MEMORANDUM – City of Pasadena
Police Department

September 27, 2022

TO: File

FROM: Art Chute, Acting Deputy Chief
Administrative Services Division

RE: Internal Affairs Investigation #2022-019

Subject Employee(s): Edwin Dumaguindin #1928, Police Officer

Panel review;

On September 9, 2022, the Pasadena Police Department convened a review panel to review the administrative investigation into allegations involving Officer Edwin Dumaguindin. Sergeant Christopher Kirby of the Police Department's Professional Standards Unit conducted the Administrative Investigation and presented his findings to the review panel. The panel consisted of Interim Chief Jason Clawson, Acting Deputy Chief Art Chute, Commander William Grisafe – Special Operations Division, Acting Commander Javier Aguilar – Criminal Investigations Division, Acting Commander Marcia Taglioretti – Patrol Division, and Executive Administrator Karen Peterson – Strategic Services Division.

Richard Rosenthal, the City of Pasadena Independent Police Auditor and Michael Gennaco and Teresa Magula from the OIR Group observed the proceeding.[1] Mr. Rosenthal, Mr. Gennaco, and Ms. Magula were present for the entirety of the presentation and were provided with all the investigative material related to the Administrative Investigation. However, they were only observers of the administrative review and were not active participants in the discussion.

Allegation #1:

It is alleged that Officer Dumaguindin failed to activate his body-worn camera during a traffic stop on August 15, 2020. The traffic stop is cataloged under incident number 0PA0069957. Should this allegation be true, it would violate the following Pasadena Police Department policy and subject to discipline;

Lexipol Policy 450.6 Activation of the Body Worn Camera (BWC):
The BWC should be activated in:

A. All enforcement and investigative contacts, including but not limited to:
Traffic Stops…

[1] OIR Group is responsible for Independent Police Oversight and Review (www.oirgroup.com)

Summary of Incident:

On Saturday, August 15, 2020, Officers Edwin Dumaguindin and Ryan Mulrooney were partners assigned to Patrol Division – Patrol Team 6. At approximately 7:51 p.m., they were traveling north on Raymond Avenue in a marked patrol unit. Officer Mulrooney was the driver. Officer Dumaguindin was the passenger. As the patrol unit approached Howard Street, Officer Mulrooney observed a vehicle with no front license plate turn south on Raymond Avenue from Howard Street, passing the officers in the opposite direction. In response to his observation, Officer Mulrooney made a U-turn to conduct a traffic stop for the violation.

As Officer Mulrooney completed the U-turn and drove south to stop the vehicle, the driver, [redacted] pulled the car over before Officer Mulrooney activated the overhead lights on the patrol unit. [redacted] stopped along the west curb of Raymond Avenue, north of La Pintoresca Park. Officer Mulrooney pulled the patrol car behind [redacted] vehicle and activated his lights to conduct a traffic stop. Officer Mulrooney contacted [redacted] Officer Dumaguindin made contact with the passenger, Anthony McClain.

Officer Mulrooney spoke with [redacted] and explained that he pulled [redacted] over for having no front license plate. [redacted] said the license plate was inside the car, and when Mulrooney asked him for his driver's license, [redacted] said his driver's license was suspended. Officer Dumaguindin then asked McClain if he had a driver's license so they could release the car to him, and McClain responded by saying, *"I don't have my I.D. on me."* At this point, Officer Mulrooney asked [redacted] to turn off the vehicle and step out of the car so they could talk on the sidewalk. Officer Mulrooney walked with [redacted] to the sidewalk and obtained [redacted] permission to search him for weapons. Officer Mulrooney conducted a pat-down search on [redacted] and did not locate any weapons. Meanwhile, Officer Dumaguindin stayed with McClain.

Officer Mulrooney engaged [redacted] in conversation, and [redacted] told Mulrooney that he had just picked up McClain. As [redacted] explained to Mulrooney where he had picked up McClain, Officer Dumaguindin opened the right front passenger door and directed McClain to step out of the vehicle. As McClain stepped out of the car, he placed both hands toward the front of his waistband. Officer Dumaguindin reached out to control McClain, but McClain ran away.

