Performance

(9) Violation of department policies, rules, directives, or procedures, or administrative regulations of the City.

FOLSOM POLICE OFFICERS' ASSOCIATION MEMORANDUM OF UNDERSTANDING

ARTICALE XII – DISCIPLINE PROCEDURE

Section E - Cause for Disciplinary Action

1. Discipline shall be for cause. Examples of conduct or performance deficiencies that may warrant discipline include, but are not limited to:

    f. Discourteous, or unbecoming behavior
    h. Dishonesty
    i. Misconduct, i.e. any behavior that brings harm or discredit to the City
    n. Violation of a City rule, policy, or procedure

Summary of Facts

1. On July 24, 2024, around 0308 hours, personnel from the Sacramento Metropolitan Fire District (S.M.F.D.) responded to [redacted] in Fair Oaks, CA for a reported structure fire. On arrival, fire personnel observed a fire that extended to the two residences at [redacted] and [redacted]. [redacted] is your residence, Detective David Erler, and [redacted] is the residence of [redacted] (Citrus Heights Police Officer) and [redacted], your next-door neighbors.

2. S.M.F.D. Fire Investigator (F.I.) Jeffrey Sargent responded to the scene at approximately 0342 hours and conducted an investigation into the cause of the fire. Based on his examination, physical evidence, firefighters and witness statements, F.I. Sargent determined that the fire originated at a palm tree stump located on the property of [redacted] owned by you.

3. F.I. Sargent interviewed you as a part of his investigation. A summary of that interview is contained in F.I. Sargeant's report. At the end of F.I. Sargent's report, he wrote, "At the conclusion of my interview with D. Erler, it was evident that he was being less than truthful with me."

4. On September 27, 2024, F.I. Sargent emailed Folsom Police Commander Brian Lockhart regarding the fire investigation at [redacted] and attached the S.M.F.D. report (Case #2024-000214) to his email. F.I. Sargent had some concerns about your involvement with the investigation. Commander Lockhart asked Lieutenant David Canepa (your division supervisor) to follow up with F.I. Sargent for further details. After Lieutenant Canepa's conversation with F.I. Sargent and further review of the S.M.F.D. fire investigation report, Commander Lockhart ordered an internal affairs investigation regarding dishonesty allegations.

5. On October 3, 2024, [redacted] sent an email to Folsom Police Chief Rick Hillman expressing her concerns about you and your interview with F.I. Sargent. [redacted] closed her email by saying, "I believe it shows his lack of integrity and I'm hoping proper actions be taken."

6. On October 3, 2024, Sergeant Kehm interviewed F.I. Sargent as a witness to this investigation. F.I. Sargent explained he was dispatched to a structure fire on July 24, 2024 around 0342 hours. F.I. Sargent stated when he arrived on scene, he was contacted by a Citrus Heights Police Officer who was identified as [redacted] (resident of [redacted]). [redacted] informed F.I. Sargent that he received a text message from his wife [redacted] around 2100 on July 23, 2024, to the effect of "Fucking Dave is burning a stump." [redacted] stated he later received a subsequent text message the morning of July 24th, from [redacted] stating, "houses on fire."

7. F.I. Sargent stated he also spoke with [redacted] who informed him that around 2100 hours on July 23, 2024, she observed flames and noticed a fire burning at the fence that separates her property and yours. [redacted] stated she was concerned and went over to your residence to inform you. When she knocked on the door, your 16-year-old daughter answered the door, and acknowledged that you were burning a stump in the backyard. [redacted] stated she could see you and your wife in the backyard while the stump was burning.

8. After speaking with [redacted] and [redacted], F.I. Sargent spoke with you at the scene on July 24th, 2024. F.I. Sargent asked if you knew how the fire could have started, and you told him you had no idea. When F.I. Sargent later asked you the same question again, you told him that your neighbors ([redacted]) had a new HVAC system

recently installed, and it had possibly malfunctioned. At that time, you did not mention that you had burned a palm tree stump in your backyard approximately six hours before the structure fires.

9. During the same interview, F.I. Sargent asked if you were aware that [redacted] came to your residence and spoke with your daughter the night prior about a fire in your backyard. Your wife, [redacted] Erler, interrupted, saying that your daughter had just informed you two of that a couple of minutes ago.

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13. During the interview on October 3, 2024, Sgt. Kehm asked F.I. Sargent if he inspected your neighbor's HVAC system to determine if it was the cause of the fire. F.I. Sargent confirmed that he did perform such an inspection as a part of his investigation. F.I. Sargent determined that the HVAC system was not the cause of the fire. Instead, all of the evidence showed the cause of the fire to be the palm tree stump in your backyard, which was located next to the fence separating the two houses affected by the fire.

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33. During your Internal Affairs interview, you confirmed you spoke with a [redacted] [redacted] from Grange Insurance on the morning of July 24th around 1030 hours and that conversation occurred after you spoke with F.I. Sargent. You were asked if you told [redacted] [redacted] that you had no idea how the fire started, and you stated you could not recall what you said to [redacted] [redacted].

34. During your Internal Affairs interview, you were asked if you suggested to [redacted] [redacted] that the fire could have started from the neighbor's recently installed HVAC system. You replied, "Yeah, probably".

35. During your Internal Affairs interview, you were asked to explain in your own words why someone would believe that you were omitting information to mislead the fire investigator or others about the stump and the HVAC system. You responded by saying, from the fire investigator's point of view, if someone lies to you and says something untruthful, you are going to assume they are purposely

lying to you. You went on to say that you "fully admit and understand that [you] did lie to [F.I. Sargent]".

36. In response to the same question during your Internal Affairs interview, you said what was going through your head was everything but what F.I. Sargent was asking you. You said you should have paid closer attention to what he was saying and you should not have blown him off. You stated it was not in your mind to be dishonest or misleading and you were trying to give him truthful information. You said you did not believe your actions with the stump caused the fire at the time. You said you only suggested the HVAC as a possible cause of the fire because that was your thought at the time and you thought a fire investigator would want to know that information.

37. During your Internal Affairs interview, you stated that Grange Insurance hired its own fire investigator. You said that you spoke with this investigator approximately one week after the fire and, at that time, he told you "it's obvious". You stated, "He said the burn patterns … originated from in and around where that stump was, and that's where" the fire started.

Probation Extension

A review of your personnel file revealed that your probation period was extended for three months, from August 1, 2022 to November1, 2022. In July of 2022, Lieutenant Lou Wright wrote a memo to Chief Hillman documenting the reasons for extending your probation. Lieutenant Wright wrote that you (Officer Erler at the time) took no notes while conducting a DUI investigation and then did not review your body worn camera footage to assist with preparation of the associated arrest report. Discrepancies were found between the official arrest report and what was captured on your body worn camera, calling into question the accuracy of the report.

Lieutenant Wright also wrote that in mid-June 2022, he received an email from the mother of a victim from an assault case you handled. Based on that email, Lieutenant Wright directed Sergeant Brian Mendenhall (your direct supervisor at the time) to ask you if you had received an email from the victim containing additional documentation of the incident, his injuries, and medical records. According to Sergeant Mendenhall, you informed him that you had not received any email from the victim. Lieutenant Wright followed up with the victim, asking any email correspondence showing that he had provided the

information to you. The victim sent Lieutenant Wright a copy of the email(s) in question, demonstrating that what you told Sergeant Mendenhall was false.

Analysis

As police officers, we are held to a high standard on and off duty. As a veteran officer with over 13 years on the job, you should have no doubt about our department's and city's expectations. Honesty and integrity are perhaps the most important virtues. However, your recent actions have fallen short of these standards. You gave false and misleading statements to F.I. Sargent, you made misrepresentations to him, and you omitted material information in connection with his fire investigation. You also omitted material information and gave misleading statements and/or made misrepresentations during your insurance claim interview with Grange Insurance Representative [redacted] [redacted]. These statements were in clear violation of the Folsom Police Policy Manual (FPPM), City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

Your duty as an officer is to give complete and accurate statements regardless of the circumstances. Understandably, you were stressed and under much emotion being woken up to your house on fire and the next-door neighbor's house on fire. Even so, speaking with a fire investigator, you should have known that burning a stump in your backyard within hours of the structure fire was relevant information. You should have shared that information with the fire investigator, especially when asked about it directly. As a detective, you were keenly aware of F.I. Sargent's role as an investigator, so it is not credible that you forgot you had burned the stump six hours earlier, even with everything that was happening. You felt that the neighbor's recently installed HVAC unit was pertinent information and shared that with the fire investigator, showing that you were able to focus on the possible cause of the fire even while under stress and filled with strong emotion.

When you finally admitted to burning the stump the night before the structure fire and were then asked if any accelerant was used, you should have been truthful about using an accelerant. This question was asked after you were specifically confronted by the fire investigator about being dishonest. The fact that you still failed to admit the truth makes that false statement even more egregious.

Even after your experience with the fire investigator, you continued to mention the HVAC system, insinuating that it was the cause of the fire, but never mentioning that you had burned a stump in your backyard a few hours before the fire. This was misleading at best and tends to reflect unfavorably upon this department and its members in violation of the Folsom Police Policy Manual, City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

In addition, this information made its way to your neighbor, Officer [redacted] from a different police department. [redacted] confronted you through text messages about you suggesting that it was his HVAC system that started the fire even though you both knew that was not true. You told [redacted] you did not tell anyone that the fire was in any way his or his family's fault, but in fact you told insurance adjuster [redacted], Sgt. Wagner, and Sgt. Koupal about [redacted]'s new HVAC system, implying that it was the cause of the fire. These contradictory statements further undermine your credibility and violate the Folsom Police Policy Manual, City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

Additionally, [redacted] stated in a text message that he didn't "want to drive a wedge between two police departments because I feel like that's the direction it's going." While your misleading and contradictory statements would reflect unfavorably upon this department and its members regardless of your neighbor's employment, in this case you also damaged the reputation of this department and its members with at least one other law enforcement agency in the region and with the Sacramento Metropolitan Fire District, in violation of the Folsom Police Policy Manual, City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

Everyone makes mistakes in life, but as police officers we have a responsibility to own our mistakes. This is especially true in formal investigations, whether on or off duty. An investigation to determine the cause of a structure fire in a residence and a related insurance claim are both undoubtedly formal investigations. As police officers, owning our mistakes in formal investigations is of paramount importance. If we improperly deny making a mistake, give misleading information about the circumstances, or omit pertinent facts in an attempt to cover up the mistake, our credibility and our capacity to function in the position of public trust we are afforded as officers are severely undermined, if not entirely destroyed.

Recent legislation also underscores the strong public policy against dishonesty by police officers, further supporting the proposed discipline.

Right to Respond

Please note this is the Final Notice of Disciplinary Action. Following the Notice of Proposed Discipline presented to you on February 24, 2025, and the subsequent Skelly Meeting held on April 22, 2025, the City has sustained the above discipline recommendation.

Your termination of employment with the City of Folsom will be effective ##############

Folsom Police Department

Richard D. Hillman

CHIEF OF POLICE

Per the Memorandum of Understanding between the City and Folsom Police Officers Association, within ten (10) workdays after receipt of the Final Notice of Disciplinary Action you have the right to appeal this action to arbitration. The Notice of Appeal must be filed with the Human Resources Director (Allison Garcia, 50 Natoma Street, Folsom, CA, 95630) within the specified time frame.

Email: agarcia@folsom.ca.us
Direct Line: 916-461-6054
H.R. Main Line: 916-461-6050

If the employee fails to file a notice of appeal within this time period, the disciplinary action shall become final and there shall be no further appeal.

The decision of the arbitrator shall be final and binding on the parties. No appeal or review of the arbitrator's decision by Writ or other mechanism before any court, administrative tribunal or any other forum on any legal theory or basis shall be possible.

Sincerely,

Richard D. Hillman
CHIEF OF POLICE

Cc: City Manager
City Attorney
Human Resources Director

- INTERVIEW -

R.K.: This is Sergeant Kehm. I'm at Sac Metro Fire Station off of -- Station 101 off of 3000 Fulton Ave. I am with -- uh -- Fire Investigator Jeffery Sargent. The time is 1525 hours. Okay. Thanks for meeting with me, obviously.

J.S.: Sure.

R.K.: So, I'm just here like I said to go over some stuff. Uh -- we received your report that you spoke -- uh -- with Lieutenant Canepa prior kind of expressing your concerns that brought this to light. Uh -- so -- uh -- you responded to a house or a structure fire on -- uh -- July 24th, 2024 at about 3:00 -- uh -- what was it here, about 3:42 in the morning?

J.S.: Yes.

R.K.: Is that right? Okay. So, and then -- uh -- through your investigation, you -- uh -- looking for the, basically, the start and cause of the fire -- um -- and what did you determine as the cause and start of the fire?

J.S.: Um -- so the -- the cause of the fire -- um -- was due to -- uh -- the neighbor or occupant -- um -- uh -- Dave Erler -- uh -- I had learned through my investigation, learned through -- um -- my interviews -- um -- that he was -- uh -- burning a stump, a palm tree stump -- um -- at the property line between his residence and -- uh -- the residence to the left of his.

R.K.: Okay. And then -- uh -- you also met with -- uh -- I spoke with the neighbor -- um -- I don't even know how to say his last name, but first of Dave -- uh -- [redacted]?

J.S.: Correct.

R.K.: Um -- and he happened to be a Citrus Heights -- uh -- police officer

as well?

J.S.: Yes.

R.K.: Okay. And then he had mentioned that he had received a -- a text message earlier in the evening about 9 o'clock or so from his wife -- uh -- [redacted]?

J.S.: Correct.

R.K.: And saying that that -- uh -- "Dave's" or "Fucking Dave is burning a stump." Is that right?

J.S.: Correct.

R.K.: Okay. And then later on about 3:00 a.m., he gets another text from his wife, [redacted], that -- uh -- the house is on fire?

J.S.: Correct.

R.K.: Okay. Um -- and then you met with [redacted] and spoke with her? Um -- and what -- briefly, what did she tell you?

J.S.: So, she told me -- um -- the night prior -- uh -- at about -- about 2100 hours -- um -- she was home -- uh -- she was inside of her house, and she -- out the -- the back windows, she could see a -- a -- she could see flames or fire at the fence be -- that separates the -- her property and -- uh -- Dave Erler's property. Um -- and she said the -- the -- the flames were pretty -- pretty big or pretty high. So, she had gone next door to -- uh -- Erler's house and as she walk -- walked next door, she could see Erler and his wife in their backyard. Um -- and she knocked on the door, and their 16 year old daughter answered the door, and she had said -- told the daughter that there was fire in the backyards -- uh -- at the fence. And the girl responded that -- that, oh, you know, my dad is burning a stump back there. And -- uh -- she basically was telling her like, you know, well does he know that like that fence is on fire basically.

And -- and -- uh -- so, the -- the daughter said, basically, I will, you know, I'll go -- I'll tell -- I'll tell my parents, or whatever. So, they -- they ended the conversation, and then she returned to her home.

R.K.: And then later on woke --

J.S.: And --

R.K.: -- up to --

J.S.: -- uh -- she went to bed, and then it was right around 3:00 a.m. -- um -- she -- the -- she started smelling smoke. Uh -- and then there was -- when she woke up, there was -- the side of the -- the house was on fire. Um -- and so, they were trying to evacuate in -- in -- in the process of that. So, her husband, [redacted], who's employed with Citrus Heights Police Department and was working patrol. And he had just got this text at 3:00 -- about 3 o'clock in the morning from his wife saying -- all's it said was the house is on fire. And -- uh -- so, he radioed to him com center that he was responding to his A -- um -- because there was some kind of fire. Could you, you know, could you send -- uh -- fire department there, and then everybody just kind of arrived together.

R.K.: Okay.

J.S.: Uh -- and then just -- uh -- to back up a little bit -- um -- after -- after she returned back to the house after being at Erler's, she texted her husband at -- uh -- I don't remember what time it was, it was very shortly after she came back, that -- and it was something to the effect of -- um -- fucking Dave is -- is burning a stump or something in his backyard.

R.K.: Okay.

J.S.: Um -- and that was -- I don't have actual the copies of that text. I know that -- uh -- [redacted] still does.

R.K.: Okay.

J.S.: Um -- but he had showed me on his phone when I had spoke to him -- um -- he showed me the text message. And at the time, I -- I just -- I didn't -- he didn't forward me a copy of it, and --

R.K.: Okay.

J.S.: -- but I know he still has it so.

R.K.: Okay. And then -- uh -- later on you -- uh -- spoke with -- uh -- Dave Erler --

J.S.: Yes.

R.K.: -- in person. Um -- and throughout your -- uh -- questioning to him about if he knew how the fire started, I think he initially replied he had no idea?

J.S.: Yeah.

R.K.: Um -- and then when you asked the question again, he suggested that the neighbors had a HVAC system just recently installed and it possibly malfunctioned?

J.S.: Correct. And -- uh -- you know --

R.K.: Did you investigate that -- if that was the cause or not?

J.S.: Uh -- I -- I did, and it -- it wasn't -- it was not the cause.

R.K.: Okay.

J.S.: It was -- it was not even, you know, based on my investigation, I determined that the origin area of the fire was at the stump -- um -- and that the direction of travel of that fire was -- was from -- uh -- I believe it was from the west to the east. Um -- from Erler's residence -- uh -- towards -- um -- [redacted]'s house.

R.K.: Okay.

J.S.: Um.

R.K.: So, you did rule out that it wasn't HVAC --

J.S.: I did.

R.K.: -- and that the --

J.S.: Yes.

R.K.: -- stump was the --

J.S.: Um.

R.K.: -- cause?

J.S.: He did -- [redacted], they did have an HVAC system recently installed -- um -- within a couple weeks of the fire. Uh -- however -- so I had -- I had spoken to -- um -- [redacted] and [redacted] when I first arrived at the scene. Um -- and it was just basically they were the first people that I ran into. Um -- this was a fairly big fire for the two -- the two homes. Uh -- it went second alarm, meaning -- um -- they had to dispatch another -- a whole other company of -- of -- uh -- firefighters -- uh -- just due to the -- both structures. Um -- it was -- it was a pretty -- the volume of fire in -- in [redacted]'s -- uh -- residence -- uh -- and then it -- it did extend into Erler's -- uh -- residence as well. Um -- and so, it was -- it was pretty chaotic when I first arrived. Um -- especially, you know, when I first arrived the -- I -- there was a -- about six marked Citrus Heights PD units -- um -- parked on the street away from the fire. And which kind of struck me as odd when I first arrived because I knew I was in -- uh -- Sac Sheriff's jurisdiction. So, I wasn't really sure -- um -- when -- when I get dispatched to a fire, I don't get a whole lot of details. I'm just being requested to go. So, I was trying to process what was going on, and then there was a bunch of uniforms running around and I was directed towards -- um -- [redacted]. I spoke to him, and then he said, you know, go talk -- my wife is over there. Go talk to her, she -- she knows the rest of the story.

R.K.: Okay.

J.S.: Um -- so, I had had all this information prior to talking to Erler.

R.K.: Okay.

J.S.: So, I think I was thrown off by the story that he gave me originally. And so, my -- one of my first follow up questions to him was because I -- I knew that he wasn't being truthful with me for the majority of the contact. So, I just threw out, well, do you have any idea of how you think this fire could have started? Because -- because basically, he was telling me like I don't -- I don't know anything. You know, I don't -- and -- and that was when he came off with, well, the neighbors had a -- an HVAC system -- a new HVAC system installed just recently. And -- uh -- so then I led into, you know, well, did -- didn't [redacted] come over to your hou -- do you know that [redacted] came over to your house the night prior, you know. And I said, you know, did your daughter tell you that she came over? And that was when him and his wife were like, oh, the wife said -- she interrupted, and she was like, oh, well, she just told us that a few minutes ago before you came over to talk to us. So, we just found that out. So, I -- I said, okay, well, I go then were you guys out in the backyard burning a stump, and -- and he denied it. And then -- and then he finally came up with, well, two days prior, I was burning a stump. I was burning the stump in the backyard. And -- uh -- so, I just let him tell that story, and then -- and then finally I was like look, you know, [redacted] came over to the house because -- uh -- she saw a fire on the fence last night, you know. And then he -- he finally came clean and was like okay, well, my -- we were in -- my wife and I were in the backyard. She was in the pool. I was sitting on the -- uh -- you know, next to the pool, or

whatever. And while I was sitting there, I was burning the stump. And -- uh -- and I what's like okay, well, why -- why did I just have to pry all that out of you, you know.

R.K.: Uh-huh.

J.S.: And -- and he didn't say anything, and I -- I just -- I -- to be honest with you, I -- I kind of lit into his ass because prior to -- to really -- I -- I was trying to establish a rapport with him. I didn't expect it to go the way that it did. I knew that he worked for Folsom PD before I went and talked to him because [redacted] told me that he was a cop with Folsom PD. The -- the battalion chief was like, you know, Citrus Heights PD officers and Folsom PD officers, they live next door to each other. And I was like, oh, that's odd, you know. That's kind of weird. But then after I -- so, I talked to -- um -- so after talking to [redacted], after talking to -- to [redacted], and then when I was walking down -- so, they were at the end -- Erler and his wife were at the end of the court. And when I was walking towards them, I -- I know he saw me walking towards them, and he had turned his back to me and had said something to his wife. So, you know, as I told you before, you know, I was -- uh -- I was basically a real cop for 21 years before I started doing this. And I've gotten that back toward to me, you know, when I've gone to go talk to people before. So, it kind of rubbed me a little bit wrong, but at the same time, I -- I -- I wasn't sure, you know, I -- I just -- it was -- it was early in the morning, so I just thought, oh, it's not, you know. So, then when we introduced each other, I introduced myself to him, and they introduced me -- them to me. And his name was familiar to me -- um -- from when I worked at the SO. And I thought that we had worked on some kind of case together.

Um -- turns out we didn't, but -- so he knew that I was previous law enforcement, that I'm a sworn peace officer now in my position as a fire investigator. Um -- and then -- so then when it just kind of went sideways, I -- I said -- I said to him -- I said -- I was like, you know, I -- you know, you -- you know that I'm not some schmuck out here, you know, some Podunk fire -- fire investigator out here. Like I -- I just can't believe that you basically just lied to me, you know. And I just had to pry all that information out of you. You know, I -- I was pissed. I was offended, you know. And I --

R.K.: Uh-huh.

J.S.: -- I was like, you know, I would not expect that from you. I go -- I go accidents happen. Like this is not a big deal. Like yeah, it sucks. You know, both of your houses are destroyed. You know, but people make mistakes. And he -- and, you know, he was like well I didn't intentionally do this. And I go, I -- I don't think you intentionally did it either. I just like it -- it's not a big deal, but it's a big deal because you're lying to me. And -- um -- you know, his wife -- his wife had -- had interrupted and was like, oh, he, you know -- you know, he's just upset because of what -- you know, what's going on, and -- and whatnot. And I was like -- I go, well, that's understandable. That doesn't -- that doesn't mean that you -- you lie to -- you know, you lie about it. I mean -- um -- so, I -- I just basically -- um -- you know, and even before talking to him. So, one of the fire captains had come over. Uh -- they were trying to do some overhaul inside of the houses, and there was some items that they wanted the -- the people to be able to salvage out of the house. So, they had taken him, Erler, over to the house to get that stuff. So, in the meantime, I started talking to her, his -- his wife.

And she kind of -- she had -- she gave me the whole “I need to go to the bathroom.” excuse. And she went into the neighbor’s house to go to the bathroom because I let her, you know, I let her. But it wasn’t like she’s been standing there trying to go to the bathroom because they knew the neighbors. And they had been -- they had been basically inside the neighbor’s house for a while, and then they had come outside -- um -- just before I went and talked to them. So, I was just -- yeah, I had just got the -- you know, I just got bad vibes from both of them the whole time. It was like they were being evasive. You know, and I -- I feel -- I mean, I can't prove this, but based on my training and experience, it is like when he turned my back -- his back to me originally, it was like, okay, well, I think that’s probably the investigator coming, so just kind of follow my lead type of thing. You know, that -- that’s how I took it. Um -- but again, I was trying to give him the benefit of the doubt, and -- and so -- um -- that was -- that was the last time that I talked to Erler, you know. I mean, he never -- it was never like I’m sorry, you know, I -- I’m -- you know, I fucked up. Like I just, you know, it wa -- he just -- he just -- basically, he just -- it was cut off at that, you know, after I kind of jumped in -- in little bit and then -- and then basically I was like, you know. I go, and I even told him, too, I said, you know, you know -- you kind of know the game of -- of how we -- we always have the information before we go and talk to people. Like I heard he -- you know, I go -- I was just coming over here to get your side of the story, and -- and, you know, I haven’t even gone and -- I hadn’t even gone and seen -- examined the scene yet, you know. Um -- and so, basically, I was just -- I just -- I was like, you know, forget you. I’m -- I’m done, and I went and did the

rest of my investigation so.

R.K.: So, on that, too -- uh --

J.S.: Sure.

R.K.: -- you had asked him if he had used any type of accelerant? And he said no?

J.S.: He did. He said he had not. Um -- I was not able to -- um -- get any samples of that from the stump. Um -- he did explain to me, which it was -- it was hard for me to do that that night just because there was so much activity suppression wise -- fire suppression wise. Um -- they were still actively trying to put this fire out. Um -- and --

R.K.: He had said that he used a -- a barbeque lighter?

J.S.: Correct.

R.K.: In your expert opinion, is that even something that could light a stump?

J.S.: So --

R.K.: Without any type of accelerant?

J.S.: -- you would need an -- you would need some type of accelerant in order to get that stump to ignite. Um -- he did say that he drilled holes in it. Um -- that is a common way of burning stumps where you drill holes into it, and then usually people put in some kind of accelerant in there. Um -- and then -- and then they light it off, and they let it burn, you know. Um -- so it was like he pro -- he may have used lighter fluid -- um -- for a barbeque -- um -- because he did have -- um -- a smoker and a -- and a -- like a charcoal barbeque over --

R.K.: Uh-huh.

J.S.: -- on that side along the fence. Uh -- that was not the cause of the

fire. Uh -- those barbeques were not, but -- um -- it would just only make sense that he had they lighter, he -- would he use the -- the -- and for it -- to make the pla -- the flames like what [redacted] witnessed -- uh -- the night before, would be indicative of lighter fluid -- uh -- so.

R.K.: Um -- and you didn't get a -- a audio recorded -- uh -- statements, right?

J.S.: For -- no.

R.K.: Okay. And -- uh -- um -- the time gap, so [redacted], the neighbor, witnessed the fire around 2100 hours.

J.S.: Approximately, yeah.

R.K.: When she -- yeah. And then approximately around 0300 the next morning -- um -- is when basically the fire's -- uh -- called and dispatched?

J.S.: Correct.

R.K.: So, could you -- uh -- in your expert opinion, because I don't have this by any means.

J.S.: Sure.

R.K.: Can you explain like that time gap as far as the fire? You know, if -- how it took that long to get to the level it got to. Do you think it was put out and then maybe some embers caught, or -- uh -- I -- I -- I don't know.

J.S.: Um -- that --that is one -- that is one way that it could have happened. Uh -- the other way that it could have happened is over time the -- because I don't believe that that's the first time that he's been burning this -- this stump.

R.K.: Oh, okay.

J.S.: Um -- and actually it can -- um -- penetrate the rooting system, and

it can burn underground through the roots. And if, you know, the -- the palm trees, if -- if the root system extended into the [redacted]'s property -- um -- that could be a -- another cause of -- of the fire, you know.

R.K.: Okay.

J.S.: Um -- there could have been -- there could have been some kind of ember from the fence or some yard debris -- um -- that blew over into [redacted]'s property, and, you know, skunked around or smoldered through the night. And then it -- some -- it got some oxygen from the wind, and -- and just kind of caught -- you know, started from there. Um -- those are two hypotheses that -- that are very viable. Yeah.

R.K.: Okay. And -- uh -- do you know if an insurance claim was filed?

J.S.: Um -- I -- I don't. So --

R.K.: That's not part of --

J.S.: Yeah, so -- um -- yeah, we -- we don't -- we don't really -- we don't work with the insurance companies. Um --

R.K.: Do they reach out to you to get copies of it?

J.S.: Uh -- so -- uh -- what happens usually -- um -- is when we go do an origin cause investigation on a fire, if the home's insured. Um -- for example -- uh -- just an example, we'll use State Farm Insurance, will -- um -- you know, they -- they'll -- they'll get the claim. And then they'll go and they'll -- they have contracts with -- with private fire investigators. And they'll assign a case -- they -- they'll assign a case out to the private investigator. Um -- usually, the private investigator will contact us and say, hey, I was assigned to [redacted] Court -- um -- you know what -- what did you see out there? And we'll -- we'll say -- we'll tell them whatever we saw. And they'll be

like, okay, well, we're going to go out and do our own -- own investigation. And then they'll -- so they'll -- they -- they usually, you know, we deal with the same ones quite often for the most part around here. Um --

R.K.: So, you've not been contacted?

J.S.: I've never been contacted by anybody.

R.K.: Okay.

J.S.: Um -- I don't know -- I know [redacted] had -- uh -- USAA insurance. I don't think that I got that far with Erler. Uh -- [redacted] would be the one to be able to provide with all that information.

R.K.: Okay.

J.S.: And as a matter of fact, I know that an investigator from USAA was out looking at [redacted]'s house. Um -- but I don't know if that was just the investigator from the insurance company or if that was a fire investigator. I don't -- I don't know. If it -- and if it was, they would have had to have contacted Erler's insurance company.

R.K.: Okay. And then I only have one -- one more question. Um -- when you were out there, did any other neighbors come to you with any information related --

J.S.: No.

R.K.: -- to the fire?

J.S.: No.

R.K.: Okay. No.

J.S.: Um -- the only thing -- so -- uh -- [redacted] had sent me, a few weeks after the fire, him and I have been kind of playing phone tag, and actually a couple days after the fire, his brother -- um -- got sick and his brother died. And -- and --

R.K.: Huh.

J.S.: -- he was, you know, [redacted] and his family were going through quite a bit. Um -- so, he had sent me -- um -- one video that kind of showed [redacted] going next door the night before. And then he showed me -- or sent me some still photos of the fire coming in the man door for the garage -- um -- from that side of the house, or whatever. And then -- um -- he had told me that -- he didn't tell me where he heard this, but I -- I know that between Folsom and Citrus Heights -- um -- people know people. Um -- that he heard through the grapevine that Erler was telling people that the fire was caused by the HVAC unit at [redacted]'s house. And -- uh -- so, [redacted] was pretty fired up about that just because he asked me -- he had asked me, number one, had I talked to you guys yet. And two -- um -- he had not gotten a copy of the report yet -- um -- so he was like was the fire caused by our HVAC unit? You know, or -- and I said, no, it was -- and so, he -- he was like well, this guy is telling people that it was the HVAC unit at our house, you know. And I said, well, I don't -- you know, I can't speak on that, but you know, he had already -- he already knew. Because after I talked to Erler, I went back and talked to [redacted], and I was like -- because I -- I could kind of sense the first time that I talked to him, [redacted] and his wife, that there was some kind of tension between the -- the two households. Um -- so then when I went back, I asked [redacted], I -- I said, hey, you know, do you guys -- do you guys have some kind of beef with each other, or whatever? And he was like, well, we just don't -- we just don't get along. And he -- he wouldn't really -- he wouldn't really elaborate on it. I mean, he had a lot going on that night -- um -- and I didn't

pry. I just wanted to -- you know, I was trying to make sure that this was something that Erler didn't do on purpose to, you know. Which I -- I don't -- I don't believe he did. You know -- um -- but then again, I don't -- it's hard for me to believe anything that he tells me -- he would tell me at this point. Um -- but when I talked to [redacted] on the phone, he was like, you know, I guess -- I don't know how the timeframe before the fire happened. Before, but I guess Erler and [redacted]'s son, and I don't know the age of his son, I guess they were in some kind of 415. And I -- I -- don't quote me on this, I thought [redacted] said either Erler got up in his son's face or kind of went hands on with him. And -- and -- uh -- and basically ever since then, the two haven't gotten along. Um – This --.

R.K.: This was the night --

J.S.: This wasn't --

R.K.: -- before or this was a prior incident?

J.S.: This was a prior incident.

R.K.: Okay.

J.S.: This was a -- I don't know what the timeframe was before the fire. Um -- but it was not too far apart. It -- and that was the reason why basically they -- they just kind of didn't get along.

R.K.: Got you.

J.S.: I guess -- I guess [redacted] kind of confronted Erler about it, and they just kind of disagreed to agree type of thing, you know, so.

