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: DISCUSSION AND POSSIBLE ACTION TO ADOPT A CONFLICT OF INTEREST CODE PURSUANT TO GOVERNMENT CODE SECTION 87300

REPORT PROFILE

MEETING DATE 12/14/2023	**BUREAU SUBMITTING THE REPORT** Intake and Disposition Bureau	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

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

BACKGROUND: On September 30, 2021, Governor Gavin Newsom signed Senate Bill 2 into law, which created the Peace Officer Standards Accountability Advisory Board (POSAAB) to make recommendations on the decertification of peace officers to the Commission. As a new state board, POSAAB must adopt a conflict of interest code pursuant to Government Code section 87300 to designate those positions who make or participate in making decisions which may foreseeably have a material effect on economic or financial interests.

ANALYSIS: The proposed conflict of interest code is the model code prepared by the Fair Political Practices Commission and adopted as a regulation under Title 2 California Code of Regulations section 18730. Board members will be expected to adhere to the conflict of interest code and prepare and file Statements of Economic Interest upon adoption of this code and annually thereafter. Board members' Statements of Economic Interest will be filed electronically with the Fair Political Practices Commission and will be available for public inspection under the California Public Records Act.

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

ATTACHMENT(S):

11.02.23_COI_draft_POSAAB.pdf

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

CONFLICT OF INTEREST REGULATIONS

PROPOSED CODE

Add section _____ of Division ___ of Title 11 of the California Code of Regulations to read as follows:

____. General Provisions.

The Political Reform Act, as found in Government Code sections 81000 *et seq.*, requires state and local agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, Title 2 California Code of Regulations section 18730, which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference and amended in the Political Reform Act after public notices and hearings. Therefore, the terms of Title 2 California Code of Regulations section 18730, including any amendments as may hereafter be duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and, in addition to the attached Appendix designating positions and establishing disclosure categories, which is further incorporated hereto, shall constitute the Conflict of Interest Code for the Peace Officer Standards Accountability Advisory Board.

Board members shall file statements of economic interests electronically using the Fair Political Practices Commission's online submission process upon assuming office and annually thereafter. These statements will be available for public inspection and reproduction. (Gov. Code § 81008.)

Note: Authority cited: Section 87300, 87306, and 87307, Government Code. Reference: Sections 87300-87302 and 87302, Government Code.

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

PROPOSED CONFLICT OF INTEREST REGULATIONS

Appendix

Designated Employees……. Disclosure Categories

Board Members ……. 1

Disclosure Categories

Category 1

Designated officials or employees assigned to this category must report:

Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the investment, business entity or source is subject to the Board's authority.

AGENDA ITEM REPORT

Title: DISCUSSION AND POSSIBLE ACTION TO APPROVE BOARD POLICY - POSAAB ADMINISTRATIVE REQUIREMENTS POLICY

REPORT PROFILE

MEETING DATE 12/14/2023	**BUREAU SUBMITTING THE REPORT** Intake and Disposition Bureau	
RESEARCHED BY Holly Kinney	**REVIEWED BY** Sarah Wallace	
REPORT DATE 11/30/2023	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED** 12/04/2023
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The purpose of this policy is to outline the administrative requirement for all Peace Officer Standards Accountability Advisory Board (POSAAB) members. While performing their duties, POSAAB members are expected to adhere to POST administrative requirements and policies.

BACKGROUND:

Penal Code Section 13509.6 established the new Peace Officer Standards Accountability Advisory Board and vested POSAAB with the responsibility of reviewing cases of serious misconduct by peace officers for the purpose of making recommendations regarding decertification to the Commission on Peace Officer Standards and Training. POSAAB may establish policies that govern the operation and administration functions of the Board. The policy before the Board sets forth duties and responsibilities for the members of POSAAB.

ANALYSIS:

RECOMMENDATION:

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

ATTACHMENT(S):

Final Draft - POSAAB Administrative Requirements Policy - 12142023 Meeting.pdf

Title: DRAFT POSAAB Administrative Requirements	Number:
Approved: _____ [INSERT NAME], POSAAB Chair _____ Date	Date Issued:
	Expires: upon revision

Purpose

The purpose of this policy is to outline the administrative requirements for all Peace Officer Standards Accountability Advisory Board (POSAAB) members.

Policy and Authority

While performing their duties, POSAAB members are expected to adhere to POST administrative requirements and policies.

Procedures

Board Administration

Board members should be concerned primarily about thoughtfully reviewing cases of serious misconduct brought before them and in formulating recommendations on the decertification of peace officers to the Commission. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Office.

Communications with Other Organizations and Individuals

Individual Board members shall not speak on behalf of, or act for, the entire Board without proper authorization from the Board Chair.

Media Inquiries

If a member of the Board receives a media call, the member should promptly refer the caller to the POST Office of Public Affairs, who is employed to interface with all types of media on any type of inquiry. It is important for members to make this referral as the authority of the Board is vested in the Board itself and not with an individual Board member.

A Board member who receives a call should politely thank the caller for the call, but state that it is the Board's policy to refer all callers to the POST Office of Public Affairs. The Board member should then send an email to the Assistant Executive Director indicating they received a media call and relay any information supplied by the caller.

Legal Opinions – Requests from Outside Parties

The Board does not provide legal services. Requests for legal opinions from outside entities are to be discussed with the Peace Officer Standards and Accountability Division's Assistant Executive Director and Board legal counsel to determine whether it is an issue over which the Commission has jurisdiction and the opinion, if prepared, could benefit the general public rather than one individual.

Service of Lawsuits

Board members may receive attempted service of a lawsuit, complaint, or similar document against themselves (and usually the Board) pertaining to issues (e.g., a decertification matter) in which the Board member acted within the course and scope of their appointment as a Board member. The Board member may, but is not required to, accept the document from the process server to prevent a confrontation. Do not agree with any process server's statement that you have accepted service; acknowledge only that you have received the document. Upon receipt, the Board member should notify the Assistant Executive Director of the receipt of the document and give any pertinent information. The Board member should then immediately deliver the entire package that was received to the Assistant Executive Director. The Board's legal counsel will provide instructions to the Board member(s) on what is required of them. The Board member(s) may be required to submit a request for representation to the Board to provide to the Attorney General's Office.

Board Member Availability

It is recommended that Board members who will be unavailable for a period longer than one week notify the Assistant Executive Director of the absence in case an urgent matter arises that requires an emergency meeting of the Board.

Mandatory Training
(Penal Code section 13509.6)

State law requires Board members to complete training in several important areas, including ethics, sexual harassment prevention, and peace officer decertification.

Ethics Orientation - http://oag.ca.gov/ethics
(Government Code section 11146.1)

California law requires all appointees to complete an ethics orientation within the first six months of their appointment and to repeat this ethics orientation every two years throughout their term.

The training includes important information on activities or actions that are inappropriate or illegal. For example, generally public officials cannot take part in decisions that directly affect their own economic interests. They are prohibited from misusing public funds, accepting free travel, and accepting honoraria. There are limits on gifts.

An online, interactive version of the training is available on the Attorney General's website at http://oag.ca.gov/ethics. An accessible, text-only version of the materials is also available on the Attorney General's website.

Sexual Harassment Prevention - https://calcivilrights.ca.gov/shpt/
(Government Code section 12950.1)

All new Board members are required to attend at least two hours of classroom, or other interactive training and education, regarding sexual harassment prevention within six months of their appointment. The POST Human Resources Office is responsible for ensuring that all

Board members complete their required training. A copy of the course completion certificate shall be sent to POST Human Resources as proof of training. An online version of this training is available through the CA Department of Fair Employment and Housing at https://calcivilrights.ca.gov/shpt/.

Board Member Orientation

Every newly appointed board member is required to complete a 40-hour decertification training course offered by POST. The training reviews the decertification process, internal investigations, evidentiary standards, use of force standards and training, and local disciplinary processes.

For more information and assistance with scheduling training, please contact:

CA Commission on Peace Officer Standards and Training (POST)
860 Stillwater Road, Ste. 100
West Sacramento, CA 95605
(916) 227-6882
Chandler.Knapp@post.ca.gov

Resignation of Board Members
(Government Code section 1750)

In the event that it becomes necessary for a Board member to resign, state law requires written notification be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. A copy of this letter shall also be sent to the POST Assistant Executive Director.

Form 700 – Statement of Economic Interests
(Government Code section 87302; California Code of Regulations, Title 2, section 18730)

Board members are public officials required to annually report their investments and income in accordance with the Board's Conflict of Interest Code to the Fair Political Practices Commission using the *Form 700, Statement of Economic Interests*, which is a publicly disclosable record. Each member must submit their Form 700 using the online submission process. Information on the Form 700 and other conflicts of interest topics can be found at: https://www.fppc.ca.gov/Form700.html.

Conflict of Interest
(Government Code Section 87100)

No Board member may make, participate in making, or in any way use or attempt to use his or her official position to influence any governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any member who has a financial interest shall disqualify themselves from making or attempting to use his or her official position to influence the decision.

Conflicts of interest or disqualification issues mainly arise from two general sources: (1) financial conflicts arising under the *Political Reform Act of 1974* (Gov. Code § 87100 et seq.);

and (2) common law conflicts of interest arising from personal interest or bias, or even the potential appearance of a bias or personal interest in a matter even in the absence of a financial conflict of interest.

Any member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Assistant Executive Director or the Board's legal counsel.

Honoraria Prohibition
(Government Code Section 89502)

As a general rule, Board members should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A member of a State board is precluded from accepting an honorarium from any source, if the board member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances: (1) when an honorarium is returned to the donor (unused) within 30 days; (2) when an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed); and (3) when an honorarium is not delivered to the member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

In light of this prohibition, members should report all offers of honoraria to the Board Chair, so that they, in consultation with the Assistant Executive Director and legal counsel, may determine whether the potential for conflict of interest exists.

Paid Travel to Attend Meeting Unrelated to Board Business
(Government Code Section 89506)

In general, payments by a third party for a public official's travel are considered a gift, subject to the per year gift limit, and must be reported by the official on his or her statement of economic interests; however, there are exceptions to this rule. Payments, advances, or reimbursements for travel, including actual transportation and related lodging and subsistence that is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, are not prohibited and are not subject to the per year gift limit if either of the following apply:

(1) The travel is in connection with a speech given by the member, the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech, and the travel is within the United States.

(2) The travel is provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, as defined in Section 203 of the Revenue and Taxation Code, a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person domiciled outside the United States which

substantially satisfies the requirements for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

Keep in mind that the rules regarding financial conflicts of interest are complex, and therefore, Board members should contact the Board's legal counsel for assistance.

Gifts
(Government Code sections 89503 and 86203)

As members of a state board, Board members shall not accept gifts from any single source in any calendar year with a total value of more than five hundred ninety dollars ($590) if the board member would be required to report the receipt of income or gifts from that source on the member's statement of economic interest.

This prohibition does not apply to payments, advances, or reimbursements for travel and related lodging and subsistence as permitted under Government Code section 89506 or wedding gifts and gifts exchanges between individuals on birthdays, holidays, and other similar occasions, provided the gifts are not substantially disproportionate in value. Gifts from lobbyists, lobbying firms, or agents thereof are limited to no more than ten dollars ($10) in a calendar month.

Contact with Certificate Holders

Board members shall not intervene for any reason on behalf of a certificate holder with a pending potential decertification before the board as this may create a conflict of interest. Members should forward all contacts or inquiries from certificate holders or their representatives to the Assistant Executive Director.

Gifts from Certificate Holders

Gifts of any kind to members from certificate holders with a pending potential decertification hearing before the Board shall not be permitted.

Request for Records Access

No Board member may access POST's records of a certificate holder without the Assistant Executive Director's knowledge and approval of the conditions for such access. Records or copies of records shall not be removed from POST's office.

Ex Parte Communications
(Government Code Section 11430.10 et seq.)

The *Administrative Procedure Act* prohibits ex parte communications.

An "ex parte" communication is a communication to the decision-maker made by one of the parties to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in Government Code section 11430.10, subdivision (a), which states:

"While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."

Board members are prohibited from an ex parte communication with Division staff regarding any issue in the proceeding while a proceeding is pending before the Board or the Commission.

Occasionally, a certificate holder who is being formally decertified, or recommended for decertification, will attempt to directly contact Board members. If the communication is written, the recipient should read only far enough to determine the nature of the communication. Once they realize it is from an individual against whom an action is pending, they should reseal the envelope, if hardcopy, and forward the communication to POST's legal counsel. If an email is received, the Board member should forward the email to POST's legal counsel.

If a Board member receives a telephone call from a certificate holder against whom an action is pending, they should immediately tell the individual they cannot speak to them about the matter.

If a Board member believes they have received an unlawful ex parte communication, they should contact the Board's legal counsel.

Responsibility

All POSAAB members shall acknowledge and comply with the directives in this policy.

Subject Index and History

Subject Index: Administrative; legal; media inquiry, communication, conflict, training

History: Originated: 12/14/2023

DRAFT

AGENDA ITEM REPORT

Title: DISCUSSION AND POSSIBLE ACTION TO APPROVE BOARD POLICY - POSAAB BOARD MEETING PROCEDURES

REPORT PROFILE

MEETING DATE 12/14/2023	**BUREAU SUBMITTING THE REPORT** Intake and Disposition Bureau	
RESEARCHED BY Holly Kinney	**REVIEWED BY** Sarah Wallace	
REPORT DATE 11/30/2023	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED** 12/04/2023
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The purpose of this policy is to outline the requirement for all Peace Officer Standards Accountability Advisory Board (POSAAB) meetings are prepared in a like fashion and completed and published according to the Bagley-Keene Open Meeting Act. This policy establishes procedures for conducting POSAAB meetings including frequency, attendance, communication between members, public participation, agenda items, meeting notice, and records.

BACKGROUND: Penal Code Section 13509.6 established the new Peace Officer Standards Accountability Advisory Board and vested POSAAB with the responsibility of reviewing cases of serious misconduct by peace officers for the purpose of making recommendations regarding decertification to the Commission on Peace Officer Standards and Training. POSAAB may establish policies that govern the operation and administration functions of the Board. The policy before the Board establishes sets forth the protocols for conducting Board meetings and hearings.

ANALYSIS:

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

ATTACHMENT(S):

Final Draft - POSAAB Board Meeting Procedures - 12142023 Meeting.pdf

Title: DRAFT POSAAB Board Meeting Procedures	Number:
Approved: _____ [INSERT NAME], POSAAB Chair _____ Date	Date Issued:
	Expires: upon revision

Purpose

The purpose of this policy is to outline the requirement for all Peace Officer Standards Accountability Advisory Board (POSAAB) meetings to be prepared in a like fashion and completed and published according to the Bagley-Keene Open Meeting Act.

Policy and Authority

This policy establishes procedures for conducting POSAAB meetings including frequency, attendance, communication between members, public participation, agenda items, meeting notice, and records.

Authority

- Bagley-Keene Open Meeting Act (Government Code sections 11120-11133); Penal Code Section 13509.6

Procedures

Frequency of Meetings

Board shall meet as required, but not less than four times per year.

Notice of each meeting and the time and place thereof shall be given in accordance with the Bagley-Keene Open Meeting Act. (Government Code sections 11120 et seq.)

Board Member Attendance at Meetings

Members shall attend each meeting. If a member is unable to attend, they must contact the Board Chair and the Executive Director to request to be excused from the meeting.

Board Meetings
(Government Code sections 11120 et seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act (Act). This Act governs meetings of state regulatory boards and meetings of the committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda.

Communications
(Government Code section 11122.5(b))

A majority of the members of the Board shall not, outside of a publicly noticed meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the Board.

Public Participation
(Government Code sections 11125.7 and 11126)

The Board shall provide an opportunity for members of the public to directly address the Board on each agenda item before or during the Board's discussion or consideration of the item. Public participation is encouraged throughout the public portion of the meetings. The Board Chair should acknowledge comments from the audience during general discussion of agenda items. In addition, each Board agenda includes public comment as a standing item of the agenda. This standing agenda item allows the public to request items to be placed on future agendas.

If the agenda contains matters that are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Quorum
(Penal Code section 13509.6(g))

A majority of the members of the Board constitutes a quorum.

- ***Members shall be mindful of the quorum before temporarily exiting the discussion.***

Agenda Items

Board meetings generally involve:

- A Call to Order
- Executive Director or Assistant Executive Director's report
- Public Comment
- Minutes/Consent items
- New Case Discussion

Any Board member may submit, for consideration, items for a Board meeting agenda to the Board Chair and Executive Director 30 days prior to the meeting. The Board Chair and Executive Director, in consultation with legal counsel, will review and, if appropriate, approve items submitted for consideration.

DRAFT

Notice of Meetings
(Government Code section 11125)

Meeting notices must include the agenda and shall be sent to persons on the Board's mailing list at least 10 calendar days in advance. The notice shall include the name, address, and telephone number of any person who can provide further information prior to the meeting.

Notice of Meetings to be Posted on the Internet
(Government Code section 11125)

The notice of meeting and agenda shall be made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices are available.

Record of Meetings

The minutes are a transcript of each Board meeting. They shall be prepared by staff and submitted for review and approval by the Board members at the next scheduled Board meeting. When approved, the minutes shall serve as the official record of the meeting.

Delegation to Chair to Finalize Board Recommendations

Penal Code section 13510.85(a)(4) provides that the Board will make a recommendation on what action should be taken on the certification of the officer involved in a matter brought to the Board for decision. The statute further provides that the Board shall issue a written decision explaining its reasons for decertification or suspension. Where a written decision cannot be issued prior to the end of the Board's hearing, the Board delegates authority to the Chair to work with Board counsel in order to finalize and sign the Board decision, which shall be served upon the officer and transmitted to the Commission for its review pursuant to Penal Code section 13510.85(a)(5).

Use of Electronic Devices During Meetings
(Government Code Section 11122.5(b)(1))

Board members should not text or email one another during a meeting on any matter within the Board's jurisdiction. Using electronic devices to communicate secretly in such a manner would violate the Open Meeting Act. Where laptop computers or tablets are used by the Board members at the meeting because the Board provides materials electronically, the Board Chair shall make an announcement at the beginning of the meeting as to the reason for the use of laptop computers or tablets.

Responsibility

All POSAAB members shall acknowledge and comply with the directives in this policy.

Subject Index and History

Subject Index: Board Meetings, Agenda Preparation

History: Originated: 12/14/2023

DRAFT

AGENDA ITEM REPORT

Title: DISCUSSION AND POSSIBLE ACTION TO APPROVE BOARD POLICY - POSAAB CONDUCT AND PERFORMANCE POLICY

REPORT PROFILE

MEETING DATE 12/14/2023	**BUREAU SUBMITTING THE REPORT** Intake and Disposition Bureau	
RESEARCHED BY Holly Kinney	**REVIEWED BY** Sarah Wallace	
REPORT DATE 11/30/2023	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED** 12/04/2023
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The purpose of this policy is to outline requirements for all Peace Officer Standards Accountability Advisory Board (POSAAB) members to meet the general qualifications in conduct and performance. While performing their duties, POSAAB members are expected to demonstrate professionalism, honesty, and integrity, as well as comply with all applicable laws and regulations.

BACKGROUND:

Penal Code Section 13509.6 established the new Peace Officer Standards Accountability Advisory Board and vested POSAAB with the responsibility of reviewing cases of serious misconduct by peace officers for the purpose of making recommendations regarding decertification to the Commission on Peace Officer Standards and Training. POSAAB may establish policies that govern the operation and administration functions of the Board. The policy before the Board sets forth expectations for Board member conduct.

ANALYSIS:

RECOMMENDATION:

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

ATTACHMENT(S):

Final Draft - POSAAB Conduct and Performance Policy - 12142023 Meeting.pdf

Title: DRAFT POSAAB Conduct and Performance	Number:
Approved: _____ [INSERT NAME], POSAAB Chair _____ Date	Date Issued:
	Expires: upon revision

Purpose

The purpose of this policy is to outline requirements for all Peace Officer Standards Accountability Advisory Board (POSAAB) members to meet the general qualifications in conduct and performance.

Policy and Authority

While performing their duties, POSAAB members are expected to demonstrate professionalism, honesty, and integrity, as well as comply with all applicable laws and regulations.

Authority

- California Constitution Article VII, section 8
- Government Code sections 1770, 3000, 3001, 18150, 18151, and 18200

Procedures

General Rules of Conduct

Board members' actions shall serve to uphold the Board's primary mission of the protection of the public and all constitutional and statutory rights.

Board members shall not speak or act for the Board without proper authorization**.**

Board members shall maintain the confidentiality of confidential documents and information.

Board members shall commit the time necessary to prepare for Board responsibilities.

Each Board member shall recognize the equal role and responsibilities of all Board members.

Board members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public.

Board members shall treat all stakeholders in a fair and impartial manner.

