PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD MEETING

December 14, 2023
AGENDA
9:00 AM

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but must be within the Board's jurisdiction. Further, public comment will be allowed after each item on the agenda and must relate to matters on the agenda. Members of the public who wish to participate during public comment may do so in person by attending the meeting, by telephonic means stated hereafter or by submitting a written public comment submission no later than three days before the meeting date. Written public comments will be published on the Commission on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing +1 (872) 240-3212 and, when prompted, entering access code 913-849-389.

The Board cannot act on or deliberate on items not on the agenda, but only to the extent necessary to determine whether they should be made an agenda item at a future meeting, respond briefly to statements or questions posed during public comment, request clarification, or refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item.

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

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

I. **CALL TO ORDER**

II. **ROLL CALL OF POSAAB MEMBERS**

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

III. **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. **ASSISTANT EXECUTIVE DIRECTOR COMMENTS**

V. **NEW BUSINESS**

The following items have been submitted for new business discussion:

1. Discussion and Possible Action to Adopt a Conflict of Interest Code Pursuant to Government Code Section 87300

   If the Board concurs, the appropriate action would be a **MOTION** to adopt the proposed regulation (Conflict of Interest).

2. Discussion and Possible Action to Approve Board Policy - POSAAB Administrative Requirements Policy

   If the Board concurs, the appropriate action would be a **MOTION** to adopt the proposed policy *POSAAB Administrative Requirements Policy.*

3. Discussion and Possible Action to Approve Board Policy - POSAAB Board Meeting Procedures

   If the Board concurs, the appropriate **MOTION** would be to adopt the proposed policy *POSAAB Board Meeting Procedures.*

4. Discussion and Possible Action to Approve Board Policy - POSAAB Conduct and Performance Policy

   If the Board concurs, the appropriate action would be a **MOTION** to adopt the proposed policy *POSAAB Conduct and Performance Policy*.

5. Discussion and Possible Action to Approve Board Policy - POSAAB Travel and Compensation Policy

   If the Board concurs, the appropriate action would be a **MOTION** to adopt the proposed policy *POSAAB Travel and Compensation Policy*.

VI. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

1. POST2308479 - Justin Raymond Ramirez (POST ID: C37-S81) Last employing agency: Orange County Sheriff's Department

   The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

2. POST2303691 - James Kurtz Fillmore (POST ID: A37-Q67) Last Employing Agency: Los Angeles Police Department

   The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VII. CLOSED SESSION

At this time the meeting will adjourn into closed session for deliberations on the cases presented today.

With regard to POST2308479, Justin Ramirez: Pursuant to Government Code section 11126(c)(3), the Board will review unredacted versions of Attachments A, B, and D to case POST2308479. Attachment A is a video recording that depicts two individuals engaging in sexual intercourse who are subsequently stabbed by an assailant with a knife, resulting in the death or apparent death of one the victims. The video is explicit and graphic in nature and shows the faces and intimate body contact between the victims. Attachment B is a video depicting two individuals engaging in narcotics use and explicit activity involving blowing narcotics smoke into intimate body parts of another person. Attachment D is a photograph of a deceased female lying on the ground in a pool of blood. These videos and photographs are all graphic and explicit in nature.

Where necessary, redactions have been made to the faces of the individuals depicted in excerpts that are being presented to the public, to preserve victim anonymity. Similar redactions have also been made to hide intimate body parts of those individuals depicted, where necessary. As these attachments are graphic and explicit in nature, unredacted versions thereof will be shown to the Board in closed session because the public's interest served by not publicly disclosing the unredacted versions clearly outweighs the public interest in disclosure of the full unredacted versions.

VIII. **FUTURE BOARD MEETING DATES**

Upcoming Board meetings will be held:

- March 20-21, 2024 - POST, West Sacramento
- May 15-16, 2024 - POST, West Sacramento
- July 24-25, 2024 - POST, West Sacramento

IX. **ADJOURNMENT**

AGENDA ITEM REPORT

Title: POST2303691 - JAMES KURTZ FILLMORE (POST ID: A37-Q67)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**	
12/14/2023	Professional Conduct 2 Bureau	
RESEARCHED BY		**REVIEWED BY**
Robert Bringolf		Mike Radford
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
04/24/2023	Annemarie Del Mugnaio	12/04/2023
PURPOSE		**FINANCIAL IMPACT**
		No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

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

BACKGROUND: The Respondent began his employment with the Los Angeles Police Department on 07/28/2003 as a full time Police Officer. Respondent was promoted to the rank of detective on 06/15/2014. At the time of the incident before the POSAAB, Respondent had nearly 20 years with the Los Angeles Police Department. As of 03/22/2023, Respondent was relieved from duty at the Los Angeles Police Department, and the case is pending before the Board of Rights with an anticipated start date of 04/01/2024.

ANALYSIS: Does the alleged conduct violate Penal Code Section 13510.8(b)(6) and California Regulation 1205(a)(6) – Acts that violate the law?

The Division's findings support that Respondent committed acts of serious misconduct, specifically Respondent committed acts that violate the law when Respondent, a sworn law enforcement officer, was involved in an off-duty accident related to driving under the influence (DUI) of alcohol on April 30, 2022.

This was Respondent's second DUI arrest while employed as a police officer for the Los Angeles Police Department, the first arrest for DUI occurred on February 27, 2016. The Los Angeles Police Department suspended Respondent for ten days as a result of the DUI conviction in 2016.

With regard to the current criminal case against the Respondent, Respondent pled Nolo Contendere to the DUI charge and was convicted of one count of 23152(b)VC - Driving with a blood alcohol content of 0.08% or higher.

RECOMMENDATION: The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):
BR1_POST2303691_-_Fillmore,_James_-_ISF_REDACTED.pdf