R.K.: All right. I'm going to conclude this -- uh -- interview.

J.S.: Sure.

R.K.: As long as you don't have anything else. Um -- the time is 1556 hours. (Recording Ends)

- INTERVIEW CONCLUDED -

}{08/27/25 11:26:24 Message To: FS035 Message Re-routed from terminal: PC35106 #348764

Incident History for:#F24140131 08/27/2511:14:32

CLOSED INCIDENT Closed PREM:
A2 24S3 S3 STRUCTURE FIRE CODE 3 JUR:24 BATT:B13 0724
24 #140131
LOC [redacted] [redacted] CT ,FAI

btwn 000 DEAD-END & [redacted] (V)
SRC(PH2) [redacted]/NEIGHBOR 8301 MADISON AV (CELL TOWER) T-MOBILE USA, INC.
9513316541 Map:75A2 TB:260D7
RESD STRUCTURE FIRE...
VIS FLAMES.. UNK IF OCCUPIED
RCV:07/24/24 030806 ENT:07/24/24 030849 DSP:07/24/24 030908 RSP:07/24/24 030935 ONS:07/24/24 031317
ENG:07/24/24 031354 CHF:07/24/24 031641 AMB:07/24/24 031317 ALS:07/24/24 031317 PAC:07/24/24 032530
SAC:07/24/24 032534

/030849	ENTRY	(510322)	D9	RESD STRUCTURE FIRE... VIS FLAMES.. UNK IF OCCUPIED
/030853	SUGG	(********)		BC13 (P-CMD) BC15 (P-CMD) E32+ (P-FS1) M32+ (P-XPT) E29+ (P-FS1) E22+ (P-FS1) E31+ (P-FS1) R21+ (P-TR1) TR65+ (P-TR1) DEC110 (P-UNIT) 24OPS (P-UNIT) 24PIO (P-UNIT)
/030908	DISP	(510311)	BC13	[00.0] (P-CMD)
/030908	$ASNCAS	(510311)	BC13	$24F24063681
/030908	ASSG	(510311)	BC15	[00.0] (P-CMD)
/030908	$ASNCAS	(510311)	BC15	$34F24005558
/030908	ASSG	(510311)	E32	[00.0] (P-FS1)
/030908	ASSG	(510311)	M32	[00.0] (P-XPT)
/030908	ASSG	(510311)	E29	[00.0] (P-FS1)
/030908	ASSG	(510311)	E22	[00.0] (P-FS1)
/030908	ASSG	(510311)	E31	[00.0] (P-FS1)
/030908	ASSG	(510311)	R21	[00.0] (P-TR1)
/030908	ASSG	(510311)	TR65	[00.0] (P-TR1)
/030908	ASSG	(510311)	DEC110	[00.0] (P-UNIT)
/030908	ASSG	(510311)	24OPS	[00.0] (P-UNIT)
/030908	ASSG	(510311)	24PIO	[00.0] (P-UNIT)
/030908	AIQ	(510311)	24OPS	,Auto AIQ
/030908	AIQ	(510311)	24PIO	,Auto AIQ
/030909	VOICED	(510311)		
/030935	*C3	(242912)	E29	[00:27]
/030945	SUPP	(510322)	TXT: ON	FURTHER ONE PERSON STILL INSIDE RESD...
/030951	*C3	(242825)	R21	[00:43]
/031014	*C3	(241473)	BC13	[01:06]
/031026	*C3	(242754)	TR65	[01:18]
/031027	*C3	(241463)	E22	[01:19]
/031030	*C3	(243010)	E31	[01:22]
/031110	*C3	(244265)	DEC110	[02:02]
/031111	*C3	(242671)	E32	[02:03]
/031112	*C3	(244420)	M32	[02:04]
/031124	C3	(TCUSER)	BC15	[02:16]
/031125	MISC	(510191)		,8301 MADISON AV (CELL TOWER)
/031125	MISC	(510191)		,T-MOBILE USA, INC.
/031125	MISC	(510191)		,5307886277
/031125	MISC	(510191)		,PH2
/031125	MISC	(510191)		,031113