Board members shall not use their positions on the Board for personal, familial, or financial gain.

Board members shall refrain from working on personal and/or non-Board related business during Board meetings. If necessary, members shall leave the dais***, being mindful of a quorum, to address personal and/or non-Board related business***.

Responsibility

All POSAAB members shall acknowledge and comply with the directives in this policy.

Subject Index and History

Subject Index: Conduct and Performance, Standards of; Member Conduct; Performance, Standards of Conduct and; Standards of Conduct and Performance; Work Ethics; Standards of Conduct and Performance

History: Originated: 12/14/2023

DRAFT

AGENDA ITEM REPORT

Title: DISCUSSION AND POSSIBLE ACTION TO APPROVE BOARD POLICY - POSAAB TRAVEL AND COMPENSATION POLICY

REPORT PROFILE

MEETING DATE 12/14/2023	**BUREAU SUBMITTING THE REPORT** Intake and Disposition Bureau	
RESEARCHED BY Holly Kinney	**REVIEWED BY** Sarah Wallace	
REPORT DATE 11/30/2023	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED** 12/04/2023
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The purpose of this policy is to provide travel and reimbursement requirements and guidelines for all Peace Officer Standards Accountability Advisory Board (POSAAB) members who incur business travel expenses. This policy is to establish consistent, reasonable, necessary, and accountable standards to record and control the cost of appropriate business and travel expenses incurred fifty (50) miles or more from home and headquarters in accordance with California Department of Human Resources (CalHR) policy. It is not intended to cover every possible situation.

BACKGROUND:

Penal Code Section 13509.6 established the Peace Officer Standards Accountability Advisory Board and vested the POSAAB with the responsibility of reviewing cases of serious misconduct by peace officers for the purpose of making recommendations regarding decertification to the Commission on Peace Officer Standards and Training. POSAAB may establish policies that govern the operation and administrative functions of the Board. The policy before the Board provides travel and reimbursement guidelines.

ANALYSIS:

RECOMMENDATION:

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

ATTACHMENT(S):
Final Draft - POSAAB Travel and Compensation Policy - 12142023 Meeting.pdf

Title: POSAAB Travel and Compensation Policy	**Number:**
Approved: _____ **MANUEL ALVAREZ, Jr., Executive Director** **Date** _____	**Date Issued:**
	Expires: upon revision

Purpose

The purpose of this policy is to provide travel and reimbursement requirements and guidelines for all Peace Officer Standards Accountability Advisory Board (POSAAB) members who incur business travel expenses.

Policy and Authority

This policy is to establish consistent, reasonable, necessary, and accountable standards to record and control the cost of appropriate business and travel expenses incurred fifty (50) miles or more from home and headquarters in accordance with California Department of Human Resources (CalHR) policy. It is not intended to cover every possible situation.

Travelers authorized to travel for official state business will follow these requirements and guidelines, which include Method of Travel, Approved Booking Processes, Fare Types and Cost Savings, Ticket Credits, Types of Travel, Lodging, Travel Advances, and Expense Reimbursement. The basic concepts central to the policy requirements and guidelines include:

- With limited exceptions, state travelers must make all travel arrangements through the Travel Payment System (TPS), except for short-term rentals. See the State Administrative Manual (SAM4117) for definitions.
- State travelers must know the most current lodging reimbursement rates before booking travel. Rates are found on the CalHR website: https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx.
- Reimbursement must be for actual and necessary out-of-pocket expenses, consistent with applicable reimbursement rates, incurred while traveling on official state business.

This Travel and Reimbursement Policy is in accordance with all State Administrative Manual (SAM) policies, CalHR policies, and HR Manuals. If any of the information herein conflicts with the most recent provisions set forth by the Government Code sections or CalHR's current policy as outlined in the HR Manual cited above, then those provisions will supersede this policy. HR Manual sections 2201 – Travel and Relocation Policy, 2202 – Mileage Reimbursement, and 2203 – Allowances and Travel Reimbursements provide additional information about travel reimbursements, including links to authorities and resources. Additionally, information provided in this policy is routinely updated by various control agencies. The traveler or user of this policy is responsible to ensure they have the most current information.

Authority

- CalHR
- State Administrative Manual

Procedures

Travel Arrangements

Board members are encouraged to coordinate with the Executive Office support staff when making travel arrangements and lodging accommodation.

Government travelers can make their business travel reservations for airline tickets, car rentals, and hotel accommodations through the State's online booking tool, Concur, or through the state's only authorized travel agency, CalTravelStore. This one-stop shop solution allows travelers to use the most economical rates available via contracted travel-related services.

For more information on the program, please visit: www.dgs.ca.gov/OFAM/Travel.

Out-of-State Travel
(SAM section 700 et seq.)

For out-of-state travel, Board members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meals and supplemental expenses. Out-of-state travel for all persons representing the State of California is controlled and must be approved by the Governor's Office.

Travel Claims
(SAM section 700 et seq.)

Rules governing reimbursement of travel expenses for Board members are consistent with rules that apply to management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The Executive Office support staff will maintain these forms and complete them as needed. It is advisable for Board members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

Those traveling for California state business may be eligible for the reimbursement of authorized out-of-pocket expenses that are necessarily incurred in the performance of official duties. In accordance with current state policy, Board members may be eligible to receive reimbursement for expenses such as:

- Method of travel (transportation)
- Meals and incidentals
- Short-term lodging
- Personal vehicle mileage
- Other actual and necessary business and/or travel costs incurred while conducting official state business.

California state travel expenses have maximum reimbursement rates. These amounts change periodically, please check for updated amounts here: https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx

Effective January 1, 2024, the reimbursement rates are as follows:

Lodging:

County	**Maximum Lodging Reimbursement Rate**
All Counties Except Those Listed Below	$107
Alameda	$189
City of Santa Monica	$270
Los Angeles	$169
Marin	$166
Monterey	$184
Napa	$195
Orange	$169
Riverside	$142
Sacramento	$145
San Diego	$194
San Francisco	$270
San Mateo	$222
Santa Clara	$245
Ventura & Edwards AFB, excluding the City of Santa Monica	$169

All lodging reimbursement claims must be accompanied by a receipt, or they will not be paid.

Should the base room rate exceed the rates noted above, an *Excess Lodging Rate Approval Request, STD 255C,* must be submitted and approved by POST and/or CalHR before the trip begins.

Meals for trips over 24 hours:

Expense	**Reimbursement for actual expense**
Breakfast	Up to $13.00
Lunch	Up to $15.00
Dinner	Up to $26.00
Incidentals	Up to $5.00

In the event of an audit, the traveler must be able to produce receipts for all meal reimbursement claims to substantiate the amount claimed.

Mileage for travel completed via personal vehicle (approved for business/travel expense) is reimbursed at $0.625 per mile. This reimbursement covers:

- Gasoline
- The cost of maintenance (oil, lube, routine maintenance)
- Insurance (liability, damage, comprehensive and collision coverage)
- Licensing and registration
- Depreciation and all other costs associated with operation of the vehicle

Mileage reimbursement claims must include the addresses the traveler started from and traveled to. The total miles must roughly match the distance between the locations when mapped.

In order for their expenses to be reimbursed, Board members shall follow the procedures contained in POST policy and complete a travel expense claim with the itemized amounts being claimed, and any required supporting documents including all receipts.

Per Diem Compensation

Board members will receive per diem compensation for each day actually spent in the discharge of official duties and shall be reimbursed for travel and other expenses necessarily incurred in the performance of official duties.

In accordance with Penal Code section 13509.6(h), the following general guidelines shall apply to the payment of per diem compensation or reimbursement for travel:

1. No per diem compensation or reimbursement for travel-related expenses shall be paid to Board members except for attendance at official Board meetings. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board meetings shall be approved in advance by the Board Chair. The Executive Director shall be notified of the event and approval shall be obtained from the Board Chair prior to the member's attendance.

2. "Day actually spent in the discharge of official duties" shall mean the time expended from the commencement of a Board meeting to the conclusion of that meeting.

   Where it is necessary for a Board member to leave early from a meeting, the Board Chair shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize compensation for per diem and reimbursement for travel-related expenses.

   For specified Board work, members will be compensated for actual time spent performing work authorized by the Board Chair. That work includes, but is not limited to, authorized attendance at gatherings, events, meetings, hearings or conferences, and committee work. Board members may receive per diem compensation for each day spent preparing for Board meetings. Members cannot claim per diem compensation for time spent traveling to and from a Board meeting.

Responsibility

All POSAAB members shall acknowledge and comply with the directives in this policy.

Subject Index and History

Subject Index: Expenses – Travel Policy

History: Originated: 12/14/2023

AGENDA ITEM REPORT

Title: POST2308479 - JUSTIN RAYMOND RAMIREZ (POST ID: C37-S81)
LAST EMPLOYING AGENCY: ORANGE COUNTY SHERIFF'S DEPARTMENT

REPORT PROFILE

MEETING DATE 12/14/2023	**BUREAU SUBMITTING THE REPORT** Professional Conduct 1 Bureau	
RESEARCHED BY Trevor Shields	**REVIEWED BY** Christine Ford	
REPORT DATE 10/12/2023	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED** 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 Orange County Sheriff's Department on July 15, 2013. He was promoted to a fulltime peace officer after graduating from the Sheriff's Academy on January 16, 2015. At the time of this incident before the POSAAB, he was assigned as a School Resource Officer. The Respondent resigned from the Orange County Sheriff's Department on December 14, 2022, while holding the rank of Deputy. The Respondent is not currently employed as a peace officer in the State of California.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

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 Deputy Sheriff assigned as a School Resource Officer (SRO), showed harmful matter of a graphic and sexual nature, which depicts

illicit drug use and graphic violence on his personal cell phone to a group of 14-year-old students. Respondent repeated such acts moments later by showing another group of 14-year year old students the same harmful matter.

After a complex criminal investigation conducted by the Orange County Sheriff's Department, Respondent was charged in the Orange County Superior Court with a misdemeanor violation of Penal Code section 313.1(a). On April 25, 2023, the court granted Respondent misdemeanor diversion pursuant to Penal Code section 1001.95.

RECOMMENDATION: 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.

ATTACHMENT(S):

BR1 POST2308479 Ramirez_ Justin_ ISF REDACTED.pdf

BR2 POST2308579 Ramirez_ Justin ISF Attachments_ REDACTED.pdf



INVESTIGATIVE SUMMARY AND FINDINGS

SUBJECT PEACE OFFICER: JUSTIN RAYMOND RAMIREZ

POST ID: C37-S81

AGENCY: ORANGE COUNTY SHERIFF'S DEPARTMENT

CASE NUMBER: POST2308479

WRITTEN BY: LAW ENFORCEMENT CONSULTANT

TREVOR SHIELDS

DATE: 10/12/23

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***Attachments Listed in Section VI, Supporting Evidence and Documentation Are Attached.**

I. Executive Summary

On Monday, September 5, 2022, the Orange County Sheriff's Department dispatch center received a call from a citizen who identified herself as a parent of a 14-year-old Trabuco Hills High School student. She alleged at lunch time on Friday, September 2, 2022, a uniformed sheriff's deputy had shown female students inappropriate videos and photos on his cell phone.

Orange County Sheriff's investigation identified School Resource Officer (SRO), Deputy Justin Ramirez, hereinafter, "Respondent" as the deputy who exhibited two inappropriate, graphic, and pornographic videos and two graphic photos from his cell phone to four female freshman high school students.

The Orange County Sheriff's Department conducted separate criminal and administrative investigations which subsequently sustained criminal allegations of misconduct against the Respondent. The sustained findings would have resulted in the Respondent's termination from employment, but he resigned on December 14, 2022, prior to his administrative interview.

On April 25, 2023, the Respondent pled guilty in Orange County Superior Court to one misdemeanor count of California Penal Code section 313.1(a), Distributing harmful matter to a minor. He was sentenced to court diversion.

On August 10, 2023, Peace Officers Standards and Training (POST) Director, Manny Alvarez signed an Immediate Temporary Suspension of the Respondent's POST Certificate.

With the completion of POST's investigation and review, reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to Acts that Violate the Law according to Penal Code section 13510.8.

II. Background Information

a. Identity of the Respondent

The Respondent began his employment with the Orange County Sheriff's Department on July 15, 2013. He was promoted to a fulltime peace officer after graduating from the Sheriff's Academy on January 16, 2015. At the time of this incident, he was assigned as a School Resource Officer.

The Respondent resigned from the Orange County Sheriff's Department on December 14, 2022, while holding the rank of Deputy.

The Respondent is not currently employed as a peace officer in the State of California. An internal source at POST has discovered the Respondent has applied for law enforcement positions as a peace officer in the last six months.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

b. History with Employing Agency

The Respondent attended and graduated from Orange County Sheriff's Department Academy on January 16, 2015. During his 984 hours of training he attended and completed courses in Ethics, Sexual Harassment, and Special Relationships.

The Orange County Sheriff's Department has policies regarding Code of Professional Conduct and Responsibility for Peace Officers (Policy 1001) and Rules of Conduct (Policy 1018). Every employee is trained and has knowledge of these policies during their academy and field training programs. These policies are reviewed on a regular basis in personnel briefings, during ongoing departmental training and performance evaluations.

Orange County Sheriff's Department has written policy regarding the School Resource Program (Policy 415). Each SRO is trained and has knowledge of this policy.

c. Prior Employment History

The Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certificate

The Respondent is assigned POST ID C37-S81. He received the following peace officer certificates from Peace Officer Standards and Training (POST):

- Basic, Certificate # 184287, August 22, 2016
- Intermediate, Certificate # 140935, July 4, 2019

- Advanced, Certificate # 124388, January 15, 2021

e. Other Allegations of Serious Misconduct

POST is aware of no other allegations of serious misconduct, as defined in Penal Code section 13510.8, against this officer other than those referenced herein.

Per the Internal Affairs Unit of the Orange County Sheriff's Department, the Respondent received a written reprimand in 2020 for failing to activate his dash camera before a use of force incident.

f. Receipt of Allegation

On May 18, 2023, the Orange County Sheriff's Department reported allegations of serious misconduct against the Respondent to POST pursuant to California Penal Code section 13510.9. The allegations were a result of a citizen complaint made to the Orange County Sheriff's dispatch center.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included the review of the Orange County Sheriff's Department's criminal and administrative investigations which contained interviews of juvenile victims, witness officers, and civilian witnesses. Body worn camera footage from the Respondent and Sergeant Huerta was reviewed and compared to the written documentation of involved personnel.

Information obtained was analyzed by clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily a summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

On Monday, September 5, 2022, the Orange County Sheriff's Department received a citizen's complaint in their communications center from the parent

of a 14-year-old female student at Trabuco Hills High School. The parent related on Friday at lunch time, an unknown, on duty Orange County Sheriff's Deputy was showing videos to students that contain violent and pornographic images.

Due to the nature of the allegations, Deputy Dornbush from the Orange County Emergency Communications Bureau, spoke with the parent. He then contacted the on-duty Patrol Supervisor for the City of Mission Viejo, Sergeant Hugo Huerta and informed him of the circumstances surrounding the complaint. Sergeant Huerta advised Deputy Dornbush to have one of the city's School Resource Officers (SRO) to handle the call.

The Respondent was assigned to the City of Mission Viejo as an SRO. He was assigned to this call and responded to the parent's residence to investigate. Upon his arrival, the parent called her 14-year-old daughter, Student #1, over to the front door and asked her if this is the deputy who showed her the videos because she wanted to make sure "he was not the pervert." Student #1 related that she did not recognize the Respondent.

During the interview with the parent and Student #1, the Respondent realized this investigation was about him and he excused himself by saying he needed to contact his supervisor. The Respondent returned to his patrol vehicle and called a fellow Deputy and SRO, Deputy Sanchez. In the Respondent's Body Worn Camera (BWC) footage, the Respondent is heard saying to Deputy Sanchez, "The daughter didn't recognize me," and, "I can't write it (the associated report) cause that's just weird, conflict of interest." The Respondent contacted Sergeant Huerta via telephone and he responded to the residence to meet the Respondent. Sergeant Huerta assisted the Respondent to complete his interviews by talking with the parents so the Respondent could interview Student #1 in the adjacent room.

According to Sergeant Huerta, at the conclusion of this call, the Respondent advised Sergeant Huerta that he was working as an SRO at Trabuco Hill High School at lunchtime on Friday, September 2, 2022. He did show some students a couple of videos from his cell phone but they were not sexual in nature and were about a cheating couple who was stabbed by the female's husband.

Based on a review of both the Respondent's and Sergeant Huerta's BWC footage, they both exit the residence at 1327 hours. Per the Sheriff's Computer Aided Dispatch (CAD) record, the Respondent and Sergeant Huerta cleared the scene at 1337 hours. It is undocumented what they

discussed during the 10 minute time period. However, based on the Respondent's previous phone call to Deputy Sanchez at 1254 hours, he clearly knew this complaint was about him.

Approximately an hour and a half before the end of shift, the Respondent contacted Sergeant Huerta via telephone to ask if he needed to complete the information report or defer it to morning. It was during this conversation the Respondent revealed the video he showed to the students also contained footage of a couple having sexual intercourse prior to the female's husband entering the room and started stabbing the male subject. Based on the new details and the fact the Respondent was the only SRO working at the high school on Friday, Sergeant Huerta admonished the Respondent to not to share and/or delete anything on the Respondent's cell phone.

The next morning, on September 6, 2022, Sergeant Huerta responded to Trabuco Hills High School to interview any students present during the incident. Sergeant Huerta interviewed four female students. During the interviews, a member of the Trabuco Hills High School staff was present in the interview room. Each one of the students described the deputy who showed them the videos and photos as a white male adult in his 40's with brown hair, wearing a green style uniform. **See Attachment E, for photos of the Respondent.**

Sergeant Huerta interviewed Student #1 (14-year-old, freshman at Trabuco Hills High School) who related the following: She was with her friends Student #2 and Student #3 during lunch break when Student #4, approached them to let them know that a deputy showed her a photo of a dead body **(Attachment D)** Student #1 was curious so she, Student #2, Student #3 and Student #5 (Student #5 was not identified or interviewed by sheriff's investigators) walked over to the marked patrol unit where the deputy was seated in the driver's seat. Student #4 asked the deputy to show the group of students the videos. Student #1 related there were six freshman students standing near the patrol vehicle watching what was on the deputy's phone. Student #1 described the first video as a male and female having sex when a male subject entered the room and started stabbing the female **(Attachment A).** The deputy also showed them a "gory" photo of a female with a dog bite to her leg **(Attachment C).** In the second video he showed the group of students two transient males smoking drugs, one male blows smoke into the bare buttocks of the other **(Attachment B)**. Student #1 related at first, she thought the videos were funny, but later felt uncomfortable watching them. She asked the officer for a sticker and left. Over the weekend she told her mom what had occurred, and she called the Sheriff's Department.

Sergeant Huerta interviewed Student #2 (14-year-old, freshman at Trabuco Hills High School) who related the following: She was with her friends Student #1 and Student #3 during lunch break when Student #4 and Student #6 (Student #6 was not identified or interviewed by sheriff's investigators) approached them to let them know that the "police were showing them videos." Student #2 was curious along with her friends, so they walked over to the marked patrol unit where the deputy was seated in the driver's seat. Student #4 asked the deputy to show the group the videos. The deputy showed the group of students two videos and one photo. The first video was of a couple having intercourse and then getting stabbed by a male who enters the room **(Attachment A).** Student #2 believed the deputy told them that the husband caught his wife cheating and killed both his wife and the other male. The second video was about two guys smoking meth and blowing meth into his buttocks. The deputy showed a photo of a girl with a dog bite on her leg. Student #2 said the officer told the students to "Don't do drugs" as he was showing them the videos. Student #2 stated she felt "a little uncomfortable because life is kinda messed up, its how reality is."

Sergeant Huerta interviewed Student #3 (14-year-old, freshman at Trabuco High School) who related the following: She was with her friends Student #1 and Student #2 during lunch break when Student #4 approached them to let them know that a deputy was showing videos. Student #3 was not going to go watch but her friends were going so she walked with them over to the marked patrol unit where the deputy was seated in the driver's seat. Student #3 believed the deputy showed them three videos on his phone but could only describe one. The deputy showed the group of students a video of a male and female in bed kissing when a male who enters the room realizes she is cheating on him. He had a knife and started stabbing her. The second video she could only describe as two men smoking. Student #3 related she felt uncomfortable while watching the videos but peer pressure made her stay and watch. Student #3 did not think Student #4 was being serious about the videos when she first told her "because police officers aren't really allowed to do that, especially to high school students and that was my group."

