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.: POST2313148

SUBJECT OFFICER: Ruben Martinez, Jr. **POST ID:** C86-C70

EMPLOYING AGENCY: Bakersfield Police Department

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

CASE SUMMARY:

In June 2023, the Bakersfield Police Department (BPD) submitted a report of potential serious misconduct to POST against former Officer Ruben Martinez, Jr., hereinafter "Respondent," alleging that Respondent engaged in sexual acts with a member of the public while on duty and was dishonest about his misconduct in the subsequent criminal and administrative investigations. Following POST's investigation and review, POST found, by clear and convincing evidence, that reasonable grounds existed for consideration of revocation of the certification of Respondent pursuant to Penal Code §13510.8. The following is a summary of POST's investigative findings:

On June 10, 2022, Respondent, while on duty and in police uniform, responded to a residence in Bakersfield regarding a reported stalking. Respondent met with the adult female reporting party, hereinafter "Victim," at her adult son's residence in the presence of family members for approximately 30 minutes before they agreed to relocate to Victim's residence to complete the interview. Respondent and Victim then met at Victim's residence alone for over an hour completing the interview. Respondent deactivated his body-worn camera (which had been activated during his entire contact with Victim) upon leaving Victim's residence, before returning approximately 30 minutes later. Respondent then engaged in a sexual act with Victim inside her residence, prior to departing. On subsequent dates, Respondent engaged in additional sexual acts with Victim at her residence, while Respondent was off duty. After allegations of misconduct were made by Victim against Respondent, both a criminal and an administrative investigation were conducted into the allegations. Respondent made false statements, denying the on duty sexual act with Victim, to investigators during both investigations of his alleged misconduct.

ANALYSIS/FINDINGS:

1. **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 establishes Respondent was dishonest relating to the reporting or investigation of a crime and relating to the investigation of misconduct by a peace officer when he willfully and intentionally made false statements to detectives conducting a criminal investigation of his alleged peace officer misconduct, specifically, denying that he committed sexual acts with Victim in her residence while on duty. Respondent was also dishonest relating to the investigation of misconduct by a peace officer when he willfully and intentionally made false statements to internal affairs investigators conducting an administrative investigation of his alleged peace officer misconduct, specifically, denying that he committed sexual acts with Victim in her residence while on duty.

2. **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: "Sexual assault, as described in subdivision (b) of section 832.7."

California Penal Code Section 832.7(b)(1)(B)(ii) defines sexual assault as follows: "As used in this subparagraph, "sexual assault" means 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 a sexual assault."

Clear and convincing evidence establishes Respondent, while on duty and in police uniform, met with Victim inside her residence after she called police to report she was the victim of alleged stalking. After completing his interview with Victim, Respondent deactivated his body-worn camera prior to exiting Victim's residence. Respondent, while still on duty, then engaged in a sexual act with Victim inside her residence.

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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 July 10, 2025. Respondent filed a voluntary surrender of peace officer certification with POST, pursuant to Penal Code Section 13510.85(f), which was executed on August 4, 2025, and received by POST on August 11, 2025.