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/031125   MISC    (510191  )          ,072424
/031125   MISC    (510191  )          ,FEMALE
/031129   MISC    (510322  )          ,8301 MADISON AV (CELL TOWER)
/031129   MISC    (510322  )          ,T-MOBILE USA, INC.
/031129   MISC    (510322  )          ,9513316541
/031129   MISC    (510322  )          ,PH2
/031129   MISC    (510322  )          ,031114
/031129   MISC    (510322  )          ,072424
/031129   MISC    (510322  )          ,RP CB
/031256   SUPP    (510322  )  TXT: RP CB, STATES TWO RESD ON FIRE.. MULTI
                                       ANIMALS TRAPPED INSIDE
/031317  *ONSCNE  (244420  ) M32       [04:09]
/031354  *ONSCNE  (242912  ) E29       [04:46]
/031500  *AOR     (241473  ) BC13
/031506  *ONSCNE  (241463  ) E22       [05:58]
/031547  $ASSG    (510296  ) BC13
/031549  *ONSCNE  (243010  ) E31       [06:41]
/031611   STAT    (510296  ) BC13      (WF ) -- WORKING FIRE
/031641   CMDONS  (510296  ) BC13      [00:54][[redacted]]
/031648   ALARM   (510296  )  2 24S3
/031651   SUGG    (********)           BC14 (P-CMD) BC5 (P-CMD) M29+ (P-XPT) E21+
                                       (P-FS1) E63+ (P-FS1) E28+ (P-FS1) TR23+ (P-
                                       TR1) HM109+ (P-TR1) AC24 (S-MAC) XSA49CMS (
                                       P-UNIT) EMS24 (P-UNIT) OPSCHIEF (P-UNIT) AR
                                       SON24 (P-UNIT) 24CMS (P-UNIT) 24PIO (P-UNIT
                                       ) 51CMS (P-UNIT)
/031658   ASSG    (510311  ) BC14      [00.0] (P-CMD)
/031658   ASSG    (510311  ) BC5       [00.0] (P-CMD)
/031658   ASSG    (510311  ) M29       [00.0] (P-XPT)
/031658   ASSG    (510311  ) E21       [00.0] (P-FS1)
/031658   ASSG    (510311  ) E63       [00.0] (P-FS1)
/031658   ASSG    (510311  ) E28       [00.0] (P-FS1)
/031658   ASSG    (510311  ) TR23      [00.0] (P-TR1)
/031658   ASSG    (510311  ) HM109     [00.0] (P-TR1)
/031658   ASSG    (510311  ) AC24      [00.0] (S-MAC)
/031658   ASSG    (510311  ) XSA49CMS  [00.0] (P-UNIT)
/031658   ASSG    (510311  ) EMS24     [00.0] (P-UNIT)
/031658   ASSG    (510311  ) OPSCHIEF  [00.0] (P-UNIT)
/031658  $ASNCAS  (510311  ) OPSCHIEF  $27F24000100
/031658   ASSG    (510311  ) ARSON24   [00.0] (P-UNIT)
/031658   ASSG    (510311  ) 24CMS     [00.0] (P-UNIT)
/031658   ASSG    (510311  ) 24PIO     [00.0] (P-UNIT)
/031658   ASSG    (510311  ) 51CMS     [00.0] (P-UNIT)
/031658  $ASNCAS  (510311  ) 51CMS     $ZZF24001308
/031658  $CHANGE  (510311  )           LVL: 1 --> 2
/031658   AIQ     (510311  ) XSA49CMS  ,Auto AIQ
/031658   AIQ     (510311  ) OPSCHIEF  ,Auto AIQ
/031658   AIQ     (510311  ) 24CMS     ,Auto AIQ
/031658   AIQ     (510311  ) 24PIO     ,Auto AIQ
/031658   AIQ     (510311  ) 51CMS     ,Auto AIQ
/031659   VOICED  (510311  )
/031755  *C3      (243122  ) E28       [00:57]
/031807  *C3      (243692  ) M29       [01:09]
/031808  *C3      (242763  ) E63       [01:10]
/031810   SUPP    (510296  )  TXT: A11 STAGING LOC MADISON/VALONIA
/031813  *C3      (2475    ) E21       [01:15]
/031815  *C3      (242908  ) HM109     [01:17]
/031835   MISC    (510296  ) BC13      ,2 STRUCTURES INVOLVED
/031836  *C3      (242753  ) TR23      [01:38]
/031850   ENROUT  (510296  ) ARSON24   [01:52]
/031918  *C3      (241369  ) AC24      [02:20]
/031918  *C3      (242636  ) BC5       [02:20]
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/031919  *C3      (242918  ) EMS24     [02:21]
/031919  *C3      (242687  ) BC14      [02:21]
/031919   MISC    (510194  )           ,FAIRBAIRN ADVISED
/031934   MISC    (510191  )           ,8301 MADISON AVE (CELL TOWER)
/031934   MISC    (510191  )           ,VERIZON WIRELESS 1-800-451-5
/031934   MISC    (510191  )           ,9166391169
/031934   MISC    (510191  )           ,PH2
/031934   MISC    (510191  )           ,031904
/031934   MISC    (510191  )           ,072424
/031934   MISC    (510191  )           ,MALE
/032011  *ONSCNE  (242754  ) TR65      [11:03]
/032156   ONSCNE  (TCUSER  ) BC15      [12:48]
/032228  *UPDATE  (242908  ) HM109
/032317  *ONSCNE  (2475    ) E21       [06:19]
/032503  *UPDATE  (242918  ) EMS24
/032505  *STAGED  (243692  ) M29       [08:07]
/032513   MISC    (510311  ) BC15      ,PGE ADVD WILL CB W/ETA
/032523   MISC    (510296  ) BC13      ,REQ SMUD PGE, BOARDUP 30SHEETS
/032530   MILE    (510296  ) BC13      (PAC)
/032534   MILE    (510296  ) BC13      (SAC)
/032616  *AOR     (243122  ) E28
/032621   ASSG    (510296  ) DUARTE    [[redacted]]
/032622   MISC    (510198  ) BC15      ,SMUD ADV...ETA 1 HR
/032711  $ASSG    (510296  ) E28       ,AOR IN ERROR
/032714   ONSCNE  (510296  ) E28       [00:03]
/032726  *ONSCNE  (242753  ) TR23      [10:28]
/032728  *AOR     (243692  ) M29
/032746   SUPP    (510311  )  TXT: PER 909S MULT UNITS ENROUTE
/032824  $ASSG    (510296  ) M29       ,AOR IN ERROR
/032827  *ONSCNE  (242908  ) HM109     [11:29]
/032909   STAGED  (510296  ) DUARTE    [02:48]
                                       ,SUPERVISOR TO CB W/ETA
/033000   ASSGER  (510296  ) AR112     [[redacted]]
/033113  *ONSCNE  (242918  ) EMS24     [14:15]
/033126  *ONSCNE  (242687  ) BC14      [14:28]
/033239   AOR     (TCUSER  ) AC24
/033250   SUPP    (510296  )  TXT: PGE ETA 30 MINS
/033315  *ONSCNE  (242636  ) BC5       [16:17]
/033327  $ASSG    (510296  ) AC24      ,AOR IN ERROR
/033330   ONSCNE  (510296  ) AC24      [00:03]
/033757   MISC    (510194  ) BC13      ,909S INQ IF RESD ON ROPPER AV CAN RE-ENTER
                                        RESD
/033840   SUPP    (510311  )  TXT: PER DUARTE ETA APPROX 45-1 HOUR
/033931   MISC    (510194  ) BC13      ,909S LOG 837**
/034106   MISC    (510296  ) AC24      ,PER AC24 ONLY EVACUATION ARE FOR THE 2 STR
                                       UCTURES INVOLVED
/034125   ENROUT  (510296  ) DUARTE    ,45/1 HR ETA
/034133  *ONSCNE  (244265  ) DEC110    [32:25]
/034152   MISC    (510194  ) BC13      ,909S ADVISED
/034252   ONSCNE  (510296  ) ARSON24   [25:54]
/034631  *ONSCNE  (243692  ) M29
/034653  *ONSCNE  (244872  ) AR112     [16:53]
/035003  *AOR     (242636  ) BC5
/040816   ONSCNE  (510296  ) DUARTE    [41:55]
/040837   MISC    (510296  ) BC13      ,[redacted], PAC SAC,
/041847   MISC    (510198  ) BC13      ,PGE/SMUD OS.....
/042327   AIQ     (510198  ) DUARTE    ,OS
/042345   MISC    (510198  ) BC13      ,R21 TO BE REL SHORTLY
/042631  *ONSCNE  (242825  ) R21       [01:17]*
/043255  *AOR     (2475    ) E21
/043715   AOR     (TCUSER  ) BC15
/044543  *ONSCNE  (242763  ) E63       [01:28]*
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/044716   MISC    (510322  )           ,8301 MADISON AV (CELL TOWER)
/044716   MISC    (510322  )           ,T-MOBILE USA, INC.
/044716   MISC    (510322  )           ,9165346373
/044716   MISC    (510322  )           ,PH2
/044716   MISC    (510322  )           ,044630
/044716   MISC    (510322  )           ,072424
/044716   MISC    (510322  )           ,ADDTL RP
/050736  *UPDATE  (243122  ) E28
/051018  *AOR     (242763  ) E63
/053752  *AOR     (242687  ) BC14
/054146   AOR     (TCUSER  ) AC24
/055345  *AIQ     (241463  ) E22
/055534   MISC    (510296  ) BC13      ,REQ BOARDUP CONTRACTOR THAT WAS OS TO CONT
                                       ACT BC13 CELL
/055632   MISC    (510311  ) BC13      ,DUARTE ADVD
/060333   AIQ     (510296  ) ARSON24
/060659  *AOR     (243122  ) E28
/061521  *UPDATE  (242918  ) EMS24
/061635  *AIQ     (242753  ) TR23
/062013  *AOR     (242918  ) EMS24
/062656  *UPDATE  (242918  ) EMS24
/064406  *CLEAR   (244420  ) M32
/064527  *AOR     (244872  ) AR112
/064920  *AIQ     (243692  ) M29
/065501  *AOR     (244265  ) DEC110
/065959  *AIQ     (242908  ) HM109
/070228   AOR     (510290  ) BC13      ,PROP REL TO PROP OWNERS, REL TAC, INC TERM
                                       INATED
/070236   CHGCHN  (510290  )  Channel: A6  --> A2
/070248  *AIQ     (242754  ) TR65
/070410  *CLEAR   (242825  ) R21
/070634   MISC    (510290  ) E32       ,BC13 REQ RED CROSS LL CELL REGARDING LOC [redacted]
                                       [redacted] CT
/071112   MISC    (510290  ) E32       ,RED CROSS ADVD TO LL BC13 CELL, APPROX 2 H
                                       R TO CALL
/031500?  ASSGOS  (510290  ) M32       ,VIA E32 MDC
                                       (07:14:07)
/031500?  ONSCNE  (510290  ) E32       [05:52]
                                       ,VIA MDC
                                       (07:14:11)
/071415   AOR     (510290  ) M32
/071418   AOR     (510290  ) E32
/071532   CHANGE  (510290  )           Loc: [redacted] [redacted] CT ,FAI  --> [redacted] [redacted] C
                                       T ,FAI
/071532   UPDATE  (510290  )
/074807  *AOR     (243010  ) E31
/075042  *AIQ     (242912  ) E29
/075052   CLOSE   (510290  )
/080357   CROSS   (510338  )  #F24140232
                                       ,RELATED
```

NFIRS-1 Basic

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34035	CA	07	24	2024	Station 35 (35)	F24140131	0

B **Location Type**

Census tract:

- [x] Street Address
- [ ] Intersection
- [ ] In Front Of
- [ ] Rear Of
- [ ] Adjacent To
- [ ] Directions
- [ ] US National Grid

Number	Prefix	Street or Highway	Street Type	Suffix
[redacted]		[redacted]	CT-Court	

Apt./Suite/Room	City	State	Zip Code
	Fair Oaks	CA	95628

Cross Street

C **Incident Type**

111-Building fire

D **Aid Given Or Received**

- [ ] 1 Mutual Aid Received
- [ ] 2 Auto. Aid Received
- [ ] 3 Mutual Aid Given
- [x] 4 Auto. Aid Given
- [ ] 5 Other Aid Given
- [ ] None

Their FDID	Their State
Sacramento Metro Fire (CA) (34090)	California

Their Incident Number: 4140131

E1 **Dates and Times**

Alarm	07	24	2024	03:09
Arrival	07	24	2024	03:13
Controlled				
Last Unit Cleared	07	24	2024	04:37

E2 **Shifts and Alarms**

Shift or Platoon	Alarms	District
B-Shift	2	9999

E3 **Special Studies**

ID#	Value

F **Actions Taken**

11-Extinguishment by fire service personnel

Primary Action Taken

G1 **Resources**

- [x] Apparatus or Personnel Module is used.

	Apparatus	Personnel
Suppression	0	0
EMS	0	0
Other	1	1

- [ ] Resource counts include aid received resources.

G2 **Estimated Dollar Losses and Values**

Losses: Required for all fires if known. Optional for all non-fires. None

Property: $ [ ] None

Contents: $ [ ] None

Pre-Incident Values: Optional None

Property: $ [ ] None

Contents: $ [ ] None

Completed Modules

- [ ] 2 - Fire
- [ ] 3 - Structure Fire
- [ ] 4 - Civilian Fire Cas.
- [ ] 5 - Fire Service Cas.
- [ ] 6 - EMS
- [ ] 7 - HazMat
- [ ] 8 - Wildland Fire
- [ ] 9 - Apparatus
- [ ] 10 - Personnel
- [ ] 11 - Arson

H1 **Casualties** [x] None

	Deaths	Injuries
Fire Service	0	0
Civilian	0	0

H2 **Detector**

Required for Confined Fires

- [ ] 1 - Detector Alerted Occupants
- [ ] 2 - Detector Did Not Alert Them
- [ ] 3 - Unknown

H3 **Hazardous Materials Release**

- [ ] 1 - Natural Gas
- [ ] 2 - Propane Gas
- [ ] 3 - Gasoline
- [ ] 4 - Kerosene
- [ ] 5 - Diesel Fuel / Fuel Oil
- [ ] 6 - Household Solvents
- [ ] 7 - Motor Oil
- [ ] 8 - Paint
- [ ] 0 - Other
- [x] None

I **Mixed Use Property**

- [ ] Not Mixed
- [ ] 10 - Assembly Use
- [ ] 20 - Education Use
- [ ] 33 - Medical Use
- [ ] 40 - Residential Use
- [ ] 51 - Row Of Stores
- [ ] 53 - Enclosed Mall
- [ ] 58 - Business and Residential
- [ ] 59 - Office Use
- [ ] 60 - Industrial Use
- [ ] 63 - Military Use
- [ ] 65 - Farm Use
- [ ] 00 - Other Mixed Use

J **Property Use** [x] None

Structures

- [ ] 131 Church, Place of Worship
- [ ] 161 Restaurant or Cafeteria
- [ ] 162 Bar/Tavern or Nightclub
- [ ] 213 Elementary School, Kindegarten
- [ ] 215 High School, Junior High
- [ ] 241 College, Adult Education
- [ ] 311 Nursing Home
- [ ] 331 Hospital
- [ ] 341 Clinic, Clinic-Type Infirmary
- [ ] 342 Doctor/Dentist Office
- [ ] 361 Prison or Jail, Not Juvenile
- [ ] 419 1- or 2-Family Dwelling
- [ ] 429 MultiFamily Dwelling
- [ ] 439 Rooming/Boarding House
- [ ] 449 Commerical Hotel or Motel
- [ ] 459 Residential, Board and Care
- [ ] 464 Dormitory/Barracks
- [ ] 519 Food and Beverage Sales
- [ ] 539 Household Goods, Sales, Repairs
- [ ] 571 Gas or Service Station
- [ ] 579 Motor Vehicle/Boat Sales/Repairs
- [ ] 599 Business Office
- [ ] 615 Electric-Generating Plant
- [ ] 629 Laboratory/Science Laboratory
- [ ] 700 Manufacturing Plant
- [ ] 819 Livestock/Poultry Storage (Barn)
- [ ] 882 Non-Residential Parking Garage
- [ ] 891 Warehouse

Outside

- [ ] 124 Playground or Park
- [ ] 655 Crops or Orchard
- [ ] 669 Forest (Timberland)
- [ ] 807 Outdoor Storage Area
- [ ] 919 Dump or Sanitary Landfill
- [ ] 931 Open Land or Field
- [ ] 936 Vacant Lot
- [ ] 938 Graded/Cared for Plot of Land
- [ ] 946 Lake, River, Stream
- [ ] 951 Railroad Right-of-Way
- [ ] 960 Other Street
- [ ] 961 Highway/Divided Highway
- [ ] 962 Residential Street/Driveway
- [ ] 981 Construction Site
- [ ] 984 Industrial Plant Yard

Property Use:

Description

Look up and enter a Property Use code and description only if you have NOT checked a Property Use box.

K2

Owner

Local Option | Person/Entity Type | Business Name (if applicable) | Phone Number

Mr., Ms., Mrs. | First Name | MI | Last Name | Suffix

Number | Prefix | Street or Highway | Street Type | Suffix

Post Office Box | Apt./Suite/Room | City

State | Zip Code

L **Remarks:**

BC15 responded as part of a structure fire assignment. E32 arrived reporting heavy fire from two structures. BC13 arrived and requested a second alarm.

Upon my arrival I was assigned the "Bravo (B)" structure. I coordinated all interior operations and relayed information to BC13 who was in command. Upon knockdown, I reported to back to BC13 and was eventually release from the scene.

M **Authorization**

Officer In Charge ID	Signature	Position or Rank	Assignment	Date
348744	Piacentini, Mark	Assistant Chief		07/24/2024

Member Making Report ID	Signature	Position or Rank	Assignment	Date
348744	Piacentini, Mark	Assistant Chief		07/24/2024

NFIRS-2 Fire

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34035	CA	07	24	2024	Station 35 (35)	F24140131	0

B

Property Details

B1 ☐ Not Residential

Estimated number of residential living units in the building of origin whether or not all units became involved

B2 ☐ Buildings Not Involved

Number of buildings involved

B3 ☑ None ☐ Less than 1 acre

Acres burned (outside fires)

C

On-Site Materials Or Products

On-Site Materials Storage Use

D

Ignition

D1

Area of Fire Origin

D2

Heat Source

D3

Item First Ignited

D4

Type of Material First Ignited

E1

Cause of Ignition

☐ 1 - Intentional
☐ 2 - Unintentional
☐ 3 - Failure of Equipment or Heat Source
☐ 4 - Act of Nature
☐ 5 - Cause Under Investigation
☐ U - Cause Undetermined After Investigation

E2

Factors Contributing to Ignition

E3

Human Factors Contributing to Ignition

Check all applicable boxes

☑ None
☐ 1 - Asleep
☐ 2 - Possibly impaired by alcohol or drugs
☐ 3 - Unattended person
☐ 4 - Possibly Mentally Disabled
☐ 5 - Physically Disabled
☐ 6 - Multiple Persons Involved

☐ 7 - Age Was A Factor

Estimated Age of Person Involved

☐ Male ☐ Female

F1

Equipment Involved In Ignition

☑

Equipment Involved

Brand

Model

Serial #

Year

F2

Equipment Power Source

☑

Equipment Power Source

F3

Equipment Portability

☐ 1 - Portable
☐ 2 - Stationary

Portable equipment normally can be moved by one or two persons.

G

Fire Suppression Factors

H1

Mobile Property Involved

☐ 1 - Not involved in ignition, but burned
☐ 2 - Involved in ignition, but did not burn
☐ 3 - Involved in ignition and burned
☑ None

H2

Mobile Property Type and Make

Mobile Property Type

Mobile Property Make

Mobile Property Model

Year

State

License Plate Number

VIN

Local Use

☐ Pre-Fire Plan Available
☐ Arson Report Attached
☐ Police Report Attached
☐ Coroner Report Attached
☐ Other Reports Attached

NFIRS-3 Structure Fire

I1

Structure Type

- 1 - Enclosed Building
- 2 - Portable/Mobile Structure
- 3 - Open Structure
- 4 - Air-Supported Structure
- 5 - Tent
- 6 - Open Platform
- 7 - Underground Structure
- 8 - Connective Structure
- 0 - Other

I2

Building Status

- 1 - Under Construction
- 2 - In Normal Use
- 3 - Idle, Not Routinely Used
- 4 - Under Major Renovation
- 5 - Vacant and Secured
- 6 - Vacant and Unsecured
- 7 - Being Demolished
- 0 - Other
- U - Undetermined

I3

Building Height

Number of Stories At/Above Grade

Number of Stories Below Grade

I4

Main Floor Size

Total Square Feet

OR

BY

Length (ft) X Width (ft)

J1

Fire Origin

Below Grade

Story of Fire Origin

J2

Fire Spread

- Confined to Object of Origin
- 2 - Confined to Room of Origin
- 3 - Confined to Floor of Origin
- 4 - Confined to Building of Origin
- 5 - Beyond Building of Origin

J3

Number of Stories Damaged By Flame

Number of Stories w/Minor Damage (1-24%)

Number of Stories w/Significant Damage (25-49%)

Number of Stories w/Heavy Damage (50-74%)

Number of Stories w/Extreme Damage (75-100%)

*Count the roof as part of the highest story

K

Type of Material Contributing Most to Flame Spread

K1

Item Contributing Most to Flame Spread

K2

Type of Material Contributing Most To Flame Spread

L1

Presence of Detectors

- N - None Present
- 1 - Present
- U - Undetermined

L2

Detector Type

- 1 - Smoke
- 2 - Heat
- 3 - Combination of Smoke and Heat
- 4 - Sprinkler, Water Flow Detection
- 5 - More Than One Type Present
- 0 - Other
- U - Undetermined

L3

Detector Power Supply

- 1 - Battery Only
- 2 - Hardwire Only
- 3 - Plug-In
- 4 - Hardwire With Battery
- 5 - Plug-In With Battery
- 6 - Mechanical
- 7 - Multiple Detectors & Power Supplies
- 0 - Other
- U - Undetermined

L4

Detector Operation

- 1 - Fire Too Small To Activate
- 2 - Operated
- 3 - Failed To Operate
- U - Undetermined

L5

Detector Effectiveness

- 1 - Alerted Occupants, Occupants Responded
- 2 - Alerted Occupants, Occupants Failed to Respond
- 3 - There Were No Occupants
- 4 - Failed to Alert Occupants
- U - Undetermined

L6

Detector Failure Reason

- 1 - Power Failure, Shutoff, or Disconnect
- 2 - Improper Installation or Placement
- 3 - Defective
- 4 - Lack of Maintenance, Dirty
- 5 - Battery Missing or Disconnected
- 6 - Battery Discharged or Dead
- 0 - Other
- U - Undetermined

M1

Presence of Automatic Extinguishing System

- ☐ N - None Present
- ☐ 1 - Present
- ☐ 2 - Partial System Present
- ☐ U - Undetermined

M2

Type of Automatic Extinguishing System

- ☐ 1 - Wet-Pipe Sprinkler
- ☐ 2 - Dry-Pipe Sprinkler
- ☐ 3 - Other Sprinkler System
- ☐ 4 - Dry Chemical System
- ☐ 5 - Foam System
- ☐ 6 - Halogen-Type System
- ☐ 7 - Carbon Dioxide System
- ☐ 0 - Other
- ☐ U - Undetermined

Required if fire was within designed range of AES

M3

Operation of Automatic Extinguishing System

- ☐ 1 - Operated/Effective
- ☐ 2 - Operated/Not Effective
- ☐ 3 - Fire Too Small To Activate
- ☐ 4 - Failed To Operate
- ☐ 0 - Other
- ☐ U - Undetermined

Required if fire was within designed range

M4

Number of Sprinkler Heads Operating

Required if system operated

M5

Reason for Automatic Extinguishing System Failure

- ☐ 1 - System Shut Off
- ☐ 2 - Not Enough Agent Discharged
- ☐ 3 - Agent Discharged But Did Not Reach Fire
- ☐ 4 - Wrong Type of System
- ☐ 5 - Fire Not In Area Protected
- ☐ 6 - System Components Damaged
- ☐ 7 - Lack of Maintenance
- ☐ 8 - Manual Intervention
- ☐ 0 - Other
- ☐ U - Undetermined

Required if system failed or not effective

NFIRS-7 HazMat

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34035	CA	07	24	2024	Station 35 (35)	F24140131	0

NFIRS-8 Wildland Fire

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34035	CA	07	24	2024	Station 35 (35)	F24140131	0

B

Alternate Location Specification

Township ☐ North ☐ South

Range ☐ East ☐ West

Section

Subsection

Meridian

C

Area Type

- ☐ 1 - Rural, Farms > 50 Acres
- ☐ 2 - Urban (Heavily Populated)
- ☐ 3 - Rural/Urban or Suburban
- ☐ 4 - Urban-Wildland Interface Area

D1

Wildland Fire Cause

- ☐ 1 - Natural Source
- ☐ 2 - Equipment
- ☐ 3 - Smoking
- ☐ 4 - Open/Outdoor Fire
- ☐ 5 - Debris/Vegetation Burn
- ☐ 6 - Structure (Exposure)
- ☐ 7 - Incendiary
- ☐ 8 - Misuse of Fire
- ☐ 0 - Other
- ☐ U - Undetermined

D2

Human Factors Contributing to Ignition

- ☐ 1 - Asleep
- ☐ 2 - Possibly Impared by Alcohol or Drugs
- ☐ 3 - Unattended Person
- ☐ 4 - Possibly Mental Disabled
- ☐ 5 - Physically Disabled
- ☐ 6 - Multiple Persons Involved
- ☐ 7 - Age Was a Factor
- ☐ None

D3

Factors Contributing to Ignition

D4

Fire Suppression Factors

E

Heat Source

F

Mobile Property Type

G

Equipment Involved In Ignition

H

Weather Information

NFDRS Weather Station ID

Weather Type

Wind Direction

Wind Speed

Air Temperature (F) ☐ Negative

Relative Humidity (%)

Fuel Moisture (%)

Fire Danger Rating

I1

Number of Buildings Ignited

☐ ☑ None

I2

Number of Buildings Threatened

☐ ☑ None

I3

Total Acres Burned

I4

Primary Crops Burned

J

Property Management

Owner | % Acres Burned

- U - Undetermined
- Private
  - 1 - Tax Paying
  - 2 - Non-tax Paying
- Public
  - 3 - City, Town, Village, or Other Locality
  - 4 - County or Parish
  - 5 - State or Province
  - 6 - Federal
  - 7 - Foreign
  - 8 - Military
  - 0 - Other

K

NFDRS Fuel Model At Origin

L1

Person Responsible For Fire

- 1 - Identified Person Caused Fire
- 2 - Unidentified Person Caused Fire
- 3 - Fire Not Caused By Person

L2

Gender of Person Involved

- 1 - Male
- 2 - Female

L3

Age or Date of Birth

Age OR Date of Birth

L4

Activity of Person Involved

M

Type of Right-Of-Way

Feet
Horizontal Distance From Right-of-Way

Type of Right-of-Way

N

Fire Behavior

Feet
Elevation

Relative Position on Slope

Aspect

Feet
Flame Length

Chains Per Hour
Rate of Spread

NFIRS-9 Apparatus or Resources

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34035	CA	07	24	2024	Station 35 (35)	F24140131	0

B **Apparatus/Resource**	Dates/Times		Sent	Number of People	Apparatus Use	Actions Taken
ID: BC15	Dispatch:	07/24/2024 03:09	☐ Sent	1	☐ Suppression ☐ EMS ☑ Other	☐
Type: 91-Mobile command post	Arrival:	07/24/2024 03:21				
	Clear:	07/24/2024 04:37				

NFIRS-10 Personnel

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34035	CA	07	24	2024	Station 35 (35)	F24140131	0

B
Apparatus/Resource

ID: BC15

Type: 91-Mobile command post

Dates/Times

Dispatch: 07/24/2024 03:09

Arrival: 07/24/2024 03:21

Clear: 07/24/2024 04:37

Sent: ☐ Sent

Number of People: 1

Apparatus Use: ☐ Suppression ☐ EMS ☑ Other

Actions Taken: ☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
348744	Piacentini, Mark	Assistant Chief		☐	☐

NFIRS-11 Arson

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34035	CA	07	24	2024	Station 35 (35)	F24140131	0

B

Agency Referred To
☑ None

Agency Name | Their Case Number

Number | Prefix | Street or Highway | Street Type | Suffix | Their ORI

P.O. Box | Apt./Suite/Room | City | Federal Identifier (FID)

State | Zip Code | Agency Phone Number | Their FDID

C

Case Status

- ☐ 1 - Investigation Open
- ☐ 2 - Investigation Closed
- ☐ 3 - Investigation Inactive
- ☐ 4 - Closed with Arrest
- ☐ 5 - Closed with Exceptional Clearance

D

Availability of Material First Ignited

- ☐ 1 - Transported to Scene
- ☐ 2 - Available at Scene
- ☐ U - Unknown

E

Suspected Motivation Factors

- ☐ 11 - Extortion
- ☐ 12 - Labor Unrest
- ☐ 13 - Insurance Fraud
- ☐ 14 - Intimidation
- ☐ 15 - Void Contract/Lease
- ☐ 21 - Personal
- ☐ 22 - Hate Crime
- ☐ 23 - Institutional
- ☐ 24 - Societal
- ☐ 31 - Protest
- ☐ 32 - Civil Unrest
- ☐ 41 - Fireplay/Curiosity
- ☐ 42 - Vanity/Recognition
- ☐ 43 - Thrills
- ☐ 44 - Attention/Sympathy
- ☐ 45 - Sexual Excitement
- ☐ 51 - Homicide
- ☐ 52 - Suicide
- ☐ 53 - Domestic Violence
- ☐ 54 - Burglary
- ☐ 61 - Homicide Concealment
- ☐ 62 - Burglary Concealment
- ☐ 63 - Auto Theft Concealment
- ☐ 64 - Destroy Records/Evidence
- ☐ 00 - Other Suspended Motivation
- ☐ UU - Unknown Motivation

F

Apparant Group Involvement

- 1 - Terrorist Group
- 2 - Gang
- 3 - Anti-Government Group
- 4 - Outlaw Motorcycle Organization
- 5 - Organized Crime
- 6 - Racial/Ethnic Hate Group
- 7 - Religious Hate Group
- 8 - Sexual Preference Hate Group
- 0 - Other Group
- U - Unknown

G1

Entry Method

G2

Extent of Fire Involvement on Arrival

H

Incendiary Devices

Container None

- 11 - Bottle (Glass)
- 12 - Bottle (Plastic)
- 13 - Jug
- 14 - Pressurized Container
- 15 - Can (Not Gas or Fuel)
- 16 - Gasoline or Fuel Can
- 17 - Box
- 00 - Other Container
- UU - Unknown

Ignition/Delay Device None

- 11 - Wick or Fuse
- 12 - Candle
- 13 - Cigarette and Matchbook
- 14 - Electronic Component
- 15 - Mechanical Device
- 16 - Remote Control
- 17 - Road Flare/Fuse
- 18 - Chemical Component
- 19 - Trailer/Streamer
- 20 - Open Flame Source
- 00 - Other Delay Device
- UU - Unknown

Fuel None

- 11 - Ordinary Combustibles
- 12 - Flammable Gas
- 14 - Ignitable Liquid
- 15 - Ignitable Solid
- 16 - Pyrotechnic Material
- 17 - Explosive Material
- 00 - Other Material
- UU - Unknown

I

Other Investigative Information

- 1 - Code Violations
- 2 - Structure For Sale
- 3 - Structure Vacant
- 4 - Other Crimes Involved
- 5 - Illicit Drug Activity
- 6 - Change in Insurance
- 7 - Financial Problem
- 8 - Criminal/Civil Actions Pending

J

Property Ownership

- 1 - Private
- 2 - City, Town, Village, Local
- 3 - County or Parish
- 4 - State or Province
- 5 - Federal
- 6 - Foreign
- 7 - Military
- 0 - Other

K

Initial Observations

- 1 - Windows Ajar
- 2 - Doors Ajar
- 3 - Doors Locked
- 4 - Doors Unlocked
- 5 - Fire Department Forced Entry
- 6 - Entry Forced Prior to FD Arrival
- 7 - Security System Activated
- 8 - Security System Present (not activated)

L

Laboratory Used None

- 1 - Local
- 2 - State
- 3 - ATF
- 4 - FBI
- 5 - Other Federal
- 6 - Private

NFIRS-1S Supplemental

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34035	CA	07	24	2024	Station 35 (35)	F24140131	0

Primary Narrative:

BC15 responded as part of a structure fire assignment. E32 arrived reporting heavy fire from two structures. BC13 arrived and requested a second alarm.

Upon my arrival I was assigned the "Bravo (B)" structure. I coordinated all interior operations and relayed information to BC13 who was in command. Upon knockdown, I reported to back to BC13 and was eventually release from the scene.

E3 **Supplemental Special Studies**

Local Option

	Special Study ID#	Special Study Value		Special Study ID#	Special Study Value		Special Study ID#	Special Study Value		Special Study ID#	Special Study Value
1			2			3			4		
5			6			7			8		

Audio file

2972261461028.mp3

Transcript

This call is being recorded.

This is [redacted] speaking with David on July 24th of the year 2024. David, could you please state your full name and mailing address for me please?

David earlier, [redacted] [redacted] court Fair Oaks, CA. 95628.

All right. And that's the same address of where the damages occurred at all, right? And this is a home that you reside in. Yes, OK. And as far as us contacting you? Do you prefer? If we do that by phone or by e-mail.

Uh, phone.

Done. OK. Yeah. And did you want to list an e-mail address for this claim as well? Yes. OK. And that address.

It is D as in [redacted]@gmail.com.

OK. And we have damages that occurred today. Is that correct?

Yes.

OK. And were you home at the time? Yes. OK. And about what time did this occur?

About 3:00 this morning, 33 AM.

OK. And how did you become? Aware of the fire.

Smoke detectors going off. My my wife. Yelling at me to get up, you know?

Yeah. OK. And so?

I said I shouldn't say yelling at me. I should just say she just woke. She woke me up. There was there was some concern there was, you know. Smoke in the house and stuff so.

Yeah, that's that's great concern. OK. And where was the fire at?

Yeah.

The fire covered. The entire I would call it the left side of the house. If you're if you're looking at it from the outside, it it came. I think the fire came from the the neighbors house. They had it pretty extensive damage on their house. And then I think it came over. To the left side of our house and went up the wall and and then in the attic ceiling kind of crawl space area and then covered. Basically, the whole top of the of the structure and then. You know there's other damage as well. Just. But to be honest, I haven't really gotten to explore everything that's damaged at this point.

OK.

But basically the the last. When I was last in there, the entirety of the roof has gone above the master bedroom and there's. UM. You know, there's there's extensive damage throughout the whole. House.

OK. And your home is a two-story home, OK, and what's the square footage?

Total square footage is like 2200.

OK. And how many bedrooms?

Firstly.

Yeah.

Alright, and how many bedrooms do you have?

It's a 3 bedroom.

And how many bathrooms?

3.

And the garage is attached. Yes. OK. And that's got A2 car, one car garage.

It's a 2.

OK. And how many people are there in your household?

5.

5 two adults and three children, yes. Any pets?

No.

OK. And what are the ages of the children?

1614 and six. Will be 7 in August.

All right. And is everybody OK?

Physically, yes. Good.

Alright. And so it's safe to say that your home is not livable.

No, the the fire department already seemed it uninhabitable, and they've boarded it up and put a fence around it already.

Do you know if they cut power to the house?

Yeah, they did, OK. And I don't. Well, let me rephrase that. I know that they turned the power off. I don't know if they cut the line or if they just shut the the box like the breaker box off. I don't. I don't know.

OK.

I know that they're standard operating procedures, that they cut it, but I don't know for.

A fact. OK, and which fire department responded?

SAC Metro and there were a couple engines from the Folsom Fire Department as well, but SAC Metro is the one that is doing the report and the invest or. The investigation report.

OK. Did they provide you with a case number?

Yeah, they did. OK. Are you ready for? That. 24 dash 140131.

OK. All right. And did they tell you how the fire started us yet?

No, I haven't. I haven't. I had talked to the investigator, but that was before he did his thing.

OK. And you've been in your home for how long?

About 3 years.

OK. And during that time, have you done any updates to the home?

I mean a few things here and there, but nothing. No, no major updates.

OK. All right. What, what things did you do?

We installed like some custom made shelving for the kitchen. We placed the. The pool pump. And the like the all the pool equipment like the vacuum for it and. I mean, we've done, we've repainted. We also had one of the bathrooms retiled we did. That. OK. Oh, we also replaced one of the garage doors. I don't know, maybe. Maybe six months ago.

Alright. And so there's a fence between you and your neighbor, is that correct?

Ohh yeah, there is we actually. I just rebuilt that last. Like a year ago.

And what kind of wood is it?

It was, it was. Uh. Like Redwood. Post Redwood. Slats, sorry. Yeah.

OK. Was it, uh, painted or stained?

Yeah, I I did. Use like a colored stain on it.

OK. And you're and you're the sole owner of that fence that's not shared?

UM it no, it is shared.

So your neighbor went half on you with you on the fence.

No, I actually. I I actually did it. I don't know. Is. Initially said he was going to go halves, but. I'm sure he's. It it never happened so.

OK. All right. So you're the owner of that fence now, OK. Surely I'm sure it wasn't easy at the time, but it's it's easier definitely for this claim. So yeah, that's OK, alright? And you do you do you know your neighbors?

Right.

Full name.

Yeah, it's his first name is [redacted]. Like mine? His last name is like [redacted]. I think it's [redacted]

Do you know his address?

Cause.

I think it's [redacted].

OK. All right. And do you have his number?

Yeah, I could hold that up. I think. Can you give me one second for me to reach you off this phone? Yeah, hold on.

Yeah.

OK, so it's [redacted].

OK, alright. And had you had a conversation with [redacted] just yet regarding details about the fire?

Nothing other than like are you. Are you guys all out of the house or you know, that kind of thing? But no, we we haven't talked yet.

OK. All right. So they were home when the fire started too.

Yeah.

OK. And do do you have any other structures other than the fence? That was affected.

I mean. The. All of the the pool pump. That whole thing is gone. The. That's the side of the house that. The fire came on.

Hmm.

Yeah.

OK. Do you do you think that your home is repairable?

No. I don't.

OK. UM, do you have anybody in mind that you would like to utilize for the rebuild of your home?

I I don't have a preference or anything.

OK. Yeah, it's it's OK not to have that information right now. It's it's very early. I'm sure you weren't planning on rebuilding your home. So when you do select A contractor, just let me know.

OK. Is is that something I need to do like? Sooner rather than later.

UM, you can start working on it as far as interviewing contractors that you would like to utilize to assist you with this process. If you need some help with that, we can see if we have any contractors in our contractor network in your area.

OK.

That would be able to assist as well. And then UM, I'm going to go ahead and get this set up for an independent adjuster. And so if we don't have anybody in our contractor network, I can check with our independent adjuster to see if they have anybody in mind that would be good to assist you with your loss as well.

OK. It makes sense to me since I don't have a preference. I'd like to use somebody who you guys have worked with in the past. OK, I think I mean it makes sense to me that it would be, I don't know simpler that way. But. You're the. You're the expert here. I'm. I'm. This is my my first first time dealing with something like this.

OK. All right. Well, every claim is is different. So and every fire is different. Because every home is different, so it's we. I don't like to take a cookie cutter approach. I'd like to find out what happened. See what are the best guidelines to assist you? And you know, getting your home restored or rebuilt, whichever one is warranted.

Sure.

And then we we want to get you guys taken care of because you don't have a place to live in right now. And so we'll go over, uh your coverages after the recorded statement. Uh. Is there anything else to this loss that you would want to add that might be significant that I did not ask?

Yeah, I think there's a few things. OK. So as we're talking, I thought of a couple more things I like. I don't know a year and a half ago I installed like solar window covers on all the like bedroom windows. That was one of the other things that we that are, you know, most of those are destroyed and gone now. The other thing that I think is very relevant is that our neighbors had. Their HVAC system replaced yesterday on their house and they had a full like like they took out the old put in the new, hooked it all up and everything. And. I don't know. Sometime I know that. When you mess with electrical stuff that bad things can happen. I don't. I don't know.

Do you know the name of the company that did? That.

I'm sorry, what was the question?

Do you know the name of the company that replaced the HVAC?

System I don't. I didn't. I didn't like really pay attention. I just like. I just saw the truck there and in front of their house and. He mentioned to me that they just, you know, replaced it. So I. But I don't know what company or.

And that's the it's on your shared side of the home.

Yeah, and yeah, and his and like I I thought I I think I explained it like. What I was. Told by the fire department is that the fire originated at their house and spread to our house, so I just. You know, again, I don't. I don't know. I don't think anybody did anything malicious or anything like that. I just I I just think it's relevant to. To what's going on.

OK. All right. Well, I'm pretty sure that his insurance company will do a cause and origin investigation.

On. Yeah, for sure.

This and so. If you if you have a conversation with your neighbor, if you could obtain his insurance information, his claim number, his adjusters contact information. Because. If it is potentially from this new HVAC system being installed, then we have what is called subrogation where we can seek restitution for your damages and your deductible where someone is liable. And so if it is originating from that. New installed HVAC system. We definitely want to go after that other party for your damages.

Yeah. Yeah, I get that.

OK. All right. Anything else that you can think of?

I don't, I don't think so. OK.

All right. Well, don't think that you have to have everything by now. I'm pretty sure right now you guys are definitely in a state of shock that this is actually happening to you, waking you up in the early morning hours when you're you're totally sleep. And so you go into flight mode instantly.

Yeah.

And so it does take some time to process this and absorb everything. So if anything comes up as we go along with our investigation of your claim and the damages, just feel free to reach out to me, I'm going to be your point of contact here at the Grange to assist you with all those. Aspects and so at this time, if you're OK, I'm going to go ahead and end the recording. Is that OK?

Yeah, that's fine. All right.

Recording stopped.

Folsom Police Department

Richard D. Hillman
CHIEF OF POLICE

February 5, 2025

County of Sacramento
District Attorney Office
901 G Street
Sacramento, CA 95814

District Attorney Thein Ho,

Please be advised that Folsom Police Officer David Erler, Badge #269, may have material in his personnel file subject to disclosure under Brady v. Maryland.

Respectfully,

Richard Hillman
Chief of Police

Folsom Police Department

Richard D. Hillman
CHIEF OF POLICE

February 5, 2025

County of Humboldt
District Attorney Office
825 5th Street, Ste 4
Eureka, CA 95501

District Attorney Stacey Eads,

Please be advised that Folsom Police Officer David Erler, Badge #269, may have material in his personnel file subject to disclosure under Brady v. Maryland.

Respectfully,

Richard Hillman
Chief of Police

Memo

To: Commander Andrew Bates

CC:

From: Lieutenant Jake VerHalen

Date: December 30, 2024

Subject: **LETTER OF TRANSMITTAL**
Internal Affairs Investigation – 24-004

I. SUBJECT

Letter of Transmittal – IA Case #24-004 – Detective David Erler #269

II. CHARGES

ALLEGATION #1

FPPM 339 – STANDARDS OF CONDUCT

339.5.8(c) PERFORMANCE

Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person of authority, in connection with any investigation or in the reporting or any department related business.

Disposition: Sustained

ALLEGATION #2

FPPM 339 – STANDARDS OF CONDUCT

339.5.9(h) CONDUCT

Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department.

Disposition: <u>Sustained</u>

ALLEGATION #3

FPPM 339 – STANDARDS OF CONDUCT

