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Grover Beach police officer fired after 2010 Taser incident gets his job back

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Grover Beach Police Station.

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A San Luis Obispo Superior Court judge has ordered a Grover Beach police officer, who was fired after deploying his Taser gun during an apparent kidnapping of a 6-month-old baby in 2010, be reinstated.

Santino Lopez, a 15-year veteran of the department and a former police officer's association president, was reinstated as of Feb. 1, more than two years after the city initially terminated his employment for "untruthfulness and excessive force," according to a civil suit he filed against the city and City Manager Bob Perrault.

Lopez has been on paid administrative leave since he was reinstated Feb. 1 and will receive back pay from the date of his termination. His annual salary is \$69,936, excluding benefits.

According to Lopez's lawyer, Alison Berry Wilkinson, he is on administrative leave so that he can go through training to refresh his skills, which is not uncommon.

Perrault said he couldn't comment on why Lopez is on administrative leave, citing personnel issues. Lopez could not be reached for comment.

Wilkinson said Grover police department policy would prohibit Lopez from commenting as a department employee unless authorized by the police chief.

Last December, Judge Dodie Harman determined, among other findings, that Grover Beach had not proved that Lopez used excessive force and ordered the city reinstate him but also determine an appropriate discipline.

"Officer Lopez acted under what was described by all as a high stress and volatile situation involving the alleged kidnapping of an infant," Harman wrote, adding that "Lopez did not act with the restraint we would hope for from an officer with his level of experience," but the evidence doesn't support a finding that Lopez "made knowingly false or misleading statements."

On Feb. 9, 2010, Lopez was dispatched to a [reported kidnapping in progress](#) involving a 6-month-old girl. He arrived at an Arroyo Grande home and was told by a distraught mother that an old man had kidnapped her baby and was hiding in the garage, according to his complaint.

Later, The Tribune learned that [the mother had been staying with the man](#), Peter Hewitt, whom she met at church. The two had stopped at a Grover Beach supermarket when some sort of disagreement ensued. Then, police said, he grabbed the keys from the woman and drove to his home with the baby.

Four months later, prosecutors dismissed most of the charges against Hewitt, and he agreed to plead no contest to a misdemeanor charge of disturbing the

peace.

But those details were unknown to Lopez, who entered Hewitt's garage and saw him sitting in a van holding the child. Lopez detached his Taser and turned on its video recorder, ordered Hewitt to hand the child over to another officer, and wrote later in an incident report that the officer "had to forcefully pull the baby away."

Two officers then tried to get Hewitt out of the van. Lopez, who was standing on the opposite side of the van, wrote that Hewitt "was using his size and arm muscles to pull away from (Arroyo Grande police) Officer (Vince) Johnson."

Lopez wrote that he watched Hewitt get out of the vehicle, and the tight space between the van and boxes and items in the garage caused Johnson to either step back or lose his footing.

Shortly thereafter, Lopez discharged his Taser toward Hewitt's back, but it didn't connect properly, and Hewitt wasn't shocked. He was then taken into custody.

A month later, Grover Beach police started an investigation into Lopez's use of the Taser as well as the reports he'd prepared. In July 2010, the New Times [published a story](#) questioning Lopez's version of the incident based on the Taser video recording in which, the weekly paper reported, Hewitt appears to exit the van by himself.

Later in court documents, Grover Beach's attorney Martin Koczanowicz wrote, "Mr. Hewitt's demeanor was more like one who wondered what the entire hubbub was about."

In November 2010, police Chief Jim Copsey fired Lopez based on allegations that he violated department policies including dishonest conduct, misrepresentation of material facts and by firing a Taser at an elderly suspect who was compliant.

City officials alleged that Lopez changed his story to cover up his mistake instead of admitting to it.

Lopez appealed his disciplinary termination, and retired San Luis Obispo Police Chief Jim Gardiner served as hearing officer in March 2011 — though the final call was up to Perrault.

Gardiner recommended the allegations of making false or misleading statements be overturned, though he did find that Lopez had violated department policy by using force. Gardiner recommended that some disciplinary action is warranted but couldn't support Lopez's termination.

Perrault decided to uphold Lopez's firing, rejecting Gardiner's recommendations on the dishonesty charge.

That's when Lopez headed to court. In her ruling, Harman rejected allegations that Lopez made false or misleading statements, used excessive force or dishonest conduct.

"While in hindsight, and with a calm viewing of a video tape that does not record at the same rate and perception of a human eye, it may appear that the struggle was not as serious as the officers described," Harman wrote. "There clearly, based on the testimony, was more happening at the scene than is viewing on the video and the Court cannot say that the use of the Taser, in this situation, was unreasonable."

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