Sergeant Huerta interviewed Student #4 (14-year-old, freshman at Trabuco High School) who related the following: She was with Student #5 and Student #6 (Students #5 and #6 were not identified or interviewed by sheriff's investigators) when someone said "let's go talk to the police officer" so we all went up to the car. Student #4 asked him "What was the most horrible call you got?" The deputy replied "people who committed suicide and dead bodies" that is when he started to show them photos and videos. Student #4

described the first photo of “A 17-year-old girl on the street, there was a gash (on her head) and her brains were coming out.” **(Attachment D)**. Student #4 described the first video as “A wife was cheating on her husband with a dude, it was on camera. The husband came in and stabbed the dude. The dude ran out and the police officer told us the dude died in the hallway.” **(Attachment A)**. Student #4 said she and her friend were laughing because they thought the videos and pictures were fake. Student #4 realized the videos were real and stated, “That’s actually somebody dying in front of my face.” The officer told them “It doesn’t faze us. We’ve been doing this job…” Student #4 asked the deputy if he threw up the first time he saw a dead body and he stated “No.” Student #4 acknowledged she “Did not expect the officer to tell us or show us the dead bodies, but he did, he showed us” and after seeing the videos and pictures, “she almost puked.”

Student #4 related the image she can’t forget is the girl on the street and her head **(Attachment D)**. Student #4 described the second video as “two old guys doing crack and he blew smoke into his butthole.” After seeing the videos, Student #4 walked over to another group of girls and told them “I was traumatized, I was like oh my god, I just saw a dead body. The police officer just showed us a dead body.” Student #4 brought the group of friends back over to the patrol vehicle and asked the officer to show them the videos. Student #4 did not watch the videos a second time.

Based on what the Respondent told Sergeant Huerta the night before after they cleared the call at Student #1’s residence and after interviewing the students, Sergeant Huerta believes the Respondent is the deputy who showed the students inappropriate videos. Sergeant Huerta completed an internal memo and recommended referring this case to the Internal Affairs Bureau. He contacted the Respondent and ordered him not to write an information report on the incident because he reinterviewed Student #1 and the additional students.

On September 7, 2022, the Respondent was called into City Hall where his work and personal cell phones were collected as possible evidence in this investigation. The Respondent was cooperative and relinquished both phones. He signed a “consent to search” form allowing the search of his personal cellular device (Apple iPhone 11). He provided the access passcode for each phone. Based on the potential for criminal violations in this matter a search warrant was obtained to conduct a forensic search and download of the Respondent’s personally owned cell phone.

On September 12, 2022, the Sheriff's Computer Forensics Detail conducted the forensic search of the device and downloaded its contents. The Sheriff's Computer Forensics Detail indicated in the extraction file there is over 122,800 images and 8,300 videos. The actual number of viewable photos and videos on the phone and in the Cloud storage were in excess of 18,000. Orange County Sheriff's Investigator Robert Taft spent over a week reviewing the contents downloaded from the phone. He located the two videos and two photos matching the description provided by the students **(Attachment A, Attachment B, and Attachment C)**. Investigator Taft noted there were personal photos and videos, crime scene photos, and photos and videos of a sexual and graphic nature. Investigator Taft viewed many photos and videos that would be inappropriate because of their sexual or graphic nature to show juveniles. These photos and videos, though inappropriate were not a crime to possess. It only became a crime when the Respondent exhibited or displayed them to juvenile students.

Some of those images located on the Respondent's personal cell phone are crime scene photos, including photos of deceased people from cases investigated by the Orange County Sheriff's Department. Though the crime statute known as the "Kobe Law" was not yet enacted (Penal Code section 647.9(a)), Deputy Ramirez's choice to retain these graphic images and videos on his personal cell phone, violated the privacy of crime victims and mirrored the conduct of the Los Angeles County Sheriff's Deputies who retained photos of Kobe Bryant's dead body after a January 2020 helicopter crash.

The Orange County Sheriff's Department presented the criminal investigation to the Orange County District Attorney's Office. The District Attorney filed misdemeanor criminal charges against the Respondent.

The Respondent resigned on December 14, 2022, prior to providing an administrative interview with Internal Affairs. The Orange County Sheriff's Department internal investigations sustained allegations of misconduct against the Respondent. The sustained findings would have resulted in the Respondent's termination from employment.

On August 10, 2023, Peace Officers Standards and Training (POST) Director, Manny Alvarez signed an Immediate Temporary Suspension of the Respondent's POST Certificate. The suspension was served by certified mail to the Respondent. The Sheriff of the Orange County Sheriff's Department and the District Attorney of Orange County were notified via mail of the suspension.

V. Analysis and Findings

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

Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the commission.

Clear and convincing evidence supports the violation of acts that violate the law based on the following:

- All Peace Officers are vested with earning and keeping the public's trust. This requires them to consistently demonstrate the highest degree of integrity and good moral character. An SRO is held to a higher standard, as a role model, teacher, counselor, and law enforcer in our school systems and with our children.
- Orange County Sheriff's Department has a written policy regarding the School Resource Program (Policy 415). Covers the Department's Mission, Goals and Objectives, Authority, Chain of Command, Duties and Responsibilities, Training, School Enforcement, Work Hours and Guidelines and Procedures.
- The Orange County Sheriff's Department SRO Mission Statement is "To enhance a safe atmosphere in our community's schools, foster a positive relationship with our community's youth, and develop strategies to resolve problems affecting our youth."
- The Respondent was assigned and trained as an SRO with the Orange County Sheriff's Department. He works in full police uniform and drives a marked patrol vehicle.
- The Respondent was on a high school campus during freshman lunch period. The Respondent knows or should have known the students around him are high school students under 18 years old.
- **California Penal Code 313(a)** defines **Harmful Matter** to include matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors.
- There is clear and convincing evidence, the Respondent utilized his personal cellular phone to show two separate groups of 14-

year-old students two videos and two photos that contained harmful matter as defined by California Penal Code section 313. **(Attachment A, Attachment B, Attachment C and Attachment D)**. These videos and photos were graphic and sexual in nature and depicted illicit drug use and egregious acts of violence.

- In the first incident, on Friday, September 2, 2022, the Respondent was working as an SRO at Trabucco High School at lunchtime when he was approached by several freshman students (including Student #4, #5 and #6). These students asked him questions about events he has seen in his job as a Deputy Sheriff.
- In the second incident, Student #4 called over her other friends to the patrol vehicle (Students #1, #2 and #3) by telling them the deputy showed them a dead body **(Attachment D)**.
- There is clear and convincing evidence, the Respondent repeated this egregious behavior by replaying the two videos and showing one photo **(Attachment A, Attachment B, and Attachment C)** for the new audience of 14-year-old students, Students #1, #2, and #3.
- Watching the videos and seeing the photos made each of the students feel different. Student #4 thought it was funny at first because she thought the photos and videos were fake, she was shocked when she realized the photos and videos were real. She related the image she can't forget is the girl laying on the street and her head trauma **(Attachment D)**. Other students felt uncomfortable viewing the videos and photos or they felt pressured by their peers to watch.
- Two days after viewing them, Student #1 was still thinking about the videos and photos over the weekend and told her mother about what happened. Student #1's mother called the Orange County Sheriff's Department on Monday to report the incident.
- The Respondent responds to the home of Student #1 to take a report but realizes he is the deputy who was exhibiting the videos. The Respondent contacts a fellow SRO Deputy Sanchez. The Respondent is heard on his BWC saying to Deputy Sanchez "I can't write it (the associated report) cause that's just weird, conflict of interest."
- The Respondent contacts his supervisor, Sergeant Huerta and admits to him when they are preparing to leave the residence that he was working as an SRO at Trabuco Hill High School at lunchtime on Friday, September 2, 2022. He did show some students a couple of videos from his cell phone but they were

not sexual in nature and were about a cheating couple who were stabbed by the female's husband.
    - Later in his shift, the Respondent contacts Sergeant Huerta and reveals one of the videos did have footage of a couple having sexual intercourse before they are stabbed by another man.
- The Orange County Sheriff's Department conducts a criminal investigation of the incident. The criminal investigation is referred to the Orange County District Attorney's Office where misdemeanor charges are filed.
- During the investigation, on December 14, 2022, the Respondent resigns from the Orange County Sheriff's Department prior to his administrative interview.
- On April 25, 2023, the Respondent pleaded guilty in Orange County Superior Court to one count of 313.1(a) of the California Penal Code. There is clear and convincing evidence the Respondent committed the offense he was charged and convicted of. He received court diversion as a sentence.

The Respondent is a sworn law enforcement officer with the Orange County Sheriff's Department. As an SRO, he has been entrusted with an extremely high level of public trust in the community, namely the safety and protection of the community's youth. The respondent violated that trust by showing harmful matter of a graphic and sexual nature, which depicts illicit drug use and graphic violence on his personal cell phone to a group of 14-year-old students. He then repeated this egregious behavior moments later by showing another group of 14-year year old students the same harmful matter. After a complex criminal investigation conducted by the Orange County Sheriff's Department, the Respondent plead guilty in a court of law to a violation California Penal Code 313.1(a).

VI. Supporting Evidence and Documentation

- Attachment A – Video snapshots and descriptions of man stabbing his wife and another man.
- Attachment B – Video snapshots of two men smoking a controlled substance. One man blows smoke into the bare buttocks of the other.
- Attachment C – Photos of injuries sustained from a police dog bite.
- Attachment D – Photo of a deceased young woman in the roadway.
- Attachment E – Photos of the Respondent.

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to Penal Code 13510.8.

As an SRO, the Respondent is held to a higher standard, because of his position of trust as an SRO in the school system. The Respondent's primary responsibilities are protecting the students, staff, and visitors of the community's schools, being a good role model to the students, having a high degree of integrity and having a good moral character. His choice to show the videos and photos to high school aged juvenile kids displayed egregious behavior and extremely poor judgment that could have traumatized the young high school students.

Investigator Taft reviewed the contents of the Respondent's cell phone. There were personal photos and videos, crime scene photos and videos, and photos and videos of a sexual and graphic nature. Investigator Taft viewed many photos and videos that would be inappropriate, because of their sexual or graphic nature, to show juveniles. These photos and videos, though inappropriate, were not a crime to possess. It only became a crime when the Respondent exhibited or displayed them to the juvenile students.

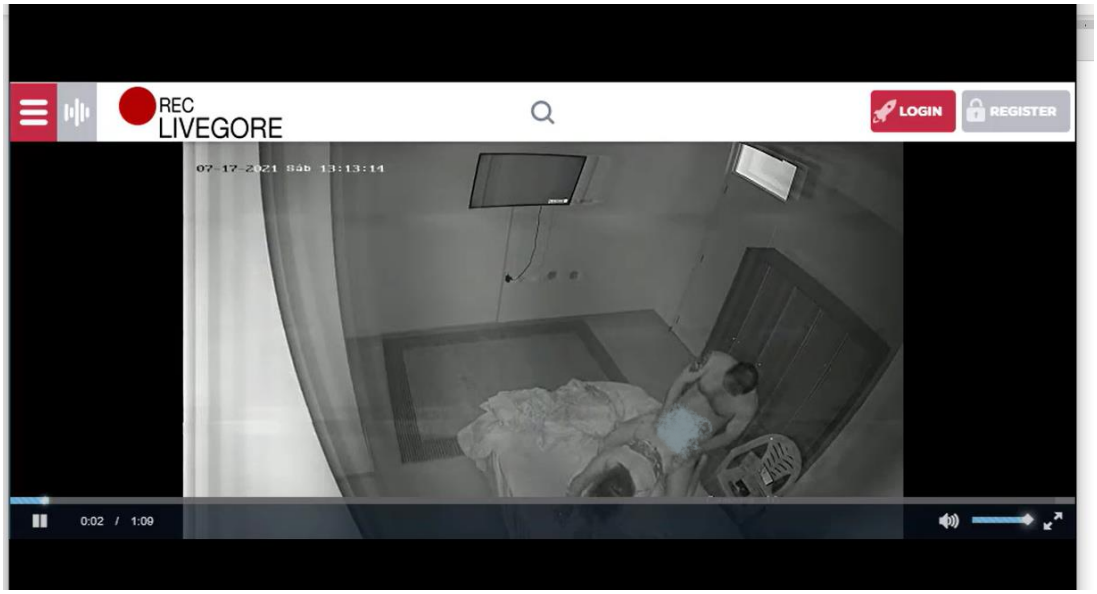
Some of those images located on the Respondent's personal cell phone are crime scene photos, including photos of deceased people from cases investigated by the Orange County Sheriff's Department (Including **Attachment D**). Though the crime statute known as the "Kobe Law" was not yet enacted (Penal Code section 647.9(a)), the Respondent's choice to retain these graphic images and videos on his personal cell phone violated the privacy of crime victims and mirrored the conduct of the Los Angeles County Sheriff's Deputies who retained photos of Kobe Bryant's dead body after a January 2020 helicopter crash.

Attachment A

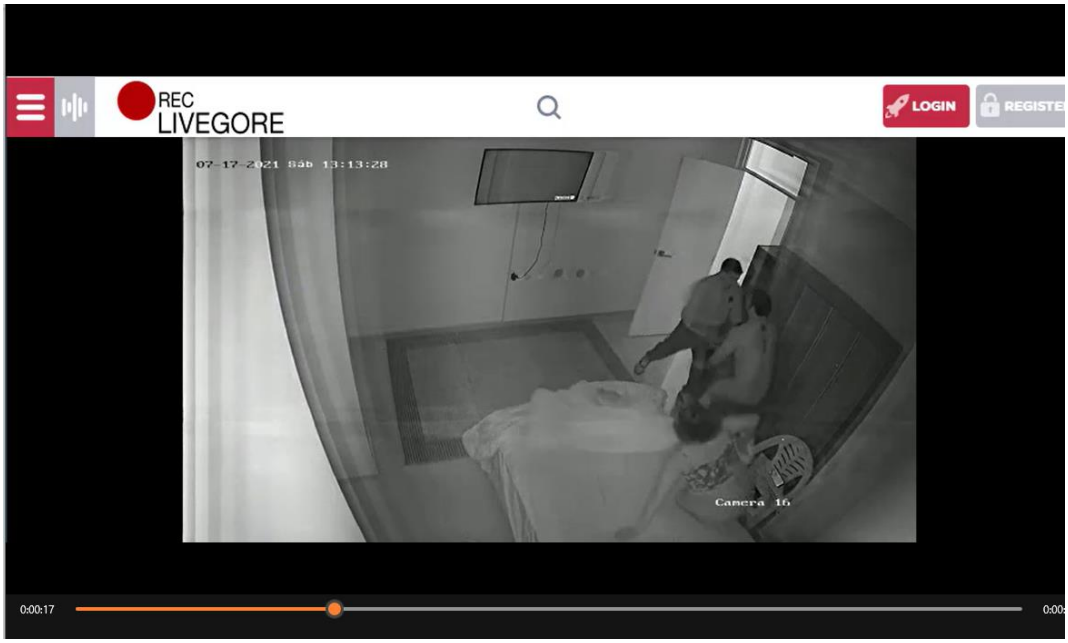
Pursuant to a search warrant authorizing the search of the Respondent's personally owned Apple iPhone 11 cellular phone, the Sheriff's Computer Forensics Detail conducted a forensic search of the device. They located two videos that were consistent with videos described by the students. The videos were located in a subfolder and stored on the device.

Video #1

The first video was titled IMG_2032 with a date stamp of 11/03/2021. The video has markings from being downloaded from Livegore.com. Livegore.com is a reality news website with extremely graphic content of murders, cartel killings, beheadings, torture, etc. Most are from foreign countries, but some are from the United States. **The website is labeled as an 18+ year old website**.



A man in the South American country of Peru suspects his wife is cheating on him with another man and sets up a video camera to capture them in the act. The video is in black and white and shows a male and a female engaged in sexual intercourse. The partially clothed female is on the bed and the naked male is standing behind her. There is no sound associated with the video.



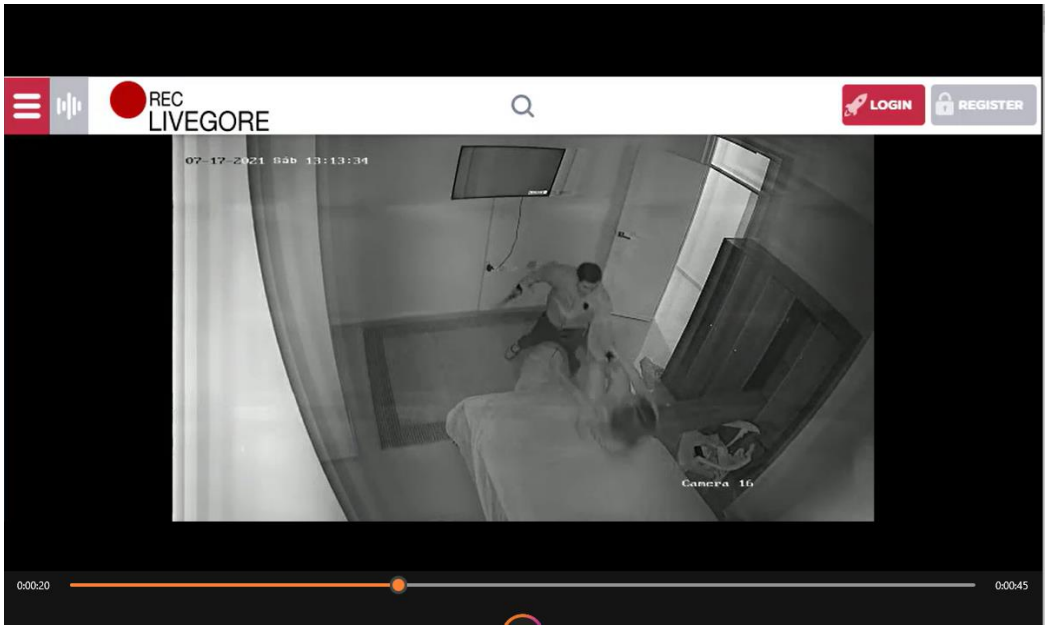
Approximately 16 seconds into the video a second male (the female's husband) abruptly enters the room. The second male subject appears to have a large knife in his right hand and turns towards the first male. The first male turns toward the second male and faces him.



Within one second of entering the room, the second male lunges towards the first male, forcefully thrusting the knife towards him. It appears the second male stabs the first male in the upper torso or chest region with the knife.



The assault continues and the second male appears to stab the first male five or six more times in the upper torso. The female gets off the bed and rushes towards the second male to help fend off the attack.



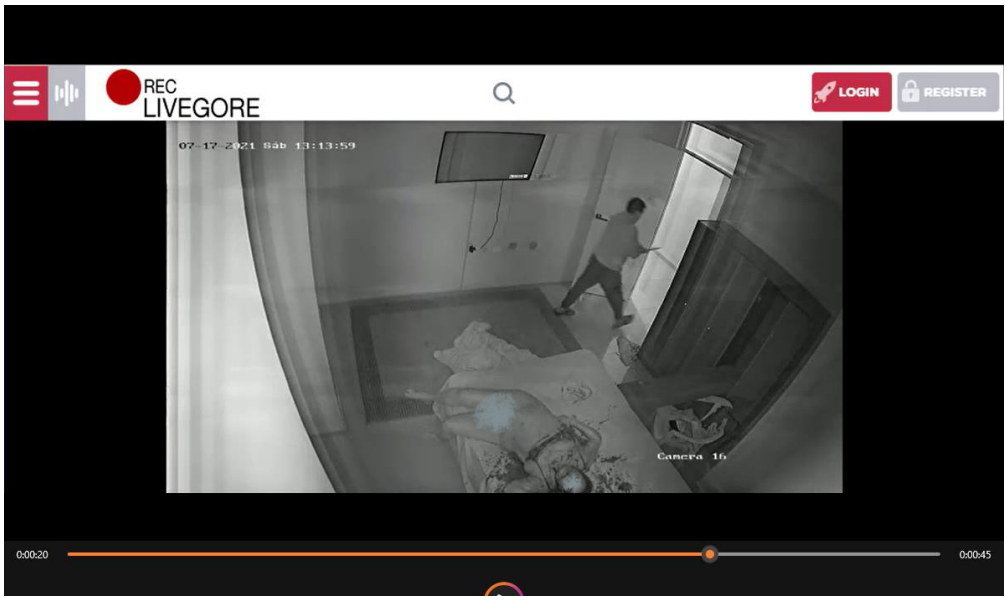
The first male escapes out of the bedroom door and the second male pushes the female. The female falls backwards onto the bed.



The second male climbs onto the end of the bed in kneeling position over the female. The second male has his right arm fully extended over his head with the knife grasped in his right hand. The second male plunges the knife downward into the female's chest.



Over the next several seconds, the second male continues to stab the female in the upper chest and torso numerous times. There is a lot of anger from the second man at the female as he stabs her. The female attempts in vain to fend off the repeated blows of the knife.