339.5.9(m) CONDUCT

Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or moral, or tends to reflect unfavorably upon this department or its members

Disposition: <u>Sustained</u>

Additional References:

FPOA Memorandum of Understanding

ARTICLE XII – DISCIPLINE
E. Causes for Disciplinary Action
1.
- f. Unbecoming Behavior
- h. Dishonesty
- i. Misconduct
- n. Violation of a City Ruly, Policy, or Procedure

III. SUMMARY

David Erler is a Police Officer with the Folsom Police Department and currently assigned to the Criminal Investigations Division (CID) as a general crimes detective.

On July 24, 2024, at about 0308 hours, personnel from the Sacramento Metropolitan Fire District (SMFD) responded to [redacted] in Fair Oaks, CA, for a reported structure fire. On arrival, fire personnel observed a fire at the neighbor-fence between [redacted] and [redacted], with the fire extending into both of the residential structures. [redacted] is the residence of Det. Erler. [redacted] is the residence of [redacted] (a Citrus Heights Police Officer) and [redacted].

SMFD Fire Investigator (FI) Jeffrey Sargent responded to the scene and conducted an investigation into the cause of this fire. Based upon his scene examination, physical evidence, firefighter and witness statements, as well as knowledge of fire development and the information available at the time his report was made, FI Sargent determined that the fire originated at a palm tree stump located along the west side of the shared neighbor fence on the property of [redacted], owned by Det. Erler. He identified the ignition source of the fire as “intentional application of open flames for the purpose of stump removal.” FI Sargent classified this fire as accidental. SMFD Case #2024-000214.

On September 27, 2024, Folsom Police Commander Brian Lockhart received an email from FI Sargent, regarding his fire investigation at [redacted]. FI Sargent had some concerns about the investigation and Det. Erler's involvement. FI Sargent attached the SMFD report (Case #2024-000214) to his email. Commander Lockhart forwarded this email to Lieutenant Canepa (Det. Erler's Division Supervisor) and asked him to follow up with FI Sargent for further details. After Lt. Canepa's conversation with FI Sargent and further review of this fire investigation, Commander Lockhart ordered an internal investigation into this matter.

STATEMENTS:

FIRE INVESTIGATOR JEFFREY SERGENT

On October 3, 2024, Sergeant Kehm interviewed Fire Investigator (FI) Jeffrey Sergent as a witness to this investigation. FI Sergent explained that he was dispatched to a structure fire on July 24, 2024, at about 0342 hours. He was asked if, after the course of his

investigation, he able to determine the cause of this fire. FI Sargent stated that he had determined the cause to have originated from a burning palm tree stump that was located at the property line between the two involved residential structures. FI Sergent said that through interviews conducted as part of this investigation, he learned that Detective Erler was the person responsible for burning the tree stump.

FI Sergent said that when he arrived on scene, he was contacted by a Citrus Heights Police Officer (on duty and in uniform) who was identified as Dave [redacted]. [redacted] told FI Sargent that he received a text message earlier in the evening (approximately 2100 hours on July 23rd) from his wife, [redacted], stating something to the effect of, "Dave's" or "Fucking Dave is burning a stump." [redacted] said he later received a subsequent text message from [redacted] stating, "houses on fire."

FI Sargent said he also spoke with [redacted] while he was at the scene of the fire. FI Sergent said that [redacted] told him she was inside of her house ([redacted]) at about 2100 hours the evening before the fire when she observed flames through the back windows of her home, then noticed a fire burning at the fence that separates her property from the Erler's. According to FI Sargent, [redacted] felt that the fire was significant enough to warrant going next door to the Erler's residence to attempt contact with them. As she walked there, [redacted] told FI Sargent she could see Det. Erler and his wife in their backyard. FI Sargent said that after knocking on the front door, [redacted] was greeted by Det. Erler's 16-year-old daughter who answered the door and acknowledged that her dad was burning a stump. After [redacted] pointed out to the daughter that the fence appeared to be on fire, the daughter agreed to go and tell her parents, according to FI Sargent.

FI Sargent said [redacted] returned to her residence and after going to sleep, she was awoken around 0300 hours to the smell of smoke and discovered that the side of the house was on fire. It was at this time that [redacted] sent a text message to her husband that the house was on fire, and she evacuated her family from the residence. [redacted] then responded from Citrus Heights, where he was on duty with the Citrus Heights Police Department, working patrol.

After speaking with [redacted] and [redacted], FI Sargent spoke with Det. Erler at the scene. FI Sargent asked Det. Erler if he knew how the fire started, and Det. Erler told Sargent he "had no idea." Later, when FI Sargent asked him a second time about the cause of the fire, Det. Erler told FI Sargent that the neighbors ([redacted]) had a new HVAC system recently installed, and it had possibly malfunctioned. FI Sargent told Sgt. Kehm that he investigated the possibility of [redacted]'s HVAC system being the cause of this fire,

and he ultimately determined that it was not. FI Sargent told Sgt. Kehm that the origin area of the fire was at the palm tree stump and that the fire traveled from west to east – from Det. Erler's residence toward [redacted]'s residence.

FI Sargent said he was thrown off by the original story given to him by Det. Erler, especially since he had already spoken with [redacted] and [redacted] who mentioned the burning stump the night before the house fires. FI Sargent asked Det. Erler if he was aware that [redacted] came over to his house the night before and spoke with his daughter about the fire, when Det. Erler's wife ([redacted] Erler) interrupted and said that their daughter just mentioned that to them a couple minutes before FI Sargent contacted them. FI Sargent then asked if they were in the backyard burning a stump and Det. Erler denied it, stating instead that he was burning a stump in his backyard two days ago (July 22nd). FI Sargent confronted Det. Erler with the fact that [redacted] had come over to his residence the night before when she saw the fence on fire, and Det. Erler admitted that he and his wife were in the backyard and that he *was* burning the stump the night before the fire (July 23rd). FI Sargent asked Det. Erler why he had to pry that information out of him and Det. Erler did not say anything more. FI Sargent further explained that after being confronted with this, Det. Erler showed no signs of remorse, nor did he offer an apology to FI Sargent for his initial dishonesty. FI Sargent said that when he was confronting him about his untruthfulness, Det. Erler's wife interrupted him, saying that her husband was just upset about everything that had happened.

Sgt. Kehm asked FI Sargent about the intensity of the stump fire and if in his expert opinion, a person could light that stump on fire with only a lighter. FI Sargent said that to burn that stump and create the intensity of flames as described by [redacted] the evening of July 23rd, Det. Erler would have had to have used an accelerant to ignite the stump.

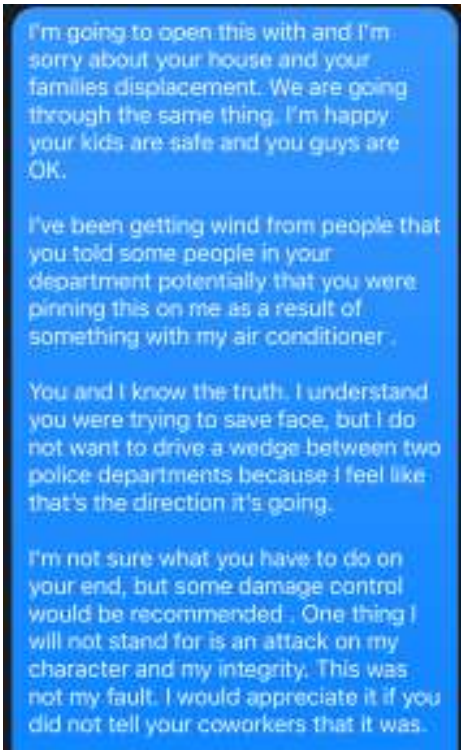
[redacted]

On October 8, 2024, Sgt. Kehm interviewed [redacted] as a witness to this investigation. Sgt. Kehm asked [redacted] to go back to the night prior to the fire (July 23, 2024). [redacted] said that he received a text message from his wife ([redacted]) at about 2100 hours, telling him that their neighbor, David Erler, was burning a stump in his backyard. [redacted] assumed that his wife went to bed shortly after and it was about 0300 hours the following morning when he received a text message from her stating, "Houses on fire." He said he then began getting Arlo security camera notifications from his front door that showed members of his family exiting the residence and smoke

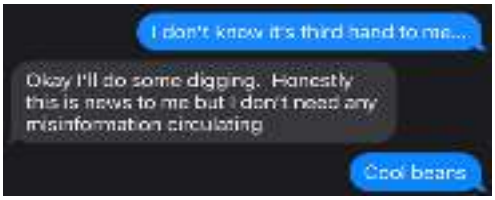
going out the front door. [redacted] radioed to his dispatch center that his house was on fire and that he was responding to it.

[redacted] said that when he arrived on scene, he confirmed that his wife and family were safe. He said Det. Erler came up to him at some point with a look of concern but did not really say anything to him. This was the last time he saw Det. Erler that night.

[redacted] told Sgt. Kehm that he later caught wind of some untruthful rumors that Det. Erler may have been spreading at the Folsom Police Department, specific to the fire that morning and how it may have been related the to the new air conditioner [redacted] had installed five days earlier. [redacted] said he called Det. Erler out on this in a text message. (Blue indicates text sent by [redacted]. Gray indicates text sent by Det. Erler).







[redacted] said this was the last communication he had with Det. Erler about the fire. It is important to note that Det. Erler, in his text message response to [redacted], completely denies telling anyone that he thinks this is in any way [redacted] or his family's fault.

[redacted] told Sgt. Kehm that he confirmed with FI Sargent that his new HVAC system was not the cause of this fire. [redacted] further expressed his concerns about Det.

Erler denying his involvement with this fire, spreading rumors about the HVAC system as the cause, and not being truthful with FI Sargent on the morning of the fire.

[redacted] provided Sgt. Kehm with information for Det. Erler's homeowners insurance company, Grange Insurance.

[redacted]

On October 8, 2024, Sgt. Kehm interviewed [redacted] as a witness to this investigation. Sgt. Kehm asked [redacted] to recount the night before the fire as well as the morning of. [redacted] told Sgt. Kehm that she was in her backyard watering her redwood trees and went outside at about 9:00 PM to move the sprinklers when she noticed a large fire just over the neighbor (Det. Erler's) fence. Fearing that her neighbors had a fire they were unaware of, [redacted] immediately went to their home and began pounding on their door to alert someone. [redacted] said Det. Erler's daughter answered the door and after [redacted] advised her of the fire, the daughter told her that her dad (Det. Erler) was burning a stump back there and he had it under control. [redacted] said that as she talked to the daughter at the open front door, she could see through the back window of their house that Det. Erler was standing there, staring at the fire. [redacted] said she was a little nervous about the size of the fire and its close proximity to the fence, but she decided to go back to her house.

[redacted] said she went to bed a while later and it was sometime around 3:00 AM when she woke up to the fire alarms sounding in her house. When she opened her blackout curtains, [redacted] saw the fence was on fire. She went and gathered her children from bed then headed downstairs where she noticed smoke pouring downstairs. After getting her family out of the house, she texted her husband, [redacted], then moved her family down the street, away from the fire.

[redacted] described the stump fire as large enough to be seen over the top of their 5 ½ to 6 foot tall neighbor fence, which is what prompted her to run over and notify the Erlers.

SERGEANT JOHN WAGNER

On October 9, 2024, Sgt. Kehm interviewed Sergeant John Wagner as a witness to this investigation. Sgt. Wagner said that he responded to Det. Erler's residence at about 0700

hours on the morning of the fire. Sgt. Wagner said that Det. Erler brought up that the neighbor had a heat and air unit installed the previous day. Sgt. Wagner said he looked to the area where the neighbor's HVAC system was, and he asked Det. Erler if the company who did the installation was a reputable one. Sgt. Wagner said that Det. Erler believed that it was because they had markings on the side of their work trucks. Sgt. Wagner said he (Wagner) completely assumed that the fire started in the neighbor's house and moved into Det. Erler's house. Sgt. Wagner said that's what he and Det. Erler talked about. Sgt. Wagner said that Det. Erler never said specifically how the fire was started. He also said that Det. Erler never informed him that he was contacted by a fire investigator from the Sacramento Municipal Fire District.

Sgt. Wagner said that Det. Erler never mentioned anything to him about setting a stump on fire the night before the structure fire. He said that a couple of weeks after the fire, he heard that Sacramento Metro Fire said there was a stump that was burned in the backyard, but Sgt. Wagner never spoke with Det. Erler about this, figuring it was none of his business. Sgt. Wagner said that in the time that he supervised Det. Erler, he never had any concerns about dishonesty.

[redacted] [redacted] – GRANGE INSURANCE

Sgt. Kehm contacted [redacted] [redacted], the claims adjuster who was assigned to Det. Erler's insurance claim. [redacted] provided Sgt. Kehm with the audio recording of her contact with Det. Erler from July 24, 2024, at approximately 1030 hours, when Det. Erler called Grange Insurance to report his loss. The audio recording was later transcribed for use in this Personnel Investigation.

In his contact with Grange Insurance, Det. Erler told [redacted] that Sac Metro responded to this fire, and they were handling the investigation and report. [redacted] then asked Det. Erler if the fire department told him how the fire started, and he stated that they had not. Det. Erler told [redacted] he talked to the fire investigator before the fire investigator had conducted his investigation. At one point during this telephone conversation, [redacted] asked Det. Erler if there was anything else significant about this loss that he would like to add. Det. Erler then tells [redacted] that his neighbor had their HVAC system replaced the day before and he felt that was relevant information. Det. Erler then goes one step further when he states, "I know that when you mess with electrical stuff, bad things can happen." [redacted] asked Det. Erler if the neighbor's HVAC system was located on the shared side of their home, which he confirmed. Det. Erler then said he was told by the fire department

that the fire originated at the neighbor's house and spread to his house. He then said he didn't believe anyone had done anything malicious, but he felt that it was relevant.

Sgt. Kehm said that after he received and then reviewed the transcripts of the telephone conversation between Det. Erler and Grange Insurance, he contacted [redacted] and verified that this conversation had occurred *after* Det. Erler was interviewed at the scene of the fire by FI Sargent. Sgt. Kehm further confirmed that Grange Insurance had received a copy of the final fire investigation report from SMFD, and that [redacted] had an opportunity to review this report. [redacted] told Sgt. Kehm that Grange Insurance was not going to classify this claim as fraudulent, however, [redacted] was extremely concerned about Det. Erler's status as a police officer, and that he would give misleading statements while omitting pertinent information to her and the company she represents.

DETECTIVE DAVID ERLER

On November 6, 2024, Detective Erler was interviewed as a suspect in this Internal Affairs investigation. The interview was conducted by Professional Standards Sergeant, Roman Kehm and Sgt. Warner Herndon at the Folsom Police Department. Det. Erler elected to have representation, and he was accompanied by Attorney Sean Howell. Sergeant Kehm issued Det. Erler a Lybarger warning and ordered him to discuss the details of this investigation.

Det. Erler was asked to recount the details of the early morning hours on July 24, 2024, and he confirmed that there was a structure fire at his residence ([redacted]) and his neighbor, [redacted]'s house, at [redacted]. Det. Erler also confirmed that he talked with FI Sargent approximately 30 minutes to one hour after fire crews arrived on scene of the fire, but he wasn't certain of the length of time. Sgt. Kehm asked Det. Erler to tell him what was said during his interview with FI Sargent, and Det. Erler said he did not remember everything, due to the circumstances, like waking up to find his house on fire. Det. Erler said he remembered that his mind was on a lot of other things other than their conversation, so he couldn't remember everything that was said. Det. Erler said he did remember some of the things that were said.

Sgt. Kehm then asked Det. Erler to tell him what he *did* remember from his conversation with FI Sargent, and Det. Erler said he remembered that FI Sargent asked him if he knew what happened or how the fire started, to which Det. Erler replied, he did not know. Det. Erler said that FI Sargent then asked him about his BBQ grills and where they were

located in the back yard, as well as when he last used them and if they were gas or charcoal. He said FI Sargent also asked him about flammable stuff and if he had burned anything or had other fires in the back yard. Det. Erler said at one point, he told FI Sargent about a project in his back yard where he had spent several months hacking up an old palm tree stump and burning off the pieces. Det. Erler said FI Sargent wanted to know about this, and Det. Erler said he described the process of how he was getting rid of it, although he said his mind was on other things, and he was only half paying attention to his conversation with FI Sargent.

Det. Erler said he remembered that FI Sargent's tone changed, and he got upset with him. Det. Erler said this is when he realized that he had told FI Sargent that he had burned the stump a week prior. Det. Erler said his focus then shifted to what FI Sargent was saying to him, at which time, he (Erler) apologized for misspeaking, then clarified that he had in fact burned the stump last night (July 23rd). During this interview with Sgt. Kehm, Det. Erler clarified that, "It wasn't the stump per se he was burning, just the little clippings from the stump."

Det. Erler said FI Sargent accused him of lying and attempting to harm his investigation into the cause of this fire, at which time, Det. Erler said he apologized, then tried to clarify that he answered all of the questions correctly. Det. Erler said he told FI Sargent to ask him the questions again because he a had a lot of stuff going on in his mind and he wanted to make sure FI Sargent had the correct information before their conversation ended. Det. Erler said he couldn't specifically remember "how he got it in" or the questions that were asked but he did remember telling FI Sargent that he did burn "stuff" last night in his backyard. Det. Erler said that he never spoke again with FI Sargent after that morning. Det. Erler said if he had to guess, this conversation lasted about 10 minutes.

At this point in the interview, Sgt. Kehm told Det. Erler he was going to ask questions to help break down the conversation between him and FI Sargent to clarify it. Sgt. Kehm then asked Det. Erler if when FI Sargent initially asked if he knew how the fire was started, he claimed he had no idea. This time, Det. Erler responded, "No. I did tell him a theory I had." Det. Erler then elaborated about the next door neighbors ([redacted]) and how they installed a new AC unit in their house the previous day or two. Det. Erler said he suggested that this was something that FI Sargent might want to look at. Det. Erler then stated, "Um – but I did tell him like I hadn't – I didn't know how it started." Sgt. Kehm confirmed that Det. Erler did not know how the fire started, but then made mention of the neighbors HVAC system, which Det. Erler admitted to. Det. Erler then said that looking back on that night, the stump just wasn't on his mind at that time.

Sgt. Kehm asked Det. Erler if he suggested to FI Sargent that the neighbors HVAC system at [redacted] might have malfunctioned, and Det. Erler replied, “Yeah.” Sgt. Kehm then asked Det. Erler if FI Sargent asked him if he was burning a stump in the back yard the night prior to the fire (on July 23rd). Det. Erler said he knows that FI Sargent did ask him this question but couldn’t specifically remember how he worded it. Det. Erler further stated that he didn’t remember hearing this question, but he remembered FI Sargent getting upset with him and saying something to the effect of, “Why the hell are you lying to me?”

At this point in the interview, Det. Erler’s attorney, Sean Howell interjects and attempts to clarify for Det. Erler the question that Sgt. Kehm is trying to ask him. Again, Sgt. Kehm asks Det. Erler if FI Sargent asked him if he was burning the stump the night prior to the structure fire. Due to the convoluted response that followed from Det. Erler, I’ve inserted his verbatim response below, rather than attempt to decipher the meaning of his words.

Sgt. Kehm: Did Fire Investigator Sargent ask you if you were burning the stump the night before?

Det. Erler: *I don’t – I don’t know. Like I said, I – I believe he asked something similar to that during our conversation. I don’t know specifically what – what words he said or how he phrased it, or when in our conversation he – he said that. I – I believe he did ask something very similar to that if – if not – I mean, and it wouldn’t surprise me that he asked that question specifically. But I don’t have the vivid memory of – of that specifically.*

Sgt. Kehm asked Det. Erler if he had reviewed the fire investigators report or been provided with a copy, to which he replied, “No.” Sgt. Kehm then explained that he was going to read an excerpt from the report to see if it helped Det. Erler recall that day. Sgt. Kehm read the portion of the report that spoke about [redacted] coming over the night prior and speaking with Det. Erler’s daughter about seeing a stump on fire in the backyard. Det. Erler responded by saying that he didn’t specifically remember FI Sargent saying that. He then said he remembered FI Sargent getting upset at him and saying something about a neighbor coming to his house. Det. Erler said he did remember telling FI Sargent he had no knowledge of that and said he had since found out that the neighbor did come over and talk to one of his daughters, although he (Erler) didn’t know that at the time.

Sgt. Kehm asked Det. Erler if his wife was with him during his interview by FI Sargent, and Det. Erler said she was close by. Sgt. Kehm told Det. Erler that according to FI Sargent, his wife was standing next to him, and when FI Sargent asked about [redacted] coming over the night before, Det. Erler's wife immediately responded that their daughter had only just informed them (she and Det. Erler) of this detail. Det. Erler said he recalled his wife being there, but he didn't remember her saying that, although he also wasn't disputing it.

For the second time during this interview, Attorney Sean Howell attempted to help clarify for Det. Erler the questions that were being asked by Sgt. Kehm, and Sgt. Kehm reiterated that he was asking him very specific questions for which he should either have an answer or not. Sgt. Kehm further explained to Det. Erler that he should have some recollection of what he was or was not doing on that day. He further explained to Det. Erler that he wasn't interested in every specific word that was uttered by Det. Erler or FI Sargent. Det. Erler at this time responded by saying, "I'm getting hung up on the specificity of the words, and I'm just – like I said, I – I don't – I remember our conversation. I don't remember everything I said."

Sgt. Herndon asked Det. Erler if he remembered telling FI Sargent that he had burned the stump the morning of Monday, July 22nd. Det. Erler said he didn't remember giving him a specific date because he couldn't come up with a specific date at that time. Det. Erler then gives a rambling response as follows.

I know that I had been burning the stump, you know, days prior. And if I looked at a calendar maybe, and I was like oh, that was a day off that I had, maybe I was burning it on that day. I know I had burned a week prior. But I also know that I had burned in the night – earlier that evening, you know, the night before."

This is an example of Det. Erler being vague when answering direct questions. When he senses trouble, he seemingly cannot remember what was asked of him or what his answers were.

Sgt. Herndon verified with Det. Erler that he had just admitted he remembered physically burning the stump the night before, and Det. Erler said, "I do remember physically burning it the night before." Sgt. Herndon then reminded Det. Erler that this was the question he was asked by the fire investigator. Det. Erler said he wasn't disputing that and again said he did not remember being asked this question. Det. Erler said he was sure the fire investigator asked him when he had burned the stump. He said he was sure based upon

him being a fire investigator trying to investigate a fire. But Det. Erler said he also remembered that he didn't remember their conversation fully. He said he remembered his mind wandering to other things and he remembered saying things without paying close attention to what he was being asked by the fire investigator.

Det. Erler said he knew at one point he had either misspoke or lied or told him something that was un-factual. Det. Erler said he told FI Sargent that he hadn't burned the stump for a week. He said he didn't know if he was thinking about the BBQ questions or what he had in his head when he was confronted by FI Sargent. Det. Erler said that FI Sargent said something to him that caused him to snap back to their conversation and actually start paying very close attention to what he was saying. Det. Erler said he did admit to burning the stump the night before at around eight or nine P.M., the evening before the fire. Det. Erler said he made sure that FI Sargent knew what happened.

For a third time, Attorney Sean Howell attempts to clarify the answers being provided by Det. Erler. Attorney Howell points out the stress that Det. Erler appears to be under now, and says he is making very little sense in some areas while making sense in others. He then asks Sgt. Kehm to put himself in Det. Erler's position. Sgt. Kehm acknowledges the stress of the entire situation and tells Det. Erler he is looking for the "full honest truth" and this is his opportunity to explain from his side what happened. Det. Erler acknowledges this, and the interview continues.

Sgt. Kehm asked Det. Erler if he drilled holes in the stump and used a BBQ lighter to burn the stump. Det. Erler said he did, but not in that context. He said he drilled the holes a year prior so when the rain came in winter, it would help rot the stump. Det. Erler said that closer to the time of the house fire, he used hand tools to break apart the stump and used the BBQ lighter to burn off the pieces.

Sgt. Kehm then asked Det. Erler if FI Sargent asked him about using an accelerant to burn the stump, to which Det. Erler replied, "He did ask that. I do remember him asking that." Sgt. Kehm asked Det. Erler what his response was to this question, and Det. Erler said, "I told him no." Sgt. Kehm followed up by asking Det. Erler if he had used an accelerant to burn the stump, to which he replied, "I had told him that I used an accelerant in the past to do different things, but that night I didn't think I had." Sgt. Kehm then asked Det. Erler, "You don't remember if you did or didn't?" Det. Erler replied, "Um – no, I did use and accelerant that night." Sgt. Herndon asked if he knew what type of accelerant he used to which Det. Erler replied, "Lighter fluid." Sgt. Herndon followed up by asking Det.

Erler if he told FI Sargent that. Det. Erler responded by saying, “I believe I did, but I don’t – I don’t know. I haven’t read his report, so I don’t know if I – I’m pretty sure I did though.”

Sgt. Herndon asked Det. Erler if he recalled the fire investigator asking him if he used gasoline or lighter fluid to ignite the stump, to which Det. Erler replied, “I was talking to him like about how I’d just take a lighter and burn up the little pile of clippings and stuff. And I didn’t need an accelerant for that.” Sgt. Herndon told Det. Erler that FI Sargent claimed to have asked him about accelerants, and Det. Erler replied that he had lighter fluid under the BBQ for his charcoal grill. He also said that he had used an accelerant on projects associated with the stump in the past. Det. Erler then stated, “I told you I did use it the night of the fire.” Det. Erler further stated, “I used an accelerant on a little thing. I was just in a hurry, and I used it. It was like 9 o’clock or something like the night of.”

Sgt. Kehm confirmed with Det. Erler that he initially denied burning the stump the night prior to the fire because he had a lot going on and his mind wasn’t on the conversation at that point. But when FI Sargent confronted him, Det. Erler kind of snapped back and then told FI Sargent that he had burned the stump the night before. Det. Erler stated that this was correct, and he went into detail and explained what he had done to FI Sargent.

Sgt. Kehm asked Det. Erler if he told anyone else that the fire could have been caused by the neighbor’s recently installed HVAC system, after he was interviewed by the fire investigator. Det. Erler first stated that he did not know. He then said that Sgt. Derek Koupal responded to his house (on duty) but he couldn’t remember if this was before or after he talked to the fire investigator. Det. Erler said at one point, Sgt. Koupal asked what happened and he said he didn't know, but that the neighbors had their HVAC replaced yesterday. Det. Erler said he wasn’t trying to insinuate anything, more pointing it out as a matter of fact. Det. Erler said Sgt. John Wagner also responded to his house that day and while they were talking, he may have mentioned this to him as well. He also believed he may have mentioned this as a theory of his when he talked to various family members on the phone.

Sgt. Kehm confirmed with Det. Erler that his home is insured by Grange Insurance. He then asked Det. Erler if he spok with [redacted] [redacted] on the morning of July 24th, at about 10:30 am, and Det. Erler indicated that he did, and that this was after his interview with the fire investigator. Sgt. Kehm asked Det. Erler if he told [redacted] that he had no idea how the fire could have started. Det. Erler responded, “I – I mean, I know that her conversations are recorded, so I would refer back to that. I don’t – I don’t know what I said to her.” Sgt. Kehm asked Det. Erler if he was unable to remember what he said, and

Det. Erler said that they are aware of the stump now, although he could not remember when he mentioned it. Sgt. Kehm clarified that he was just asking him specifically about this question, and then he read the transcript from the recorded conversation between [redacted] and Det. Erler. Det. Erler said he remembered that and then said that he never talked with the fire investigator again. Det. Erler then said that initially, he didn't put two and two together the night after he did what he did with the stump. Det. Erler said he was sitting outside by the pool with his wife for hours, talking about stuff they were dealing with. He said this is why in his mind, it wasn't the stump, and this thought didn't enter his mind.

Sgt. Kehm then asked Det. Erler if during his initial conversation with [redacted], he suggested that the fire could have possibly started from the neighbor's recently installed HVAC system. Det. Erler replied, "Yeah, probably." Sgt. Kehm then asked if he told [redacted] that someone from the fire department told him that the fire started at the neighbor's house and then spread to his, and he said, "Yes." Det. Erler said he overheard one fire fighter who said it looked the fire started at the neighbor's house, and he thought this might be due to their house being more engulfed. Det. Erler confirmed this was said by a fire fighter he talked to, not the fire investigator. Sgt. Kehm asked Det. Erler if he remembered that during his conversation with the fire investigator, FI Sargent told Det. Erler he did not believe that the fire was caused by the neighbor's HVAC system when Erler offered this as a possible cause. Det. Erler said he did not remember this part of their conversation.

Sgt. Kehm confirmed that Sgt. Wager responded to Det. Erler's residence on the morning of the fire and asked if he suggested to Sgt. Wagner that the fire possibly started because of the neighbor's recently installed HVAC system. Det. Erler said he didn't know if he said that to him or not. He said he might have but he didn't know.

Sgt. Kehm then asked Det. Erler to explain in his own words, why someone like the fire investigator or anyone else would believe that he (Erler) was omitting information to mislead the fire investigator or others about the stump and the HVAC system. Det. Erler responded by stating:

Uh – look from – from fire investigators point of view, if you ask some -- if you as someone a question about stuff that's burning, and they lie to you, and say something that's untruthful, yeah, that you're -- you're going to assume that they're purposely lying to you. Um -- again, I fully admit and understand that I did lie to him. What was going through my head was everything but, you know, what he was saying to me. I should have paid

closer to -- attention to what he was saying. I shouldn't have, you know, blown him off. Um -- again -- um -- what -- what was going through my mind was not to be dishonest or -- or misleading to him. I was trying to give him truthful information. I was confused during part of the infor -- interview. Um -- I had, you know, other things -- like I've -- we've talked about on my mind. As far as the -- the -- your -- your question about the HVAC thing, I believe I've said this already, I didn't believe that my actions with the stump caused this fire at the time. And as an investigator, I was grasping at straws trying to figure out how my house burned down, and how my neighbor's house burned down. Um -- I had overheard a firefighter say, you know, it looked like it possibly -- your house possibly caught on fire from their house. Okay. I had overheard, you know, someone say they heard, you know, an explosion maybe coming from where their HVAC system was. Again, I wasn't trying to say as a matter of fact I -- I know this -- this occurred. It was, okay, well what happened. I don't know, maybe it was this, but I don't -- but I don't know. And I certainly didn't want people saying that as like a matter of fact. It was -- it was just my -- my thoughts. And I've since gone to several people and said, look, that's not what happened. Their AC unit didn't blow up. There wasn't an electrical thing from their HVAC. It wasn't -- it wasn't that. Uh -- you know, I -- but again, at the time with everything that was going on in my mind, and I'm just, again, I wasn't thinking a hundred percent clearly. But I was like, oh, yeah, that HVAC truck was parked out front. They got a new HVAC yesterday. So, that's where my mind went is like, oh, maybe that was the cause. Not that was the cause, but maybe.

Sgt. Herndon confirmed that Det. Erler went back and told his insurance adjuster that it was not the HVAC and asked what made him make that determination.

Det. Erler said that a fire investigator from Grange Insurance came out to his house and told Det. Erler that the burn patterns originated in and around where the stump was. Det. Erler said he thanked the insurance investigator for telling him that and he estimated that this occurred about a week after the house fire.

Sgt. Herndon then asked Det. Erler if he viewed the fire investigator as a 'professional' in his field. At this point, Attorney Sean Howell interjected to clarify if Sgt. Herndon was talking about the fire investigator from Grange Insurance or from the night of the fire. Sgt. Herndon confirmed that he was speaking about FI Sargent. Det Erler said that when FI Sargent introduced himself, he began by saying that he was a retired deputy from El Dorado County and hadn't been a fire investigator for very long. Det. Erler then stated:

But I believe that when one of the -- one of his questions is do you know how this might

have like how this happened, or what could have caused this? And I said I don't know. I think it could have been this -- this -- this thing. Like they just had this thing put in yesterday. I don't know anything about fires. I don't know how house fires get started. But I don't -- it -- it's -- I just said like maybe take a look at it. I don't -- I'm not -- wasn't trying to accuse anybody of doing anything or like shoddy work, or -- or anything like that. I just like –

Sgt. Herndon then attempts to clarify that FI Sargent said the fire was not caused by the HVAC, it originated at the stump, and the neighbors even came over to talk to Erler about the fire.

Attorney Sean Howell again interjects to clarify that Det. Erler claimed that FI Sargent never preliminarily told him the cause of the fire was the stump. Attorney Howell further points out that FI Sargent said he had to talk to additional people and then he never followed up with Det. Erler.

Sgt. Herndon again attempts to clarify the conversation between FI Sargent and Det. Erler regarding the stump and the AC. Det Erler responds by saying:

No -- I don't remember him -- he did ask me about the stump, but I don't like I don't remember him saying like it's not the AC. Like quit -- and -- and I -- and it's not like I was arguing that point with him. I just made that like a simple, you know, sentence or two. Like I just know they got a new HVAC thing put in. Like -- uh -- uh -- I don't know like if -- uh -- my thought was like he's a fire investigator. Maybe that's something he wants to know about. Not -- again, I don't -- I'm not an expert in it. I don't – ai don't know so –

After Sgt. Kehm said he had no further questions, Attorney Sean Howell asked Det. Erler if he was trying to mislead FI Sargent to believe that he hadn't burned the stump for several days, so it couldn't be the stump and had to be the HVAC. Det. Erler replied:

I wasn't trying to mislead anyone. I've never tried to mislead anyone through this. It was -- I understand that I said some stuff that wasn't accurate to him. And I tried to -- I tried to do my best to clarify all that. I never once tried to lie to another coworker here and say, oh, it's -- it's their freaking HVAC. Like that's -- I just throwing out opinions or like could be's.

