AGENDA ITEM REPORT

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

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Professional Conduct Los Angeles Bureau	
RESEARCHED BY Robert Bringolf	**REVIEWED BY** Mike Radford	
REPORT DATE 02/14/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/21/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status.

The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

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 Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence.

In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR1_POST2303691_-_Fillmore,_James_-_ISF_REDACTED.pdf
POST2303691 Fillmore_James_December 2023_POSAAB_Agenda_Record.pdf
POST2303691_Fillmore_James_Transcript_Board 12.14.23.pdf
POST2303691_Fillmore_James_Board_Recommendation_Signed.pdf