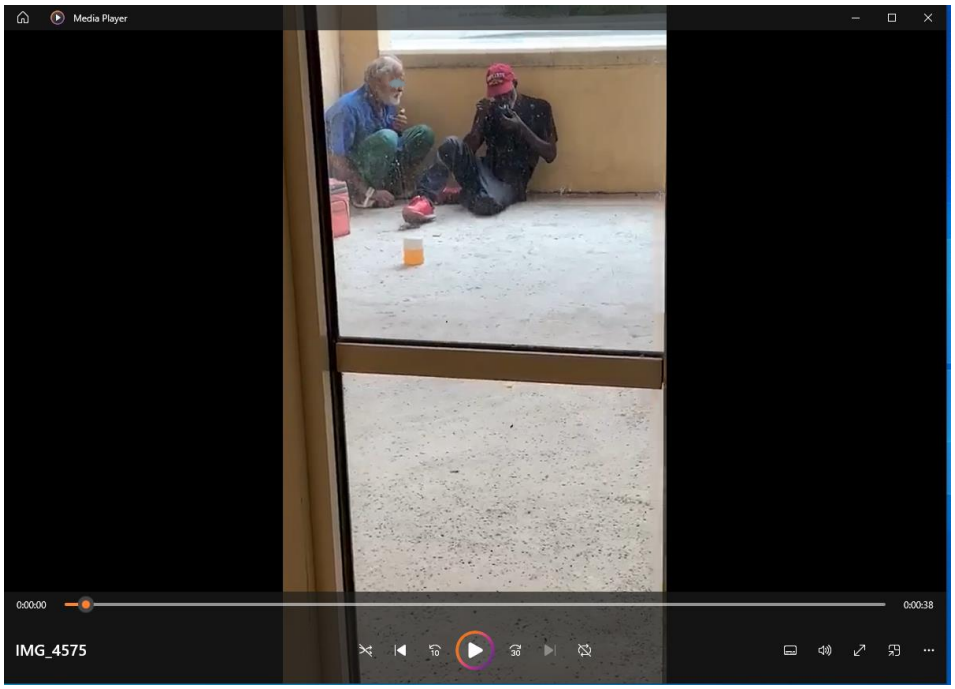
When the second male stops stabbing the female, he exits the room as the female appears to be taking her last breaths of life. The mostly naked female is lying in a supine position on the bed and the bedsheets appear to be doused in blood around her.

Attachment B

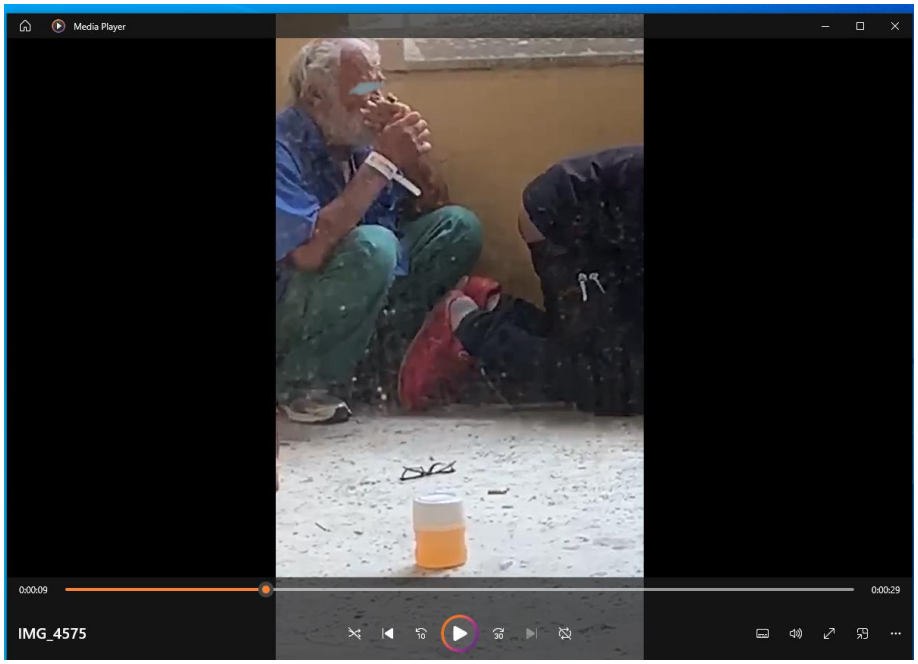
Pursuant to a search warrant authorizing the search of the Respondent's personally owned Apple iPhone 11 cellular phone, the Sheriff's Computer Forensics Detail conducted a forensic search of the device. They located two videos that were consistent with videos described by the students. The videos were located in a subfolder and stored on the device.

Video #2

The second video located in the Respondent's personal cell phone was titled IMG_4575 and date stamped 11/03/2021.



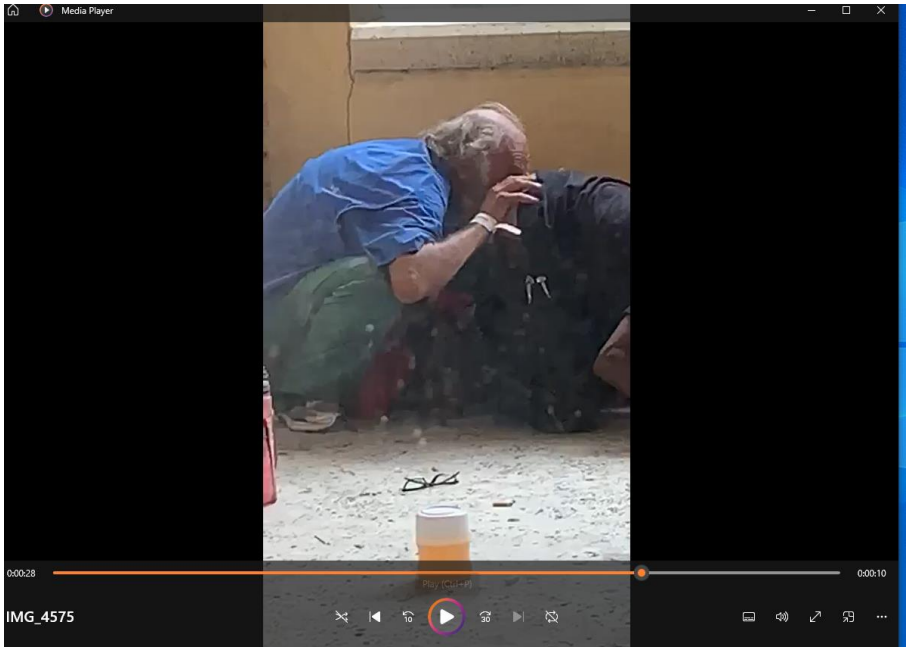
Two male subjects at an unknown location. Male #1 in the blue shirt appears to be holding a green pipe in his left hand and some sort of lighter in his right hand. Male #2 in the black shirt is holding a green pipe up to his lips.



The video shows Male #1 smoking a controlled substance from a glass pipe. Ten seconds into the video, Male #2 appears to be on his hands and knees in front of Male #1 with his buttocks pointed towards Male #1. It appears Male #2's pants are pulled down around his thighs, exposing his bare buttocks.

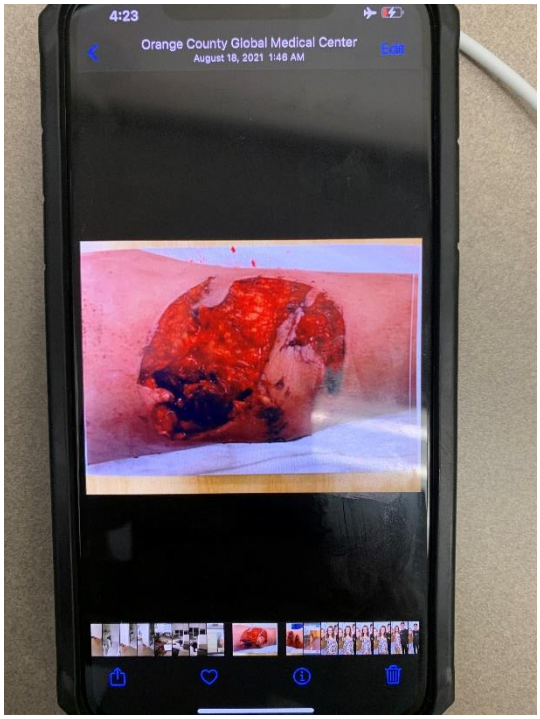


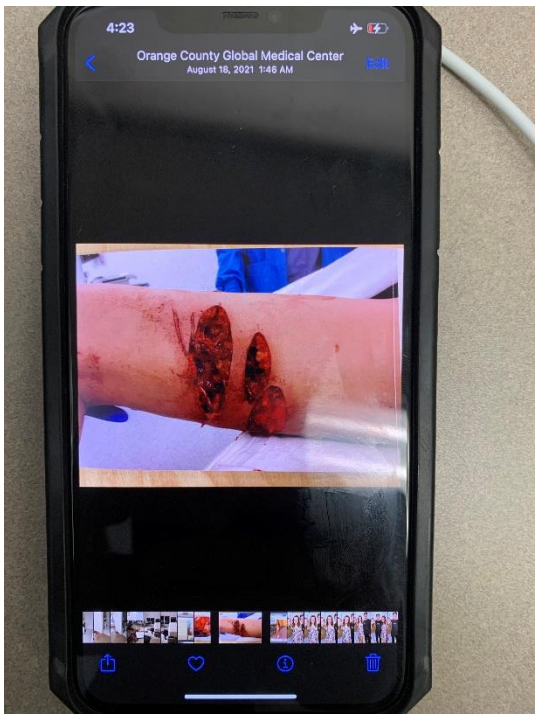
Male #1 is squatted behind Male #2. He is holding a glass pipe with his lips and has his hands cupped around a lighter in front of his face.



Male #1 takes a deep draw of the smoke from the glass pipe and places his face between Male #2's exposed buttocks. The video continues for about 10 seconds and shows Male #1 continue to hold his face down against Male #2's exposed buttocks.

Attachment C





Photos of the Respondent's personal cell phone, which show photos of a female burglary suspect's leg after sustaining a dog bite by an Orange County Sheriff's K9. Investigator Taft was able to conclude by these photos and the photos before and after on the phone are associated with case #DR#21-027803.

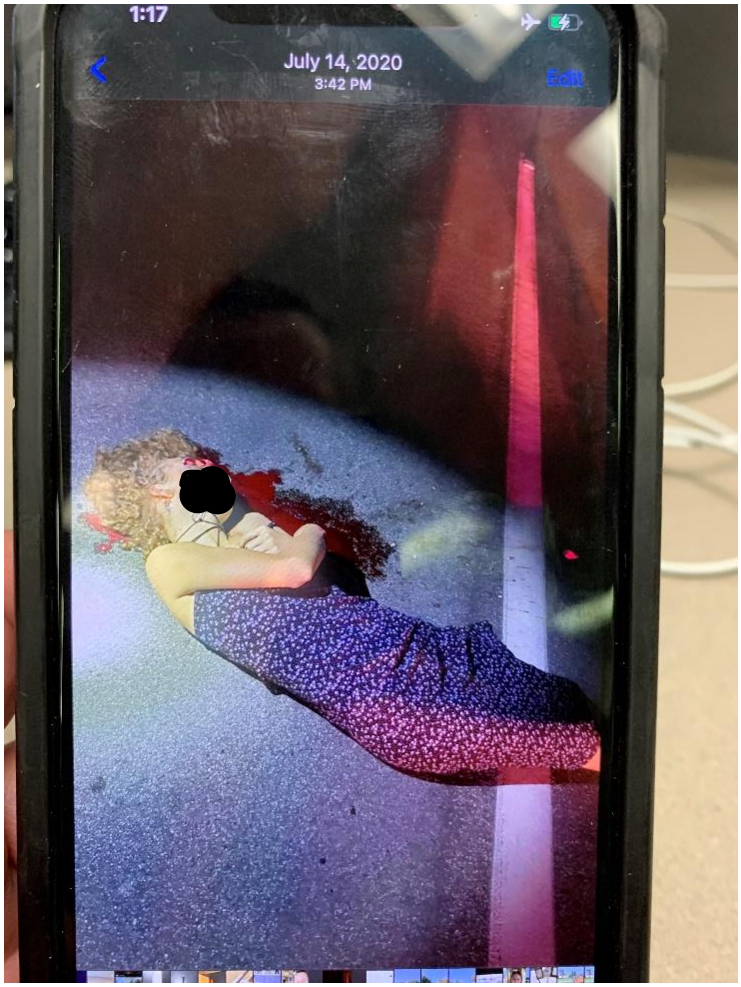
According to the crime report, in the evening of August 17, 2021, the female suspect was involved in a burglary and vandalism of her ex-boyfriend's residence. Deputies formed a perimeter around the residence. K9 warnings were issued multiple times but the female suspect refused to surrender. The Sheriff's K9 located the suspect hiding under a sink in a bathroom. The suspect was apprehended and taken to the Orange County Global Medical Center for treatment for lacerations to the right upper thigh from the dog bite.

The Respondent is not mentioned in the crime report as being on scene for any portion of this event. It is unknown who shared this photo with the Respondent.

Attachment D

Photo of the Respondent's personal cell phone, which shows a photo of a deceased, young female laying in the roadway, in a pool of blood. She appears to have a traumatic head injury and has some gray matter protruding from the front of her head.

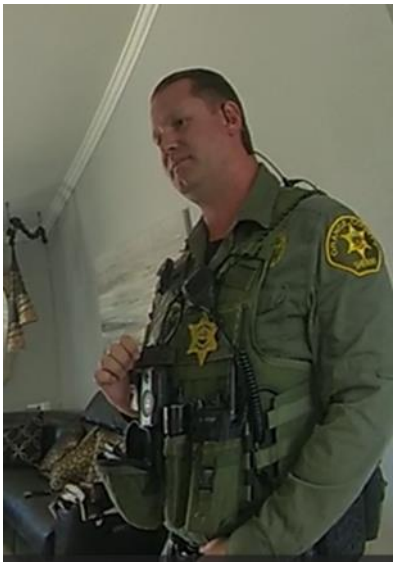
It was determined during the early morning hours on July 14, 2020, Coroner personnel from the Orange County Sheriff's Department responded to a fatal traffic collision near Tustin, CA. The traffic collision investigation was handled by the California Highway Patrol. Coroner Case #20-03529. The decedent was a 19-year-old female.



Attachment E

Photos of the Respondent





AGENDA ITEM REPORT

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

REPORT PROFILE

MEETING DATE 12/14/2023	**BUREAU SUBMITTING THE REPORT** Professional Conduct 2 Bureau	
RESEARCHED BY Robert Bringolf	**REVIEWED BY** Mike Radford	
REPORT DATE 04/24/2023	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED** 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

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: James Kurtz Fillmore

POST ID NUMBER: A37-Q67

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: 23-3691

WRITTEN BY: LEC Robert Bringolf

DATE: 4/24/2023

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d. Peace Officer Certification 2

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I. Executive Summary

James Kurtz Fillmore, hereinafter "Respondent" was alleged to have been involved in serious misconduct, specifically, acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public. On April 30, 2022, Respondent was involved in an off-duty accident related to driving under the influence of alcohol. This accident occurred while Respondent was driving a department-owned, unmarked detective vehicle and resulted in significant property damage. Further, this was Respondent's second DUI arrest while employed as a police officer for the Los Angeles Police Department. Respondent's first arrest for DUI while employed as a peace officer occurred on July 10, 2016 while driving off-duty in Santa Clarita, CA.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Police Officer / Detective with the Los Angeles Police Department.

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

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 alleged serious misconduct Respondent had nearly 20 years on with the Los Angeles Police Department. Respondent worked in the patrol division for around 11 years and was assigned to the Devonshire, North Hollywood, and Foothill districts. Respondent began his detective career in 2014 and was assigned to the West Valley and Devonshire districts. In 2016, Respondent was assigned to the Operations – Valley Bureau Homicide, where he was assigned during his most recent DUI arrest.

Throughout Respondent's career as a Los Angeles Police Officer, He has had the following sustained personnel complaints:

- 16-000570: Alcohol Related / DUI – 10-day suspension.
- 05-5891: Neglect of Duty – Official Reprimand.
- 05-2851: Neglect of Duty – No penalty, Training.

There were no commendations listed in the record provided by the employing agency.

c. Prior Employment History

Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certification

Respondent is assigned POST ID A37-Q67. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic #120395 (02/03/2005)
- Intermediate #87606 (10/25/2006)
- Advanced #84859 (05/10/2010)

e. The Present Allegations of Serious Misconduct

This allegation was forwarded to the California Commission on POST on March 3, 2023 and received via the Mark 43 report management system.

There was no complaint filed with the employing agency, as the allegation of serious misconduct stemmed from an arrest for driving while intoxicated.

The Los Angeles Police Department suspended Respondent for ten days as a result of his first DUI conviction in 2016. There are no known appeals to that imposed discipline. In Respondent's most recent (2022) DUI arrest and subsequent conviction, Respondent was relieved from duty with the Los Angeles Police Department and has a proposed penalty of termination from employment. He is currently scheduled for a Board of Rights regarding his proposed termination.

There are no known appeals for this current case. The criminal case against Respondent was closed and on April 19, 2023 and he received 60 months summary probation, 15 days in Los Angeles County Jail, and a fine of $500.00 or four additional days in jail in lieu of the $500.00 fine. Respondent pled Nolo Contendere of the charge and was convicted of one count of 23152(b)VC – Driving with a blood alcohol content of 0.08% or higher.

As of 03/22/2023, Respondent was relieved from duty at the LAPD. He has a directed Board of Rights pending with an anticipated start date of 04/01/2024.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included a review of The Los Angeles Police Department's administrative investigation which included interviews of the Respondent. I also reviewed the arrest reports and court records from Respondent's 2016 DUI arrest and his 2022 DUI arrest / accident.

Information obtained was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

Second driving under the influence event – May 13, 2022:

On April 30, 2022, at around 1700 hours[1], Respondent was off duty and driving his unmarked city vehicle, a black Nissan Maxima, in the Santa Clarita area of the County of Los Angeles. While driving southbound on Circle J Ranch Road at a high rate of speed, Respondent collided with two, unoccupied, parked vehicles. Respondent had suffered a fractured wrist and was trapped in the vehicle upon the arresting officer's arrival. The Los Angeles County Fire Department responded to the scene and treated Respondent for his injuries. Respondent was transported via AMR ambulance to Henry Mayo hospital where he received medical attention for his injuries.

While at the hospital a Los Angeles County Sheriff's deputy conducted a follow-up investigation during which the deputy determined Respondent had been driving under the influence of alcohol. In the deputy's accident report Respondent provided a blood sample at 1945 hours, resulting in a blood alcohol content of 0.18%. Using the equation provided

[1] 2022 Ticket #AD130471 – Note date and time of violation.

by an expert associated with Respondent's first DUI arrest, he likely had a blood alcohol content of 0.22%[2].

While the investigating deputy was at the hospital, he contacted Respondent who admitted he was the sole occupant and driver of the black Nissan Maxima that had been involved in the traffic collision. Respondent also told the deputy that he had been driving southbound on Circle J Ranch Road at a high rate of speed. Respondent told the deputy he had been drinking alcohol prior to driving. Respondent stated he had been the driver and sole occupant of the vehicle.

The city vehicle was totaled as a result of the accident. It was determined Respondent did not have permission to be driving the city vehicle at the time of the accident, as he was not on-call. Significant damage was also sustained to two parked vehicles that Respondent crashed into[3].

This case closed on April 19, 2023 with a misdemeanor conviction of 23152(B) VC[4].

First driving under the influence event - July 10, 2016:

On July 10, 2016, around 2215 hours[5], Respondent was off duty driving his personal vehicle, a Toyota 4Runner, south on Orchard Village Road at the Intersection of Lyons Avenue, in Santa Clarita. While progressing through the intersection, Respondent failed to stop for a traffic signal, and was stopped by a Los Angeles County Sheriff's deputy who observed the violation.

[2] 2022 IA Page 3 – second paragraph
[3] 2022 Crash Report
[4] 2022 Case transcripts
[5] 2016 Admin Per Se, Page 1

When the deputy approached Respondent's vehicle, he noted the odor of an alcoholic beverage coming from Respondent's person and the vehicle. The deputy also noted an open 25-ounce "Bud Light" beer in the center console of Respondent's vehicle. The deputy inquired as to whether Respondent was armed and Respondent advised his firearm was on his hip. The deputy conducted a DUI investigation, opined Respondent was under the influence of alcohol and arrested and booked Respondent for DUI.