End of Interview

FIRE INVESTIGATOR SARGENT'S REPORT

I reviewed SMFD Case #2024-000214 as part of my analysis of this Personnel Investigation. In it, FI Sargent says he asked Det. Erler to tell him about what happened, and FI Sargent wrote that Det. Erler said he had no idea how the fire could have started. FI Sargent said when he asked the question a second time, Det. Erler suggested his neighbor's new HVAC system and that he thought it was possible that it had a malfunction. FI Sargent noted that he told Det. Erler he did not believe the neighbor's HVAC to be the source of the fire, and Det. Erler implied he was at a loss for how the fire could have started.

In his report, FI Sargent said he asked Det. Erler if he recalled his neighbor ([redacted]) coming over to his house the night before, when Erler's wife [redacted] responded that their daughter just told them about that a little while ago. FI Sargent wrote that he asked Det. Erler if he was burning a stump in his backyard the night before the fire, and Det. Erler told him no, but he had been burning it on Monday morning, July 22nd. During this interview, FI Sargent asked him about his process for the burning the stump on Monday and if he used any type of accelerant, which Det. Erler denied. FI Sargent asked Det. Erler again about the use of an accelerant, specifically gasoline or lighter fluid. FI Sargent said that Det. Erler denied using any type of accelerant and said that he did have lighter fluid, but he only used that for his BBQ grill.

FI Sargent said in his report that he reconfirmed that Det. Erler burned the stump on Monday and not any other day, which Det. Erler confirmed. FI Sargent said he reconfirmed that Det. Erler *had not* burned the stump the night before the fire, which again Det. Erler confirmed. It was at this point that FI Sargent confronted Det. Erler about his previous statements and how he believed Erler was being dishonest with him, because he was aware that [redacted] had come over to Erler's house the night before.

FI Sargent said in his report that after confronting Det. Erler with this information, he finally admitted he and his wife were in their backyard earlier last night, sitting around the swimming pool while Det. Erler burned the stump. Det. Erler denied there was any fire on the fence prior to [redacted] speaking with their daughter. FI Sargent said at this time, he confronted Det. Erler and said he didn't believe the information Erler, and his wife were giving him. FI Sargent also confronted Det. Erler and asked him why he (Erler) made him 'pry' this information from him. FI Sargent said Det. Erler's response was, "Look what

happened. I didn't intentionally start the fire." FI Sargent said he told Det. Erler he didn't believe that he intentionally started this fire and that accidents *do* happen. FI Sargent also explained to Det. Erler that no one was in trouble, and he was only trying to gather information and statements for his report.

FI Sargent concluded his interview with Det. Erler and noted in his official report, "At the conclusion of my interview with D. Erler, it was evident that he was being less that truthful with me."

[redacted] [redacted]'S EMAIL TO CHIEF RICK HILLMAN

[redacted] sent a direct email (dated October 3, 2024) to Folsom Police Chief Rick Hillman, notifying him of her concerns about Det. Erler and this fire incident. [redacted] shared that she had recently obtained a copy of the official investigation report, and she noted that Det. Erler "lied numerous times" about what the cause of the fire might be, including suggesting that it may have been caused by [redacted]'s new air conditioning system. [redacted] points out in her email that Det. Erler only finally admitted to burning the stump the night before the fire, after multiple inquiries from the fire investigator.

Perhaps most damning about [redacted]'s email to Chief Hillman was her closing paragraph where she said she finds it very disturbing that Det. Erler would lie multiple times to a fire investigator and that she wanted to make Chief Hillman aware of the type of person "Mr. Erler" had shown himself to be. [redacted] closed by saying she had attached the fire investigation report as, "I believe it shows his lack of integrity and I'm hoping proper actions be taken."

IV. DISCIPLINE RECOMMENDATIONS

- Termination from Employment

V. ADMINISTRATIVE INSIGHT

Det. Erler has been a police officer for about 13 years; three years with the Folsom Police Department and prior to that, approximately 10 years with the Fortuna Police Department.

Det. Erler has received one performance evaluation since his employment with the Folsom Police Department and he was assigned to the Criminal Investigations Division on July 1, 2024.

I checked Det. Erler's personnel file for any prior documented performance issues and found that in 2022, Det. Erler, then an officer, received a three month extension to his probation period from approximately August 1, 2022, to November 1, 2022. He does not have any prior Internal Affairs investigations with the Folsom Police Department.

In July of 2022, approximately two weeks before he was scheduled to clear his one-year term of probation with the Folsom Police Department, Det. Erler's probationary status was extended (pursuant to Folsom Personnel Rules and Regulations) for a term of 90 days, in response to a memo to Police Chief Rick Hillman from Operations Lieutenant, Lou Wright. This probation extension was due in part to a litany of deficiencies recently presented by Det. Erler in his capacity as a police officer. Among these issues was poor attention to detail in his handling of an investigation into an assault, as well as inaccurate details depicted in a DUI report. Further investigation into the matter of the DUI case revealed that Off. Erler took no notes while conducting his investigation, then did not review his own body-worn camera footage to assist him in accurately documenting his contact with the DUI suspect in his arrest report. This led to obvious discrepancies between the official arrest report narrative, and what was captured by Det. Erler's body-worn camera. In other words, Det. Erler was 'reckless with the truth' by not utilizing the tools available to him to ensure a complete and accurate arrest report.

In his memo recommending Off. Erler's probation extension, Lt. Wright shared that in mid-June 2022, he received an email from the mother of the victim from the aforementioned assault case (22-1093), then directed Sgt. Brian Mendenhall to ask Off. Erler if he had ever received an email from the victim; containing additional documentation of the incident, his injuries, medical records, etc. According to Sgt. Mendenhall, Off. Erler said he had not received any such emails. Lt. Wright followed up with the victim from this assault case and asked him to forward any email correspondence that he had with Off. Erler, which he did. Lt. Wright noted that contrary to what Off. Erler told Sgt. Mendenhall about not receiving any emails from the victim, the victim was able to provide Lt. Wright with proof that he had in fact sent Off. Erler an email about his case on April 28, 2022, at 2110 hours (approximately one month after the assault). Off. Erler received a three month extension to his probation period, however, no further action was taken against him regarding his response to the victim's email. I make mention of it here because I believe

it is relevant to the nature of this personnel investigation, specifically to the allegation of dishonesty.

As police officers, we have traditionally been held to the highest of standards, both on and off duty. Of our top virtues, honesty and integrity are perhaps the most revered. As a veteran officer with more than 13 years of police experience, Det. Erler should be more than well aware of the expectations of our department, our profession, and the community in which we serve. Honesty is at the forefront of our place in the justice system, for without it, we lose credibility and without credibility, we are rendered literally useless as stewards of the justice system. Accordingly, our community and other entities within the justice system possess a reasonable expectation that what an officer says is both accurate and the truth.

I would like to take time to point out that four of the key witnesses in this internal investigation, (FI Sargent, [redacted], [redacted] and [redacted]) all make mention of legitimate concerns they have about Det. Erler's honesty and integrity as a police officer.

The Executive Summary prepared by Sgt. Kehm includes three allegations of misconduct by Det. Erler; 1.) giving false or misleading statements or misrepresenting or omitting material information to a supervisor or other person of authority, in connection with any investigation; 2.) criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department; 3.) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or moral, or tends to reflect unfavorably upon this department or its members.

I will begin my analysis with the first allegation, and with three specific elements to this allegation, I will break each of these down into detail.

Allegation #1: *Giving false or misleading statements or misrepresenting or omitting material information to a supervisor or other person of authority, in connection with any investigation.*

Giving false or misleading statements, misrepresenting or omitting material information –
FI Sargent explained that he asked Det. Erler multiple times if he knew the possible cause of this fire, and each time he either said he did not, or he suggested that it was possibly caused by his neighbor's recently installed HVAC system. Det. Erler never volunteered

information about the stump he burned the night before (literally six hours prior to the fire) could have caused the house fires. Det. Erler admits loosely to burning the stump in his backyard two days prior to the fire. He then finally admits to burning the stump the night before the fire, but only after being confronted by FI Sargent about being less than truthful with him, and, after learning that FI Sargent had already spoken with his neighbors ([redacted] and [redacted]) about a large fire near their shared neighbor fence the night before the house fires.

As with his interview with FI Sargent, Det. Erler conveniently omitted the fact that he was burning a stump the night before the house fires, when he spoke with Rep. [redacted] from Grange Insurance – hours after the house fires, and his initial interview with the fire investigator. When [redacted] asked Det. Erler if he had any idea about how the fire was started, he told her, "No." Det. Erler later told [redacted] about the neighbor's recently installed HVAC system, offering this as a possible cause, stating, "Sometimes when you mess with electrical stuff, bad things can happen." Perhaps most troublesome about his conversation with [redacted] is the fact that this occurred well after his interview with FI Sargent that same day. After being accused (by a fire investigator) of being less than truthful about burning the stump the night before the fire, a reasonable person would have to conclude that this information was relevant to the overall fire investigation and should have been disclosed to the insurance adjuster as a potential cause of the fire, similar to the new HVAC unit.

To a Person of Authority –
Fire Investigator Sargent says in his interview and documents in his official fire incident report that he introduced himself to Det. Erler the morning of the house fires, as a Fire Investigator with the Sacramento Metro Fire District. And Det. Erler in his IA interview with Sgt. Kehm acknowledged that he was contacted by FI Sargent the morning of the fire. It is clear from Det. Erler's interview and his recollection of his interaction with FI Sargent at the scene of the house fire, that Det. Erler was aware of FI Sargent's authority to investigate the cause of this fire, and that he was in fact attempting to do that, through his specific line of questioning. Furthermore, during his IA interview when Sgt. Herndon attempted to clarify that FI Sargent asked him about burning the stump the night before, Det. Erler said, "I'm sure he asked me, when did you last burn the stump. I'm sure he did based upon him being a fire investigator and trying to investigate a fire."

Later the morning of the fire, Det. Erler spoke with [redacted] [redacted] from Grange Insurance to report the loss to his home. It is common knowledge that any insurance company is going to ask specific questions as to the causation of a fire when investigating

a new loss, as [redacted] appropriately did in this case. It also appears from the transcript of this telephone interaction as well as Det. Erler's IA interview, that he recognized Grange Insurance and [redacted] as a person of authority conducting an investigation into this loss.

In connection with any investigation –
I believe it is clear based upon his statement during his IA interview, that Det. Erler (himself an investigator, albeit off duty) recognized that FI Sargent was conducting an official investigation into the cause of this fire. I also believe that Det. Erler recognized that Grange Insurance Representative [redacted] was conducting an investigation into the cause of this fire when she asked him specific questions as to the possible cause of the fire.

For the reasons stated above, I find that there is sufficient evidence to sustain that Det. Erler gave false or misleading statements and misrepresented or omitted material information to a person of authority in connection with an investigation, when he was interviewed about the possible cause of the fire, first by FI Sargent, and later when he spoke to Grange Insurance Representative [redacted] on the telephone.

Allegation #2: *Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department.*

As outlined above in the sustainment of the first allegation, it has been established that Det. Erler was dishonest – first with FI Sargent then later with Grange Insurance Adjuster [redacted] – when he gave false and misleading statements about his burning of the stump the night preceding the house fires.

Police Officers have long been aware of the importance of honesty and personal integrity, both in their professional and personal lives. Internal Investigations with a finding of dishonesty trigger several consequences for peace officers in California. First, under Senate Bill 1421 *The Right to Know Act*, a finding of dishonesty against a police officer can place this Internal Investigation under the Public Records Act, which means that public disclosure is likely. Second, Senate Bill 2 *Peace Officers: Certification: Civil Rights,* lists nine categories of Serious Misconduct for which a California peace officer may be decertified by the Commission on Peace Officer Standards and Training (POST). Number one on the list of Serious Misconduct is Dishonesty. Finally, under *Brady*, a finding of dishonesty by a peace officer must be reported to the District Attorney, who then reports

to defense council in any case involving Det. Erler. This makes the prosecution of future criminal cases submitted by or involving Det. Erler highly unlikely.

As part of my analysis, I contacted Sacramento County Assistant District Attorney, Michael Blazina, to determine if a sustained allegation of dishonesty would trigger an officer being placed on the Brady List, under these circumstances. Asst. DA Blazina confirmed that it would.

The practical effect of these three consequences is that Det. Erler will no longer be able to function as a Police Officer as a result of this determination. And although the addition of the Brady List is not in and of itself a reason for termination, it is relevant in that it adversely affects Det. Erler's relationship with this department.

For the reasons stated above, I find that there is sufficient evidence to sustain that Det. Erler committed dishonest, or disgraceful conduct, whether on or off duty, that adversely affects his relationship with this department.

Allegation #3: *Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or moral, or tends to reflect unfavorably upon this department or its members.*

Again, as outlined above in the sustainment of the first allegation, it has been established that Det. Erler was dishonest – first with FI Sargent then later with Grange Insurance Adjuster [redacted] – when he gave false and misleading statements about his burning of the stump the night preceding the house fires.

In his fire investigation report, FI Sargent closes by stating, "At the conclusion of my interview with D. Erler it was evident that he was being less than truthful with me." Later, when Sgt. Kehm interviewed Grange Insurance Representative [redacted] and confirmed that she had reviewed FI Sargent's official fire investigation report, Sgt. Kehm asked her how Grange Insurance was going to proceed with this loss. [redacted] stated that, "Grange Insurance was not going to classify this claim as fraudulent, however, she was very concerned that Det. Erler was a police officer and would give misleading statements and omit pertinent information to her and her company."

[redacted] told Sgt. Kehm that after their house fires, he was hearing rumors that Det. Erler was telling people that it was [redacted]'s HVAC system that had possibly

caused the fire. [redacted] shared a text thread he initiated with Det. Erler to clear up these rumors. It the text, [redacted] states, “I’ve been getting wind from people that you told some people in your department potentially that you were pinning this on me as a result of something with my air conditioner. You and I know the truth. I understand you were trying to save face, but I do not want to drive a wedge between two police departments because I feel like that’s the direction it’s going.” In his text response, Det. Erler states, “I have not told anyone that I think this is in any way your fault or your family’s fault. I have not told any coworkers anything. Not sure who is saying that I have said those things, but that is not what I have been saying.”

On October 3, 2024, [redacted] sent an email to Chief Rick Hillman, expressing her concerns about Det. Erler’s honesty after she had obtained a copy of and reviewed the fire investigator’s report. [redacted] noted after reviewing the report that “Mr. Erler had lied numerous times about what may have been the cause [of the fire] and even stated it may have come from our home and 5 day old air conditioning unit.” [redacted] further states that she, “understands how people can make mistakes, but as a police officer, she found it very disturbing that he [Det. Erler] would lie multiple times to a fire investigator.” [redacted] closes her email by stating, “I respect our men and women of law enforcement, and I just wanted to make you aware of the type of person Mr. Erler has shown himself to be. I am attaching the fire investigation report as I believe it shows his lack of integrity, and I am hoping proper actions can be taken.”

I believe that anyone in a similar situation would empathize with the emotions Det. Erler was undoubtedly experiencing in the heat of the moment, after frantically waking up to find his and his neighbor’s homes on fire. However, there simply is no excuse for Det. Erler to have continued this charade of intentionally omitting his burning of a stump adjacent to the neighbor fence merely six hours prior to the house fires, when he spoke with Sgt. Koupal, Sgt. Wagner, and later that morning, with Grange Insurance Representative [redacted].

Det. Erler’s passionate theory about [redacted]’s new HVAC as the possible cause of the house fires was so persistent that [redacted] was eventually compelled to call him out in a text message, where Det. Erler clearly lies to [redacted], telling him he would never say anything to insult [redacted]’s character and that he never told any coworkers anything. We know this to be false because during his IA interview, Det. Erler admitted to telling both Sgt. Koupal and Sgt. Wagner about his theory regarding the neighbor’s new HVAC as the possible cause of this fire. This was further corroborated by Sgt. Wagner during his interview.

Perhaps most disturbing about Det. Erler's actions specific to this third allegation is that he clearly demonstrated no concern whatsoever for anyone other than himself. As a police officer of more than 13 years and a current detective, Det. Erler must have recognized the significance of burning his stump the night before the house fires. After all, this was the central theme of FI Sargent's questioning and his purpose for confronting Det. Erler about his dishonesty. And yet, even after this exchange with FI Sargent, Det. Erler specifically omitted this detail from the next three conversations he had with Sgt. Koupal, Sgt. Wagner and Grange Insurance Rep. [redacted], as a potential cause of the fire.

Det. Erler's attempt at self-preservation through repeated lies and omissions can only be described as an attempt to avoid his culpability for accidentally causing both house fires. As [redacted] pointed out in his text message to Det. Erler, this misinformation had the potential to drive a wedge between the Folsom Police Department and the Citrus Heights Police Department. [redacted] in her interview with Sgt. Kehm shared her concern that Det. Erler would give her and her company misleading statements about the possible cause of the fire. And [redacted] in her email to Chief Hillman questioned Det. Erler's integrity and highlighted his dishonesty with the fire investigator.

Det. Erler's actions and the misinformation he spread to multiple people regarding the potential cause of this fire – while omitting his culpability – is clearly conduct unbecoming a member of this department. Furthermore, through his actions, Det. Erler has brought discredit upon himself as a police officer and shame upon the men and women of the Folsom Police Department, as his actions clearly have reflected unfavorably upon the reputation of our department and members.

For the reasons stated above, I find that there is sufficient evidence to sustain that Det. Erler involved himself in off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or moral, or tends to reflect unfavorably upon this department or its members.

CONCLUSION

It goes without saying that a person being awoken to the realization that their home is on fire would be incredibly frightening, not to mention the frantic chaos of running from room to room to ensure that all your family has evacuated safely. This would be an unimaginably stressful experience for someone to face in the comfort and security of their home, notwithstanding the entire experience occurring during the early morning hours

when everyone is sound asleep. It is entirely possible that Det. Erler was so overcome with emotion after realizing the loss of his and his neighbor's homes that he was unable to think clearly, and this stress may have contributed to Det. Erler being less than immediately forthcoming with information when the fire investigator *initially* asked him if he knew how this fire could have started.

However, the records, statements, and application of reasoning support a conclusion that Det. Erler gave intentionally misleading, incomplete, or false information and/or omitted relevant facts during his interview with Fire Investigator Sargent and later with Grange Insurance Representative [redacted] on the morning of the fire, July 24, 2024. Furthermore, Det. Erler continued spreading misinformation while omitting pertinent details about the fire when he spoke with Sgt. Koupal and Sgt. Wagner. This includes Det. Erler's relentless theory that the neighbor's HVAC system was the possible cause of this fire while omitting his burning of the stump adjacent to the neighbor's fence merely six hours before both house fires.

This misinformation was so rampant that the neighbor ([redacted]) was compelled to confront Det. Erler about it for fear that ignoring it could drive a wedge between the two police departments they each worked for. When he was confronted in a text message, Det. Erler lied to [redacted] about spreading any misinformation about the cause of the fire.

During his IA interview, Det. Erler said his mind was on other things, so he couldn't remember everything asked or even some of his answers when FI Sargent interviewed him. While he obviously had a lot on his mind, being questioned by a fire investigator to determine the cause of this fire and Det. Erler's personal knowledge of burning the stump the night before the house fires should have stood out to him. Furthermore, Det. Erler should have been hyper focused on these questions and recognized that he was potentially liable for the cause of this fire. It is inconceivable that this specific line of questioning wouldn't have stood out in Det. Erler's mind, given the gravity of the situation and his obvious culpability. Any reasonable person would conclude that this line of questioning specific to the causation of the fire was significant, if not memorable.

During his IA interview, Det. Erler said he did not remember FI Sargent asking him about the stump the night before the fire, but he acknowledges that at some point, he must have misspoken or lied or told him something that was un-factual because FI Sargent said something to make him snap back into their conversation and start paying very close

attention. Det. Erler also said he is sure that FI Sargent asked him when he last burned the stump because he was an investigator trying to investigate a fire.

Recognizing that the time frame for the stump burning was pertinent to this investigation and Det. Erler's admission that he ‘snapped back’ into their conversation and began paying ‘very close attention’ to what Sargent was saying, only one logical conclusion can be drawn from this statement. Det. Erler's burning of the stump the night before the fire was relevant to FI Sargent's investigation as a potential cause of this fire and should have stood out in Det. Erler's mind.

FI Sargent said he asked Det. Erler multiple times about burning the stump, including the possible use of an accelerant and Det. Erler denied burning the stump or using an accelerant.

Det. Erler admits during his IA interview that he told FI Sargent, "No." when asked if he used an accelerant to burn the stump, then admits to Sgt. Kehm that he *did* use lighter fluid to light the stump. Det. Erler says that he's "pretty sure" he told the fire investigator this, but since he was unable to see a copy of the report, Det. Erler couldn't be sure. Sgt. Kehm also asked Det. Erler if Rep. [redacted] from Grange Insurance asked him if he had any idea how the fire could have started. Like the question about his use of an accelerant, Det. Erler states, "I know that her conversations are recorded, so I would refer back to that. I don't - I don't know what I said to her."

Both questions were specific to significant details surrounding the house fires that morning, and it stands to reason that Det. Erler should have a recollection of his answers. Saying he couldn't be sure what he said since he hadn't seen the fire investigator's report, then telling Sgt. Kehm to refer to the recording of his conversation with [redacted] appears to be an attempt to avoid responsibility for his words and actions that morning.

At one point in his IA interview, Sgt. Herndon asked Det. Erler if he remembered telling FI Sargent that he burned the stump on Monday, July 22nd (two days before the fire). Det. Erler said he didn't give a specific date because he couldn't come up with one. Det. Erler then stated:

I know that I had been burning the stump, you know, days prior. And if I looked at a calendar maybe, and I was like oh, that was a day off that I had, maybe I was burning it on that day. I know I had burned a week prior. But I also know that I had burned in the night – earlier that evening, you know, the night before.

This is an example of Det. Erler being intentionally vague when answering certain direct questions. When he senses trouble, he seemingly cannot remember what was asked of him or what his answers were.

Several hours after the fire and the initial shock of this experience should have been diminished, Det. Erler called to report his loss to Grange Insurance. During this recorded telephone call, Det. Erler never once mentioned the burning stump as a possible cause of this fire, despite FI Sargent asking him repeated questions about the stump. The insurance representative ([redacted]) asked Det. Erler if they (the fire department or fire investigator) told him how the fire started, and Det. Erler initially responds, "No. I haven't. I haven't. I had talked to the investigator, but that was before he did his thing."

Later in his conversation with [redacted], Det. Erler says he thinks it is "very relevant" that his neighbor ([redacted]) had his HVAC system replaced the day before the fire. Det. Erler further elaborates, "Sometimes I know that. When you mess with electrical stuff, bad things can happen." [redacted] asked Det. Erler if he knew the name of the company that performed the HVAC work, and he said that he did not. Det. Erler further stated, "I think I explained it like. What I was told by the fire department is that the fire originated at their house and spread to our house." Before ending her conversation with Det. Erler, [redacted] asks if there's anything else he can think of. Det. Erler states there is not, and he mentions nothing about the stump burning.

During Det. Erler's IA interview, Sgt. Kehm attempted to break down the interview between FI Sargent and Det. Erler for clarity. Rather than answering the questions being asked of him to the best of his recollection, Det. Erler told Sgt. Kehm that he was getting caught up in the ‘specificity’ of the words that FI Sargent used.

One of the most relevant questions Sgt. Kehm asked Det. Erler during his interview, was if FI Sargent asked if he was burning the stump the night before the fire. And while this is a simple question, Det. Erler's response was as follows:

I don't – I don't know. Like I said, I – I believe he asked something similar to that during our conversation. I don't know specifically what – what words he said or how he phrased it, or when in our conversation he – he said that. I – I believe he did ask something very similar to that if – if not – I mean, and it wouldn't surprise me that he asked that question specifically. But I don't have the vivid memory of – of that specifically.

Sgt. Kehm reminded Det. Erler that these were fundamental questions for which Det. Erler should either have an answer for or not, and, if he did not remember, to state that simply. When asked direct questions about his interview by FI Sargent, specifically about the stump burning, Det. Erler was beyond reluctant to provide definitive responses. The details Det. Erler does recall are those which he knows investigators are aware of or do not indicate wrongdoing on his part.

Remarkably, during his IA interview, Det. Erler remembered a random fire fighter at the scene who told him the fire appeared to have originated at the neighbor's house, as well as 'someone' who said they heard an explosion near the neighbor's HVAC system. Yet, he had no recollection that FI Sargent told him the HVAC was not the cause of the fire, nor did Det. Erler remember suggesting the HVAC to Sgt. Wagner as a possible cause of the fire. Ironically, Det. Erler seemed to recall specific statements about the possible cause of the fire when it suggested that anyone other than him was responsible for it.

The relationship between police officers and police departments requires mutual trust. While I would find fault with *any* person who attempted to manipulate an investigation by offering misleading statements and/or distorting the truth, the fact that this investigation involves a veteran police officer makes Det. Erler's behavior is even more egregious. Our justice system only works when the people who have delegated us the responsibility of policing them trust that what we say and do is unimpeachable. As a police organization, our department can only function when our peers and supervisors know what we tell them is the absolute truth. Anything less erodes the bedrock of our system. By his omissions, conflicting and false answers, Det. Erler has eroded that trust and is no longer fit to serve as a police officer.

Based on the totality of this personnel investigation and its findings, I do not see a path forward where the City of Folsom can continue to employ David Erler in good faith or good conscience as a peace officer.

VI. COMMAND CONCURRENCE

I have discussed by findings with Command Staff, and they are in concurrence.

Commander Signature *Date*

Memo

To: Chief Rick Hillman

From: Lieutenant Lou Wright

Date: 07/20/2022

Subject: Officer David Erler

Chief Hillman, this memo is in reference to Officer David Erler and my request to extend his probationary period for up to 90 days and withhold his merit increase. If Officer Erler successfully completes his probationary period his new anniversary date as related to annual evaluations and merit increases will be affective the day his extended probationary period is successfully completed. This request is being made as the result of multiple incidents in violation of sections and subsections within the Folsom Police Policy Manual as well as his failure to be a steward of the Folsom Police Department's Mission, Vision and Values. I have referenced these sections and provided examples of each within this memo for your review.

339.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

339.5.7 EFFICIENCY

a. Neglect of duty.
b. Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

Memo

343.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

343.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

437.4 ACTIVATION OF THE BODY-WORN CAMERA SYSTEM

The activation of the body-worn camera system is required in any of the following incidents, with exception of those described in section 437.5 (SPECIALIZED UNITS/ NON-UNIFORMED PERSONNEL) of this policy:

A. Prior to arrival to a call for service when practicable.
B. All enforcement and investigative contacts including, but not limited to:
C. Detentions and field interview (FI) situations, probation and parole searches, search warrants, etc.
D. All arrests and/or citations
E. Suspect statements
F. Transports involving prisoners, suspects, victims, witnesses or any person involved in the investigation.

On or about June 21st I received a voicemail from [redacted], the mother of victim [redacted] in regards to case 22-1093. After speaking with [redacted] and reviewing the report I spoke with Officer Erler later the same evening in regard to her concerns. I provided Officer Erler with direction and tasked Corporal Mendenhall with ensuring it was completed. Some of the issues discovered were;

- No reference to BWC being present or activated
- No reference to attempting to obtain security footage
- No reference to attempting to locate and interview witnesses
- Poor report preparation (lacking detail and thoroughness)

I asked Corporal Mendenhall to ask Officer Erler if he had ever received any emails from the victim containing additional documentation of the incident, his injuries, medical records etcetera. When asked the next day, Corporal Mendenhall stated Officer Erler related to him he had never received any such email.

On 06/29/2022 I spoke with the victim and asked him to forward me the email(s) he had previously sent Officer Erler which he did. The emails have a sent date of Thursday April 28, 2022 at 9:10PM, this is contradictory to what Officer Erler had previously stated.

On 07/07/2022 I sent Officer Erler an email stating I'd been contacted multiple times over the previous week by both the victim and his mother who both referenced poor communication on Officer Erler's part. That same day I sent Officer Erler an email instructing him to call the victim immediately following his briefing and CC'd his direct supervisor, Sergeant Herndon. In regards to this case, it's still incomplete, a new warrant request hasn't been completed and/or submitted to the DA for review.

On 07/11/2022 after he had returned from vacation, I spoke to Sergeant Herndon in regards to these issues at which time he told me of another recent incident wherein Officer Erler failed to make mention of his BWC being present or activated (it wasn't activated) and instead of completing a felony investigation for an explosive used to destroy a mailbox, told the adult suspects to return the next day and repair the mailbox. While the spirit of the law is acceptable in some cases, the use of a dangerous explosive to destroy the property of another isn't one of those times. Furthermore, this decision was made prior to asking the victim if they'd like to pursue prosecution.

On the morning of 07/13/2022, Sergeant Herndon made me aware of another incident that occurred the previous evening during a DUI investigation Sergeant Herndon responded to. Officer Erler failed to take notes during his investigation and his report reflected the same. Sergeant Herndon reviewed the BWC footage and noted several discrepancies between that and the narrative. Discrepancies Sergeant Herndon had witness personally while on scene. Sergeant Herndon also pulled the BWC audit log

Memo

and noticed Officer Erler had never reviewed his own investigation to aid in the writing and accuracy of his report.

I bring these issues to your attention as I feel it shows a continued pattern of poor decision making, report preparation and accuracy thereof, attention to detail, policy violations and a general lack of professionalism, Esprit De Corps, accountability and integrity.

Respectfully,

#196

Lieutenant Lou Wright

Folsom Police Department

To: Detective David Erler #269

From: Commander Andrew Bates

Date: September 30, 2024

Subject: Modified duty

You are being place in modified work duty status during IA 24-004. You will be assigned to the records unit during this time, and you will work as assigned there. You will not function as a police officer during this assignment (i.e. taking reports, conducting follow-up investigation) and you will not display a badge or weapon. Your peace officer powers are not affected by this temporary assignment.

Your temporary supervisor will be Records Supervisor Lynette Casey, and your schedule will remain the same.

P-1