McClain ran between the rear of [redacted] car and the front of the patrol car in an easterly direction with his hands still to the front of his waistband. Officer Dumaguindin gave chase and removed his service weapon as he ran between the two vehicles pursuing McClain. As McClain ran away, both of McClain's arms became visible, and McClain held a gun in his left hand.

As McClain continued to run away, he looked back towards Dumaguindin. In doing so, he brought his left hand, in which he held the gun, rightward across the front of his body. Dumaguindin yelled, *"drop it"* and *"Stop right there,"* and fired two shots from his service weapon at McClain. One bullet grazed McClain's left shoulder, and the other struck his lateral right back. McClain continued to run east and then south once he reached the east sidewalk of Raymond Ave. Officer Dumaguindin continued to chase McClain southbound on Raymond Ave.

Officer Mulrooney began running after McClain and behind Dumaguindin when he first ran away. After Dumaguindin fired his weapon at McClain, Officer Mulrooney radioed to dispatch, *"3A22, shots fired! Shots fired! Code-three back! My partner's in pursuit."* Officer Mulrooney also radioed to police dispatch a description of the suspect stating, *"Black male, he's armed with a firearm. White shirt, black shorts."*

Officer Mulrooney stopped following Dumaguindin shortly after the shooting and redirected his attention back to [redacted] Officer Mulrooney ordered [redacted] to the ground. [redacted] asked Officer Mulrooney why Mulrooney ordered him to lie on the ground, and Officer Mulrooney stated, *"Well, your buddy [McClain] just pulled a gun out on my partner."*

Meanwhile, Officer Dumaguindin continued to pursue McClain southbound on Raymond Ave., who was now running between cars parked along the east curb line. During the foot pursuit, McClain threw his gun across Raymond Ave. and continued running.

McClain eventually stopped running and laid down along the parkway along Raymond Ave. just north of Washington Blvd. At that point, Officer Dumaguindin reached McClain and kept his service weapon pointed at McClain.

Officer Sereno, who was patrolling nearby, responded to the call for help. He arrived on the scene shortly after and began administering first aid to McClain. Officers Dumaguindin told McClain that an ambulance was on the way. Officers Dumaguindin and Sereno did not locate a gun on McClain or in the immediate area where he was lying. When asked, McClain denied having a gun. Officer Dumaguindin, who did not see McClain throw his gun, believed McClain must have discarded the gun at some point during the foot pursuit.

Pasadena Fire Department personnel arrived on the scene at 7:58 p.m. and transported McClain to Huntington Memorial Hospital in Pasadena. At 9:46 p.m., Doctor [redacted] pronounced Anthony McClain deceased.

After the incident, supervisors discovered that Officer Dumaguindin did not activate his Body Worn Camera (BWC) when the traffic stop was initiated and before contacting Anthony McClain. Instead, Officer Dumaguindin activated his BWC after the shooting, once McClain stopped running and lay on the ground. Dumaguindin's BWC's buffering system (30 seconds of pre-activation recording with no sound) captured a portion of the foot pursuit, but only after McClain threw the gun.

During his administrative interview, Officer Dumaguindin said that his failure to activate his BWC at the beginning of the traffic stop was unintentional. He said he normally starts his BWC before or just after notifying the dispatch center of a vehicle's description and the location of the traffic stop. He said this usually occurs before he activates the police car's emergency lights. Dumaguindin explained that in this case, when [redacted] abruptly pulled over to the curb, even before Officer Mulrooney activated his lights, it disrupted Dumaguindin's normal routine, forcing him to "catch up" and he did not remember to activate his camera. Officer Dumaguindon said that as he was finishing broadcasting the traffic stop over the radio, Officer Mulrooney had already

exited the police car and was providing commands to [redacted] Once Officer Dumaguindin exited the police car himself and began interacting with McClain, he forgot to turn on his camera.

Officer Dumaguindin acknowledges that at the time of this incident, he was familiar with the contents of the BWC policy and reiterated that he did make a conscious decision not to activate his BWC.

Findings:
After the presentation and panel review, Interim Chief Clawson found the following;

Allegation #1:
Sustained with the discipline of a Written Reprimand and 8 hours of Axon Academy Training.