Respondent was reported to have been uncooperative and unprofessional with the arresting deputies. Respondent failed to provide a proper breath sample at the LASD station, despite being given five opportunities to do so. Due to respondent's lack of cooperation, the arresting deputy requested the assistance of a supervisor and the on-duty watch commander, who both explained the administrative process and Respondent's obligation to cooperate. Respondent told the arresting deputy he would only provide a blood sample with a court order, then questioned the arresting deputy's integrity as to the truthfulness of the probable cause statement in the search warrant[6]. Respondent ultimately provided a blood sample after a search warrant was sought and was found to have a blood alcohol content of 0.12% over two-and-a-half hours after he was observed driving. A department expert later provided a formula that would indicate Respondent had a likely blood alcohol content of 0.15% when he was stopped (0.015% rate of elimination per hour x 2.5 hours + 0.12%).

On the floorboard of Respondent's vehicle, the arresting officer also located two empty "Jim Beam" 375 ml bottles, two empty "Jim Beam" 200 ml bottles, and one empty "Jack Daniel's" 50 ml bottle[7].

On September 29, 2016 Respondent pled guilty to one misdemeanor count of 23152(B) VC – Driving with a blood alcohol content of 0.08% or higher. Respondent received three

[6] 2016 Letter of Transmittal – Page 2
[7] 2016 Arrest Report narrative – Page 2, Paragraph 6.

years' summary probation, a suspended driver's license, and a $390.00 fine. On August 29, 2017, Respondent also signed a settlement agreement with the Los Angeles Police Department that indicated he would abstain from the use of all alcoholic beverages for a period of four years, not enter any bars or liquor stores while off duty, not buy any alcohol while off duty, and submit to substance testing up to five times a month[8].

V. Analysis and Findings

a. Does the alleged conduct violate California Regulation 1205(a)(6) – Acts that violate the law?

According to California Regulation 1205(a)(6), serious misconduct is, "Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission."

In a span of approximately 6 years, Respondent was arrested two times for driving under the influence of alcohol with a blood alcohol concentration higher than 0.08%, with both incidents resulting in misdemeanor convictions. In Respondent's first arrest it was determined he had a blood alcohol concentration of 0.12%. The blood test was administered nearly two-and-a-half hours after the arresting deputy observed him driving because of the Respondent's failure to cooperate with the investigation. For the 2016 arrest, Respondent received three years' summary probation and spent at least one night in jail. Administratively, Respondent received a 10-day suspension from duty.

On 8/29/2017, and as a result of his 2016 DUI arrest, Respondent signed a settlement agreement with the LAPD. In the settlement agreement, Respondent agreed not to use alcohol in any form for a period of four years. Respondent was

[8] Agreement Regarding Proposed Discipline

arrested for driving under the influence of alcohol approximately nine months after the term of his settlement agreement.

In 2022, Respondent was involved in a motor vehicle accident while driving an unmarked police vehicle while intoxicated. Respondent received a fractured wrist in the accident, totaled the city-owned vehicle, and caused significant damage to two parked vehicles with which he collided. The investigation revealed Respondent had a blood alcohol concentration of 0.18% (Two hours and forty-five minutes after the accident). With retrograde extrapolation, it was estimated Respondent's blood alcohol concentration would have been around 0.22% around 15 minutes prior to the accident in which he was involved[9].

These incidents did not occur in a vacuum – Respondent has put numerous lives in jeopardy on at least two occasions. His actions have resulted in the destruction of city-owned property as well as private property. Further, Respondent's most recent accident resulted in personal injury to himself. For the above-stated reasons I find Respondent's repeat offenses particularly egregious and inconsistent with his obligation to uphold the law and respect the rights of members of the public.

VI. Supporting Evidence and Documentation

- Attachment A – 2016 DUI Arrest Narrative
- Attachment B – 2022 DUI Arrest Narrative
- Attachment C – 2nd DUI Conviction Records
- Attachment D – 2016 Guilty Plea Transcripts
- Attachment E – 2022 Plea and Sentencing Records
- Attachment F – 2022 IA report, Page 3
- Attachment G – Settlement Agreement from 2016 Case
- Attachment H – 2022 Crash Report

[9] IA Report Page 3

- Attachment I – 2016 Letter of Transmittal, Page 2
- Attachment J – 2022 Ticket
- Attachment K – 2016 Admin Per Se, Page 1

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to Penal Code 13510.8.

ATTACHMENT A

I was stopped in the number two left hand turn lane of Southbound Orchard Village Rd, at Lyons Ave., in a marked patrol car. While waiting for the light to turn green, I observed a vehicle (Toyota 4Runner, [redacted] make a right hand turn onto Westbound Lyons Ave., from Southbound Orchard Village Rd., without stopping for the red light. The vehicle slowed, and made the right hand turn at approximately 15 m.p.h. (violation of 21453(a) VC). I made a right hand turn onto Westbound Lyons Ave., and approached the vehicle. I noticed the rear license plate did not have the current year tab. The registration checked valid as of December 2016, but the rear license plate still had December of 2015 decals (violation of 5204(a)VC). I conducted a traffic stop at the above location to warn/cite the driver of the above violations.

I contacted the driver (later identified as S/1) and explained my reason for the stop. S/1 told me he was just making a right hand turn, and thought he stopped.

While speaking with S/1, I could smell a strong odor of an alcoholic beverage emitting from his breath and person. I noticed his eyes were bloodshot and watery, and his speech was slurred. I asked S/1 if he had anything to drink. S/1 stated no, and then said, a "little bit." I noticed that there was a blue "Bud Light" can (25 ounces) in the center console. S/1 stated he just drank from the Bud Light. I had S/1 exit the vehicle to conduct a driving under the influence investigation.

I asked S/1 the pre-S.F.S.T. questions listed on page one. S/1 stated he did not have any medical problems or injuries. S/1 admitted to drinking half of the Bud Light which was in the center console approximately 15 minutes ago.

I had S/1 perform a series of pre-demonstrated and pre-explained field sobriety tests listed on page two. S/1 showed signs of impairment during the tests.

I asked S/1 if he would consent to a P.A.S. device test in the field. S/1 asked what the purpose of the test was for, and what his options were. I explained to S/1 the reasons why I was requesting he take the test. I also had the field Sergeant, Sgt. Bringas, respond to my location for further explanation and supervision. S/1 admitted to not stopping at the red light, not having current tabs on his vehicle, and having an open container. He stated he will take a ticket for the open the container, but refused to submit to a P.A.S. device test in the field.

Based on the above, I formed the opinion that S/1 was driving a motor vehicle under the influence of alcohol (violation of 23152(a) VC).

S/1 stated he would submit to a breath test at Santa Clarita Station. S/1 provided one sample, but was not breathing properly into the machine for the second sample. After approximately five attempts, S/1 refused to complete the test and stated he was done. I advised S/1 if he could not complete the breath test, he would have to submit to a blood test. S/1 refused.

I read, and digitally recorded, the chemical test refusal admonition to S/1. I advised him that he could not perform the breath, and the only available test was blood. S/1 still refused. The refusal admonition was supervised by Lt. Aguilera and Sgt. Bringas.

After refusing a chemical test after his arrest, I obtained a McNeely Warrant so that a blood sample could be obtained from S/1 to determine the actual alcohol content of his blood. The warrant was approved by Judge John Kralik. See attached.

I transported S/1 to Henry Mayo Hospital for the blood sample. S/1 voluntarily extended his right arm for the blood sample. Nurse Jackson drew the blood sample at approximately 0052 hrs. Prior to the sample, I checked that the seal on the vial was intact and preservative was present. I later booked the blood sample in the Santa Clarita Station evidence locker. Sgt. Bringas was on scene and supervised the blood draw.

I transported S/1 back to Santa Clarita Station where he was booked on the above charge with the approval of the Watch Sergeant, Sgt. Shreves.

S/1's vehicle was left parked at the above location. The 25 ounce Bud Light can in the center console was half full. There were also two empty "Jim Beam" Bourbon 375 ml bottles, and two empty "Jim Beam" 200 ml bottles on the front passenger floor board, and one empty 50 ml bottle of "Jack Daniel's" Whiskey on the rear passenger floorboard.

I uploaded the chemical test refusal admonition, and pictures of the alcohol inside S/1's vehicle, into the digital data shared files under the above file number.

ATTACHMENT B

I responded to Circle J Ranch Road and Clearview Court regarding a traffic collision call for service (Tag 172). The call stated there was a three vehicle traffic collision with one person trapped in one of the vehicles.

My BWC was activated. I did not review my BWC footage prior to writing this report.

I arrived to the location, and I observed a White male adult (later identified as the suspect) trapped inside of a black Nissan [redacted] Los Angeles County Fire Department Engine 73, under the supervision of Captain Tibbetts, medically evaluated the suspect. The suspect was transported to Henry Mayo Hospital.

I conducted my traffic collision investigation at the scene (see the traffic collision report under the same file number). After I had concluded my investigation, I went to Henry Mayo Hospital with the intent of asking the suspect how the traffic collision occurred.

At Henry Mayo Hospital, I contacted the suspect who was in bed #9. He stated he had sustained a fracture to his left wrist. I immediately noticed the suspect's pupils were bloodshot and watery (objective signs and symptoms of a person under the influence of alcohol).

I advised the suspect of his Miranda advisement pursuant to SH-AD-477. The suspect stated he understood his rights, and he continued to speak to me without an attorney present.

I asked the suspect if he was the sole driver of the vehicle. He stated yes.

I advised the suspect I was going to conduct a driving under the influence investigation, based on the traffic collision coupled with the objective signs and symptoms he expressed for being under the influence. He stated he understood.

I began asking him the above listed pre-S.F.S.T. (Standard Field Sobriety Tests) questions. I asked the suspect if he had been driving the black Nissan, and he stated yes. I asked if he had consumed any alcoholic beverages, and he stated he had consumed Tito's Vodka. I asked if he had consumed any drugs today, and he stated no.

Due to the suspect's injuries, we were not able to conduct the Standardized Field Sobriety Tests.

I asked the suspect what caused the traffic collision. He stated it was due to him driving under the influence of alcohol (a violation of 23152(a) CVC) and due to his driving at a high rate of speed (a violation of 22350 CVC).

Based on the suspect stating he had been drinking Tito's Vodka prior to driving, coupled with the objective signs and symptoms of a person under the influence of alcohol, I formed the opinion the suspect was under the influence of alcohol, and he was unable to operate a vehicle upon the roadway with the caution and due regard of a sober person.

The suspect was placed under arrest for driving while under the influence of alcohol (violation of 23152(a) CVC).

I advised the suspect of the chemical test admonition. The suspect selected the blood test. He consented to have his blood drawn at 1938 hours. The suspect's blood was drawn at 1945 hours by [redacted]

With the approval of Sergeant Clark, and due to the fact the suspect was being admitted to the hospital, I cited and released the suspect in the field for driving under the influence of alcohol (a violation of 23152(a) CVC). The suspect was issued a citation (#AD030471) and given a booking number of #6369976.

I booked the suspect's blood (EV-1) as evidence at the Santa Clarita Sheriff's Station.

I served the suspect the "Notice of Order of Suspension" per DS367

ATTACHMENT C

COURTHOUSE ADDRESS:	LOS ANGELES SUPERIOR COURT SANTA CLARITA COURTHOUSE 23747 W. VALENCIA BLVD. SANTA CLARITA, CA 91355-2105	Reserved for Clerk's File Stamp
IN THE MATTER OF: James Kurtz Fillmore		
CLERK'S CERTIFICATION OF REPRODUCED COURT RECORDS: TRANSFERRED FILE		CASE NUMBER: 28C01493-01

I, DAVID W. SLAYTON, Executive Officer/Clerk of Court of the Superior Court of California, County of Los Angeles, certify that the reproduced court records attached hereto are a true and correct copy of the original documents contained in the original file or are of record as reflected in the attached Register of Actions.

Seal of the Superior Court of California, County of Los Angeles

An original seal is stamped herein in black ink.

DAVID W. SLAYTON, Executive Officer/Clerk of Court

Dated: 5/12/23

By: Deputy Clerk

· 5yrs + $500PT + 18 A/P + 15CJ + HAM + MADD + 1 Ost. + Watson

SUPERIOR COURT OF CALIFORNIA	FILED Superior Court of California County of Los Angeles APR 19 2023 David W. Slayton, Executive Officer/Clerk of Court By: L. Hidalgo, Deputy
COUNTY COUNTY OF LOS ANGELES	
PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT James Fillmore	

DUI WITHOUT INJURIES ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code, §§ 23152, 23103(a)/23103.5, 23140, 23154, 14601 et seq., 12500(a))	CASE NUMBER 23C01493	DEPARTMENT 1

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you and admit the truth of the special allegations. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 7**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

NATURE OF THE CHARGES AND SPECIAL ALLEGATIONS (Initial all items with which you are charged.)

I understand that I am charged with a violation of Vehicle Code section(s):

		INITIALS↓
1.	**23152(a)** – Driving under the influence of alcohol	1. J
2.	**23152(b)** – Driving when my blood-alcohol concentration (BAC) was .08 percent or more	2. J
3.	**23152(d)** – Driving a commercial vehicle when my BAC was .04 percent or more	3.
4.	**23152(e)** – Driving a vehicle for hire with a passenger when my BAC was 0.4 percent or more (operative Jul. 1, 2018)	4.
5.	**23152(f)** – Driving under the influence of drugs	5.
6.	**23152(g)** – Driving under the influence of both alcohol and drugs	6.
7.	**23103(a), 23103.5** – Reckless driving involving alcohol or drugs, or both	7.
8.	**23140** – Driving when my BAC was 0.05 percent or more when I was under 21 years old	8.
9.	**23154** – Operating a vehicle while on probation for a DUI when my BAC was 0.01 percent or more.	9.
10.	**Check if applicable** – ☐ **14601(a)** or ☐ **14601.1** or ☐ **14601.2** or ☐ **14601.5** Driving in knowing violation of a driver's license restriction, suspension, or revocation	10.
11.	**Check if applicable** – ☐ **14601.3** (habitual traffic offender) – Accumulating a driving record history in knowing violation of a driver's license suspension or revocation	11.
12.	**Check if applicable** – ☐ **12500(a)** – Driving without a valid driver's license	12.

I understand that the following special allegations have been alleged **(check if applicable):**

13. ☑ Driving a vehicle when my BAC was at .18 percent or above.
☐ Willfully refusing to submit to or complete a peace officer's request for a breath or urine test.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, while a minor under 14 years of age was a passenger in the vehicle. — 13. JF

14. **If applicable** – I understand that I am also charged with the following **other offense(s):** — 14. J

_____
TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

15. **If applicable** – I understand that I am also charged with the following **other conviction(s):**

2/27/16, VC 23152(b) 6SC01398

LIST OFFENSE(S), CASE NUMBER(S), AND DATE(S)

16. **If applicable** – I am also charged with violating the **probation order(s)** in the following case(s):

CASE NUMBER(S) AND DATE(S)

17. I understand the charge(s) and allegation(s) against me, and the possible pleas and defenses.....

15. F
16. /
17. F

CONSTITUTIONAL RIGHTS AND PRIVILEGES

18. **RIGHT TO AN ATTORNEY** – I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself .....
19. **RIGHT TO A JURY TRIAL** – I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt .....
20. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine (see, hear, and question) all witnesses testifying against me.....
21. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and a right not to incriminate myself, and the right to testify on my own behalf during any proceeding. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating myself.....
22. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the court issue subpoenas at no cost to me to compel attendance of witnesses in court and the production of evidence favorable to me. I have the right to testify in court if I waive my privilege against self-incrimination .....

18. F
19. F
20. F
21. F
22. F

RIGHTS ON CHARGES OF OTHER CONVICTION(S), ENHANCEMENT ALLEGATION(S), AND PROBATION VIOLATION(S)

23. **If applicable** – I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for **all** charges against me, including other alleged conviction(s), enhancement allegation(s), or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge .....

23. F

WAIVER OF RIGHTS

Understanding all of the above, for all of the charges and allegations against me, including any other alleged conviction(s) or probation violation(s):

24. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.) .....
25. I give up my right to a jury trial.....
26. I give up my right to confront and cross-examine witnesses .....
27. I give up my right to remain silent and to not incriminate myself .....
28. I give up my right to produce evidence and witnesses on my own behalf.....

24. /
25. F
26. F
27. F
28. F

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST PLEA

29. I understand that if I am not a citizen, a plea of guilty or no contest (*nolo contendere*) could result in my deportation, exclusion from admission to this country, or denial of naturalization.....

29. F

30. I understand that a plea of no contest will have the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony ..... 30.

31. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case ..... 31.

32. I understand that the Department of Motor Vehicles (DMV) will consider any of my other convictions for driving under the influence of alcohol or drugs or their combined influence (DUI) or reckless driving, **even those that are not charged in this proceeding**, and may impose a more severe license suspension or revocation as a result ..... 32.

33. I understand that in addition to the fine, **the court will add a surcharge, assessments, and penalties, and may add fees, which will significantly increase the amount I must pay**. I may also be ordered to make victim restitution, if any, and to pay a restitution fine no less than $150 and up to $1000 (or no less than $300 and up to $10,000 if the offense is a felony), unless the court finds compelling and extraordinary reasons not to do so ..... 33.

34. I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder ..... 34.

I understand that if I am the **registered owner** of the vehicle used in the offense:

35. The court may impound my vehicle at my expense for up to 90 days, unless it is in the interests of justice not to do so. The court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter (Pen. Code, §§ 191.5 or 192.5, subd. (a)), or any combination thereof, in the past 7 years ..... 35.

36. The court or DMV may also require me to install and maintain a functioning, certified ignition interlock device for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license.. 36.

37. If I am convicted of a second or subsequent violation of driving with a suspended or revoked license (Veh. Code, § 14601 et seq.) or driving without a license (Veh. Code, § 12500, subd. (a)), my vehicle may be subject to forfeiture as a nuisance ..... 37.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152)
(cont. on next page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
First offense within 10 years See Nos. **38-52**	The court may order a jail term of 48 hours to 6 months. It will impose a fine of $390 to $1,000 and order me to complete a 3-month or longer alcohol/drug treatment program. If my BAC was .20% or more, or if I refused a breath or urine test upon my arrest, I must complete a 9-month or longer treatment program. The DMV will also impose a 6-month driver's license suspension, or a 10-month license suspension if the 9-month program is required.	96 hours to 6 months in jail, and a $390 to $1,000 fine. The DMV will also impose a 6-month driver's license suspension.
Second offense within 10 years See Nos. **38-52**	A jail term of either: (a) 10 days to 1 year, or (b) 96-hours to 1 year; a $390 to $1,000 fine, and completion of at least an 18-month (or at least a 30-month) alcohol/drug treatment program. The DMV will also impose a 2-year driver's license suspension.	90 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will also impose a 2-year driver's license suspension.
Third offense within 10 years See Nos. **38-52**	120 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program if I have not completed one before. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.	120 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.
Fourth or subsequent offense within 10 years (may be a felony) See Nos. **38-52**	180 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment, (or 180 days to 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152) (cont. from previous page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
Offense with felony prior within 10 years of a felony violation of Veh. Code, §§ 23152 or 23153, or Pen. Code, § 192, subd. (c)(1); or of a felony violation of Pen. Code, § 191.5, sub. (b); or any violation of Pen. Code, §§ 191.5, subd. (a) or 192.5, subd. (a) See Nos. **38-52**	The court may order a jail term of up to 1 year (or, with a waiver (see No. 51), the court may order a jail term of up to 3 years) (see Pen. Code, §§ 19.2, 1203.1, subds. (a), (a)(2)), up to a $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment in state prison (or not more than 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.

SENTENCES FOR RECKLESS DRIVING (SECTIONS 23103(a) AND 23103.5)

Nature of Offense	Minimum and Maximum Sentences		Other Consequences
Reckless driving reduced from driving under the influence	If probation is granted:	A maximum of 90 days in jail, or $1,000 fine, or both, plus attendance at a treatment program.	If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 10 years.
	If probation is not granted:	5 days to 90 days in jail, or $145 to $1,000 fine, or both.	

SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION

Vehicle Code Section	First Offense	Second or Subsequent Offense I have one or more prior convictions in the past 5 years of either sections 14601(a), 14601.1, 14601.2, or 14601.5.
14601(a)	5 days to 6 months in jail, and a fine of $300 to $1,000.	10 days to 1 year in jail, and a fine of $500 to $2,000. 10 days in jail required if probation is imposed.
14601.1	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	5 days to 1 year in jail, and a fine of $500 to $2,000.
14601.2	10 days to 6 months in jail, and a fine of $300 to $1,000. 10 days in jail required if probation is imposed.	30 days to 1 year in jail, and a fine of $500 to $2,000. 30 days in jail required if probation is imposed.
	If I have been designated as a habitual traffic offender within 3 years of this conviction, in addition to the penalties above, I will be sentenced to serve 180 days in jail and to pay a $2,000 fine.	
14601.5	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	10 days to 1 year in jail, and a fine of $500 to $2,000. Note - section 14601.3 also constitutes a prior conviction for this offense.