Notice of Payroll Change

EMPLOYEE NAME: DAVID ERLER ✓ TODAY's DATE: 7/19/22

DEPARTMENT: POLICE EMP. NUMBER: E0003904 ✓

SUPERVISOR: SGT. HERNDON

EFFECTIVE DATE OF CHANGE: 8/9/22

Select Type of Action (**PERMANENT** Employee):	Termination Reason, Permanent Employee (Select):
Other (Note in Comments)	. . .

Select Type of Action (**TEMPORARY** Employee):	**End** Date of Temporary Assignment	
. . .	*(P&R Only)* Clerical?	☐ Yes ☐ No
	CalPERS Member?	☐ Yes ☐ No

CURRENT PAY				**PROPOSED PAY**			
Classification:		Salary Range	Step	Classification:		Salary Range	Step
POLICE OFFICER		44P	5				
Base Pay (Hour/Month)			$ 7,501.60	**Base Pay (Hour/Month)**			
Add Pays:		%	=	*Add Pays:*		%	=
Educational Incentive		10.0	750.16	Educational Incentive			0.00
Longevity			0.00	Longevity			0.00
Certification Pay			0.00	Certification Pay			0.00
HIL		6.0	450.10	HIL			0.00
Other				Other			
Other				Other			
Other				Other			
Other				Other			
Total Current Compensation			$ 8,701.86	**Total Proposed Compensation**			$ 0.00

*Note: Double Check **Current Salary Schedule** on Proposed Base Pay Before Submitting to Human Resources*

Budget Allocation: (Fund -- Dept/Division -- Activity Code)

% =	100.0	0102112.5011001		% =		
% =				% =		

COMMENTS:

Ofc. Erler's probation is being extended by 90 days due to failure to meet standards and needing improvement, as reflected in his evaluation. His new end of probation and anniversary date for evals and step increases will be 11/7. ✓

Authorizations

Department Head:

Human Resources Director:

City Manager:

cc: 1) Human Resources (original), 2) Payroll, 3) Department Head, 4) Employee

HR Use Only: 08/08/2022

PERS Code:	
Job Code (from Job Req):	
Pay Class:	
Union:	

RECEIVED
JUL 28 2022
Human Resources
CITY OF FOLSOM

04/11/18

FOLSOM

POST *SKELLY* RESPONSE FORM

SKELLY MEETING INFORMATION		
Employee Name: Erler, David	**Current Job Title:** Police Officer	**Department:** Police
Proposed Discipline Level: Termination		**Skelly Meeting Date:** April 22, 2025
Skelly Officer Name: Marcus Yasutake	**Skelly Officer Job Title:** EWR Director	**Skelly Officer Department:** EWR

SKELLY OFFICER INSTRUCTIONS

The function of the Skelly Officer is to evaluate whether there are reasonable grounds to believe that 1) the employee engaged in the alleged misconduct; and 2) that the severity of the misconduct supports the proposed level of discipline.

A Skelly meeting is not an "evidentiary hearing," or a chance for the employee's representative to "litigate" the case, but rather a meeting where an employee is provided an opportunity to be heard. Additionally, a Skelly meeting is not an opportunity for the employee or their representative to try and reach a settlement on the discipline level.

The Skelly Officer makes a recommendation to sustain, modify, or revoke the discipline. The Skelly Officer does not substitute their judgment with respect to the level of discipline proposed – but rather must reach a conclusion as to whether there are reasonable grounds to justify the discipline proposed.

Skelly Officers who are recommending a modified level of discipline must submit a detailed narrative articulating the reason(s) for their recommendation.

Please include copies of any evidence and/or documents that were provided by the employee during the Skelly meeting.

SKELLY OFFICER FINDINGS

Based on the information provided by the employee during their Skelly meeting, I am recommending the following for consideration (check all that apply):

☒ No Change to the Sustained Allegations or Proposed Discipline Level

- ☐ Facts remain unchanged
- ☒ Proposed level of discipline is appropriate

☐ Recommending Modification to Sustained Allegations or Proposed Discipline Level **(requires narrative)**

- ☐ Employee presented mitigating information that should modify the sustained allegations.
- ☐ Level of discipline should be modified to:

By submitting this response form, I certify that I read the notice of discipline and the materials upon which it is based.

Skelly Officer Narrative (enter text here):
During the Skelly, David Erler and Sean Howell (Senior Associate Attorney from Mastagni Holstedt) presented their thoughts related to the preliminary notice of disciplinary action for David Erler.

Sean Howell provided the following information:

- Should focus on Mr. Erler's state of mind when the initial interview with the fire investigator
- Based on Fire Investigator's previous employment as an Officer with the El Dorado County Sheriff's Department that the best practice would be to record any interviews and the initial interview with Mr. Erler (by the Fire Investigator) should have been recorded
- Mr. Erler did not receive a copy of the fire investigator's report when requested

- Because of his state of mind during the aftermath early in the morning, Mr. Erler could not remember everything that was discussed with the Fire Investigator
- The IA documentation did not include additional information/follow up provided by Mr. Erler to his home insurance company
- He mentioned that Mr. Erler's investigation was not related to his job duties
- He mentioned that Mr. Erler's did not purposely lie during the investigation
- He mentioned that Mr. Erler answered many questions related to the fire and could not remember everything that was discussed during the interviews that were not recorded
- Recommended that the discipline be fully revoked because there is not enough evidence (he stated circumstantial) to maintain the City's conclusion of "lying"
- The incident and any related matters to the incident were not a result of "job performance" and therefore should not result in termination (or any discipline related to employment with Folsom PD)
- He stated that other information provided verbally by him during the Skelly was not provided during the IA investigation (i.e. second phone call to Mr. Erler's insurance company, fire investigator's report, and that within 24 hours of the fire he told others that he was burning the stump)

Mr. Erler provided the following information:

- He was not able to remember everything from his discussion with the Fire Investigator
- He remembers the Fire Investigator being "upset" with him at some point during the interview the morning of the fire
- He called the insurance company back a second time after the fire and recommended that a separate fire investigation by the insurance company be conducted
- He has burned the stump in the past
- He stated he only burned the stump that evening for a couple of minutes
- He and his wife had an argument with their daughter that evening and stayed outside to discuss parenting and the stump was not burning during their discussion
- He stated he does remember telling the fire investigator and the insurance company about the neighbor's new AC unit

I find that the proposed disciplinary action of termination of employment should remain in place. I base this on the following:

- **Violations of the Folsom Police Policy Manual, specifically FPPM 339.5.9(h) Conduct and FPPM 339.5.9(m) Standards of Conduct**

As a sworn officer, Mr. Erler should understand that Folsom Police Department conduct is critical to maintaining the public trust and the trust of your department. While it is difficult to know whether or not Mr. Erler directly lied to anyone during the fire investigation or IA investigation, he did provide misleading information throughout when he indicated that the fire could have started from his neighbor's new AC unit and not being entirely truthful about burning a tree stump in his backyard. On several occasions Mr. Erler had the opportunity to inform someone that he was burning his tree stump the night before the fire started, but he continued to support his thoughts that the fire could have originated from the neighbor's new AC unit. One last item, during an interview on November 6, 2024 with Sergeant Roman Kehm and Sergeant Warner Herndon, Mr. Erler indicated that he did lie to the Fire Investigator (page 23 of the transcripts).

Skelly Officer Signature:	Date: 5/9/2025

CITY MANAGER'S OFFICE RESPONSE

Name:	Job Title: City Manager	Date: 5/12/25

Folsom Police Department

Richard D. Hillman

CHIEF OF POLICE

PERSONAL AND CONFIDENTIAL
HAND DELIVERED

February 24, 2025

Detective David Erler
Folsom Police Department
46 Natoma Street
Folsom, CA 95630

RE: PRELIMINARY NOTICE OF DISCIPLINARY ACTION – TERMINATION OF EMPLOYMENT

Dear Detective David Erler,

YOU ARE HEREBY NOTIFIED that the City of Folsom intends to discipline you with termination of employment effective March 4, 2025, as a result of your acts and omissions described below.

Applicable Rules, Policies, and Procedures

Your acts and omissions described below violated the City of Folsom Personnel Rules and Regulations, policies of the Folsom Police Department contained in the Folsom Police Policy Manual (FPPM), and provisions of the Memorandum of Understanding between the City of Folsom and the Folsom Police Officers' Association (MOU), specifically:

FOLSOM POLICE POLICY MANUAL

FPPM 339 – STANDARDS OF CONDUCT

339.5.8(c) PERFORMANCE

Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person of authority, in connection with any investigation or in the reporting of any department related business.

FPPM 339 – STANDARDS OF CONDUCT

339.5.9(h) CONDUCT

Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department.

FFPM 339 – STANDARDS OF CONDUCT

339.5.9(m) CONDUCT

Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members

CITY OF FOLSOM PERSONNEL RULES AND REGULATIONS

CHAPTER 1.08 PERSONNEL ACTIONS, EMPLOYEE ACTIVITIES, AND DISCIPLINE

Section 1.08.110 Causes for Discipline

(B) Behavior

(1) Willful or negligent violation of the Personnel Rules and Regulations, resolutions, and other related ordinances including departmental rules, regulations, and policies.

(4) Conduct that is unbecoming a City officer or employee which tends to discredit the City or City service.

(C) Work Performance

(9) Violation of department policies, rules, directives, or procedures, or administrative regulations of the City.

FOLSOM POLICE OFFICERS' ASSOCIATION MEMORANDUM OF UNDERSTANDING

ARTICALE XII – DISCIPLINE PROCEDURE

Section E - Cause for Disciplinary Action

1. Discipline shall be for cause. Examples of conduct or performance deficiencies that may warrant discipline include, but are not limited to:

   f. Discourteous, or unbecoming behavior
   h. Dishonesty
   i. Misconduct, i.e. any behavior that brings harm or discredit to the City
   n. Violation of a City rule, policy, or procedure

Summary of Facts

1. On July 24, 2024, around 0308 hours, personnel from the Sacramento Metropolitan Fire District (S.M.F.D.) responded to [redacted] court in Fair Oaks, CA for a reported structure fire. On arrival, fire personnel observed a fire that extended to the two residences at [redacted] and [redacted] court is your residence, Detective David Erler, and [redacted] court is the residence of [redacted] (Citrus Heights Police Officer) and [redacted], your next-door neighbors.

2. S.M.F.D. Fire Investigator (F.I.) Jeffrey Sargent responded to the scene at approximately 0342 hours and conducted an investigation into the cause of the fire. Based on his examination, physical evidence, firefighters and witness statements, F.I. Sargent determined that the fire originated at a palm tree stump located on the property of [redacted] court owned by you.

3. F.I. Sargent interviewed you as a part of his investigation. A summary of that interview is contained in F.I. Sargent's report. At the end of F.I. Sargent's report, he wrote, "At the conclusion of my interview with D. Erler, it was evident that he was being less than truthful with me."

4. On September 27, 2024, F.I. Sargent emailed Folsom Police Commander Brian Lockhart regarding the fire investigation at [redacted]rt and attached the S.M.F.D. report (Case #2024-000214) to his email. F.I. Sargent had some concerns about your

involvement with the investigation. Commander Lockhart asked Lieutenant David Canepa (your division supervisor) to follow up with F.I. Sargent for further details. After Lieutenant Canepa's conversation with F.I. Sargent and further review of the S.M.F.D. fire investigation report, Commander Lockhart ordered an internal affairs investigation regarding dishonesty allegations.

5. On October 3, 2024, [redacted] sent an email to Folsom Police Chief Rick Hillman expressing her concerns about you and your interview with F.I. Sargent. [redacted] closed her email by saying, "I believe it shows his lack of integrity and I'm hoping proper actions be taken."

6. On October 3, 2024, Sergeant Kehm interviewed F.I. Sargent as a witness to this investigation. F.I. Sargent explained he was dispatched to a structure fire on July 24, 2024, around 0342 hours. F.I. Sargent stated when he arrived on scene, he was contacted by a Citrus Heights Police Officer who was identified as [redacted] (resident of [redacted]. [redacted] informed F.I. Sargent that he received a text message from his wife [redacted] around 2100 on July 23, 2024, to the effect of "Fucking Dave is burning a stump." [redacted] stated he later received a subsequent text message the morning of July 24th, from [redacted] stating, "houses on fire."

7. F.I. Sargent stated he also spoke with [redacted] who informed him that around 2100 hours on July 23, 2024, she observed flames and noticed a fire burning at the fence that separates her property and yours. [redacted] stated she was concerned and went over to your residence to inform you. When she knocked on the door, your 16-year-old daughter answered the door and acknowledged that you were burning a stump in the backyard. [redacted] stated she could see you and your wife in the backyard while the stump was burning.

8. After speaking with [redacted] and [redacted] F.I. Sargent spoke with you at the scene on July 24th, 2024. F.I. Sargent asked if you knew how the fire could have started, and you told him you had no idea. When F.I. Sargent later asked you the same question again, you told him that your neighbors ([redacted]) had a new HVAC system recently installed, and it had possibly malfunctioned. At that time, you did not mention that you had burned a palm tree stump in your backyard approximately six hours before the structure fires.

9. During the same interview, F.I. Sargent asked if you were aware that [redacted] came to your residence and spoke with your daughter the night prior about a fire in your backyard. Your wife, [redacted] Erler, interrupted, saying that your daughter had just informed you two of that a couple of minutes ago.

10. F.I. Sargent then asked you if you were burning a stump in your backyard the night before the structure fires and you denied it. Specifically, you told him that you were not burning a stump that night but had burned a stump on Monday morning, which was two days earlier, on July 22nd.

11. F.I. Sargent then confronted you with the fact that [redacted] had come to your residence the night before (July 23rd) when she saw the fire by the fence, and you admitted then that you and your wife were in the backyard by your pool, and you were burning a stump at that time.

12. F.I. Sargent asked if you used an accelerant to burn the stump in your backyard and you denied using any type of accelerant to burn the stump the night before the structure fire.

13. During the interview on October 3, 2024, Sgt. Kehm asked F.I. Sargent if he inspected your neighbor's HVAC system to determine if it was the cause of the fire. F.I. Sargent confirmed that he did perform such an inspection as a part of his investigation. F.I. Sargent determined that the HVAC system was not the cause of the fire. Instead, all of the evidence showed the cause of the fire to be the palm tree stump in your backyard, which was located next to the fence separating the two houses affected by the fire.

14. On October 8th, 2024, Sergeant Kehm interviewed [redacted] as a witness to this investigation. [redacted] stated he heard about some untruthful rumors that you were spreading at the Folsom Police Department, specific to the fire and how it may have been related to the new HVAC system [redacted] had installed. [redacted] stated he confronted you through text messages and you completely denied telling anyone that you thought the fire was [redacted]s fault or his family's fault.

15. On October 9, 2024, Sergeant John Wagner was interviewed as a witness to this investigation. Sergeant Wagner, who is your direct supervisor, responded to your house the morning of the fire.

Sergeant Wagner stated in his interview that you mentioned your neighbor's newly installed HVAC system as a possible cause of the fire when you spoke to him on the morning of July 24, 2024. You did not tell Sergeant Wagner that you had burned a stump in your backyard the night before the fire or mention that to him as a possible cause of the fire.

16. You contacted your homeowners' insurance the morning of the fire, speaking with Grange Insurance adjuster [redacted] at around 1030 hours. This conversation occurred after the fire department had responded to your house and after you had spoken with F.I. Sargent. Ms. [redacted] provided the audio recording of her contact with you that morning to Sgt. Kehm as a part of this investigation. In that conversation, [redacted] asked if the fire department told you how the fire started, and you stated they had not at that time.

17. Later in the same conversation, insurance adjuster [redacted] asked if there was anything else significant to the loss that you would like to add. In response, you told her about the neighbor's HVAC system being replaced and stated your opinion that when you mess with electrical stuff, bad things can happen.

18. In the same conversation, you told Ms. [redacted] that you were told by the fire department that the fire originated at the neighbor's house and spread to your house. You said you did not think anything malicious occurred, but felt it was relevant to what was going on.

19. At no time relevant to this investigation did you inform Ms. [redacted] that you burned a stump in your backyard a few hours before the houses caught fire.

20. After insurance adjuster [redacted] received the S.M.F.D. final report and reviewed it, she was asked if Grange Insurance was going to classify your claim as fraudulent. She said no, however, she was extremely concerned that, as a police officer, you would provide misleading statements and omit pertinent information to her and the company she represents.

21. On November 6, 2024, you were interviewed as an accused employee in this Internal Affairs investigation. You were

admonished to "answer all questions asked of you completely and that all of your answers are to be truthful.

22. During your Internal Affairs interview, you confirmed that when F.I. Sargent asked if you knew how the fire started, you told him you did not know.

23. During your Internal Affairs interview, you confirmed that you told F.I. Sargent your theory about how the fire started. Specifically, you told him about the neighbor's ([redacted]s) newly installed AC unit and stated that was something he might want to look into. When Sgt. Kehm asked if you suggested to F.I. Sargent that the neighbor's HVAC system might have malfunctioned, you replied by saying yes.

24. During your Internal Affairs interview, you confirmed that you did not tell F.I. Sargent you had burned a stump in your backyard a few hours before the structure fire in response to his general question about how the fire could have started.

25. During your Internal Affairs interview, you also confirmed that you did not tell F.I. Sargent that you had burned a stump in your backyard a few hours before the structure fire, even when he specifically asked if you had done so. While you could not remember the exact question F.I. Sargent asked, you admitted that he did ask something similar to "were [you] burning the stump the night prior to the structure fire?".

26. Sergeant Warner Herndon was present during your Internal Affairs interview and asked if you remembered telling F.I. Sargent that you burned the stump on the morning of Monday, July 22nd. You responded that you did not remember giving a specific date. However, you stated that you had been burning the stump days prior and/or a week prior to the fire.

27. During your Internal Affairs interview, you admitted that you "misspoke, or lied, or told [F.I. Sargent] something that was ... unfactual" when you told him that you had not burned the stump for a week before the fire.

28. During your Internal Affairs interview, you said that at one point in the interview with F.I. Sargent, he said something to you that made you pay close attention to what he was saying, and at that point,

you admitted to burning the stump the night before the fire at around 8 or 9 PM, just a few hours earlier.

29. During your Internal Affairs interview, you admitted telling F.I. Sargent you had not used an accelerant to burn the stump.

30. During your Internal Affairs interview, you also admitted that you did in fact use an accelerant, lighter fluid, to burn the stump at your property on the night of July 23, 2024.

31. During your Internal Affairs interview, you were asked if you told anyone else that the fire had been caused by the neighbor's recently installed HVAC system after speaking with F.I. Sargent. You stated that Sergeant Derek Koupal arrived at your house on the morning of the fire and at some point, asked what happened. You admitted telling Sergeant Koupal that you did not know what happened, but your neighbors had their HVAC system replaced yesterday.

32. During your Internal Affairs interview, you also stated that you may have mentioned the HVAC system to Sergeant Wagner when he responded to your house. This is consistent with Sergeant Wagner's statement, as described in paragraph 15 above.

33. During your Internal Affairs interview, you confirmed you spoke with a [redacted] [redacted] from Grange Insurance on the morning of July 24th around 1030 hours and that conversation occurred after you spoke with F.I. Sargent. You were asked if you told [redacted] [redacted] that you had no idea how the fire started, and you stated you could not recall what you said to [redacted] [redacted].

34. During your Internal Affairs interview, you were asked if you suggested to [redacted] [redacted] that the fire could have started from the neighbor's recently installed HVAC system. You replied, "Yeah, probably".

35. During your Internal Affairs interview, you were asked to explain in your own words why someone would believe that you were omitting information to mislead the fire investigator or others about the stump and the HVAC system. You responded by saying, from the fire investigator's point of view, if someone lies to you and says something untruthful, you are going to assume they are purposely

lying to you. You went on to say that you "fully admit and understand that [you] did lie to [F.I. Sargent]".

36. In response to the same question during your Internal Affairs interview, you said what was going through your head was everything but what F.I. Sargent was asking you. You said you should have paid closer attention to what he was saying and you should not have blown him off. You stated it was not in your mind to be dishonest or misleading and you were trying to give him truthful information. You said you did not believe your actions with the stump caused the fire at the time. You said you only suggested the HVAC as a possible cause of the fire because that was your thought at the time and you thought a fire investigator would want to know that information.

37. During your Internal Affairs interview, you stated that Grange Insurance hired its own fire investigator. You said that you spoke with this investigator approximately one week after the fire and, at that time, he told you "it's obvious". You stated, "He said the burn patterns ... originated from in and around where that stump was, and that's where" the fire started.

Probation Extension

A review of your personnel file revealed that your probation period was extended for three months, from August 1, 2022, to November 1, 2022. In July of 2022, Lieutenant Lou Wright wrote a memo to Chief Hillman documenting the reasons for extending your probation. Lieutenant Wright wrote that you (Officer Erler at the time) took no notes while conducting a DUI investigation and then did not review your body worn camera footage to assist with preparation of the associated arrest report. Discrepancies were found between the official arrest report and what was captured on your body worn camera, calling into question the accuracy of the report.

Lieutenant Wright also wrote that in mid-June 2022, he received an email from the mother of a victim from an assault case you handled. Based on that email, Lieutenant Wright directed Sergeant Brian Mendenhall (your direct supervisor at the time) to ask you if you had received an email from the victim containing additional documentation of the incident, his injuries, and medical records. According to Sergeant Mendenhall, you informed him that you had not received any email from the victim. Lieutenant Wright followed up with the victim, asking for any email correspondence showing that he had

provided the information to you. The victim sent Lieutenant Wright a copy of the email(s) in question, demonstrating that what you told Sergeant Mendenhall was false..

Analysis

As police officers, we are held to a high standard on and off duty. As a veteran officer with over 13 years on the job, you should have no doubt about our department's and city's expectations. Honesty and integrity are perhaps the most important virtues. However, your recent actions have fallen short of these standards. You gave false and misleading statements to F.I. Sargent, you made misrepresentations to him, and you omitted material information in connection with his fire investigation. You also omitted material information and gave misleading statements and/or made misrepresentations during your insurance claim interview with Grange Insurance Representative [redacted] [redacted]. These statements were in clear violation of the Folsom Police Policy Manual (FPPM), City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

Your duty as an officer is to give complete and accurate statements regardless of the circumstances. Understandably, you were stressed and under much emotion being woken up to your house on fire and the next-door neighbor's house on fire. Even so, speaking with a fire investigator, you should have known that burning a stump in your backyard within hours of the structure fire was relevant information. You should have shared that information with the fire investigator, especially when asked about it directly. As a detective, you were keenly aware of F.I. Sargent's role as an investigator, so it is not credible that you forgot you had burned the stump six hours earlier, even with everything that was happening. You felt that the neighbor's recently installed HVAC unit was pertinent information and shared that with the fire investigator, showing that you were able to focus on the possible cause of the fire even while under stress and filled with strong emotion.

When you finally admitted to burning the stump the night before the structure fire and were then asked if any accelerant was used, you should have been truthful about using an accelerant. This question was asked after you were specifically confronted by the fire investigator about being dishonest. The fact that you still failed to admit the truth makes that false statement even more egregious.

Even after your experience with the fire investigator, you continued to mention the HVAC system, insinuating that it was the cause of the fire, but never mentioning that you had burned a stump in your backyard a few hours before the fire. This was misleading at best and tends to reflect unfavorably upon this department and its members in violation of the Folsom Police Policy Manual, City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

In addition, this information made its way to your neighbor, Officer [redacted] from a different police department. [redacted] confronted you through text messages about you suggesting that it was his HVAC system that started the fire even though you both knew that was not true. You told [redacted] you did not tell anyone that the fire was in any way his or his family's fault, but in fact you told insurance adjuster [redacted], Sgt. Wagner, and Sgt. Koupal about [redacted]'s new HVAC system, implying that it was the cause of the fire. These contradictory statements further undermine your credibility and violate the Folsom Police Policy Manual, City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

Additionally, [redacted] stated in a text message that he didn't "want to drive a wedge between two police departments because I feel like that's the direction it's going." While your misleading and contradictory statements would reflect unfavorably upon this department and its members regardless of your neighbor's employment, in this case you also damaged the reputation of this department and its members with at least one other law enforcement agency in the region and with the Sacramento Metropolitan Fire District, in violation of the Folsom Police Policy Manual, City of Folsom Personnel Rules and Regulations, and the Folsom Police Officers' Association Memorandum of Understanding.

Everyone makes mistakes in life, but as police officers we have a responsibility to own our mistakes. This is especially true in formal investigations, whether on or off duty. An investigation to determine the cause of a structural fire in a residence and a related insurance claim are both undoubtedly formal investigations. As police officers, owning our mistakes in formal investigations is of paramount importance. If we improperly deny making a mistake, give misleading information about the circumstances, or omit pertinent facts in an attempt to cover up the mistake, our credibility and our capacity to function in the position of public trust we are afforded as officers are severely undermined, if not entirely destroyed.

Recent legislation also underscores the strong public policy against dishonesty by police officers, further supporting the proposed discipline.

Right to Respond

Please note this is a Preliminary Notice of Disciplinary Action. Before the implementation of any discipline, you have the right to review all relevant documents and materials and to respond orally and/or in writing to the charges and to the proposed discipline. Copies of the material and documents supporting this proposed discipline are enclosed.

You have a right, per the MOU between the City and FPOA, to request a Skelly meeting within five (5) workdays after receiving this Preliminary Notice of Disciplinary Action. The request must be made in writing by you or your representative and delivered to the Human Resources Director, within the specified time frame. Failure to respond or inaction within the specified time will result in the waiver of the right to a Skelly meeting and the proposed discipline will become the final order. Should you choose to request a Skelly meeting, please address the request to the City of Folsom, Human Resources Director, Allison Garcia, 50 Natoma Street, Folsom, CA 95630.

Email: agarcia@folsom.ca.us
Direct Line: 916-461-6054
H.R. Main Line: 916-461-6050

You may bring a representative of your choice to the Skelly meeting; however, this is not an evidentiary hearing. No witnesses will be permitted or examined. This is an opportunity for you to provide a response to the allegations supporting the proposed discipline and to explain why it should not be imposed or why the level of discipline should be modified.

Sincerely,

Richard D. Hillman
CHIEF OF POLICE

Encl. Supporting documents and materials

Cc: City Manager
City Attorney
Human Resources Director

NFIRS-1 Basic

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34090	CA	07	24	2024	32 (32)	F24140131	0

B **Location Type**

Census tract:

- [x] Street Address
- [ ] Intersection
- [ ] In Front Of
- [ ] Rear Of
- [ ] Adjacent To
- [ ] Directions
- [ ] US National Grid

Number	Prefix	Street or Highway	Street Type	Suffix
[redacted]		[redacted]	CT-CT	

Apt./Suite/Room	City	State	Zip Code
	Fair Oaks	CA	95628

Cross Street

C **Incident Type**

111-Building fire (excludes confined fires 113-118)

D **Aid Given Or Received**

- [ ] 1 Mutual Aid Received
- [x] 2 Auto. Aid Received
- [ ] 3 Mutual Aid Given
- [ ] 4 Auto. Aid Given
- [ ] 5 Other Aid Given
- [ ] None

Their FDID	Their State
City of Folsom Fire Department (34035)	

Their Incident Number

E1 **Dates and Times**

Alarm	07	24	2024	03:09
Arrival	07	24	2024	03:13
Controlled				
Last Unit Cleared	07	24	2024	07:50

E2 **Shifts and Alarms**

Shift or Platoon	Alarms	District
B		240227

E3 **Special Studies**

ID#	Value

F **Actions Taken**

11-Extinguishment by Fire Service Personnel

Primary Action Taken

86-Investigate

Additional Action Taken

21-Search

Additional Action Taken

51-Ventilate

Additional Action Taken

12-Salvage & Overhaul

Additional Action Taken

G1 **Resources**

- [x] Apparatus or Personnel Module is used.

	Apparatus	Personnel
Suppression	16	43
EMS	2	4
Other	3	3

- [ ] Resource counts include aid received resources.

G2 **Estimated Dollar Losses and Values**

Losses: Required for all fires if known. Optional for all non-fires.		None
Property:	$ 493,762.00	[ ]
Contents:	$ 308,620.00	[ ]
Pre-Incident Values: Optional		None
Property:	$ 617,240.00	[ ]
Contents:	$ 3,083,620.00	[ ]

Completed Modules

- [ ] 2 - Fire
- [ ] 3 - Structure Fire
- [ ] 4 - Civilian Fire Cas.
- [ ] 5 - Fire Service Cas.
- [ ] 6 - EMS
- [ ] 7 - HazMat
- [ ] 8 - Wildland Fire
- [ ] 9 - Apparatus
- [ ] 10 - Personnel
- [ ] 11 - Arson

H1 **Casualties** [x] None

	Deaths	Injuries
Fire Service	0	0
Civilian	0	0

H2 **Detector**

Required for Confined Fires

- [x] 1 - Detector Alerted Occupants
- [ ] 2 - Detector Did Not Alert Them
- [ ] 3 - Unknown

H3 **Hazardous Materials Release**

- [ ] 1 - Natural Gas
- [ ] 2 - Propane Gas
- [ ] 3 - Gasoline
- [ ] 4 - Kerosene
- [ ] 5 - Diesel Fuel / Fuel Oil
- [ ] 6 - Household Solvents
- [ ] 7 - Motor Oil
- [ ] 8 - Paint
- [ ] 0 - Other
- [x] None

I **Mixed Use Property**

- [ ] Not Mixed
- [ ] 10 - Assembly Use
- [ ] 20 - Education Use
- [ ] 33 - Medical Use
- [ ] 40 - Residential Use
- [ ] 51 - Row Of Stores
- [ ] 53 - Enclosed Mall
- [ ] 58 - Business and Residential
- [ ] 59 - Office Use
- [ ] 60 - Industrial Use
- [ ] 63 - Military Use
- [ ] 65 - Farm Use
- [ ] 00 - Other Mixed Use

J **Property Use** [ ] None

Structures

- [ ] 131 Church, Place of Worship
- [ ] 161 Restaurant or Cafeteria
- [ ] 162 Bar/Tavern or Nightclub
- [ ] 213 Elementary School, Kindegarten
- [ ] 215 High School, Junior High
- [ ] 241 College, Adult Education
- [ ] 311 Nursing Home
- [ ] 331 Hospital
- [ ] 341 Clinic, Clinic-Type Infirmary
- [ ] 342 Doctor/Dentist Office
- [ ] 361 Prison or Jail, Not Juvenile
- [x] 419 1- or 2-Family Dwelling
- [ ] 429 MultiFamily Dwelling
- [ ] 439 Rooming/Boarding House
- [ ] 449 Commerical Hotel or Motel
- [ ] 459 Residential, Board and Care
- [ ] 464 Dormitory/Barracks
- [ ] 519 Food and Beverage Sales
- [ ] 539 Household Goods, Sales, Repairs
- [ ] 571 Gas or Service Station
- [ ] 579 Motor Vehicle/Boat Sales/Repairs
- [ ] 599 Business Office
- [ ] 615 Electric-Generating Plant
- [ ] 629 Laboratory/Science Laboratory
- [ ] 700 Manufacturing Plant
- [ ] 819 Livestock/Poultry Storage (Barn)
- [ ] 882 Non-Residential Parking Garage
- [ ] 891 Warehouse

Outside

- [ ] 124 Playground or Park
- [ ] 655 Crops or Orchard
- [ ] 669 Forest (Timberland)
- [ ] 807 Outdoor Storage Area
- [ ] 919 Dump or Sanitary Landfill
- [ ] 931 Open Land or Field
- [ ] 936 Vacant Lot
- [ ] 938 Graded/Cared for Plot of Land
- [ ] 946 Lake, River, Stream
- [ ] 951 Railroad Right-of-Way
- [ ] 960 Other Street
- [ ] 961 Highway/Divided Highway
- [ ] 962 Residential Street/Driveway
- [ ] 981 Construction Site
- [ ] 984 Industrial Plant Yard

Property Use:

Description

Look up and enter a Property Use code and description only if you have NOT checked a Property Use box.

K2

Owner

Local Option	Person/Entity Type	Business Name (if applicable)	Phone Number
	Owner and Occupant		7079516244

Mr., Ms., Mrs.	First Name	MI	Last Name	Suffix
MR-Mr.	David		Erler	

Number	Prefix	Street or Highway	Street Type	Suffix
[redacted]		[redacted]	CT-Court	

Post Office Box	Apt./Suite/Room	City
		Fair Oaks

State	Zip Code
CA	95628

L **Remarks:**

I, Jason Vestal, responded code 3 as Battalion 13 to a reported structure fire at [redacted]

While responding, SRFECC provided an update that the fire was possibly involving two structures and that occupants were still inside one structure.

E32 then arrived and reported fire in the fence area between two structures, arriving with M32 and that they were initiating fire attack. E32 officer shortly thereafter advised that the structures were involved. E29 then arrived and E32 officer and E29 officer coordinated the fire attack with E32 placing a hoseline between [redacted] (Delta Structure) and [redacted] (Bravo Structure), and M32 and E29 initiating an interior attack on [redacted]

E22 then arrived and initiated fire attack on [redacted]

At this time I arrived and established [redacted] command. I observed a large amount of fire from the roof and center Charlie side extending to the CD corner of [redacted]. I exited my vehicle, established the command post in front of [redacted], and then made access to the alphas die of [redacted] where I observed occupants in the front yard of [redacted] and E22 officer advising the dwelling was evacuated with fire impinging on the Bravo side. At this time I requested SRFECC dispatch a second alarm.

I was met by the male homeowner of the dwelling at [redacted] (an on duty CHPD police officer) who stated that was his home and all occupants were evacuated; I advised crews by radio operating in [redacted] the occupants were reported as evacuated.

E31 then arrived and i assigned E31 ...

Full primary narrative can be found in NFIRS 1S - Supplemental

M **Authorization**

Officer In Charge ID	Signature	Position or Rank	Assignment	Date
241473	Vestal, Jason	Battalion Chief		07/25/2024
241473	Vestal, Jason	Battalion Chief		07/25/2024

Member Making Report ID | Signature | Position or Rank | Assignment | Date

NFIRS-2 Fire

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34090	CA	07	24	2024	32 (32)	F24140131	0

B

Property Details

B1 2 ☐ Not Residential

Estimated number of residential living units in the building of origin whether or not all units became involved

B2 ☐ Buildings Not Involved

