Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
www.post.ca.gov

STATEMENT OF FINDINGS

POST makes the following information available to the public pursuant to Penal Code §13510.85(c) which establishes that POST shall publish the names of any peace officer whose certification has been suspended or revoked and the basis for the suspension or revocation.

CASE NO.: POST2312673

SUBJECT OFFICER: Ricardo Valdez **POST ID:** C68-H30

EMPLOYING AGENCY: Brawley Police Department

ALLEGED MISCONDUCT: 13510.8. (b)(4)/11 CCR 1205. (a)(4) – Sexual Assault, 13510.8.(b)(1)/11 CCR 1205. (a)(1) – Dishonesty

CASE SUMMARY:

In June 2023, the Brawley Police Department submitted a serious misconduct complaint to POST against Brawley Police Department Officer Ricardo Valdez, hereafter "Respondent", alleging that he engaged in on-duty sexual relations with an arrestee. An administrative investigation was conducted on behalf of the Brawley Police Department, which sustained the allegation. Following POST's investigation and review, POST found, by clear and convincing evidence, that reasonable grounds existed for consideration of revocation pursuant to Penal Code 13510.8. A summary of the investigative findings of the Division are as follows:

On June 21, 2020, Respondent was dispatched to a welfare check of a female, hereafter " Victim," who backed her vehicle into a tree. Respondent made contact with Victim and suspected she was intoxicated, placing her under arrest for driving under the influence of alcohol. Respondent transported Victim to the hospital for a blood draw where her blood alcohol level was determined to be 0.33%. Respondent transported Victim home and cited her for driving under the influence and driving on a suspended license. On June 24, 2020, the Imperial County Sheriff's Department responded to a report made by Victim stating she had been sexually assaulted by Respondent following her arrest. A criminal investigation was conducted, resulting in the following four felony charges being filed against Respondent: Penal Code Section 261(a)(4), Rape of Unconscious Person; Penal Code Section 243.4(a), Sexual Battery by Restraint; Penal Code Section 459, First Degree Residential Burglary; and Penal Code Section 149, Assault by a Public Officer. Respondent resigned his position in August 2020, before

conclusion of the administrative investigation. The criminal charges were dismissed against Respondent in July 2021.

ANALYSIS/FINDINGS:

1. **The alleged misconduct violated Penal Code Section 13510.8 (b)(4) and Title 11, California Code of Regulations Section 1205 (a)(4) – Sexual Assault**

Penal Code Section 13510.8 (b)(4) and Commission Regulation 1205 (a)(4) defines as serious misconduct "The commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered sexual assault."

Here, the evidence showed that Victim had a blood alcohol content of 0.33% approximately 40 minutes before the sexual assault. Victim had been placed under arrest by Respondent for driving under the influence and would have normally required Victim being booked into jail. Due to COVID-19 protocols Victim was cited and released. Respondent admitted to Imperial County Sheriff's Department investigators that he had sexual intercourse with the Victim while on duty. Clear and convincing evidence therefore exists to demonstrate that Respondent committed the sexual act while on duty, under the color of authority and while the Victim lacked the capacity, or ability to provide consent, which meets the definition of sexual assault.

2. **The alleged misconduct violated Penal Code Section 13510.8 (b)(1) and Title 11, California Code of Regulations Section 1205 (a)(1) – Dishonesty**

Penal Code Section 13510.8(b)(1) and Commission Regulation 1205 (a)(1) defines as serious misconduct: "Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct."

Clear and convincing evidence exists that Respondent was dishonest with investigators, who were investigating the sexual assault, throughout his interview by first trying to discredit Victim, denying any misconduct occurred, making false statements to investigators, changing his story throughout the interview based on information he obtained from investigators and ultimately blaming Victim for his actions.

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OUTCOME/IMPOSITION OF DISCIPLINARY ACTION AGAINST PEACE OFFICER CERTIFICATION:

The Peace Officer Standards Accountability Division determined that reasonable grounds existed to seek revocation of the Respondent's certifications in this case. A notice of intent to revoke was served on April 18, 2024. Respondent did not file a request for review within the 30-day response period, pursuant to Penal Code section 13510.85 (a)(2), thus resulting in default revocation of Respondent's certification with no further proceedings. On May 31, 2024, the default order was issued and served by certified mail on Respondent. Respondent Ricardo Valdez's (POST2312673) (POST ID: C68-H30) peace officer certification was revoked on May 30, 2024.