Vehicle Code Section	First Offense	Second or Subsequent Offense Prior conviction(s) in past 7 years of section 14601.3.
14601.3	30 days in jail, and a fine of $1,000.	180 days in jail, and a fine of $2,000.

SENTENCE FOR DRIVING WITHOUT A VALID DRIVER'S LICENSE (SECTION 12500(a))

Nature of Offense	Maximum Sentence
Driving without a valid driver's license.	A maximum of 6 months in jail, or $1,000 fine, or both.

ENHANCED SENTENCES – EXCESSIVE SPEED (SECTION 23582)

	Sentence Enhancement – Whether or Not Probation is Granted
If I recklessly drove 30 or more miles per hour above the speed limit on a freeway, or 20 or more miles per hour above the speed limit on any other street or highway during the commission of a violation of section 23152 or 23153:	My sentence will be increased by 60 days in jail. If this is my first section 23582 conviction, the court will order me to complete an alcohol/drug program, even if probation is not granted.

ENHANCED SENTENCES – WILLFUL REFUSAL (SECTION 23577)		
Offense	**Sentence Enhancement**	**Driver's License Suspension or Revocation**
First offense within 10 years See Nos. **38-52**	If I am granted probation, the court will order me to serve a mandatory jail term of 48 hours to 6 months.	The DMV will impose a 1-year driver's license suspension.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 96 hours in jail.	The DMV will impose a 2-year driver's license revocation if: (1) I have a prior conviction in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); or (2) the DMV previously suspended or revoked my driver's license in the past 10 years pursuant to Vehicle Code sections 13353 or 13553.2 for an offense that occurred on a separate occasion.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.	The DMV will impose a 3-year driver's license revocation if: (1) I have any combination of two or more prior convictions in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); (2) the DMV previously suspended or revoked my driver's license two or more times pursuant to Vehicle Code sections 13353 or 13353.2 for an offense that occurred on a separate occasion; or (3) any combination of two or more of the above prior convictions or driver's license suspensions or revocations.
Fourth or subsequent offense within 10 years See Nos. **38-52**	My sentence will be increased by 18 days in jail.	

ENHANCED SENTENCES – PASSENGER UNDER 14 YEARS OF AGE (SECTION 23572)	
Offense	**Sentence Enhancement – Whether or Not Probation is Granted**
First offense within 10 years See Nos. **38-52**	My sentence will be increased by 48 continuous hours in jail.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 30 days in jail.
Fourth or subsequent offense within 10 years (misdemeanor only) See Nos. **38-52**	My sentence will be increased by 90 days in jail.

38. I have read and understand the applicable charts on pages 3 through 5 which list the minimum and maximum penalties for the offense(s) with which I am charged. (See No. 39 for the offenses not listed in the charts.)

38.

39. If applicable - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on pages 3 through 5, include the following:

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

39.

ADDITIONAL PENALTIES

40. I understand that the DMV will suspend my driver's license under an administrative procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the court's sentence and that I must obey it ..... 40. JF

41. I understand that the DMV will notify me that I am required to install a functioning, certified ignition interlock device in all vehicles that I own or operate, and it will issue a restricted license if I comply. I understand I must keep the DMV advised of my current mailing address to receive this notice..... 41. JR

42. I understand that the DMV will not restore my driving privilege following a driver's license suspension or revocation unless I provide the DMV with proof of insurance for 3 years ..... 42. JF

43. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me to have my driving privilege reinstated, **even if I am not ordered to attend such a program by the court**. If I have not already surrendered my license, I also understand that I must surrender my license to the court..... 43. JF

44. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a **first** DUI offense or willful refusal to submit to or complete a breath or urine test to determine my BAC which occurred in **any** vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a **second or subsequent** DUI offense or willful refusal to submit to or complete a breath or urine test in any vehicle ..... 44. JF

45. I understand that the DMV will revoke my driver's license for a period of 4 years if I have a prior felony conviction in the past 10 years of: Vehicle Code sections 23152 or 23153; Penal Code sections 191.5, subdivision (b) or 192, subdivision (c)(1); or any conviction within 10 years of Penal Code sections 191.5, subdivision (a) or 192.5, subdivision (a) ..... 45. JF

46. I understand that if I was **under the age of 21** at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the court..... 46. JR

47. I understand that if my BAC was .15 percent or more, or if I refused to submit to a breath or urine test, the court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation..... 47. JF

48. I understand that if I am placed on probation, it is unlawful to drive with a BAC of .01 percent or greater and that the DMV will suspend my license for up to 1 year if I do so. If I violate my probation by driving with a BAC of over 0.04 percent, the court will only grant me a new term of probation if I serve not less than 48 hours in county jail for each of these violations ..... 48. JR

49. I understand that if I am convicted of a **third or subsequent** DUI violation, I will be designated as a habitual traffic offender for 3 years after my conviction, and I may receive an enhanced sentence if I drive in violation of my license revocation. If probation is granted, I may also request to participate in a 30-month treatment program. If the court grants my request, I will be sentenced to the county jail for at least 30 days but not more than 1 year as a condition of probation..... 49. JF

50. **If applicable** – I understand that if I am convicted of a violation of Vehicle Code section 14601.2, or if the charge was for a violation of that section but I am pleading to Vehicle Code section 14601(a), 14601.1, or 14601.5, the court will order me to install a functioning, certified ignition interlock device on any vehicle that I own or operate for up to three years. Installation of this device does not authorize me to drive without a valid driver's license ..... 50. /

51. **If applicable** – I understand that I have a statutory right to not be sentenced to more than one year in county jail as a condition of probation. I give up this statutory right and agree to be sentenced to more than one year in county jail for a period up to and including the maximum time fixed by law .... 51. /

52. **If applicable** – I understand that if I have previously been convicted of a violation of Vehicle Code section 23152 or 23153 that occurred more than 10 years ago, or if I have previously been convicted of a violation of Penal Code section 647, subdivision (f) (public intoxication), I will be ordered to attend and complete an alcohol and drug problem assessment program. If the program assessment recommends additional treatment, the court may order me to enroll, participate in, and complete an 18-month or a 30-month treatment program, even if I am convicted of a first offense .... 52. /

PLEA(S)

53. I hereby freely and voluntarily plead no contest to:
GUILTY OR NO CONTEST

Ct. 2 - VC 23152(b)
LIST CHARGE(S)

53. JC

SPECIAL ALLEGATION ADMISSIONS

If applicable – I admit the truth of the following special allegations:

54. ☑ I drove a vehicle when my BAC was at .18 percent or above.
☐ I willfully refused a peace officer's request to submit to, or willfully failed to complete, a breath or urine test.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, a minor under 14 years of age was a passenger in the vehicle.

54. P

55. **If applicable** – I freely and voluntarily admit the other conviction(s) that I listed on this form, and I understand that this admission will increase the penalties which are imposed on me.....

55. P

56. **If applicable** – I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s).....

56. /

57. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced for a misdemeanor, and the right to a delay of up to 20 days for a felony. I give up this right and agree to be sentenced at this time.....

57. P

58. **If applicable** – I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

_____
TEMPORARY JUDGE'S NAME

58. /

DEFENDANT'S SIGNATURE: _____ **DATE:** 4-19-23

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I stipulate to a factual basis for the plea(s) and admissions(s) based on the police reports, and have explained to the defendant that he or she may enter a plea if he or she feels to do so is in his or her best interests. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

_____ 4/19/23
DEFENDANT'S ATTORNEY'S SIGNATURE DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: ☐Spanish ☐Other (specify): _____

COURT INTERPRETER'S SIGNATURE	TYPE OR PRINT NAME	DATE

COURT'S FINDINGS AND ORDER

The court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s), enhancement allegation(s), and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The court accepts the defendant's plea(s), the defendant's admission of the other conviction(s), enhancement allegation(s), and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

Maria Cortez

☐JUDGE OF THE SUPERIOR COURT

☐TEMPORARY JUDGE OF THE SUPERIOR COURT

4/19/23
DATE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MISDEMEANOR SENTENCING MEMORANDUM - VEHICLE CODE

Defendant: James Fillmore | Case No: 2SC01493-01

Date: 4/19/23 | Dept: 001 | Prosecutor: Jimenez | Defense: A. Lias pvt

Judge: Cavallozzi | Clerk: Hidalgo | Reporter: EM | Interpreter/Language:

As to Count 2 a violation of Vehicle Code § 23152(b) [ ] 23103 per 23103.5 [ ] 14601 [ ] 12500(a) [ ] _____ with 1 admitted priors

Arraignment For Judgment

V Arraignment for judgment and time for sentencing waived. There is no legal cause why judgment should not now be pronounced.

Sentence

1. [ ] Probation is denied. Defendant is to serve _____ days/hours in the Los Angeles County Jail, forthwith, [ ] consecutive [ ] concurrent with _____. Defendant to receive total credit of _____ days/hours (credit _____ days/hours actual plus _____ days GT/WT).
2. [ ] Pay a fine of $ _____ plus all applicable penalty assessments and enhancements.
3. [ ] Pay all fines and assessments as set forth in Paragraph 20 below.
4. [ ] Execution of the foregoing sentence is suspended, on the following terms and conditions.

Conditional Sentence (PC §1203b)/Order of Probation (PC §1203a)

V Imposition of sentence is suspended (ISS) [ ] With supervision by county probation officer (formal probation)
For a period of 60 months upon the following terms and conditions:

1. V Serve 15 days/hours in the Los Angeles County jail, [ ] consecutive [ ] concurrent with _____. Defendant to receive credit of _____ days/hours actual plus _____ days/hours GT/WT. [ ] Time may be served in any penal institution. [ ] Time may be served on consecutive weekends of two days each, beginning _____ (772). [ ] Time may be served in any city jail having actual confinement, at defendant's expense. (021). [ ] Defendant may not participate in Sheriff's home detention/EHM per PC 1203.016(e). (771) [ ] Work furlough / early release not allowed. Last _____ days of jail time to be served in: [ ] Antelope Valley Rehabilitation Center [ ] _____ Program. (002). Defendant to be released only to an authorized representative of that program and is to comply with all program terms and conditions. (013). If defendant leaves or is discharged from the program prior to completion, defendant is to report to court on the next court day. (013). [ ] Defendant ordered to install a SCRAM Alcohol Detection Device for _____ days.

NC CT II

2. V Pay a fine of $ 500 plus penalty assessments or in default thereof serve 4 additional days in County jail, consecutive or perform _____ days of Community Labor or perform _____ days/hours of approved Community Service, with credit for _____ days actual or $ _____ toward fine for jail time already served. [ ] Fine may be paid in monthly installments of $ _____ (124). [ ] Defendant to report to Financial Evaluator to work out a payment plan. [ ] Defendant elects jail in lieu of fine, forthwith, consecutive to all other time, credit _____ days actual plus _____ days GT/WT.
3. [ ] Perform _____ days of work for Community Labor/ _____ or perform _____ days/hours of approved Community Service, with credit for _____ days actual. Sign up for all work or Community Service only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. **This work or Community Service is in addition to that done in lieu of fine.**
4. V Make restitution to victim [redacted] per PC §1202.4(f). (048) V in an amount to be determined at a hearing. (067) [ ] Harvey waiver taken. [ ] in the stipulated sum of $ [redacted] 048) [ ] per any final civil judgment against you. (100) V Liability is admitted but amount is disputed.
5. V Enroll within 21 days (or within 21 days from your release from custody) and successfully complete an approved: Defendant's BAC 18 %. [ ] Refusal [ ] 12 hour (SB 1176) [ ] 3 mo. (AB541)(327) [ ] 6 mo. (AB 762) [ ] 9 mo. (AB1353) V 18 mo. (SB38)(328) [ ] 30 mo. alcohol education program. The DMV will not restore your driving privilege until you successfully complete a licensed alcohol education program. [ ] Obtain program details from Clerk or Health Officer.
6. [ ] Attend _____ Alcoholics Anonymous/Narcotics Anonymous meetings at the rate of _____ times per week. IN ADDITION to those required as part of the alcohol education program. (246)
7. V Do not drive any vehicle with any measurable amount of alcohol or drugs in your blood, or refuse to take and complete any blood alcohol/drug chemical test, any field sobriety test or any preliminary alcohol screening test when requested by any peace officer. (711)
8. V Do not drive a motor vehicle without a valid driver's license in your possession, or without liability insurance in at least the minimum amounts required by law. (374)
9. [ ] Abstain from the use of all alcoholic beverages and stay out of all places where they are a chief item of sale. (308) V Watson advisement given. (710)
10. V Enroll in and complete the V Hospital and Morgue ("HAM") Program. (471) V MADD Victim Impact Program (472) [ ] _____
11. [ ] The court finds that defendant presents a traffic safety or public safety risk and, per VC §13352.4(d), disallows issuance by DMV of a restricted license. (249)
12. [ ] **Your driver's license is hereby ordered [ ] suspended [ ] revoked** for a period of _____ months _____ years. [ ] **"M" service given in open court.** (283) You may not drive a motor vehicle unless and until your driving privilege is restored. [ ] Defendant under age 21 at time of offense.
13. [ ] You are hereby declared to be a Habitual Traffic Offender for a period of _____ years. (263)
14. [ ] Comply with the "Supplemental Terms of Probation – Ignition Interlock Device" regarding installation of an ignition interlock. (248) [ ] as ordered by the DMV.
15. [ ] Do not own, use possess, buy or sell any controlled substances, or associated paraphernalia, except with valid prescription, and stay away from places where users, buyers or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, except in an authorized drug counseling program. (926)
16. [ ] Submit your person and property to search and seizure at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause or reasonable suspicion. (576)
17. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered impounded for _____ days per Vehicle Code § 23594(a). (703)
18. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered confiscated and sold per Vehicle Code § 23596(a).
19. [ ] If you are deported from or otherwise leave the United States, notify the Court [and Probation] in writing of your address and telephone number outside the United States within 72 hours of deportation or departure. Continue to pay all of your financial obligations to the Court [and to Probation] while outside the United States. (474)
20. V **Pay all of the following (check all that apply):**

V A restitution fine of $ 150 per PC §1202.4(b) through (e). (038)	[ ] An administrative screening fee of $25 per PC 1463.07 GC §29550(f) (released OR.)
V A court security fee of $40.00 per PC §1465.8(a)(1) (per count) (SA CA)	[ ] A citation processing fee of $10.00 per PC §1463.07 and GC §29550(d) (if cited and released in field or at jail facility.)
V A criminal conviction/facilities assessment of $30.00 per Govt Code §70373(a). (SA CC)	[ ] An alcohol abuse education and prevention penalty assessment of $ _____ ($50 max.) per VC §23649.
A probation revocation restitution fine in the same amount as the restitution fine, per PC §1202.44, payment is stayed until probation is revoked and sentence imposed.	[ ] An alcohol and drug problem program assessment of $ _____ ($100.00 max.) per VC §23649.
[ ] A criminal fine surcharge of $ _____ per Penal Code §1465.7 (20% of base fine). (SA AB)	[ ] A drug program fee of $150.00 (per drug count except §11357(b) per H&S §11372.7(a).
[ ] A criminal justice administration fee of $ _____ payable to the local arresting agency, per Govt Code §§ 29550(c), 29550.1 or 29550.2 (agency's actual cost)	[ ] A crime lab fee of $50.00 plus penalty assessment per H&S Code §11372.5. (184)
[ ] Cost of probation services per PC 1203.1b, [ ] as determined by the Probation Officer, subject to a hearing if requested [ ] in the amount of $ _____ per month.	[ ]

21. [ ]

22. V Obey all laws and orders of the Court (541) [ ] and rules and regulations of the Probation Department. (542)
V Defendant acknowledges that he/she understands and accepts the terms and conditions of probation. (813)
[ ] Defendant ordered to pay attorney fees [ ] in the amount of $ _____ [ ] in the amount determined by the Financial Evaluator.
V Counts/allegations 5 Mtrg. are dismissed/stricken on the People's motion pursuant to Penal Code Section 1385 as to this defendant.

Compliance Dates: Defendant is ordered to appear in person on each of the following compliance dates. (683)

Surrender for jail: [ ] Cruz waiver taken.		Restitution Hearing in Dept _____ at 8:30 a.m.	
Pay fine/fees in full by: [ ] installments allowed	10/19/23	POE/Proof of Completion of Alcohol Program	10/19/23
Complete jail work/hrs by:		Other:	

I understand, accept and will comply with the foregoing conditional sentence and compliance dates and will return to Court as ordered.

Defendant's Signature: | Attorney's Signature Joining:

Defendant's Address:

Defendant's Telephone:

Maria Cavallozzi 89

Judge/Commissioner of the Superior Court

DISTRIBUTION: Pink - Court Copy White - Defendant Copy

ATTACHMENT D

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NV-002 HON. JEFFREY HARKAVY, COMMISSIONER

-OOO-

PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF, VS. JAMES KURTZ FILLMORE, DEFENDANT(S).	NO. 6SC01398

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SEPTEMBER 29, 2016

APPEARANCES:

FOR THE PLAINTIFF: OFFICE OF THE DISTRICT ATTORNEY
BY: LESLIE HINSHAW, DEPUTY

FOR THE DEFENDANT: IRA SALZMAN, ATTORNEY AT LAW

LAURA R. GONZALEZ, CSR NO. 8918
OFFICIAL REPORTER

CASE NUMBER: 6SC01398
CASE NAME: PEOPLE VS. JAMES KURTZ FILLMORE
SANTA CLARITA, CALIFORNIA THURSDAY, SEPTEMBER 29, 2016
DEPARTMENT NV-002 HON. JEFFREY HARKAVY, COMMISSIONER
REPORTER: LAURA R. GONZALEZ, CSR NO. 8918
TIME: A.M. SESSION
APPEARANCES:

DEFENDANT FILLMORE, PRESENT WITH COUNSEL, IRA SALZMAN, ATTORNEY AT LAW; THE PEOPLE BEING REPRESENTED BY LESLIE HINSHAW, DEPUTY DISTRICT ATTORNEY, REPRESENTING THE PEOPLE OF THE STATE OF CALIFORNIA.

THE COURT: JAMES FILLMORE.

MR. SALZMAN: IRA SALZMAN FOR MR. FILLMORE.

THERE WILL BE A PLEA TO COUNT 2 AND THEN THE DISPOSITION IS -- AGREED-UPON DISPOSITION -- MY COLLEAGUE IS READING MR. JACOB'S HANDWRITING.

MS. HINSHAW: THREE YEARS PROBATION, SIX-MONTH ALCOHOL PROGRAM, $390 PLUS PENALTY ASSESSMENT, FIVE DAYS COMMUNITY SERVICE, CREDIT TWO DAYS.

I'M GUESSING THAT WOULD BE HIS OVERNIGHT STAY?

MR. SALZMAN: YOUR GUESS IS CORRECT.

MS. HINSHAW: OBVIOUSLY, THE IID, PER DIEM FEE AND WATSON ADVISEMENT.

MR. SALZMAN: THAT IS THE DISPOSITION.

THE COURT: THANK YOU.

NOW, THERE IS A REFUSAL ALLEGED. WAS HE GOING TO BE ADMITTING THE REFUSAL?

MR. SALZMAN: IT'S STRICKEN.

THE COURT: I ALSO HAVE A NOTE IN MY FILE, "BLOOD TEST: .12."

MR. SALZMAN: THERE WAS -- THAT IS WHY THE PEOPLE'S REQUEST TO AGREE IT WAS NOT A REFUSAL, IT WAS A 1-2.

THE COURT: THE ALLEGED REFUSAL AS TO MR. FILLMORE IS STRICKEN ON PEOPLE'S MOTION.

MR. FILLMORE, YOU ARE CHARGED WITH ON OR BEFORE FEBRUARY 27 OF THIS YEAR, DRIVING WHILE YOUR BLOOD ALCOHOL LEVEL WAS .08 OR HIGHER, A MISDEMEANOR.

DO YOU UNDERSTAND THE CHARGE?

THE DEFENDANT: I DO.

THE COURT: THE COURT HAS, I'M SHOWING TO YOU NOW, THIS YELLOW WAIVER OF RIGHTS FORM.

DID YOU READ THE FORM CAREFULLY AND UNDERSTAND EVERYTHING THAT YOU READ?

THE DEFENDANT: I DID.

THE COURT: DID YOU INITIAL THE BOXES ON THE FORM AND SIGN IT?

THE DEFENDANT: YES.

THE COURT: DO YOU UNDERSTAND THAT BY DOING SO YOU'RE GIVING UP EACH OF THE RIGHTS ON THE FORM?

THE DEFENDANT: I UNDERSTAND, YES, SIR.

THE COURT: DO YOU HAVE ANY QUESTIONS AT ALL ABOUT YOUR RIGHTS OR CONSEQUENCES OF YOUR PLEA?

THE DEFENDANT: NO.