Number of buildings involved

B3 ☑ None ☐ Less than 1 acre

Acres burned (outside fires)

C

On-Site Materials Or Products

On-Site Materials Storage Use

D

Ignition

D1 90-Outside area, other

Area of Fire Origin

D2 40-Hot or smoldering object, other

Heat Source

D3 Undetermined

Item First Ignited

D4

Type of Material First Ignited

E1

Cause of Ignition

☐ 1 - Intentional
☑ 2 - Unintentional
☐ 3 - Failure of Equipment or Heat Source
☐ 4 - Act of Nature
☐ 5 - Cause Under Investigation
☐ U - Cause Undetermined After Investigation

E2

Factors Contributing to Ignition

73-Outside/open fire for debris or waste disposal

Factor Contributing to Ignition

E3

Human Factors Contributing to Ignition

Check all applicable boxes

☑ None
☐ 1 - Asleep
☐ 2 - Possibly impaired by alcohol or drugs
☐ 3 - Unattended person
☐ 4 - Possibly Mentally Disabled
☐ 5 - Physically Disabled
☐ 6 - Multiple Persons Involved

☐ 7 - Age Was A Factor

Estimated Age of Person Involved

☐ Male ☐ Female

F1

Equipment Involved In Ignition

☑

Equipment Involved

Brand
Model
Serial #
Year

F2

Equipment Power Source

☑

Equipment Power Source

F3

Equipment Portability

☐ 1 - Portable
☐ 2 - Stationary

Portable equipment normally can be moved by one or two persons.

G

Fire Suppression Factors

H1

Mobile Property Involved

☐ 1 - Not involved in ignition, but burned
☐ 2 - Involved in ignition, but did not burn
☐ 3 - Involved in ignition and burned
☑ None

H2

Mobile Property Type and Make

Mobile Property Type

Mobile Property Make

Mobile Property Model

Year

State

License Plate Number

VIN

Local Use

☐ Pre-Fire Plan Available
☐ Arson Report Attached
☐ Police Report Attached
☐ Coroner Report Attached
☐ Other Reports Attached

NFIRS-3 Structure Fire

I1

Structure Type

- [x] 1 - Enclosed Building
- [ ] 2 - Portable/Mobile Structure
- [ ] 3 - Open Structure
- [ ] 4 - Air-Supported Structure
- [ ] 5 - Tent
- [ ] 6 - Open Platform
- [ ] 7 - Underground Structure
- [ ] 8 - Connective Structure
- [ ] 0 - Other

I2

Building Status

- [ ] 1 - Under Construction
- [x] 2 - In Normal Use
- [ ] 3 - Idle, Not Routinely Used
- [ ] 4 - Under Major Renovation
- [ ] 5 - Vacant and Secured
- [ ] 6 - Vacant and Unsecured
- [ ] 7 - Being Demolished
- [ ] 0 - Other
- [ ] U - Undetermined

I3

Building Height

1
Number of Stories At/Above Grade

0
Number of Stories Below Grade

I4

Main Floor Size

0
Total Square Feet

OR

____ BY ____
Length (ft) X Width (ft)

J1

Fire Origin

1 [ ] Below Grade
Story of Fire Origin

J2

Fire Spread

- [ ] Confined to Object of Origin
- [ ] 2 - Confined to Room of Origin
- [ ] 3 - Confined to Floor of Origin
- [ ] 4 - Confined to Building of Origin
- [x] 5 - Beyond Building of Origin

J3

Number of Stories Damaged By Flame

____ Number of Stories w/Minor Damage (1-24%)
____ Number of Stories w/Significant Damage (25-49%)
____ Number of Stories w/Heavy Damage (50-74%)
____ Number of Stories w/Extreme Damage (75-100%)

*Count the roof as part of the highest story

K

Type of Material Contributing Most to Flame Spread

K1 __
Item Contributing Most to Flame Spread

K2 __
Type of Material Contributing Most To Flame Spread

L1

Presence of Detectors

- [ ] N - None Present
- [x] 1 - Present
- [ ] U - Undetermined

L2

Detector Type

- [x] 1 - Smoke
- [ ] 2 - Heat
- [ ] 3 - Combination of Smoke and Heat
- [ ] 4 - Sprinkler, Water Flow Detection
- [ ] 5 - More Than One Type Present
- [ ] 0 - Other
- [ ] U - Undetermined

L3

Detector Power Supply

- [ ] 1 - Battery Only
- [ ] 2 - Hardwire Only
- [ ] 3 - Plug-In
- [ ] 4 - Hardwire With Battery
- [ ] 5 - Plug-In With Battery
- [ ] 6 - Mechanical
- [ ] 7 - Multiple Detectors & Power Supplies
- [ ] 0 - Other
- [x] U - Undetermined

L4

Detector Operation

- [ ] 1 - Fire Too Small To Activate
- [ ] 2 - Operated
- [ ] 3 - Failed To Operate
- [x] U - Undetermined

L5

Detector Effectiveness

- [ ] 1 - Alerted Occupants, Occupants Responded
- [ ] 2 - Alerted Occupants, Occupants Failed to Respond
- [ ] 3 - There Were No Occupants
- [ ] 4 - Failed to Alert Occupants
- [ ] U - Undetermined

L6

Detector Failure Reason

- [ ] 1 - Power Failure, Shutoff, or Disconnect
- [ ] 2 - Improper Installation or Placement
- [ ] 3 - Defective
- [ ] 4 - Lack of Maintenance, Dirty
- [ ] 5 - Battery Missing or Disconnected
- [ ] 6 - Battery Discharged or Dead
- [ ] 0 - Other
- [ ] U - Undetermined

M1

Presence of Automatic Extinguishing System

- [x] N - None Present
- [ ] 1 - Present
- [ ] 2 - Partial System Present
- [ ] U - Undetermined

M2

Type of Automatic Extinguishing System

- [ ] 1 - Wet-Pipe Sprinkler
- [ ] 2 - Dry-Pipe Sprinkler
- [ ] 3 - Other Sprinkler System
- [ ] 4 - Dry Chemical System
- [ ] 5 - Foam System
- [ ] 6 - Halogen-Type System
- [ ] 7 - Carbon Dioxide System
- [ ] 0 - Other
- [ ] U - Undetermined

Required if fire was within designed range of AES

M3

Operation of Automatic Extinguishing System

- [ ] 1 - Operated/Effective
- [ ] 2 - Operated/Not Effective
- [ ] 3 - Fire Too Small To Activate
- [ ] 4 - Failed To Operate
- [ ] 0 - Other
- [ ] U - Undetermined

Required if fire was within designed range

M4

Number of Sprinkler Heads Operating

Required if system operated

M5

Reason for Automatic Extinguishing System Failure

- [ ] 1 - System Shut Off
- [ ] 2 - Not Enough Agent Discharged
- [ ] 3 - Agent Discharged But Did Not Reach Fire
- [ ] 4 - Wrong Type of System
- [ ] 5 - Fire Not In Area Protected
- [ ] 6 - System Components Damaged
- [ ] 7 - Lack of Maintenance
- [ ] 8 - Manual Intervention
- [ ] 0 - Other
- [ ] U - Undetermined

Required if system failed or not effective

NFIRS-9 Apparatus or Resources

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34090	CA	07	24	2024	32 (32)	F24140131	0

B **Apparatus/Resource**	Dates/Times	Sent	Number of People	Apparatus Use	Actions Taken
ID: AC24 Type: 92-Chief officer car	Dispatch: 07/24/2024 03:33 Arrival: 07/24/2024 03:33 Clear: 07/24/2024 05:41	Sent	1	Suppression EMS Other	
ID: AR112 Type: 61-Breathing apparatus support	Dispatch: 07/24/2024 03:30 Arrival: 07/24/2024 03:46 Clear: 07/24/2024 06:45	Sent	2	Suppression EMS Other	56-Provide air supply
ID: ARSON24 Type: 00-Other apparatus/resource	Dispatch: 07/24/2024 03:09 Arrival: 07/24/2024 03:42 Clear: 07/24/2024 06:03	Sent	1	Suppression EMS Other	
ID: BC13 Type: 92-Chief officer car	Dispatch: 07/24/2024 03:09 Arrival: 07/24/2024 03:15 Clear: 07/24/2024 07:02	Sent	1	Suppression EMS Other	81-Incident command 84-Refer to proper authority
ID: BC14 Type: 92-Chief officer car	Dispatch: 07/24/2024 03:16 Arrival: 07/24/2024 03:31 Clear: 07/24/2024 05:37	Sent	1	Suppression EMS Other	
ID: BC5 Type: 92-Chief officer car	Dispatch: 07/24/2024 03:16 Arrival: 07/24/2024 03:33 Clear: 07/24/2024 03:50	Sent	1	Suppression EMS Other	
ID: DEC110 Type: 93-HazMat unit	Dispatch: 07/24/2024 03:09 Arrival: 07/24/2024 03:41 Clear: 07/24/2024 06:55	Sent	1	Suppression EMS Other	73-Provide manpower
ID: E21 Type: 11-Engine	Dispatch: 07/24/2024 03:09 Arrival: 07/24/2024 03:23 Clear: 07/24/2024 04:32	Sent	3	Suppression EMS Other	
ID: E22 Type: 11-Engine	Dispatch: 07/24/2024 03:09 Arrival: 07/24/2024 03:15 Clear: 07/24/2024 05:53	Sent	3	Suppression EMS Other	
ID: E28 Type: 11-Engine	Dispatch: 07/24/2024 03:27 Arrival: 07/24/2024 03:27 Clear: 07/24/2024 06:06	Sent	3	Suppression EMS Other	
ID: E29 Type: 11-Engine	Dispatch: 07/24/2024 03:09 Arrival: 07/24/2024 03:13 Clear: 07/24/2024 07:50	Sent	3	Suppression EMS Other	
ID: E31 Type: 11-Engine	Dispatch: 07/24/2024 03:09 Arrival: 07/24/2024 03:15 Clear: 07/24/2024 07:48	Sent	3	Suppression EMS Other	

ID:	E32	Dispatch:	07/24/2024	03:09	☑ Sent	3	☑ Suppression	☐ EMS	☐ Other	
Type:	11-Engine	Arrival:	07/24/2024	03:15						
		Clear:	07/24/2024	07:14						
ID:	E63	Dispatch:	07/24/2024	03:09	☑ Sent	3	☑ Suppression	☐ EMS	☐ Other	
Type:	11-Engine	Arrival:	07/24/2024	04:45						
		Clear:	07/24/2024	05:10						
ID:	EMS24	Dispatch:	07/24/2024	03:16	☑ Sent	1	☐ Suppression	☐ EMS	☑ Other	
Type:	60-Support apparatus, other	Arrival:	07/24/2024	03:31						
		Clear:	07/24/2024	06:20						
ID:	HM109	Dispatch:	07/24/2024	03:09	☑ Sent	4	☑ Suppression	☐ EMS	☐ Other	
Type:	93-HazMat unit	Arrival:	07/24/2024	03:28						
		Clear:	07/24/2024	06:59						
ID:	M29	Dispatch:	07/24/2024	03:28	☑ Sent	2	☐ Suppression	☑ EMS	☐ Other	
Type:	76-ALS unit	Arrival:	07/24/2024	03:46						
		Clear:	07/24/2024	06:49						
ID:	M32	Dispatch:	07/24/2024	03:15	☑ Sent	2	☐ Suppression	☑ EMS	☐ Other	
Type:	76-ALS unit	Arrival:	07/24/2024	03:15						
		Clear:	07/24/2024	07:14						
ID:	R21	Dispatch:	07/24/2024	03:09	☑ Sent	4	☑ Suppression	☐ EMS	☐ Other	
Type:	71-Rescue unit	Arrival:	07/24/2024	04:26						
		Clear:	07/24/2024	07:04						
ID:	TR23	Dispatch:	07/24/2024	03:09	☑ Sent	4	☑ Suppression	☐ EMS	☐ Other	
Type:	12-Truck or aerial	Arrival:	07/24/2024	03:27						
		Clear:	07/24/2024	06:16						
ID:	TR65	Dispatch:	07/24/2024	03:09	☑ Sent	4	☑ Suppression	☐ EMS	☐ Other	51-Ventilate 12-Salvage & overhaul
Type:	12-Truck or aerial	Arrival:	07/24/2024	03:20						
		Clear:	07/24/2024	07:02						

NFIRS-10 Personnel

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34090	CA	07	24	2024	32 (32)	F24140131	0

B **Apparatus/Resource**	Dates/Times	Sent	Number of People	Apparatus Use	Actions Taken
ID: AC24 Type: 92-Chief officer car	Dispatch: 07/24/2024 03:33 Arrival: 07/24/2024 03:33 Clear: 07/24/2024 05:41	☑ Sent	1	☑ Suppression ☐ EMS ☐ Other	☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
241369	Keeley, Kiley	Assistant Chief		☐	☐

ID: AR112 Type: 61-Breathing apparatus support	Dispatch: 07/24/2024 03:30 Arrival: 07/24/2024 03:46 Clear: 07/24/2024 06:45	☑ Sent	2	☑ Suppression ☐ EMS ☐ Other	56-Provide air supply

Personnel ID	Name	Rank	Role	Attend	Actions Taken
244871	Wilson, Noah	Reserve Firefighter		☐	☐
244872	Rodriguez, Sergio	Reserve Firefighter		☐	☐

ID: ARSON24 Type: 00-Other apparatus/resource	Dispatch: 07/24/2024 03:09 Arrival: 07/24/2024 03:42 Clear: 07/24/2024 06:03	☑ Sent	1	☐ Suppression ☐ EMS ☑ Other	☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
244863	Sargent, Jeffrey	Fire Investigator II		☐	☐

ID: BC13 Type: 92-Chief officer car	Dispatch: 07/24/2024 03:09 Arrival: 07/24/2024 03:15 Clear: 07/24/2024 07:02	☑ Sent	1	☑ Suppression ☐ EMS ☐ Other	81-Incident command 84-Refer to proper authority

Personnel ID	Name	Rank	Role	Attend	Actions Taken
241473	Vestal, Jason	Battalion Chief		☐	☐

ID: BC14 Type: 92-Chief officer car	Dispatch: 07/24/2024 03:16 Arrival: 07/24/2024 03:31 Clear: 07/24/2024 05:37	☑ Sent	1	☑ Suppression ☐ EMS ☐ Other	☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
242687	Gonsalves, Brian	Battalion Chief		☐	☐

ID: BC5 Type: 92-Chief officer car	Dispatch: 07/24/2024 03:16 Arrival: 07/24/2024 03:33 Clear: 07/24/2024 03:50	☑ Sent	1	☑ Suppression ☐ EMS ☐ Other	☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
242636	Fong, Kim	Battalion Chief		☐	☐

ID: DEC110 Type: 93-HazMat unit	Dispatch: 07/24/2024 03:09 Arrival: 07/24/2024 03:41	☑ Sent	1	☐ Suppression ☐ EMS ☑ Other	73-Provide manpower

Clear: 07/24/2024 06:55

Personnel ID	Name	Rank	Role	Attend	Actions Taken
244434	Ferreira, Mario	Firefighter		☐	☐

ID: E21 | Type: 11-Engine | Dispatch: 07/24/2024 03:09 | Arrival: 07/24/2024 03:23 | Clear: 07/24/2024 04:32 | ☑ Sent | 3 | ☑ Suppression ☐ EMS ☐ Other ☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
243292	Kim, Danny	Firefighter		☐	☐
243620	Schmitz, Cardiff	Engineer		☐	☐
241418	Butler, Jason	Captain		☐	☐

ID: E22 | Type: 11-Engine | Dispatch: 07/24/2024 03:09 | Arrival: 07/24/2024 03:15 | Clear: 07/24/2024 05:53 | ☑ Sent | 3 | ☑ Suppression ☐ EMS ☐ Other ☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
241463	Kellogg, Christopher	Captain		☐	☐
243218	LeFevre, Matthew	Firefighter		☐	☐
243155	Majestic, Jordan	Engineer		☐	☐

ID: E28 | Type: 11-Engine | Dispatch: 07/24/2024 03:27 | Arrival: 07/24/2024 03:27 | Clear: 07/24/2024 06:06 | ☑ Sent | 3 | ☑ Suppression ☐ EMS ☐ Other ☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
243501	Dorsey, Collin	Firefighter		☐	☐
243122	Cater, Brett	Captain		☐	☐
242958	Thomas, Owen	Engineer		☐	☐

ID: E29 | Type: 11-Engine | Dispatch: 07/24/2024 03:09 | Arrival: 07/24/2024 03:13 | Clear: 07/24/2024 07:50 | ☑ Sent | 3 | ☑ Suppression ☐ EMS ☐ Other ☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
242993	Randle, Brett	Captain		☐	☐
243143	Konkel, Tyler	Engineer		☐	☐
243490	Duncan, Ian	Firefighter		☐	☐

ID: E31 | Type: 11-Engine | Dispatch: 07/24/2024 03:09 | Arrival: 07/24/2024 03:15 | Clear: 07/24/2024 07:48 | ☑ Sent | 3 | ☑ Suppression ☐ EMS ☐ Other ☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
243264	Owen, Scott	Engineer		☐	☐
243010	Block, Tyler	Captain		☐	☐
243244	Cosley, Ciaran	Firefighter		☐	☐

ID: E32 | Dispatch: 07/24/2024 03:09 | ☑ Sent | 3 | ☑ Suppression ☐ EMS ☐

Type: 11-Engine | Arrival: 07/24/2024 03:15 | Clear: 07/24/2024 07:14 | ☐ Other

Personnel ID	Name	Rank	Role	Attend	Actions Taken
243028	Levesque, Beau	Engineer		☐	☐
242671	Manfredi, Ryan	Captain		☐	☐
243251	Jensen, Dylan	Firefighter		☐	☐

ID: E63 | Type: 11-Engine | Dispatch: 07/24/2024 03:09 | Arrival: 07/24/2024 04:45 | Clear: 07/24/2024 05:10 | ☑ Sent | 3 | ☑ Suppression ☐ EMS ☐ Other ☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
243331	Rodoni, Alexander	Engineer		☐	☐
242763	Senior, Kyle	Captain		☐	☐
243051	Thompson, Joshua	Firefighter		☐	☐

ID: EMS24 | Type: 60-Support apparatus, other | Dispatch: 07/24/2024 03:16 | Arrival: 07/24/2024 03:31 | Clear: 07/24/2024 06:20 | ☑ Sent | 1 | ☐ Suppression ☐ EMS ☑ Other ☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
242918	Sacht, Eric	Captain		☐	☐

ID: HM109 | Type: 93-HazMat unit | Dispatch: 07/24/2024 03:09 | Arrival: 07/24/2024 03:28 | Clear: 07/24/2024 06:59 | ☑ Sent | 4 | ☑ Suppression ☐ EMS ☐ Other ☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
243674	Piazza, Joshua	Firefighter		☐	☐
243531	Gomez, Gabriel	Firefighter		☐	☐
242999	Dillon, Chad	Engineer		☐	☐
242908	Rowan, Michael	Captain		☐	☐

ID: M29 | Type: 76-ALS unit | Dispatch: 07/24/2024 03:28 | Arrival: 07/24/2024 03:46 | Clear: 07/24/2024 06:49 | ☑ Sent | 2 | ☐ Suppression ☑ EMS ☐ Other ☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
244801	Pagluica, Justin	Firefighter		☐	☐
245136	Calender, Shane	Firefighter		☐	☐

ID: M32 | Type: 76-ALS unit | Dispatch: 07/24/2024 03:15 | Arrival: 07/24/2024 03:15 | Clear: 07/24/2024 07:14 | ☑ Sent | 2 | ☐ Suppression ☑ EMS ☐ Other ☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
244187	Mitchell, Korey	Firefighter		☐	☐
243251	Jensen, Dylan	Firefighter		☐	☐

ID: R21 | Dispatch: 07/24/2024 03:09 | ☑ Sent | 4 | ☑ Suppression ☐ EMS ☐

Type: 71-Rescue unit

Arrival: 07/24/2024 04:26

Clear: 07/24/2024 07:04

☐ Other

Personnel ID	Name	Rank	Role	Attend	Actions Taken
243293	DiBiase, Kyle	Firefighter		☐	☐
244260	Ten Brinke, John	Firefighter		☐	☐
242825	Leonard, Joshua	Captain		☐	☐
242919	Rust, Matthew	Engineer		☐	☐

ID: TR23

Type: 12-Truck or aerial

Dispatch: 07/24/2024 03:09

Arrival: 07/24/2024 03:27

Clear: 07/24/2024 06:16

☑ Sent 4

☑ Suppression
☐ EMS
☐ Other

☐

Personnel ID	Name	Rank	Role	Attend	Actions Taken
242850	Griffin, Mark	Firefighter		☐	☐
242963	Jeremica, Ryan	Firefighter		☐	☐
242753	McDaniel, Michael	Captain		☐	☐
243124	Sullivan, Darrell	Engineer		☐	☐

ID: TR65

Type: 12-Truck or aerial

Dispatch: 07/24/2024 03:09

Arrival: 07/24/2024 03:20

Clear: 07/24/2024 07:02

☑ Sent 4

☑ Suppression
☐ EMS
☐ Other

51-Ventilate

12-Salvage & overhaul

Personnel ID	Name	Rank	Role	Attend	Actions Taken
242754	Bakken, Timothy	Captain		☐	☐
242967	Koontz, Jacob	Firefighter		☐	☐
242786	Niklewski, Thomas	Engineer		☐	☐
243049	Rodriguez, Richard	Firefighter		☐	☐

NFIRS-1S Supplemental

A

FDID	State	Month	Day	Year	Station	Number	Exposure
34090	CA	07	24	2024	32 (32)	F24140131	0

Apparatus Narrative for AC24:

AC24 arrived as part of the second alarm assignment. I assisted BC13 who was the IC with accountability and gathering information of the displaced occupants from both houses. Both parties were local law enforcement, so I spoke to other partners who would look into their well being and assist them as needed. Following knock down, searches, and during overhaul, AC24 was released and went AOR.

Apparatus Narrative for AR112:

AR112 responded code 3 for a report of a structure fire at [redacted] Ct. AR112 arrived and set up for SCBA filling, and Rehab. AR112 filled all scba's on scene of the incident. After the assignment was completed AR112 was released by command. AR112 went aor and retuned to quarters.

Apparatus Narrative for ARSON24:

Arson24 was requested to respond to the scene. When Arson24 arrived an Origin and Cause investigation was conducted. Arson24 later completed an agency O/C report.

Apparatus Narrative for BC13:

Refer to incident commander narrative.

Apparatus Narrative for BC14:

BC14 responded as part of a greater alarm S3 assignment at the dispatched location. I arrived and met with the Incident Commander (BC13-J. Vestal) who assigned me to Division D at [redacted] Ct. E22, E31, E28, TR65, and HM109 were assigned to Division D at various times during the incident. It took several hose lines and multiple crew orations to complete knockdown the fire. When able to, crews performed salvage on the interior of the home to secure savable property. Once the fire was contained in Division D, crews transitioned to overhaul. When crews completed overhaul operations, they collected their equipment and went available. See the main narrative for additional details.

Apparatus Narrative for BC5:

BC5 arrived and was assigned to get a lap of the Bravo building - intel reported back to command and BC5 was released.

Apparatus Narrative for DEC110:

Decon 110 arrived on scene as part of an S3 response. Decon 110 provided man power, deployed the storm stick, provided water, and assisted with refilling air cylinders. Decon 110 assisted with clean up, and was released shortly after. Decon 110 AOR.

Apparatus Narrative for E21:

E21 arrived and was assigned staging manager and then was bumped up to assist Bc13. E21 checked the structural stability of the C/D side of the fire building. E21 was then released by BC13. E21 went AOR.

Apparatus Narrative for E22:

E22 called for residential structure fire. Upon arrival E22 was assigned to the Delta exposure as Division Delta. E22 crew assisted on scene crews with fire attack, primary search, salvage, and overhaul. E22 Captain completed the 360 and transferred Division Delta to B13 and resumed fire attack operations with E22 crew. Upon completion of fire attack operations, E22 was released by command, decontaminated with Decon 110, and went AOR.

Apparatus Narrative for E28:

Arrived on scene on the second alarm. Tasked with salvage and overhaul. Remained through completion of tasks and released by command. E28 cleared and went AOR.

Apparatus Narrative for E29:

E29 arrived on scene right behind 32. E29 stretch a line and went interior with m32. E29 found fire on the first floor and extinguished and then moved up to the second floor. E29 was on fire attack and then did overhaul.

Apparatus Narrative for E31:

Engine 31 arrrived and was assigned fire attack on the Delta Division. We pulled a line to the second story and made access into the attic through a scuttle hole. We confirmed fire in the attic and put it out. We assisted with extensive overhaul operations. Engine 31 was released.

Apparatus Narrative for E32:

E32 responded for a report of a structure fire. Upon arrival there was heavy fire between 2 houses. E32 pulled an attack line and began extinguishing the fire between both homes as well as an exterior attack on both homes. E32 coordinated with E29 who was going interior on the Bravo house. E32 continue to extinguish fire until it was all knocked down. E32 then assisted with overhaul and salvage operations on the Bravo house. Once those operations were complete, E32 cleared the scene.

Apparatus Narrative for E63:

E63 arrived second on the second alarm. We were assigned to pull a line and assist with work on the bravo structure. We pulled a line and made access to the roof bays on the loft roof section of the home. We were able to reset the fire from the exterior giving us time to salvage the downstairs room prior to pulling celling to access the bays. Once the room was salvaged we pulled celling and extinguished the hidden fire. After going through 2 cylinders of air we were released. We gathered equipment and returned to service.

Apparatus Narrative for EMS24:

EMS24 was dispatched on 2nd alarm assignment and arrived to find crews engaged in suppression on two residential structures.
EMS24 was directed by command to establish medical with M32 and M29
EMS24 was released and went AOR

Apparatus Narrative for HM109:

HM109 responded with the 2nd alarm assignment for a residential structure fire involving 2 homes. HM109 arrived and was directed to assist with attic access and overhaul on the Bravo home. With knockdown and overhaul complete, HM109 was re-assigned to the Delta home to assist with overhaul until released by command. HM109 AOR.

Apparatus Narrative for M29:

M29 arrived as medical and staged with command post.

Apparatus Narrative for M32:

M32 dispatched to a structure fire. M32 arrived on scene and assisted in fire attack. M32 was released by command. M32 AOR.

Apparatus Narrative for R21:

Arrived to preform a primary search of both structures, with no victims found. 2 people escorted out of the the "Delta" unit. Multiple animals removed from the "Bravo" unit (2 dogs, 5 cats(1 deceased,) 1 rabbet and several reptiles.) Then R21 focused on salvage and overhaul of the Bravo unit until released from the incident.

Apparatus Narrative for TR23:

Tr23 arrived to staging on the 2nd alarm and was assigned RIC. Tr23 provided RIC until disbanded and that time assisted Div D with salvage and overhaul of the D unit until complete and released by command.

Apparatus Narrative for TR65:

Truck 65 responded C-3 from quarters to the dispatched location for a reported residential structure fire between two houses.

Truck 65 arrived and assigned to the "Delta" Division which was the house to the right. All 4 personnel went to the roof and completed coordinated vertical ventilation with the interior crew (E31).

Truck 65 reassigned to salvage and overhaul of the home. During Salvage/Overhaul operations a large amount of smoke began to accumulate inside the master bedroom. Personnel immediately began to pull ceiling in the adjacent closet. Smoke and fire were located in the closet as well as the down stairs between the vaulted ceiling and the roof decking. Fire was extinguished and personnel continued to look for hot spots.

Truck 65 released from the incident and returned to quarters.

Fire Investigation Report

Case Details

Start Date: 07/24/2024 03:08:06
End Date: 07/24/2024 07:02:41
Case Number: 2024-000214
Incident Number: F24140131
Report Type: Fire Cause & Origin Report
Cause Classification: Accidental
NFIRS Fire Category: Structure Fire
NFIRS Incident Code: 111 - Building Fire (excludes confined fires 113-118)
Crime Report Completed?: No
Law Enforcement Agency Jurisdiction: Police
Arrest Made?: No
Case Status: Closed
Confidentiality: None
Case Referred To: Sacramento Metropolitan Air Quality Management District
Investigator Requested By:: Metro Fire
Received By: Sargent, Jeffrey
Arrived At Scene: 07/24/2024 03:42:52
Authority To Enter Scene: Emergency
Scene Secured: Yes
Reviewing Supervisor: Tualla, Paul

Case Summary

On July 24, 2024 at about 0308 hours, the Sacramento Metropolitan Fire District were dispatched to [redacted] Fair Oaks, CA. for a reported structure fire. When fire crews arrived at the scene there was fire at the fence area between [redacted] and [redacted]. The fire extended into both structures.

Due to the volume of fire and involvement of the two structures a second alarm was requested and dispatched for this fire.

I, SMFD Fire Investigator Jeff Sargent was requested to respond to the scene by SMFD Battalion Chief Jason Vestal. I responded to the scene and when I arrived, I spoke to BC13- Jason Vestal. I conducted a fire Origin and Cause investigation.

There were no reported injuries or fatalities as a result of this fire. At the conclusion of the investigation the cause of this fire is Accidental.

Property Information

Address: [redacted]
City/State: Fair Oaks, California 95628

[redacted]

Owner Occupant Information

Owner Occupant Type	Occupant Name	Permanent Street 1	Permanent City	Permanent State	Permanent Postal Code	Cell
Owner and Occupant	ERLER,[redacted] & ERLER, DAVID	[redacted]	Fair Oaks	California	95628	[redacted]

Address: [redacted]
City/State: Fair Oaks, California 95628

Owner Occupant Information

Owner Occupant Type	Occupant Name	Permanent Street 1	Permanent City	Permanent State	Permanent Postal Code	Cell
Owner and Occupant	[redacted]	[redacted]	Fair Oaks	California	95628	[redacted]

Address: [redacted]
City/State: Fair Oaks, California 95628

Property Use: 1 or 2 family dwelling

Fire Ignition Sequence

Fire Cause: Accidental (Unintentional)
Area Of Origin: Outside area, other
Heat Source: Hot or smoldering object, other
Material Ignited: Undetermined
Fire Spread Materials: Beyond Building or Area Of Origin

Area Of Origin Comments:: SECURITY:
The integrity of the scene was maintained by SMFD.

BUILDING OWNER:
The two affected structures/property are owned by:

[redacted] Fair Oaks, CA is owned by: [redacted]

[redacted] Fair Oaks, CA is owned by: [redacted] & David Erler[redacted]

BUILDING CONSTRUCTION & CONDITION:
The affected structure of [redacted] was a single family structure. The structure was wood frame construction with wood siding and asphalt shingle roof.

The affected structure of [redacted] was a single family structure. The structure was wood frame construction with wood siding and asphalt shingle roof.

ELECTRICAL AND FUEL GAS SERVICE:
The fuel gas service and the electrical service at both properties did not sustain fire damage. They were visually examined and eliminated as a cause for the fire. The electrical/gas services were not in the fire origin area.

FIRE PROTECTION SYSTEMS:
Both affected structures were not equipped with a fire suppression system.

LEGAL CONSIDERATIONS:
The fire scene investigation was conducted at the request and under the authority of the SMFD.

SCENE PROCESSING:
A systematic approach was used; examination progressed from outside to inside and from areas suspected of having the least damage to areas of greater damage with emphasis on recognition,

identification, and analysis of fire and heat patterns.

SCENE EXAMINATION:
[redacted], I did not see any fire damage to the interior of the garage. There was a white Dodge Charger parked inside bearing rear plate [redacted]. There was heavy smoke, soot, and water damage inside of the room. As I walked the exterior perimeter of this structure, I noted heavy fire damage at the east side of the structure. The damage was to the northeast corner to the wall of the structure. The siding was completely burned. There was alligator charring to the wooden studs. The alligator charring showed the direction of the fire had burned from exterior of the structure to the interior. The charing patterns indicated direction up and into the eves and into the attic. There was an HVAC system along the wall. The unit sustained fire damage.

The bedrooms near this location of the structure, the attic, and the entire house received heavy fire, soot, smoke, and water damage throughout.

I noted on the ground there was heavy charring to the vegetation. The wooden fence which divided between [redacted] and [redacted] suffered major fire damage. Mass loss was sustained to the fence as a result of the fire. I noted portions of the fence showed fire patterns that indicated the fire had burned from the west to the east. This is based on the protection areas of the fence that show charring to the west side of the fence and little to no charring or protection indicators to the eastside of the fence.

I followed these fire direction indicators onto the property of [redacted]. I could see the Palm tree stump located just west of the fence and on the property of [redacted]. I could see a "V" pattern of charring at the stump which traveled laterally to the southside of [redacted] and to the east and into the structure of [redacted]. There was moderate charring in the vegetation north of the stump. This was backing fire from the original fire. This area was the fire origin area.

The fire extended into the northwest corner of the structure of [redacted]. The fire direction patterns indicated the fire traveled from the exterior to the interior of the structure. The fire damage was heavy in the wall, and attic. The structure also sustained heavy soot, smoke, and water damage.

I did not see any sources or devices of ignition in the origin area. The only potential ignition source located within the area of fire origin would have been the burning operation of the Palm tree stump. I did not locate any accelerants in the fire origin area however the lack of or non present does not mean there wasn't. Furthermore, there would need to be an accelerant used to assist with the ignition of the stump using an open flame device.

EVIDENCE:
No evidence was collected at the scene. I took digital photographs of the fire scene investigation and attached them to this report.

FIRE PROGRESSION TO OTHER STRUCTURES:
There was fire extension into two structures.

NUMBER OF FATALTIES AND/OR INJURIES:
No fatalities or injuries were reported

CONCLUSION:
Based upon the fire scene examination, physical evidence, firefighter and witness statements, the knowledge of fire development and the information available at the time that this report was authored, the fire originated at a Palm tree stump located on the west side of the shared wooden fence on the property of [redacted]. The fire extended to the structure of [redacted] and [redacted].

The ignition source of the fire was from intentional application of open flame for the purposes of stump removal. The fire is classified as Accidental.

This investigator reserves the right to change it's findings at a later date upon additional information, statements, or evidence.

[redacted]

Insurance

Is the Property/Vehicle Insured?: Insured

Was Insurance Policy Information Obtained?: No

Witness/Person of Interest/Suspect Statements

Type	Interview Date	Interviewed By	Name	Address	City	Postal Code	Cell Phone
Owner/Occupant	07/24/2024	Sargent, Jeffrey	[redacted]	[redacted]	Fair Oaks	95628	[redacted]
Owner/Occupant	07/24/2024	Sargent, Jeffrey	[redacted]	[redacted]	Fair Oaks	95628	
Owner/Occupant	07/24/2024	Sargent, Jeffrey	Dave Erler	[redacted]	Fair Oaks	95628	
Owner/Occupant	07/24/2024	Sargent, Jeffrey	[redacted]	[redacted]	Fair Oaks	95628	
Fire Department	07/24/2024	Sargent, Jeffrey	Jason Battalion Chief- Vestal				

Statement(s)

Name: [redacted]

[redacted]
When I arrived at the scene, I spoke to a male adult who was wearing a Citrus Heights Police Department uniform. I identified myself as Fire Investigator Jeff Sargent employed by Sac Metro Fire District. The male identified himself to me as, [redacted] He told me he was the owner of [redacted] Ct. [redacted] told me the following in summary.

He told me he was on-duty working his patrol shift when he received a text message from his wife, [redacted]. He removed his phone from his pocket and read the text to me. The text was received at (0309 HRS- House on fire.) He told me he had radioed his dispatcher he was responding to his residence for an unknown type of fire. He also requested fire crews respond to his residence. When he arrived, there were multiple fire apparatus at the scene and crews fighting the fire. He was concerned for his family who were inside of the residence. When he arrived, he learned his wife and family were able to evacuate from the residence safely.

I asked [redacted] if [redacted] told him what happened or if she knew how the fire started. He then removed his phone from his pocket again, and explained that his Neighbor, "Dave" was burning a stump. He then pointed to the residence to the south of his. The address of Dave's residence was [redacted]. I saw that SMFD crews were also extinguishing fire this address also. [redacted] then identified him as Dave Erler. He further explained that D. Erler was employed as a Police Officer with the City of Folsom Police Department.

[redacted] further explained to me he had received a text message earlier in the night from his wife [redacted]. He removed his cell phone from his shirt pocket. The text message was received at 2107 Hrs. He read the text message to me- Fucking Dave is burning a stump. He told me if I needed copies of the text messages, he would send them to me. [redacted] was visibly upset and told me he was just glad that his family were able to get out of the residence safely.

[redacted] told me his wife had told him she had gone to the D. Ersler earlier in the evening to talk to him about a fire she had seen in at their fence line. He told me I would need to speak with [redacted] about the incident.
I provided [redacted] with my business card.

End of Statement
On July 29, 2024, I spoke to [redacted] via phone. I had returned a voicemail I had received from him while I was off duty. He told me he was able to retrieve footage from his security cameras. He told me it showed his wife going next door to [redacted] after seeing a fire at the fence. He was going to send me the information to my SMFD email account. I will add the information to this case upon receipt.
End of Statement.

[redacted]
After I spoke to [redacted] located [redacted] who was sitting on the grass in the front yard of 8564 Kermes Ave. I identified myself as Fire Investigator Jeff Sargent employed by sac Metro Fire District. I explained to her that I had just spoken to her husband. I asked [redacted] what happened. She told me the following in summary.

She told me earlier in the night at about 2100 hours, she was inside of her house. She looked outside the window into her backyard. She could see large flames on the fence that separated her residence and [redacted]. She further described to me the fence appeared to have been on fire. She went next door to talk to the neighbors who she identified to me as, Dave and [redacted] Erler. As she walked next door, she could see Dave in the backyard near the fence. She could still see flames from fire at fence.

[redacted] told me she knocked on the door when Dave and [redacted]' 16-year-old daughter, [redacted] answered the door. [redacted] told [redacted] there was a fire in between the houses near the fence. She told [redacted] that she could see her dad in the backyard. [redacted] replied that everything was okay, and that her dad was burning a stump in the backyard. [redacted] told me she felt uncomfortable that Dave was burning a stump but returned to her residence. She told me she sent her husband a text message at about 2107 hours. In the text message she informed him Dave was burning a stump in his backyard.

[redacted] told me she had gone to bed shortly after gone next door. She was sleeping when she was awoken by the smoke detectors inside of her home activating. She could smell smoke and saw the entire side of the house was on fire. She began running around the house to make sure that everyone was evacuated from the house. She explained that when she got outside, she started thinking about earlier in the night when the neighbor was burning the stump. She told me that she had a "bad feeling" about the incident and was sure the fire to her house was as a result of Dave burning a stump.

I asked her if she had received any injuries from the fire. She told me she hadn't nor did anyone else inside.

End of Statement.

[redacted]

Dave Erler
After I spoke to [redacted] and his wife, [redacted], I spoke to Dave and [redacted] Erler. I found them standing by themselves in front of [redacted]. I identified myself as Fire Investigator Jeff Sargent employed by Sac Metro Fire District. When asked, they both told me they were the owner and occupants of [redacted]. A SMFD Fire Captain had requested that Dave walk with him inside of the residence in efforts to remove valuable items for salvage. Dave went with the Fire Captain and when he returned I the spoke to him about what happened. He told me the following summary.

He was asleep upstairs when he was woken up by his wife. She told him there were fire trucks outside. When he got down stairs, he saw the fire trucks and there was fire at 1-2 corner of his house. He could also see the neighbors house was also on fire.

I asked him if he knew how the fire could have started. He replied, “I have no idea.” I asked the question again, when he suggested the neighbors had an HVAC system installed. He thought it was possible there was might have been a malfunction. I indicated to him that I didn’t think it was the cause. He was implying that he was at a loss of why the fire could have started.

I asked him if he recalled the neighbor [redacted] coming over to his house the night prior. He was reluctant to answer my question. [redacted] replied, yeah, our daughter just told us about that a little bit ago. I asked Dave if he was burning a stump in his back yard the night prior. He then replied that he wasn’t burning the stump last night but had been burning the stump on the morning of Monday 07/22/24.

I asked him to explain to me the process of him burning the stump on Monday morning. He told me when he bought the house it had a stump from a Palm tree located in the ground on his side of the property in the backyard at the fence line. He has known he should have obtained a stump grinder to remove it. In the meantime, the drilled holes in the stump and used what he described as a barbecue lighter to try and burn the stump away. I asked him if he used any type of an accelerant which he denied. I asked the question again and asked if used gasoline or lighter fluid. He denied using any type of accelerant. He told me he did have lighter fluid but he only used it for his barbeque.

I reconfirmed with him the burning operation occurred on Monday and not any other day. He replied again that he had only burned the stump on Monday. I re confirmed that he didn’t burn the stump earlier last night. He again told me he didn’t. I told Dave that I knew he was being untruthful with me. I explained the statement that [redacted] had told me from the night prior. I told him; I didn’t think she had any reason to lie to me about that coupled with the fact that she had spoken to their daughter.

D. Erler then told me he and his wife were in their backyard earlier last night sitting around their swimming pool. While the two were sitting around the pool he was burning the stump. When asked, he denied there was any fire on the fence prior to [redacted] speaking to their daughter. At this point of my interview with Dave, I did not believe the information that he nor his wife were providing to me.