Based on the facts and circumstances, Interim Chief Clawson determined that Officer Dumaguindin failed to activate his BWC promptly, at the beginning of the traffic stop. Although Officer Dumaguindin turned the camera on after the foot pursuit, his failure to activate his camera at the onset of the traffic stop prevented the camera from capturing valuable video evidence of the shooting. Furthermore, not having BWC footage from the beginning of the stop generated more public concern regarding the actions of Officer Dumaguindin and the Pasadena Police Department than would likely have been generated had the BWC been timely activated.

Therefore, the allegations are: **Sustained.**

Jason A. Clawson, Interim Chief

10/13/2022
Date

Art Chute, Acting Deputy Chief

10/13/2022
Date

***Note**: Employees involved in personnel and/or disciplinary matters should understand that any future actions of similar or like nature will be investigated and if sustained, may result in discipline leading up to and including Termination.*

Pasadena Police Department

Skelly Conference: Personnel Investigation IA 2022-019

Officer Edwin Dumaguindin

November 2, 2022

On November 2, 2022, you agreed to meet with me in the Police Chief's office regarding a Skelly Conference related to Personnel Investigation 2022-019. You also agreed to meet one on one with no representation as I agreed to the same format. The facts of the investigation resulted in a sustained finding you violated the Police Department's Body Worn Camera policy. I appreciate your willingness to meet and present relevant evidence regarding this incident.

Your honesty and willingness to accept responsibility goes a long way. I appreciate you not challenging the allegation. You advised me your reason to schedule this Skelly Conference was to clarify the discipline.

After careful review of the IA investigation, and supporting facts from the Use of Force Administrative Review that was found to be within Policy, I have decided to **sustain** discipline as:

Allegation #1; Violating Policy 450.6- Activation of the Body Worn Camera: **Written Reprimand and enrollment in the Axon Academy.**

Thank you for your participation in the Skelly process and I appreciate you integrity.

#1688

Jason Clawson

Interim Chief of Police

11/3/2022

NOTICE OF DISCIPLINE

TO:	**Edwin Dumaguindin, Police Officer**	PSU #	IA 2022-019
SECTION:	**Special Investigations**	**DATE:**	**11/4/2022**

This notice is to advise you of the disciplinary action due to your unsatisfactory performance in your duties as a City employee in the following respect:

Allegation(s):

Allegation #1	It is alleged that Officer Dumaguindin failed to activate his body-worn camera during a traf stop on August 15, 2020. The traffic stop is cataloged under incident number 0PA0069957 If this allegation were to be true it would be a violation of Lexipol Policy 450.6 – Activation of the Body Worn Camera (BWC).
Policy 450.6	**Activation of the Body Worn Camera (BWC)** *The BWC should be activated in:* *A. All enforcement and investigative contacts, including but not limited to:* • *Calls for service* • *Traffic stops* • *Pedestrian stops (including member-initiated consensual encounters)* • *Field interviews* • *Witness and victim interviews (except as noted below in Section 450.8)* • *Detentions* • *Arrests (Including Miranda advisements)* • *Searches (service of warrants, warrantless or consensual searches)* • *Crowd management and control* • *Canine deployments* • *Use of force investigations* • *Suspicion of crime occurring (narcotic investigations, problem locations, etc.)* • *Any activity the member believes may be criminal in nature.* *B. Any other contact that becomes adversarial after the initial contact in a situation that wo not otherwise require recording.* *At no time is a member expected to jeopardize his/her safety in order to activate a BWC other recording medium. If the immediate activation of the BWC is not feasible due to imminent risk to the safety of the officer or others, the officer will activate the BWC at the fi available opportunity after the immediate threat has been addressed. Members assigne BWC should consider initiating a recording prior to contacting or detaining people in course of their duties.* *Once a recording is initiated, a continuous recording of the event must take place u completion of the incident or contact.*

Findings/Discipline:
Allegation #1: Policy 450.6 – Body Worn Camera Sustained.

As a result of the causes listed above, the following disciplinary action is recommended:

Allegation #1: Policy 450.6 Written Reprimand and Enrollment of Axon Academy Training

Concur with the findings and recommended discipline:

#1688
Jason Clawson, Interim Chief of Police

11/4/22
Date

Acknowledged: **NAME:** _____ **DATE:** 11/04/22

Notice served by: **NAME:** #0991 **DATE:** 11/4/22