THE COURT: TO THE CHARGE, HOW DO YOU PLEAD?

THE DEFENDANT: GUILTY.

MR. SALZMAN: DID WE CHANGE THE "NO CONTEST" --

THE COURT: YES. IT READS GUILTY ON THE WAIVER OF RIGHTS FORM.

MR. SALZMAN: -- FROM "GUILTY"?

THE COURT: THAT'S WHAT HE WANTS TO DO? I CAN CHANGE IT.

COUNSEL JOIN IN THE WAIVER, CONCUR IN THE PLEA AND STIPULATE TO A FACTUAL BASIS?

MR. SALZMAN: ALL OF THAT, YES, YOUR HONOR.

THE COURT: COURT MAKES AND SIGNS THE FINDINGS ON THE WAIVER FORM.

PLEAS ARE ACCEPTED AND YOU ARE FOUNDED GUILTY UPON YOUR PLEA.

IMPOSITION OF SENTENCE IS SUSPENDED. YOU'RE PLACED ON PROBATION FOR THREE YEARS ON THE FOLLOWING TERMS AND CONDITIONS:

THAT YOU SERVE TWO DAYS COUNTY JAIL, CREDIT TWO DAYS TIME SERVED;

THAT YOU PAY A FINE OF $390 PLUS PENALTIES AND ASSESSMENTS;

THAT YOU PERFORM 30 HOURS OF COMMUNITY SERVICE.

WITHIN 21 DAYS YOU MUST ENROLL IN AND COMPLETE A SIX-MONTH ALCOHOL PROGRAM AND SHOW PROOF OF COMPLETION IN COURT.

DO NOT DRIVE UNLESS YOU HAVE BOTH A VALID LICENSE AND PROOF OF INSURANCE IN YOUR POSSESSION.

DO NOT DRIVE WITH ANY MEASURABLE AMOUNT OF

ALCOHOL OR DRUGS IN YOUR BLOOD NOR REFUSE TO COMPLETE A BLOOD ALCOHOL LEVEL/DRUG CHEMICAL TEST AND FIELD SOBRIETY TEST IF REQUESTED BY ANY PEACE OFFICER.

I AM FORMALLY ADVISING YOU: YOUR PRIVILEGE TO DRIVE HAS BEEN SUSPENDED BY DMV. YOU CANNOT DRIVE FOR ANY REASON AT ALL UNTIL YOU HAVE A VALID LICENSE AND INSURANCE, AND EVEN IF YOU OBTAIN A VALID OR RESTRICTED LICENSE, YOU STILL CANNOT DRIVE ANY VEHICLE UNLESS IT'S EQUIPPED WITH AN IGNITION INTERLOCK DEVICE AS REQUIRED BY DMV.

I AM FORMALLY ADVISING YOU THAT WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR A COMBINATION OF THE TWO IMPAIRS YOUR ABILITY TO SAFELY OPERATE A MOTOR VEHICLE. THEREFORE, IT IS EXTREMELY DANGEROUS TO DRIVE WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY COMBINATION OF THE TWO.

IF YOU CONTINUE TO DRIVE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR ANY COMBINATION OF THE TWO AND AS A RESULT OF THAT DRIVING SOMEONE IS KILLED, YOU CAN NOW BE CHARGED WITH MURDER.

OBEY ALL LAWS, RULES, ORDERS OF THE COURT.

PAY ALL MANDATORY COURT FEES.

EVERYTHING IS DUE IN THE CLERK'S OFFICE ON OR BEFORE JUNE 29 OF NEXT YEAR.

DO YOU UNDERSTAND AND ACCEPT THE TERMS AND CONDITIONS OF YOUR PROBATION?

THE DEFENDANT: I DO.

THE COURT: DO YOU HAVE ANY QUESTIONS AT ALL?

THE DEFENDANT: NO.

THE COURT: REMAINING COUNTS DISMISSED ON PEOPLE'S MOTION.

MR. SALZMAN: IF HE WISHES TO PAY THE FINE BEFORE THAT HE CAN DO SO?

THE COURT: HE CAN GO TO THE CLERK'S OFFICE ON ANY OF THESE ON OR BEFORE THAT DATE.

(THE PROCEEDINGS WERE CONCLUDED.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

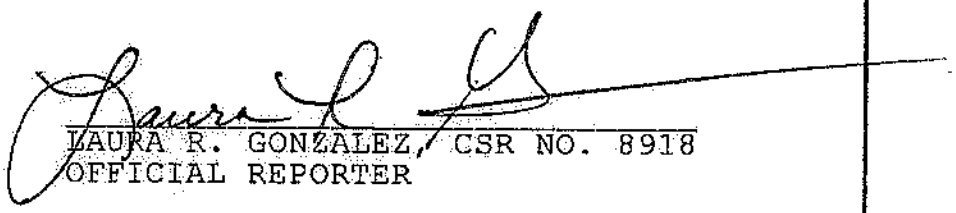
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NV-002 HON. JEFFREY HARKAVY, COMMISSIONER

THE PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF, VS. JAMES KURTZ FILLMORE, DEFENDANT(S).	NO. 6SC01398 REPORTER'S CERTIFICATE

I, LAURA R. GONZALEZ, CSR NO. 8918, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, 1 THROUGH 6, INCLUSIVE, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT TO THE BEST OF MY ABILITY OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON SEPTEMBER 29, 2016.

DATED THIS 19TH DAY OF JULY, 2023.



LAURA R. GONZALEZ, CSR NO. 8918
OFFICIAL REPORTER

ATTACHMENT E

COURTHOUSE ADDRESS:	LOS ANGELES SUPERIOR COURT SANTA CLARITA COURTHOUSE 23747 W. VALENCIA BLVD. SANTA CLARITA, CA 91355-2105	*Reserved for Clerk's File Stamp*
IN THE MATTER OF: James Kurtz Fillmore		
CLERK'S CERTIFICATION OF REPRODUCED COURT RECORDS: **TRANSFERRED FILE**		CASE NUMBER: BC01493-01

I, DAVID W. SLAYTON, Executive Officer/Clerk of Court of the Superior Court of California, County of Los Angeles, certify that the reproduced court records attached hereto are a true and correct copy of the original documents contained in the original file or are of record as reflected in the attached Register of Actions.

Seal of the Superior Court of California, County of Los Angeles

An original seal is stamped herein in black ink.

DAVID W. SLAYTON, Executive Officer/Clerk of Court

Dated: 5/12/23

By: Deputy Clerk

·5yrs + $500FF + 18 A/P + 15CJ + HAM + MADD + 1Qst. + Watson

SUPERIOR COURT OF CALIFORNIA	FILED Superior Court of California County of Los Angeles
COUNTY: COUNTY OF LOS ANGELES	APR 19 2023
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA	David W. Slayton, Executive Officer/Clerk of Court By: L. Hidalgo, Deputy
DEFENDANT: James Fillmore	

DUI WITHOUT INJURIES ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code, §§ 23152, 23103(a)/23103.5, 23140, 23154, 14601 et seq., 12500(a))

CASE NUMBER	DEPARTMENT
23C01493	1

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you and admit the truth of the special allegations. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 7**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

NATURE OF THE CHARGES AND SPECIAL ALLEGATIONS (Initial all items with which you are charged.)

I understand that I am charged with a violation of Vehicle Code section(s):

		INITIALS
1.	**23152(a)** – Driving under the influence of alcohol	1. J
2.	**23152(b)** – Driving when my blood-alcohol concentration (BAC) was .08 percent or more	2.
3.	**23152(d)** – Driving a commercial vehicle when my BAC was .04 percent or more	3.
4.	**23152(e)** – Driving a vehicle for hire with a passenger when my BAC was 0.4 percent or more (operative Jul. 1, 2018)	4.
5.	**23152(f)** – Driving under the influence of drugs	5.
6.	**23152(g)** – Driving under the influence of both alcohol and drugs	6.
7.	**23103(a), 23103.5** – Reckless driving involving alcohol or drugs, or both	7.
8.	**23140** – Driving when my BAC was 0.05 percent or more when I was under 21 years old	8.
9.	**23154** – Operating a vehicle while on probation for a DUI when my BAC was 0.01 percent or more.	9.
10.	**Check if applicable** – ☐ **14601(a)** or ☐ **14601.1** or ☐ **14601.2** or ☐ **14601.5** Driving in knowing violation of a driver's license restriction, suspension, or revocation	10.
11.	**Check if applicable** – ☐ **14601.3** (habitual traffic offender) – Accumulating a driving record history in knowing violation of a driver's license suspension or revocation	11.
12.	**Check if applicable** – ☐ **12500(a)** – Driving without a valid driver's license	12.

I understand that the following special allegations have been alleged **(check if applicable):**

13. ☑ Driving a vehicle when my BAC was at .18 percent or above.
☐ Willfully refusing to submit to or complete a peace officer's request for a breath or urine test.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, while a minor under 14 years of age was a passenger in the vehicle. — INITIALS 13.

14. **If applicable** – I understand that I am also charged with the following **other offense(s):** — INITIALS 14.

_____
TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

15. **If applicable** – I understand that I am also charged with the following **other conviction(s):**

2/27/16, VC 23152(b) 6SC01398

LIST OFFENSE(S), CASE NUMBER(S), AND DATE(S)

16. **If applicable** – I am also charged with violating the **probation order(s)** in the following case(s):

CASE NUMBER(S) AND DATE(S)

17. I understand the charge(s) and allegation(s) against me, and the possible pleas and defenses.....

15. F
16. /
17. F

CONSTITUTIONAL RIGHTS AND PRIVILEGES

18. **RIGHT TO AN ATTORNEY** – I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.....
19. **RIGHT TO A JURY TRIAL** – I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt.....
20. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine (see, hear, and question) all witnesses testifying against me.....
21. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and a right not to incriminate myself, and the right to testify on my own behalf during any proceeding. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating myself.....
22. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the court issue subpoenas at no cost to me to compel attendance of witnesses in court and the production of evidence favorable to me. I have the right to testify in court if I waive my privilege against self-incrimination.....

18. F
19. F
20. F
21. F
22. F

RIGHTS ON CHARGES OF OTHER CONVICTION(S), ENHANCEMENT ALLEGATION(S), AND PROBATION VIOLATION(S)

23. **If applicable** – I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for **all** charges against me, including other alleged conviction(s), enhancement allegation(s), or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge.....

23. F

WAIVER OF RIGHTS

Understanding all of the above, for all of the charges and allegations against me, including any other alleged conviction(s) or probation violation(s):

24. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.).....
25. I give up my right to a jury trial.....
26. I give up my right to confront and cross-examine witnesses.....
27. I give up my right to remain silent and to not incriminate myself.....
28. I give up my right to produce evidence and witnesses on my own behalf.....

24. /
25. F
26. F
27. F
28. F

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST PLEA

29. I understand that if I am not a citizen, a plea of guilty or no contest (*nolo contendere*) could result in my deportation, exclusion from admission to this country, or denial of naturalization.....

29. F

30. I understand that a plea of no contest will have the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony ..... 30.

31. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case ..... 31.

32. I understand that the Department of Motor Vehicles (DMV) will consider any of my other convictions for driving under the influence of alcohol or drugs or their combined influence (DUI) or reckless driving, **even those that are not charged in this proceeding**, and may impose a more severe license suspension or revocation as a result ..... 32.

33. I understand that in addition to the fine, **the court will add a surcharge, assessments, and penalties, and may add fees, which will significantly increase the amount I must pay**. I may also be ordered to make victim restitution, if any, and to pay a restitution fine no less than $150 and up to $1000 (or no less than $300 and up to $10,000 if the offense is a felony), unless the court finds compelling and extraordinary reasons not to do so ..... 33.

34. I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder ..... 34.

I understand that if I am the **registered owner** of the vehicle used in the offense:

35. The court may impound my vehicle at my expense for up to 90 days, unless it is in the interests of justice not to do so. The court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter (Pen. Code, §§ 191.5 or 192.5, subd. (a)), or any combination thereof, in the past 7 years ..... 35.

36. The court or DMV may also require me to install and maintain a functioning, certified ignition interlock device for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license.. 36.

37. If I am convicted of a second or subsequent violation of driving with a suspended or revoked license (Veh. Code, § 14601 et seq.) or driving without a license (Veh. Code, § 12500, subd. (a)), my vehicle may be subject to forfeiture as a nuisance ..... 37.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152)
(cont. on next page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
First offense within 10 years See Nos. **38-52**	The court may order a jail term of 48 hours to 6 months. It will impose a fine of $390 to $1,000 and order me to complete a 3-month or longer alcohol/drug treatment program. If my BAC was .20% or more, or if I refused a breath or urine test upon my arrest, I must complete a 9-month or longer treatment program. The DMV will also impose a 6-month driver's license suspension, or a 10-month license suspension if the 9-month program is required.	96 hours to 6 months in jail, and a $390 to $1,000 fine. The DMV will also impose a 6-month driver's license suspension.
Second offense within 10 years See Nos. **38-52**	A jail term of either: (a) 10 days to 1 year, or (b) 96-hours to 1 year; a $390 to $1,000 fine, and completion of at least an 18-month (or at least a 30-month) alcohol/drug treatment program. The DMV will also impose a 2-year driver's license suspension.	90 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will also impose a 2-year driver's license suspension.
Third offense within 10 years See Nos. **38-52**	120 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program if I have not completed one before. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.	120 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.
Fourth or subsequent offense within 10 years (may be a felony) See Nos. **38-52**	180 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment, (or 180 days to 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152) (cont. from previous page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
Offense with felony prior within 10 years of a felony violation of Veh. Code, §§ 23152 or 23153, or Pen. Code, § 192, subd. (c)(1); or of a felony violation of Pen. Code, § 191.5, sub. (b); or any violation of Pen. Code, §§ 191.5, subd. (a) or 192.5, subd. (a) See Nos. **38-52**	The court may order a jail term of up to 1 year (or, with a waiver (see No. 51), the court may order a jail term of up to 3 years) (see Pen. Code, §§ 19.2, 1203.1, subds. (a), (a)(2)), up to a $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment in state prison (or not more than 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.

SENTENCES FOR RECKLESS DRIVING (SECTIONS 23103(a) AND 23103.5)

Nature of Offense	Minimum and Maximum Sentences		Other Consequences
Reckless driving reduced from driving under the influence	If probation is granted:	A maximum of 90 days in jail, or $1,000 fine, or both, plus attendance at a treatment program.	If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 10 years.
	If probation is not granted:	5 days to 90 days in jail, or $145 to $1,000 fine, or both.	

SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION

Vehicle Code Section	First Offense	Second or Subsequent Offense I have one or more prior convictions in the past 5 years of either sections 14601(a), 14601.1, 14601.2, or 14601.5.
14601(a)	5 days to 6 months in jail, and a fine of $300 to $1,000.	10 days to 1 year in jail, and a fine of $500 to $2,000. 10 days in jail required if probation is imposed.
14601.1	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	5 days to 1 year in jail, and a fine of $500 to $2,000.
14601.2	10 days to 6 months in jail, and a fine of $300 to $1,000. 10 days in jail required if probation is imposed.	30 days to 1 year in jail, and a fine of $500 to $2,000. 30 days in jail required if probation is imposed.
	If I have been designated as a habitual traffic offender within 3 years of this conviction, in addition to the penalties above, I will be sentenced to serve 180 days in jail and to pay a $2,000 fine.	
14601.5	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	10 days to 1 year in jail, and a fine of $500 to $2,000. Note - section 14601.3 also constitutes a prior conviction for this offense.

Vehicle Code Section	First Offense	Second or Subsequent Offense Prior conviction(s) in past 7 years of section 14601.3.
14601.3	30 days in jail, and a fine of $1,000.	180 days in jail, and a fine of $2,000.

SENTENCE FOR DRIVING WITHOUT A VALID DRIVER'S LICENSE (SECTION 12500(a))

Nature of Offense	Maximum Sentence
Driving without a valid driver's license.	A maximum of 6 months in jail, or $1,000 fine, or both.

ENHANCED SENTENCES – EXCESSIVE SPEED (SECTION 23582)

	Sentence Enhancement – Whether or Not Probation is Granted
If I recklessly drove 30 or more miles per hour above the speed limit on a freeway, or 20 or more miles per hour above the speed limit on any other street or highway during the commission of a violation of section 23152 or 23153:	My sentence will be increased by 60 days in jail. If this is my first section 23582 conviction, the court will order me to complete an alcohol/drug program, even if probation is not granted.

ENHANCED SENTENCES – WILLFUL REFUSAL (SECTION 23577)		
Offense	**Sentence Enhancement**	**Driver's License Suspension or Revocation**
First offense within 10 years See Nos. **38-52**	If I am granted probation, the court will order me to serve a mandatory jail term of 48 hours to 6 months.	The DMV will impose a 1-year driver's license suspension.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 96 hours in jail.	The DMV will impose a 2-year driver's license revocation if: (1) I have a prior conviction in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); or (2) the DMV previously suspended or revoked my driver's license in the past 10 years pursuant to Vehicle Code sections 13353 or 13553.2 for an offense that occurred on a separate occasion.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.	The DMV will impose a 3-year driver's license revocation if: (1) I have any combination of two or more prior convictions in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); (2) the DMV previously suspended or revoked my driver's license two or more times pursuant to Vehicle Code sections 13353 or 13353.2 for an offense that occurred on a separate occasion; or (3) any combination of two or more of the above prior convictions or driver's license suspensions or revocations.
Fourth or subsequent offense within 10 years See Nos. **38-52**	My sentence will be increased by 18 days in jail.	

ENHANCED SENTENCES – PASSENGER UNDER 14 YEARS OF AGE (SECTION 23572)	
Offense	**Sentence Enhancement – Whether or Not Probation is Granted**
First offense within 10 years See Nos. **38-52**	My sentence will be increased by 48 continuous hours in jail.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 30 days in jail.
Fourth or subsequent offense within 10 years (misdemeanor only) See Nos. **38-52**	My sentence will be increased by 90 days in jail.

38. I have read and understand the applicable charts on pages 3 through 5 which list the minimum and maximum penalties for the offense(s) with which I am charged. (See No. 39 for the offenses not listed in the charts.)

38.

39. **If applicable** - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on pages 3 through 5, include the following:

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

39.

ADDITIONAL PENALTIES

40. I understand that the DMV will suspend my driver's license under an administrative procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the court's sentence and that I must obey it ..... 40. JF
41. I understand that the DMV will notify me that I am required to install a functioning, certified ignition interlock device in all vehicles that I own or operate, and it will issue a restricted license if I comply. I understand I must keep the DMV advised of my current mailing address to receive this notice..... 41. JR
42. I understand that the DMV will not restore my driving privilege following a driver's license suspension or revocation unless I provide the DMV with proof of insurance for 3 years ..... 42. JF
43. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me to have my driving privilege reinstated, **even if I am not ordered to attend such a program by the court**. If I have not already surrendered my license, I also understand that I must surrender my license to the court..... 43. JF
44. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a **first** DUI offense or willful refusal to submit to or complete a breath or urine test to determine my BAC which occurred in **any** vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a **second or subsequent** DUI offense or willful refusal to submit to or complete a breath or urine test in any vehicle ..... 44. JF
45. I understand that the DMV will revoke my driver's license for a period of 4 years if I have a prior felony conviction in the past 10 years of: Vehicle Code sections 23152 or 23153; Penal Code sections 191.5, subdivision (b) or 192, subdivision (c)(1); or any conviction within 10 years of Penal Code sections 191.5, subdivision (a) or 192.5, subdivision (a) ..... 45. JF
46. I understand that if I was **under the age of 21** at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the court..... 46. JR
47. I understand that if my BAC was .15 percent or more, or if I refused to submit to a breath or urine test, the court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation..... 47. JF
48. I understand that if I am placed on probation, it is unlawful to drive with a BAC of .01 percent or greater and that the DMV will suspend my license for up to 1 year if I do so. If I violate my probation by driving with a BAC of over 0.04 percent, the court will only grant me a new term of probation if I serve not less than 48 hours in county jail for each of these violations ..... 48. JR
49. I understand that if I am convicted of a **third or subsequent** DUI violation, I will be designated as a habitual traffic offender for 3 years after my conviction, and I may receive an enhanced sentence if I drive in violation of my license revocation. If probation is granted, I may also request to participate in a 30-month treatment program. If the court grants my request, I will be sentenced to the county jail for at least 30 days but not more than 1 year as a condition of probation..... 49. JF
50. **If applicable** – I understand that if I am convicted of a violation of Vehicle Code section 14601.2, or if the charge was for a violation of that section but I am pleading to Vehicle Code section 14601(a), 14601.1, or 14601.5, the court will order me to install a functioning, certified ignition interlock device on any vehicle that I own or operate for up to three years. Installation of this device does not authorize me to drive without a valid driver's license ..... 50. /
51. **If applicable** – I understand that I have a statutory right to not be sentenced to more than one year in county jail as a condition of probation. I give up this statutory right and agree to be sentenced to more than one year in county jail for a period up to and including the maximum time fixed by law .... 51. /
52. **If applicable** – I understand that if I have previously been convicted of a violation of Vehicle Code section 23152 or 23153 that occurred more than 10 years ago, or if I have previously been convicted of a violation of Penal Code section 647, subdivision (f) (public intoxication), I will be ordered to attend and complete an alcohol and drug problem assessment program. If the program assessment recommends additional treatment, the court may order me to enroll, participate in, and complete an 18-month or a 30-month treatment program, even if I am convicted of a first offense .... 52. /

PLEA(S)

53. I hereby freely and voluntarily plead no contest to:
GUILTY OR NO CONTEST

Ct. 2 - VC 23152(b)
LIST CHARGE(S)

53. JC

SPECIAL ALLEGATION ADMISSIONS

If applicable – I admit the truth of the following special allegations:

54. ☑ I drove a vehicle when my BAC was at .18 percent or above.
☐ I willfully refused a peace officer's request to submit to, or willfully failed to complete, a breath or urine test.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, a minor under 14 years of age was a passenger in the vehicle.