I asked Dave why I just had to “pry” the information from him. He replied, “look what happened, I didn’t intentionally start the fire.” I replied back, I didn’t think he intentionally started the fire either and that accidents happen. I also explained that nobody was in trouble that I was trying to gather information and statements for my investigation.

At the conclusion of my interview with D. Erler it was evident that he was being less than truthful with me.

I asked Dave if he had any security cameras at his house. He told me he did not.

I provided Dave him with my business card and ended the interview.

[redacted] Erler
While Dave Erler was getting items from inside of their residence, I asked [redacted] what happened. She told me the following in summary. She told me she was asleep in her bedroom. She “heard a bunch of weird noises outside” which woke her up. She saw the fire trucks outside and woke up her husband and kids and went outside.

I asked her if she knew how the fire could have started. She replied, “I don’t know, you could ask my husband.” [redacted] then told me she needed to go to the bathroom. I told her I would wait for her to use the bathroom. She then walked inside of the residence located at [redacted].

It should be noted while speaking to [redacted], I felt that she was not wanting to speak to me or answer my questions in the absence of her husband. Additionally, I felt that she was deflecting my questioning, or interaction with me by stalling to use the bathroom. She returned from going to the bathroom when she saw her husband return from the house.

End of Statement

[redacted]

Jason Battalion Chief- Vestal
When I arrived at the scene, I met with the Incident Commander Battalion Chief Jason Vestal who told me the following in summary.

When he and crews arrived there was heavy fire located at the wooden fence that separated the properties of [redacted] and [redacted]. The fire had extended into both structures. He told me because of this he requested a second alarm.

He told me everyone evacuated from both structures. He then directed me to speak with the owner of [redacted]. He pointed to a male standing across the street. This male was later identified as, [redacted]. I made contact with him.

End of Statement

Evidence

Evidence Information

Date Collected	Received from	Status	Description Of Evidence	Packaging	Chain Of Custody Location	Chain Of Custody Receiving Person	Chain Of Custody Date Received	Chain Of Custody Owner	Chain Of Custody Address
07/24/2024	Scene/Camera	Stored	JS-1	Digital	Scene/Camera	J. Sargent	07/24/2024	SMFD	3000 Fulton Ave.
08/18/2024	[redacted]	Stored	JS-2	Digital	[redacted]	J. Sargent	08/18/2024	SMFD	3000 Fulton Ave.

Evidence Comments

Description Of Evidence	Chain Of Custody Comments	Evidence Comments
JS-1	None	Digital photos of fire scene at [redacted] & [redacted]
JS-2	None	Digital photos and video files.

Supplemental Information & Additional Case Narratives

Supplemental Investigation Date/Time: 09/02/2024 11:47:53

Supplemental Investigation Narrative: On August 18, 2024 at about 1904 hours, I received a text message on my assigned SMFD cell phone. The text message was from [redacted]. The following is a summary of the text message.

[redacted] informed me he had sent me a copy of video of his wife, [redacted] going next door to the Erler' at about 2100 hours the late evening before the fire. He also sent me screenshots of some videos he was not able to download. He also had a video of the fire extending through his garage pedestrian door.

I viewed the video of the garage. In my viewing, I could see the fire was burning from the exterior and extending into the interior of the garage.

I later attached the items sent to me from [redacted] to this case as items of, evidence.

Nothing Further

Case Conclusion

Case to be forwarded to Sacramento Air Quality Management District. Case to be reviewed for burning violation by Dave Erler at the property of [redacted].

Folsom Police Department

INTERNAL AFFAIRS INVESTIGATION
WITNESS EMPLOYEE ADMONITION

Today is: October 9, 2024 _____
Date **Time**

This is regarding internal affairs investigation **# _24-004_.**

Present for this interview is **_Sgt. John Wagner_***(rank/title/name being interviewed)*.

Representing Professional Standards is myself, ***Sergeant Roman Kehm.***

I am conducting an interview with you regarding allegations of:
_Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person of authority, in connection with any investigation or in reporting or any department related business and dishonest or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department by **(accused emp)** _Detective David Erler_, to which you may be a witness.

This is an administrative investigation only. *Do you understand this?*
This interview is being tape-recorded. *Do you understand this?*
The result of this investigation could lead to disciplinary action, up to and including termination of the accused employee. *Do you understand this?*

At this time, I order you to cooperate with this investigation. This means you must be truthful in all of your statements - and answer all questions fully and honestly. You are ordered to provide all information you may know regarding this incident. Failure to answer a question - or failure to answer it truthfully and fully - will be considered a lack of cooperation and could subject you to disciplinary action, up to and including termination for insubordination. Do you understand this?

CLOSING ADMONISHMENT

1. Is there anything else relating to this matter which I have not covered that needs to be added, clarified or changed?
2. I am asking you not to discuss this interview or investigation with anyone other than myself. Do you understand?
3. Should you remember any additional pertinent information or become aware of new, related information, you are ordered to advise me immediately. Do you understand?

That concludes this interview. The time is _____.

- INTERVIEW -

R.K.: Today is October 9th, 2024. The time is 1412 hours. This is regarding Internal Affairs Investigation 24-004. Present for the interview is Sergeant John Wagner. Representing Professional Standards is myself, Sergeant Roman Kehm. I'm conducting an interview with you regarding allegations of giving false or misleading statements, or misrepresenting or admitting material information to a supervisor or other person of authority in connection with any investigation, or in reporting or any department related business. And dishonest or disgraceful conduct whether on or off duty that adversely affects the member's relationship with this department by Detective David Erler to which you may be a witness. This is an administrative investigation only. Do you understand this?

J. W.: I understand.

R.K.: This interview is being tape recorded. Do you understand this?

J. W.: I do.

R.K.: The result of this investigation could lead to disciplinary action up to and including termination of the accused employee. Do you understand this?

J. W.: I understand.

R.K.: Okay. At this time, I order you to cooperate with this investigation. This means you must be truthful in all your statements, and answer all questions fully and honestly. You are ordered to provide all information you may know regard -- regarding this incident. Failure to answer a question or failure to answer it truthfully or full -- and fully, will be considered a lack of cooperation and could subject you to disciplinary action up to and including termination for

insubordination. Do you understand this?

J. W.: I understand.

R.K.: Okay. Uh -- what is your current assignment with the Folsom Police Department?

J. W.: I am the sergeant in charge of general investigations.

R.K.: Okay. And how long have you been in your current assignment?

J. W.: A little more than two years.

R.K.: Are you the direct supervisor for Detective David Erler?

J. W.: I am his direct supervisor.

R.K.: How long have you been Detective Erler's direct supervisor?

J. W.: Uh -- he's been with us for approximately three months.

R.K.: Okay. Are you aware of Detective Erler's situation regarding the structure fire at his residence located at [redacted] in Fair Oaks which occurred in July of this year?

J. W.: I am aware of it.

R.K.: Did you respond to Detective Erler's residence the morning of the fire on July 24th, 2024 or any time after the fire had occurred?

J. W.: Uh -- I went there the morning of, early that morning.

R.K.: Do you know about what time?

J. W.: Around 7:00 a.m.

R.K.: Okay. Did Detective Erler have a conversation with you regarding the fire and what had occurred?

J. W.: Yeah, we talked -- um -- about the fire. And he told me -- or we talked, and it was brought up that the neighbor had a heat and air unit installed the previous day. And I was looking at the neighbor's house as to where the fire was located, and I asked Detective Erler is it was a reputable company that put the heat and air unit in. And he said he believed so. That they had markings on the side of their

work trucks. And I completely assumed that the fire started because the heat and air company -- um -- installing the new unit in the neighbor's house. And I just assumed that the fire started in the neighbor's house and went into his house. And that was -- uh -- what Detective Erler and I talked about.

R.K.: Okay. Um -- did Detective Erler say specifically how the fire started?

J. W.: He did not.

R.K.: So, he was just making assumptions?

J. W.: Yeah. I mean, it just --

R.K.: Is that the way --

J. W.: -- it's definitely --

R.K.: -- you took it?

J. W.: -- what it looked like, yeah, at the time. Uh -- I remember saying, gosh, I hope it was a good company with -- uh -- insurance. And because it looked pretty obvious to me that it was a heat and air company issue.

R.K.: Okay. Uh -- did Detective Erler inform you that he had spoken to -- or spoken with a fire investigator from the Sacramento Metropolitan Fire District?

J. W.: No, he did not.

R.K.: Um -- did Detective Erler tell you that the cause of the fire was possibly the neighbor's HVAC system?

J. W.: Yeah, we talked about it, and that was what we both had figured that morning.

R.K.: Uh -- did you assist in getting resources for Detective Erler and his family during their time of need?

J. W.: Yeah, we immediately started to work on it.

R.K.: Okay. And -- and if so, what did you -- what did you do or who did you contact?

J. W.: Uh -- it was our union we got in contact with. And the -- um -- my supervisor, Lieutenant Canepa, and we both started trying to figure out what resources we could get to help out Detective Erler and his family. Um -- I offered to rent a moving truck for him, and to come back and move all his stuff into the truck, but he elected to wait until he talked with his insurance.

R.K.: Okay. Uh -- are you aware of the Chief's Foundation --

J. W.: Yes.

R.K.: -- assisting?

J. W.: Yes.

R.K.: Do you know what was said to them or who -- as far as the situation?

J. W.: No. It went through Canepa, if I remember right. But I just remember hearing they did give him some money. I don't remember how much.

R.K.: Okay.

J. W.: And I believe it was similar to a similar incident with another employee who had a house fire, and they did the same for him.

R.K.: Okay. Uh -- do you know if it was expressed to them or the union that the cause of the fire was possibly the HVAC system of the neighbor's house?

J. W.: I don't know. I think they just knew that there was a fire.

R.K.: Okay. Not really details given.

J. W.: Yeah.

R.K.: Okay. Did Detective Erler mention anything about lighting a stump on fire in his backyard the night prior to the structure fire or any

other day before the structure fire?

J. W.: No, he did not.

R.K.: Have you ever heard of that occurring any time since?

J. W.: So, I did hear a couple weeks later. I don't remember who it was from -- um -- that the Sac Metro Fire said that there was a stump that was burned in the backyard. And I never talked to Erler about it. I figured it was none of my business.

R.K.: Okay.

J. W.: And I never heard if that was what caused it or what.

R.K.: Okay. In the time you've supervised Detective Erler, have you had any concerns of dishonesty?

J. W.: No.

R.K.: Is there anything else you feel I should know or -- before I conclude the interview?

J. W.: Not that I can think of no.

R.K.: Okay. Again, is there anything else related to this matter which I have not covered that needs to be added, clarified, or changed?

J. W.: No.

R.K.: I'm asking you not to discuss this interview or investigation with anyone other than myself, do you understand?

J. W.: I do.

R.K.: Should you remember any additional pertinent information or become aware of new related information, you are ordered to advise immediately. Do you understand?

J. W.: I do.

R.K.: Okay. That concludes this interview. The time is 1420 hours.

(Recording Ends)

- INTERVIEW CONCLUDED -

Folsom Police Department

INTERNAL AFFAIRS INVESTIGATION
WITNESS EMPLOYEE ADMONITION

Today is: October 9, 2024 (Date) 1412 (Time)

This is regarding internal affairs investigation **# _24-004_.**

Present for this interview is **_Sgt. John Wagner_***(rank/title/name being interviewed)*.

Representing Professional Standards is myself, ***Sergeant Roman Kehm.***

I am conducting an interview with you regarding allegations of:
_Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person of authority, in connection with any investigation or in reporting or any department related business and dishonest or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this department by (accused emp) _Detective David Erler_, to which you may be a witness.

This is an administrative investigation only. *Do you understand this?*
This interview is being tape-recorded. *Do you understand this?*
The result of this investigation could lead to disciplinary action, up to and including termination of the accused employee. *Do you understand this?*

At this time, I order you to cooperate with this investigation. This means you must be truthful in all of your statements - and answer all questions fully and honestly. You are ordered to provide all information you may know regarding this incident. Failure to answer a question - or failure to answer it truthfully and fully - will be considered a lack of cooperation and could subject you to disciplinary action, up to and including termination for insubordination. Do you understand this?

CLOSING ADMONISHMENT

1. Is there anything else relating to this matter which I have not covered that needs to be added, clarified or changed?
2. I am asking you not to discuss this interview or investigation with anyone other than myself. Do you understand?
3. Should you remember any additional pertinent information or become aware of new, related information, you are ordered to advise me immediately. Do you understand?

That concludes this interview. The time is 1420.

Sergeant J. Wagner

Witness

Interview Questions

Q. What is your current assignment with the Folsom Police Department?

SGT w/ GENERAL INVEST.

Q. How long have you been in your current assignment?

2 yrs.

O. Are you the direct supervisor for Detective David Erler?

YES

Q. How long have you been Detective Erler's direct supervisor?

APP. 3 MONTH

Q. Are you aware of Detective Erler's situation regarding the structure fire at his residence located at [redacted], Fair Oaks which occurred in July of this year?

YES

Q. Did you respond to Detective Erler's residence the morning of the fire on July 24, 2024, or any time after the fire had occurred?

THE MORNING OF AROUND 0700

Q. If not did Detective Erler reach out to you or did you reach out to him regarding the fire at any time?

N/A

Q. Did Detective Erler have a conversation with you regarding the fire and what had occurred?

YES. TALKED ABOUT HAVE SYSTEM.

Q. If so, what did Detective Erler say to you?

Q. Did Detective Erler say how the fire started?

HE DID NOT.

Q. Did Detective Erler inform you that he had spoken with a Fire Investigator from the Sacramento Metropolitan Fire District? NO

Q. If so, can you tell me what transpired during that conversation between Detective Erler and the Fire Investigator? N/A

Q. Did Detective Erler tell you that the cause of the fire was possibly the neighbor's HAVC system?

YES.

Q. Did you assist in getting resources for Detective Erler and his family during their time of need?

YES

Q. If so, what did you do or who did you contact?

CONTACTED PD LINDON / LT. CAMPA

Q. Did Detective Erler mention anything about lighting a stump on fire in his backyard the night prior to the structure fire or any other day before the structure fire?

NO - A COUPLE WEEKS LATER HEARD

Q. In the time you've supervised Detective Erler have you had any concerns of dishonesty?

NO

- INTERVIEW -

R.K.: The date is October 8th, 2024. Time is 1134 hours. I'm with [redacted] -- um -- at [redacted] -- uh -- [redacted] in Rancho Cordova. Okay, thanks for meeting with me again.

[redacted]: Sure.

R.K.: Um -- so we'll go back to the -- I guess the night prior to the fire on the July 23rd. Um -- can you briefly just tell me what -- uh -- what occurred right before -- uh --

[redacted]: Sure. Uh -- right --

R.K.: -- the structure --.

[redacted]: -- around 9 o'clock that night, 2100 -- um -- I got a text message -- uh -- from [redacted], my wife, saying that -- um -- basically telling me that Dave -- Dave Erler, my neighbor, was burning a stump in his backyard. Um -- you know, I kind of responded with, well, that's not the best thing to do right now. And the night went on as usual. No -- nothing weird. Um -- I would assume, based on the hour, [redacted] had gone to bed soon thereafter. Um -- at about 3 o'clock in the morning, I got a text that said houses -- like multiple houses -- houses on fire. After talking with her later, it was talk to text. Um -- then she -- uh -- sent me a -- I got that. I didn't really believe that. I'm like what are you talking about. It didn't make sense. So, I was at work at the time, and -- uh -- my phone started going off. The Arlo -- uh -- started giving me notifications of motion at the front door. Clicked on it, and I see, you know, the various members of my family going out the front door. Smoke coming out the front door. So, I got on my radio. I said, you know -- um -- you know, [redacted], my house is on fire. I'm enroute there, and then I gave the city to one of my subordinates, and drove Code 3 to my house. Come

around the corner, there's fire truck lining both sides of the street. I got -- um -- and I see the fire, and the smoke coming out of the general area of my house. I park at the opening of the cul-de-sac. I see [redacted] standing on the corner crying. Family's all standing there. Um -- and --uh -- um -- you know, I -- they were all okay. So, I stuck my head down the -- walked down the street, and saw my house is burning. The fireman working on it, and I'm -- it was really coming from the -- between the houses. Um -- I actually radioed because I didn't see any of the deputies there. I actually radioed to have some of the county guys come out and, you know, just notify the rear neighbors and stuff in case they had to evacuate. Um -- at some point -- um -- Dave actually did come up to me that night. He looked very, you know, concerned. Um -- he didn't really say anything to me. Kind of hemmed and hawed at me. And I knew what he was probably thinking, like oh crap, our houses are on fire. Um -- I told him something along the line of, you know, you go take care of yours, I'll take care of mine. And he walked off. Um -- that was more or less the last time I saw him that night. Um -- talked with the battalion chief at the scene, said, hey, all of us are out. You know, I'm just worried about the animals, and then -- uh -- they did their thing, and put the fire out.

R.K.: Okay. Um -- prior to -- uh -- the text message from our wife on the evening of the 23rd, had you seen -- uh -- Erler or anybody in his family burning a stump.

[redacted]: I did not, no.

R.K.: Had you ever seen him burning a stump?

[redacted]: No.

R.K.: Okay. And the stump that -- uh -- was burning, that's -- uh -- was a

long the fence line between your two houses?

[redacted]: Yeah, they had a -- a big palm tree that was -- that had been cut down prior to them moving in. And -- uh -- I looked over his fence, and I've been in his backyard a small handful of times pri -- after -- uh -- after that. Um -- yeah, there was a stump. It was probably -- I would say the edge of the stump was probably, I don't know, probably a foot, maybe less from the fence line.

R.K.: Okay.

[redacted]: Um -- yeah, that's -- it's -- it's right -- it's on the fence on his side. Yeah.

R.K.: Okay. All right. And nothing was said between you and him as far as -- uh -- cause of the fire or anything like that.

[redacted]: Um.

R.K.: When you guys -- uh -- made contact?

[redacted]: So, do you mind if I look at my phone --

R.K.: Go ahead.

[redacted]: -- I might have something. So, not a whole heck of a lot happened -- um -- verbally between us. Um -- there was a -- I got wind that maybe there had been some untruths being told. Like maybe he had said something to somebody in his department about my air conditioner because we just had an air conditioner put in about five days prior. Um -- so basically called him on it. I said, you know, more or less. I'd -- I'd have to find it, but -- um --

R.K.: It was through text message?

[redacted]: Yeah.

R.K.: Okay.

[redacted]: See if I can find it for you real quick. Basically, I can summarize -- um.

R.K.: So, at your work, someone had informed you that he was --

[redacted]: Yeah, I'll just tell you straight up. So, one of my -- my traffic sergeant -- um -- uh -- [redacted] [redacted] (phonetic) said that he had been at an event with -- um -- or had -- was at a training or something with somebody from Elk Grove PD, who I believe was also motor, who knew a guy from Folsom PD. So, there's -- it's like fourth hand info.

R.K.: Okay.

[redacted]: Said, hey -- um -- I'm getting word that he's telling people up in Folsom that people are -- that he's telling them that it was my air conditioner. Um -- there really -- uh -- is nobody else there that would know that other than him. So, I -- I -- you know, I don't know if you want to take photos of this or not. I -- I'll read it to you if you don't mind. I said, "I'm going to be open with this, and I'm sorry about your house and your family's displacement. We are going through the same thing. I'm happy your kids are safe, and you guys are okay. I've been getting wind from people that you told some people in your department potentially that you were pla -- pinning this on me as a result of something with my air conditioner." I said, "You and I know the truth. And I understand you were trying to save face, but I do not want to drive a wedge between two police departments because I feel that's the direction it's going. Um -- I'm not sure what you have to do on your end, but some damage control would be recommended. One thing I will not stand for is an attack on my character and my integrity. This was not my fault. I'd appreciate it if you do not tell your coworkers that it was." I said, "[redacted] went to your house at 9 o'clock the night before because she saw fire in the backyard. Six hours later, our houses are on

fire. Uh -- that is the fact of the matter, there's no getting around it. You're more than welcome to respond if you would, but I'm not looking for anything from you at the moment." Um -- he responded with, "I assure you I completely understand all that. I have not told anyone that I think this is in any way your fault or family's fault. I've not told any coworkers anything. I would never say anything to insult your character. I'm not sure who was saying that, and I have said those -- not sure who is saying that I have said those things, but that is not what I have been saying. Can you tell me who needs to have their information adjusted? I'm happy to do that." I said, "I don't know it's third hand to me." He said, "Okay, I'll do some digging. Honestly, this is news to me, but I don't need any misinformation circulating." And then I said, "Cool beans." So, that's the end of that.

R.K.: Okay.

[redacted]: So, that has been really the only communication that I've had with him after the -- these --

R.K.: And when --

[redacted]: -- those --.

R.K.: -- were those texts exchanged?

[redacted]: These were sent -- uh -- July 30th at 10:03 in the morning.

R.K.: July --

[redacted]: Yes sir.

R.K.: -- 30th, okay. Okay. All right. And then -- uh -- sorry. Uh -- the -- their insurance company fire -- uh -- fire investigator contacted you from Grange Insurance?

[redacted]: Yeah, I don't recall the date or the time. It was a gentleman, and I -- and I remember he being very just chipper about life. It's very --

R.K.: Was he -- it in person or?

[redacted]: Over the phone.

R.K.: Over the phone. Okay.

[redacted]: Yeah, it came from a different area code, so I was kind of curious -- uh -- like Seattle, I think, was the area code it came from.

R.K.: Okay. And you guys are through -- uh -- USAA?

[redacted]: Yes, sir.

R.K.: Okay. So, you've not seen anything through your insurance company from theirs be -- beyond --

[redacted]: Uh --

R.K.: -- that?

[redacted]: -- I did ask my insurance carrier, I asked our agent, [redacted] -- uh -- what insurance he had -- um -- for my records. And he just simply responded with Grange Insurance. Um -- just throwing it in Google, and the area code I got a call from I can assume they were one and the same.

R.K.: Okay. Uh -- is there anything else you need to add or think -- think I should know?

[redacted]: Um -- I mean, it's -- it's -- the report reads it's -- it's pretty obviously what -- what happened. Um -- I -- I suppose I'm -- it's really unfortunate because as it reads, it -- it was -- could have been nothing more than an insurance claim, but when -- I just don't think it's right when you can't take ownership of something you did. And it's -- it's -- the absence of the truth is -- is lying. And, you know, I -- I hate doing this, but at the same time, I don't -- if he's not going to be honest and forthcoming with stuff like this, than, you know, it's kind of one of those professional, you know, we have standards.

R.K.: Sure.

[redacted]: And that's -- that's the bottom line for me.

R.K.: Okay. All right. And then -- uh -- the night of the -- uh -- fire, did you -- uh -- talk to the -- the fire investigator --

[redacted]: I did.

R.K.: -- after the -- uh -- your initial contact with him?

[redacted]: Um -- he told me -- I talked to him. I gave him my statement. Um -- he walked away. Um -- he came back, and he just closed up with me more or less, oh, you know, I'm going to have something for you, you know, the report will be done at some point. Um -- it's really it.

R.K.: Okay.

[redacted]: The -- yeah.

R.K.: All right. I'm going to conclude this interview at 1144 hours.

(Recording Ends)

- INTERVIEW CONCLUDED -

- INTERVIEW -

R.K.: All right, this is Sergeant Kehm. It is October 8th, 2024. It is 1145 hours. I'll be speaking with [redacted] at again, [redacted] in the Rancho Cordova. All right, [redacted], thank you for meeting with us -- um -- me. Um -- so, do you mind just going over -- um -- the events that previous night and then the night of the actual -- or the morning of the actual fire.

[redacted]: Um -- so I have huge redwoods in my tre -- or in my backyard. And I go out there, and I have a little sprinkler that I turn on really low, and I set an hour timer, and I move them. I went out there, and at 9 o'clock, and saw a big fire on the fen -- like on their side of the fence. I thought maybe because we've all done it, you know, you have to smoke meat overnight, so I thought maybe like his smoker exploded. So, I went running over there, pounding on the door, ringing the doorbell, which I don't think works. But finally, their daughter, I heard her start coming down the stairs, and I'm like there's a fire in your backyard. And she's like, oh, I know, dad's burning a stump. I'm like -- and it was a pretty big fire. I'm not going to lie, it was all the way up to the fence line, and I'm like, oh, right now? She's like yeah, he's got it under control. He's burning a stump. I'm like okay -- um -- and I saw -- I could see like when she opened the door, they have a big door, and you could see out the big window, and he was standing there. So, I saw him standing there. I was like okay. And -- um --

R.K.: Was he next to the fire?

[redacted]: Uh-huh. And I was like -- well, not -- I mean, he was staring at it. I don't know how close he was, I just saw his silhouette with the fire in front of him. And so, I was like okay. I was a little nervous

because it was pretty big, and it was right there on the fence. So, I'm like okay -- um. And then went home. Um -- turned off my water, and watched a movie, I think, and then went to bed. And then at 3 o'clock in the morning, I woke up to my fire alarms going off in my room flashing. We have -- um -- blackened curtains. So, I fling open my curtains, and I see that my fence is on fire. And I'm like okay, just thinking it's just the fence. Go get my kids, the two little who are downstairs. We're downstairs. Go get my two little ones out of bed because they're not waking up from the fire alarms for some reason. I'm getting airhorns next time. And -- um -- then we go out to the front room -- uh -- by the stairway, and I noticed the smoke pouring downstairs. And my older kids are not getting up even though the fire alarms are all going off. So, I run upstairs, kick my older daughter's door open. My son-in-law who lives with right now -- uh -- opens his door, and I'm all get her -- get them -- get out. Because I had to leave my little kids down at the bottom of the stairs. Ran back down to them. Left them out, stood at the door or stairway for them to get out. And waited for them. Went back in, threw open my slider to let my dogs out, because they wouldn't go out the front door. I've trained them not to, so they were like I don't know. I'm like so go potty. I don't know what else to do. Um -- ran back out, ran across the street, turned around. Just -- oh, and that's when I sent him the message, talk to text of I said house on fire, but it said houses on fire. Turned around, took a picture because the flames were just shooting out of my roof which was insane to me. And then moved my kids because they were all across the street, and the smoke started heading towards them. And then -- um -- we sat there. Our neighbors -- a lot of our

neighbors came out and helped. Um -- my son was in literally just his underwear, so they took him down the street to get him some clothes. None of us had shoes. So, some of our neighbors all brought us shoes. And -- um -- yeah, then the fire investigator -- well, it took for a long time for them to put it out. And I've been to house fires with him. I do ride-a-longs just for fun. And it's our date night. Um -- and, you know, I was like just watching. I'm like they're not putting it out. It's not stopping. It was pretty crazy.

R.K.: Yeah. So, when you say the fence was -- or the fire was as big as the fence, like you could see it up over the fence?

[redacted]: Uh-huh.

R.K.: And it's a standard five and a half, six foot fence?

[redacted]: Brand new, too.

R.K.: Okay.

[redacted]: Like two months old, three months old.

R.K.: So, it was up over -- clearly up over the fence.

[redacted]: Yeah.

R.K.: And when you noticed it, you were on your ground level in the back yard.

[redacted]: Uh-huh. I was right at my slider door. When to go move my water, and I saw it. And I'm like oh, my God, and I went running over there because I thought -- I literally thought that his smoker might have exploded. It kind -- I don't know, it just looked weird. So I don't know. It was pretty big, so that's why I was like who sets a fire that big. So --

R.K.: Ok.

[redacted]: -- it was just big.

R.K.: Definitely not normal. Um -- did you happen, between that time of

going over there and then going back to your house -- um -- did you still notice the fire or --

[redacted]: Um -- I didn't even -- I was kind of -- I'm -- I'm going to be honest, it was that -- those weeks of -- uh -- over a hundred degree weather, and I was really frustrated, because I think it's a really stupid time to do it, and to do it at night. And so, I was frustrated, so no, because I know I -- sometimes, it's -- it's better for me to not see things just because I get angry and sometimes, you know, I just -- rather than yelling at people because it's not my -- I mean, it's my business, but I figured he's an adult, and he's an officer, and you should know. And I've been camping all of my life, and I'm like you don't go to bed unless you know that the fire is out. Right? So, I -- I figured he would handle it appropriately if -- and all I would do is just yell at him and it wouldn't make the situation any better. So, because it was 9 o'clock at night --

R.K.: Yeah.

[redacted]: -- and you're burning a stump.

R.K.: Did -- uh -- did you have inter -- any interactions with -- uh -- David Erler or his wife after the --

[redacted]: No.

R.K.: -- structure fire --

[redacted]: They were -- we were -- um -- so, they went down into the cul-de-sac, we happened to go this way up and -- uh -- because of the way smoke kept blowing, it was kind of chasing us. So, I ended up putting them -- uh -- like all of my kids in my neighbor's -- um -- like doorway, cubbyhole, to keep the smoke from hitting them. Also, that -- so they're not staring at the fire.

R.K.: Yeah. Um -- had you seen any fire or any activity in the backyard

prior to --

[redacted]: Going to bed and everything?

R.K.: -- the night before?

[redacted]: Huh-uh.

R.K.: Okay. So, nothing like on a Monday morning or anything like that?

[redacted]: Nope, I didn't see anything, and I'm -- was always out in my backyard because I have a huge backyard, and lots of plants. And the squirrels ate my drip system, so I have to water by hand. So, I'm out there every other day.

R.K.: And -- uh -- and you gave your statement to the fire investigator that --

[redacted]: Uh-huh.

R.K.: -- night.

[redacted]: And -- oh, and I forgot --

R.K.: Or that morning.

[redacted]: -- I did text[redacted], and I did cuss. This is why I don't talk to people if I'm angry. And I said, "Fucking Dave is burning a stump" at 9 o'clock so.

R.K.: Okay.

[redacted]: As I was walking back from his house because I was a little frustrated.

R.K.: Did you have any -- uh -- was there any interactions like through text or anything afterwards?

[redacted]: Huh-uh.

R.K.: Not in person, not --

[redacted]: I don't think I even have his number.

R.K.: Okay. Okay. Okay. All right. That's it. Anything you think I -- uh -- do you know if -- uh -- any neighbors -- um -- would have possibly

seen this fire prior to the structure fire?

[redacted]: No, most of our neighbors pretty much stay in their houses and go to bed pretty early. They're all -- we're the only late ones in the group usually. But -- um -- and we literally are surrounded by plants and trees. You can't see. Like that's one thing that our backyard is because we have a pool and so it's shaded like all day. And it's nice in the summer and you can't really see your neighbors --

R.K.: Okay.

[redacted]: -- in my backyard. And I don't even know who lives behind Dave --

R.K.: And you guys --

[redacted]: -- on the other side.

R.K.: -- uh -- had sent a fire investigator -- uh -- photos or a video?

[redacted]: A video --

R.K.: So -- uh --

[redacted]: -- of me going out of the house, yeah.

R.K.: Over to the --

[redacted]: Yeah, over to their house, yeah.

R.K.: Okay. He's -- he's sending me that stuff, so I'll -- I'll get all that. All right, anything else you can think of? No?

[redacted]: I don't think so.

R.K.: I'm going to conclude this interview at 1154 hours. (Recording Ends)

- INTERVIEW CONCLUDED -

11:44 5G

New iMessage Cancel

To: Dave

Tue, Jul 30 at 10:03

I'm going to open this with and I'm sorry about your house and your families displacement. We are going through the same thing. 'm happy your kids are safe an you guys are OK

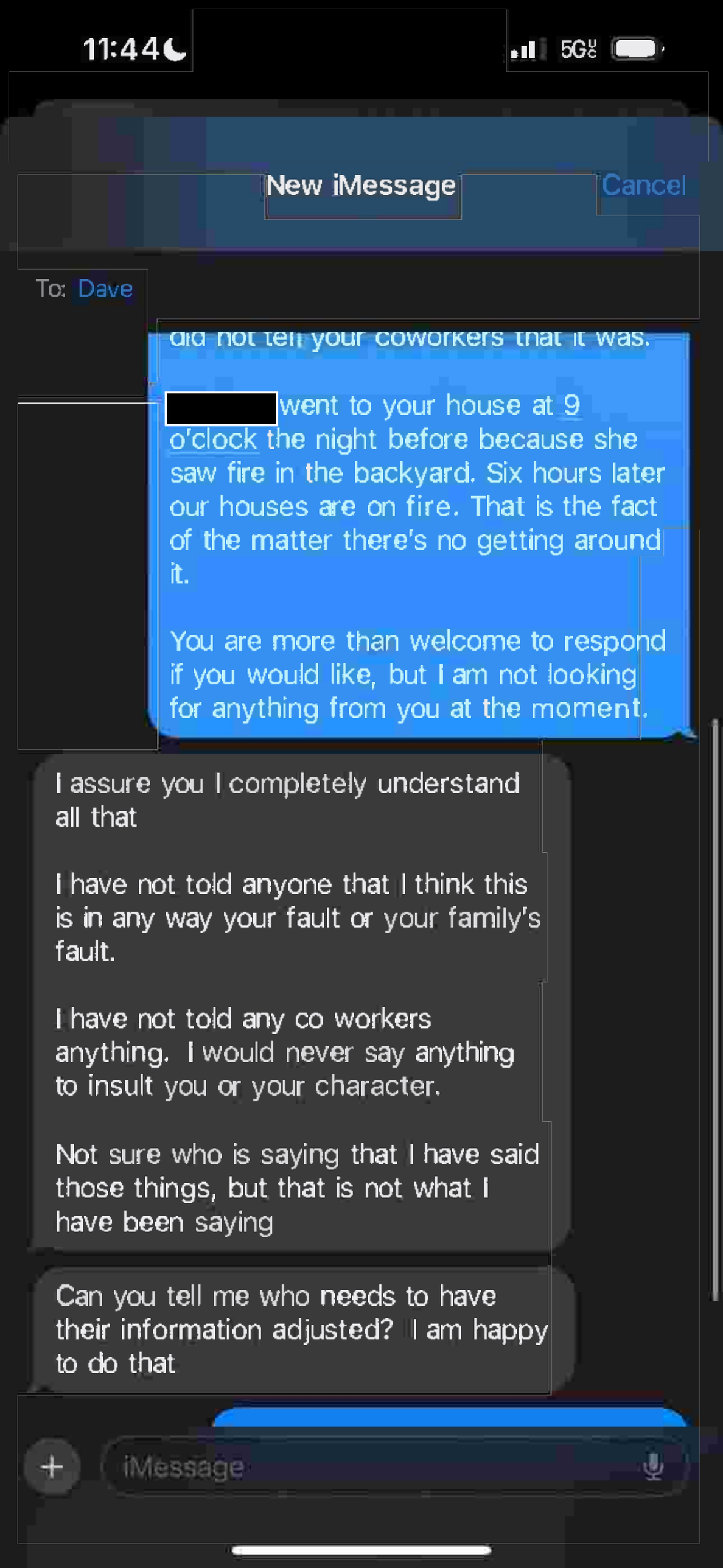
I've been getting wind from people that you told some people in your department potentially that you were pinning this on me as a result of something with my air conditioner .

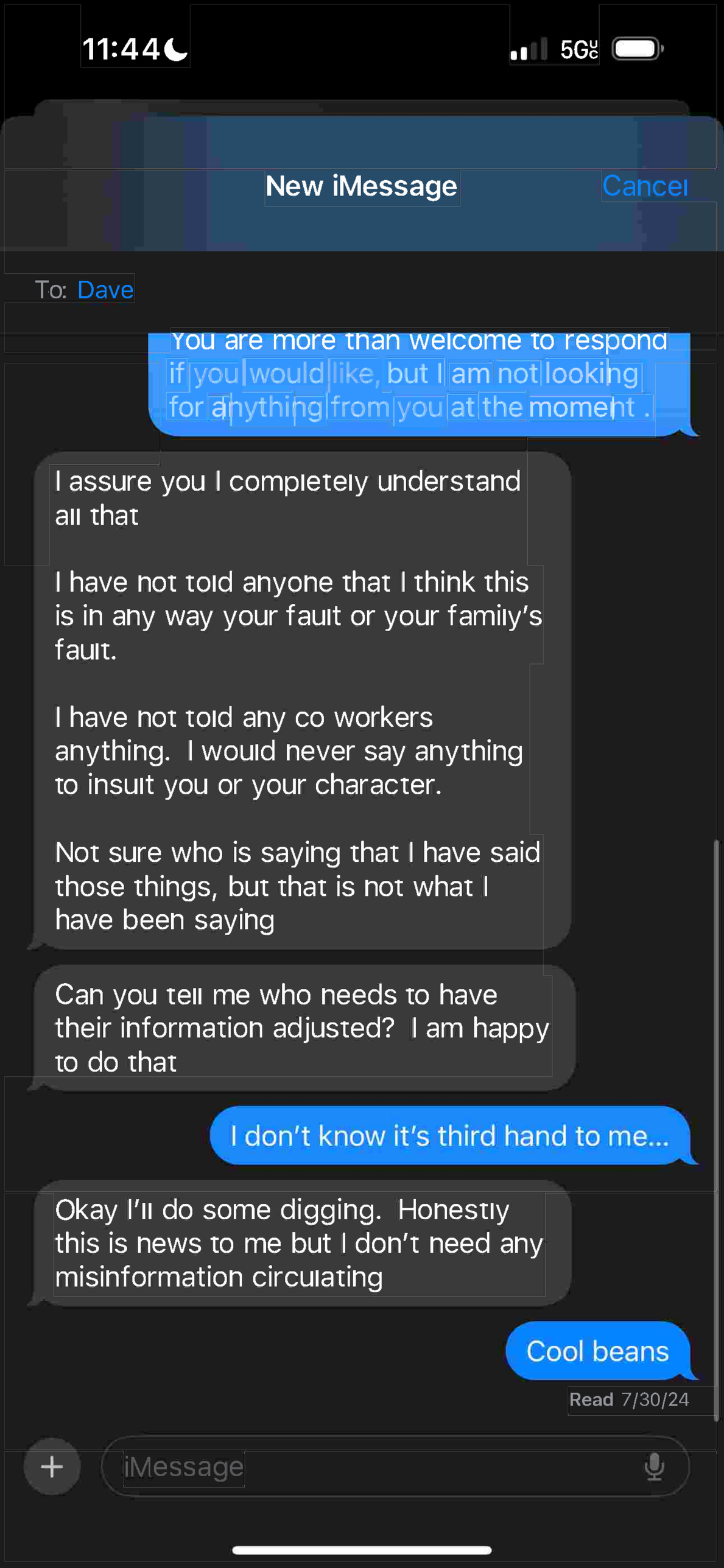
You and I know the truth. I understand you were trying to save face, but I do not want to drive a wedge between two police departments because I feel like that's the direction it's going.

I'm not sure what you have to do on your end, but some damage control would be recommended . One thing I will not stand for is an attack on my character and my integrity. This was not my fault. I would appreciate it if you did not tell your coworkers that it was.

[redacted] went to your house at 9 o'clock the night before because she saw fire in the backyard. Six hours later our houses are on fire . That is the fact

iMessage


11:44
5G
New iMessage
Cancel
To: Dave
did not tell your coworkers that it was.
[redacted] went to your house at 9 o'clock the night before because she saw fire in the backyard. Six hours later our houses are on fire. That is the fact of the matter there's no getting around it.
You are more than welcome to respond if you would like, but I am not looking for anything from you at the moment.
I assure you I completely understand all that
I have not told anyone that I think this is in any way your fault or your family's fault.
I have not told any co workers anything. I would never say anything to insult you or your character.
Not sure who is saying that I have said those things, but that is not what I have been saying
Can you tell me who needs to have their information adjusted? I am happy to do that
iMessage


11:44
5G
New iMessage
Cancel
To: Dave
You are more than welcome to respond if you would like, but I am not looking for anything from you at the moment .
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I have not told any co workers anything. I would never say anything to insult you or your character.
Not sure who is saying that I have said those things, but that is not what I have been saying
Can you tell me who needs to have their information adjusted? I am happy to do that
I don't know it's third hand to me...
Okay I'll do some digging. Honestly this is news to me but I don't need any misinformation circulating
Cool beans
Read 7/30/24
iMessage