54. JC

55. **If applicable** – I freely and voluntarily admit the other conviction(s) that I listed on this form, and I understand that this admission will increase the penalties which are imposed on me..... 55. JC

56. **If applicable** – I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s)..... 56. /

57. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced for a misdemeanor, and the right to a delay of up to 20 days for a felony. I give up this right and agree to be sentenced at this time..... 57. JC

58. **If applicable** – I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

_____
TEMPORARY JUDGE'S NAME

58. /

DEFENDANT'S SIGNATURE: _____ **DATE:** 4-19-23

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I stipulate to a factual basis for the plea(s) and admissions(s) based on the police reports, and have explained to the defendant that he or she may enter a plea if he or she feels to do so is in his or her best interests. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

_____ 4/19/23
DEFENDANT'S ATTORNEY'S SIGNATURE DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: ☐Spanish ☐Other (specify): _____

COURT INTERPRETER'S SIGNATURE	TYPE OR PRINT NAME	DATE

COURT'S FINDINGS AND ORDER

The court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s), enhancement allegation(s), and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The court accepts the defendant's plea(s), the defendant's admission of the other conviction(s), enhancement allegation(s), and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

Maria Cabellero

☐JUDGE OF THE SUPERIOR COURT

☐TEMPORARY JUDGE OF THE SUPERIOR COURT

4/19/23
DATE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MISDEMEANOR SENTENCING MEMORANDUM - VEHICLE CODE

Defendant: James Fillmore | Case No.: 2SC01493-01

Date: 41923 | Dept: 001 | Prosecutor: Jimenez | Defense: A. Lias pvt

Clerk: Arballo | Reporter: EM | Interpreter/Language:

As to Count 2 a violation of Vehicle Code § 23152(b) [ ] 23103 per 23103.5 [ ] 14601 [ ] 12500(a) [ ] _____ with 1 admitted priors.

Arraignment For Judgment

[x] Arraignment for judgment and time for sentencing waived. There is no legal cause why judgment should not now be pronounced.

Sentence

1. [ ] **Probation is denied.** Defendant is to serve _____ days/hours in the Los Angeles County Jail, forthwith, [ ] consecutive [ ] concurrent with _____. Defendant to receive total credit of _____ days/hours (credit _____ days/hours actual plus _____ days GT/WT).
2. [ ] Pay a fine of $ _____ plus all applicable penalty assessments and enhancements.
3. [ ] Pay all fines and assessments as set forth in Paragraph 20 below.
4. [ ] **Execution of the foregoing sentence is suspended, on the following terms and conditions.**

Conditional Sentence (PC §1203b/Order of Probation (PC §1203a)

[x] Imposition of sentence is suspended (ISS) [ ] With supervision by county probation officer (formal probation) For a period of 60 months upon the following terms and conditions:

1. [x] Serve 15 days/hours in the Los Angeles County jail, [ ] consecutive [ ] concurrent with _____. Defendant to receive total credit of _____ days/hours actual plus _____ days/hours GT/WT. [ ] Time may be served in any penal institution. [ ] Time may be served on consecutive weekends of two days each, beginning _____ (772). [ ] Time may be served in any city jail having actual confinement, at defendant's expense. (021). [ ] Defendant may not participate in Sheriff's home detention/EHM per PC 1203.016(e). (771) [ ] Work furlough / early release not allowed. [ ] Last _____ days of jail time to be served in: [ ] Antelope Valley Rehabilitation Center [ ] _____ Program. (692). Defendant to be released only to an authorized representative of that program and is to comply with all program terms and conditions. (613). If defendant leaves or is discharged from the program prior to completion, defendant is to report to court on the next court day. (613). [ ] Defendant ordered to install a SCRAM Alcohol Detection Device for _____ days.

NC CT II

2. [x] Pay a fine of $ 500 plus penalty assessments or in default thereof serve 4 additional days in County jail, consecutive or perform _____ days of Community Labor or perform _____ days/hours of approved Community Service, with credit for _____ days actual or $ _____ toward fine for jail time already served. [ ] Fine may be paid in monthly installments of $ _____ (124). [ ] Defendant to report to Financial Evaluator to work out a payment plan. [ ] Defendant elects jail in lieu of fine, forthwith, consecutive to all other time, credit _____ days actual plus _____ days GT/WT.
3. [ ] Perform _____ days of work for Community Labor / _____ or perform _____ days/hours of approved Community Service, with credit for _____ days actual. Sign up for all work or Community Service only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. **This work or Community Service is in addition to that done in lieu of fine.**
4. [x] Make restitution to victim [redacted] per PC §1202.4(f). (048) [ ] in an amount to be determined at a hearing. (067) [ ] Harvey waiver taken. [ ] in the stipulated sum of $ [redacted] (048) [ ] per any final civil judgment against you. (100) [x] Liability is admitted but amount is disputed.
5. [x] **Enroll within 21 days (or within 21 days from your release from custody) and successfully complete an approved.** Defendant's BAC 15 %. [ ] Refusal. [ ] 12 hour (SB 1176) [ ] 3 mo. (AB541)(327) [ ] 5 mo. (AB 762) [ ] 9 mo. (AB1353) [x] 18 mo. (SB38)(328) [ ] 30 mo. alcohol education program. The DMV will not restore your driving privilege until you successfully complete a licensed alcohol education program. [ ] Obtain program details from Clerk or Health Officer of that alcohol education program. (246)
6. [ ] Attend ____ Alcoholics Anonymous/Narcotics Anonymous meetings at the rate of ____ times per week. IN ADDITION to those required as part
7. [x] **Do not drive any vehicle with any measurable amount of alcohol or drugs in your blood,** or refuse to take and complete any blood alcohol/drug chemical test, any field sobriety test or any preliminary alcohol screening test when requested by any peace officer. (711)
8. [x] Do not drive a motor vehicle without a valid driver's license in your possession, or without liability insurance in at least the minimum amounts required by law. (374)
9. [ ] Abstain from the use of all alcoholic beverages and stay out of all places where they are a chief item of sale. (308) [x] **Watson advisement given.** (710)
10. [x] Enroll in and complete the [x] Hospital and Morgue ("HAM") Program. (471) [x] MADD Victim Impact Program. (472) [ ] _____
11. [ ] The court finds that defendant presents a traffic safety or public safety risk and, per VC §13352.4(d), disallows issuance by DMV of a restricted license. (249)
12. [ ] **Your driver's license is hereby ordered [ ] suspended [ ] revoked** for a period of ____ months, ____ years. [ ] **"M" service given in open court.** (283) You may not drive a motor vehicle unless and until your driving privilege is restored. [ ] Defendant under age 21 at time of offense.
13. [ ] You are hereby declared to be a Habitual Traffic Offender for a period of _____ years. (263)
14. [ ] Comply with the "Supplemental Terms of Probation – Ignition Interlock Device" regarding installation of an ignition interlock. (248) [ ] as ordered by the DMV.
15. [ ] Do not own, use possess, buy or sell any controlled substances, or associated paraphernalia, except with valid prescription, and stay away from places where users, buyers or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, except in an authorized drug counseling program. (926)
16. [ ] Submit your person and property to search and seizure at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause or reasonable suspicion. (576)
17. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered impounded for _____ days per Vehicle Code § 23594 (a). (703)
18. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered confiscated and sold per Vehicle Code § 23596(a).
19. [ ] If you are deported from or otherwise leave the United States, notify the Court [and Probation] in writing of your address and telephone number outside the United States within 72 hours of deportation or departure. Continue to pay all of your financial obligations to the Court [and to Probation] while outside the United States. (474)
20. [x] **Pay all of the following (check all that apply):**

[x] A restitution fine of $ 150 per PC §1202.4(b) through (e). (698)	[ ] An administrative screening fee of $25 per PC 1463.07 (GC §29550(f) (released OR)
[x] A court security fee of $40.00 per PC §1465.8(a)(1) (per count) (SA CA)	[ ] A citation processing fee of $10.00 per PC §1463.07 and GC §29550(f) (if cited and released in field or at jail facility)
[x] A criminal conviction/facilities assessment of $30.00 per Govt Code §70373(a) (SA CC)	[ ] An alcohol abuse education and prevention penalty assessment of $ _____ ($50 max.) per VC §23649.
[ ] A probation revocation restitution fine in the same amount as the restitution fine, per PC §1202.44, payment is stayed until probation is revoked and sentence imposed.	[ ] An alcohol and drug problem program assessment of $ _____ ($100.00 max.) per VC §23649.
[ ] A criminal fine surcharge of $ _____ per Penal Code §1465.7 (20% of base fine). (SA AB)	[ ] A drug program fee of $150.00 (per drug count except §11357(b)) per H&S §11372.7(a).
[ ] A criminal justice administration fee of $ _____ payable to the local arresting agency, per Govt Code §§ 29550(c), 29550.1 or 29550.2 (agency's actual cost)	[ ] A crime lab fee of $50.00, plus penalty assessment per H&S Code §11372.5. (184)
[ ] Cost of probation services per PC 1203.1b, [ ] as determined by this Probation Officer, subject to a hearing if requested [ ] in the amount of $ _____ per month.	[ ]

21. [ ]

22. [x] Obey all laws and orders of the Court (541) [ ] and rules and regulations of the Probation Department. (542)

[x] **Defendant acknowledges that he/she understands and accepts the terms and conditions of probation.** (810)

[ ] Defendant ordered to pay attorney fees [ ] in the amount of $ _____ [ ] in the amount determined by the Financial Evaluator.

[x] Counts/allegations [illegible] are dismissed/stricken on the People's motion pursuant to Penal Code Section 1385 as to this defendant.

Compliance Dates. Defendant is ordered to appear in person on each of the following compliance dates. (683)

Surrender for jail: [ ] Cruz waiver taken.		Restitution Hearing in Dept. _____ at 8:30 a.m.	
Pay fine/fees in full by: [ ] installments allowed	10/19/23	POE/Proof of Completion of Alcohol Program	10/19/23
Complete jail/work/fees by:		Other:	

I understand, accept and will comply with the foregoing conditional sentence and compliance dates and will return to Court as ordered.

Defendant's Signature: | Attorney's Signature Joining:

Defendant's Address:

Defendant's Telephone:

Maria Cavallaro

Judge/Commissioner of the Superior Court

DISTRIBUTION: Pink - Court Copy White - Defendant Copy

ATTACHMENT F

INTERVIEWS

On October 20, 2022, Detective Townsend contacted the LASD, Santa Clarita Valley Sheriff's Station, Traffic Unit, Motor Sergeant, Travis Kelly, Serial No. 404532. Sergeant Kelly provided a "Laboratory Examination Report." The report documented Detective Fillmore's blood alcohol concentration from the blood test when he was arrested. The results were derived from the blood sample taken from Detective Fillmore on the April 30, 2022, at 1945 hours. According to the report, the blood sample had a blood alcohol concentration of 0.18%. **(Addendum No. 7).**

Sergeant Kelly spoke about the Retrograde Extrapolation rate of elimination of Blood Alcohol Content (BAC). He said the LASD uses a rate of 0.02% BAC rate of elimination per hour. Using the information provided, Detective Fillmore's approximate BAC was .024% on April 30, 2022, at 1645 hours. That time was approximately 15 minutes prior to the accident Detective Fillmore was involved in.

Mark O'Donnell

On October 24, 2022, Detective III Mark O'Donnell, Serial No. 33062, assigned to Operations Valley Bureau (OVB) Homicide, was sent an interrogatory via department email. He responded immediately to the questions. Detective O'Donnell was the On-Call, Detective III, Supervisor, during the week of April 25, 2022, through May 2, 2022. He was the only team (squad) On Call and Detective Fillmore was not on call the week of his accident and arrest.

Steve Castro

On October 24, 2022, Detective III Steve Castro, Serial No. 26287, assigned to OVB Homicide was sent an interrogatory via department email. He responded immediately to the questions. Detective Fillmore was assigned to Detective Castro's squad. Detective Castro and his squad were not "On Call" during the week of April 25, 2022, through May 2, 2022. The assigned vehicle Detective Fillmore had was a Nissan Maxima, California License [redacted] Detective Castro added that Detective Fillmore would regularly offer to be on call with other squads with that squad's D-III approval. However, Castro did not believe Detective Fillmore was on call with any squad with the dates in question.

David Peteque

On October 24, 2022, Assistant Officer in Charge, Detective III, David Peteque, Serial No. 27723, assigned to OVB Homicide was sent an interrogatory via department email. He responded immediately to the questions. Detective Peteque did not give authorization for Detective

ATTACHMENT G

AGREEMENT REGARDING PROPOSED DISCIPLINE

This document represents an agreement between the City of Los Angeles, the Los Angeles Police Department and the Chief of Police, Charlie Beck (hereinafter collectively referred to as "the City") and Detective James Fillmore, Serial #37036, a member of the Los Angeles Police Department (hereinafter referred to as "Fillmore")

WHEREAS the City has conducted an investigation regarding alleged misconduct involving Fillmore, which has resulted in personnel complaint, CF #16-000570 being brought against Fillmore and,

WHEREAS the parties desire to reach a settlement in the above-referenced disciplinary proceedings in lieu of further administrative or judicial adjudication of the charge, and,

WHEREAS the parties agree that this AGREEMENT REGARDING PROPOSED DISCIPLINE (AGREEMENT) is not an admission by either party to any unlawful or wrongful acts by themselves, their agents or representatives;

NOW THEREFORE, the City and Fillmore, in consideration of the mutual covenants within, agree as follows:

1. The City shall amend personnel complaint, CF #16-000570 as follows:

Count One. On or about February 27, 2016, you, while off-duty, operated your private motor vehicle while under the influence of alcohol above .08 BAC, resulting in your arrest.

Count Two. On or about February 27, 2016, you, while off-duty, inappropriately attempted to use your position as a police officer to receive preferential treatment.

Count Three. On or about February 27, 2016, you, while off-duty, delayed on-duty personnel from the Los Angeles County Sheriff's Department, who were conducting an official investigation.

Count Four. On or about February 27, 2016, you, while off-duty, operated a motor vehicle with an open container of an alcoholic beverage adjacent to the driver's seat.

I have read this page and agree with its terms and conditions: Initials JF ***Date*** 8-29-17

The City will find said charges, **Count 1-4,** to have been sustained against Fillmore, and will impose a disciplinary penalty of **10 SUSPENSION DAYS.** Furthermore, Fillmore agrees that should he fail to comply with any of the terms and conditions of this AGREEMENT, unless the penalty is specified in the specific paragraph of this AGREEMENT, this will constitute Insubordination and he would be subject to a new charge and investigation. If the charge is sustained by the Chief of Police, Fillmore would be subject to a Board of Rights hearing with the recommendation he be removed from his position with the Los Angeles Police Department.

By acceptance of the above charge as sustained and the penalty imposed, Fillmore agrees that there is a factual basis for said discipline and penalty. Fillmore acknowledges that the charge sustained and the discipline imposed will be reflected in his personnel record and TEAMS report.

2. Fillmore agrees to complete an apology letter to Deputy Christopher Morgan, #465550, Los Angeles County Sheriff's Department, which shall be approved and distributed by the commanding officer of Internal Affairs Group.

3. Fillmore will not initiate or pursue any further legal remedy of whatever kind against the City or its employees, any claims against the City and its employees, any appeals or other administrative proceedings, nor seek any other remedies available under the Los Angeles City Charter, state or federal law arising from the facts and circumstances which gave rise to the investigation, the personnel complaint, and its resolution as reflected in this AGREEMENT. Notwithstanding any language to the contrary herein, the parties expressly agree that Fillmore shall retain all legal rights and remedies to which he is entitled as a matter of law in any Workers Compensation action or to receive such Workers Compensation benefits as are allowed by law resulting from the incident which gave rise to the investigation.

4. Fillmore agrees to, and does, fully release, acquit and forever discharge the City, and all present and former officers, employees and agents of the City from any liability for any and all claims arising out of or in connection with the facts and circumstances which gave rise to this investigation, the personnel complaint, and the proposed disciplinary action.

I have read this page and agree with its terms and conditions: Initials _____ ***Date*** 8-24-17

5. Fillmore agrees and acknowledges that any or all of the documents described in this AGREEMENT (including this AGREEMENT) shall be entered into his "general" personnel file (as defined in Penal Code §832.5) or any other file used for personnel purposes, and that said documents can be construed as comments adverse to his interests. Therefore, Fillmore understands and acknowledges that these documents will be part of his personnel record as comments adverse to his interests.

In addition, he understands that he holds certain due process rights under the Los Angeles City Charter, state and federal law and that both the Los Angeles City Charter and state law provide specific due process procedures to be accorded an employee when such disciplinary actions are taken.

Fillmore, by signing this AGREEMENT, acknowledges that he has been apprised of his due process rights and the procedures available to contest such disciplinary action, and, that he hereby explicitly waives all rights and remedies available either under the Los Angeles City Charter or state law in order to effectuate this AGREEMENT.

Fillmore agrees to participate in the following Rehabilitation Program:

For a period of FOUR (4) YEARS, while employed with the Los Angeles Police Department and after signing this AGREEMENT, Fillmore agrees to:

6. **Abstain from the use of all alcoholic beverages while employed by the Los Angeles Police Department.**

7. **While off duty, do not enter any establishment whose primary business is selling alcoholic beverages.**

8. **While off duty, do not purchase any alcoholic beverages.**

9. **Submit to substance testing up to five times a month**, on the request of a supervisor. The testing can include a breath, blood or urine, as directed by a supervisor. If a breath test is given and the results indicate the presence of alcohol, Fillmore agrees to immediately provide a blood or urine sample, as directed by a supervisor, to confirm the results.

I have read this page and agree with its terms and conditions: Initials JF ***Date*** 8-29-17

Fillmore further agrees to participate in these tests on both an on and off duty basis and will cooperate fully with Department Supervisors in the administration of any on or off duty test. Fillmore's cooperation would include providing a breath sample to a supervisor who may respond to his residence. If that breath sample indicates the presence of alcohol, Fillmore will be placed on duty and accompany the supervisor to conduct further alcohol testing. Fillmore's off duty participation in the breath test process is part of his acceptance of this contract and will not be subject to compensation by the Department.

10. Fillmore agrees to seek professional evaluation and treatment through Behavioral Science Services (BSS), and participate in that evaluation and treatment as prescribed by BSS. ***Fillmore will make an appointment no later than one week following his or the Chief of Police signing of this AGREEMENT,*** whichever is later, and begin the above evaluation and treatment program as directed by BSS. Immediately upon contacting and making an appointment with BSS, Fillmore agrees to notify his commanding officer of the date he contacted BSS and the date of his first scheduled appointment. Furthermore, Fillmore understands and agrees that any prior evaluation or treatment provided by BSS, whether self-initiated or on a directed-in basis, does not meet this AGREEMENT'S requirement as spelled out in this paragraph.

11. Fillmore agrees that representatives from Internal Affairs Group (IAG) and/or his commanding officer can contact BSS to ascertain if he has contacted BSS, made an appointment, and that BSS can release this information to IAG and/or his commanding officer prior to any waiver being signed by him. Fillmore will continue with the evaluation and treatment program until he is released by BSS personnel. He agrees to cooperate with and respond to the advice and direction of BSS. Additionally, Fillmore agrees to participate in any additional evaluation and treatment as directed by BSS. Fillmore agrees that after being released by BSS, he will cooperate with and respond to the advice and direction of BSS and participate in any additional evaluation and treatment as directed by BSS.

12. Fillmore agrees to **sign a waiver at BSS**, authorizing the release of the results of the evaluation and treatment program to his commanding officer or a designated supervisor.

I have read this page and agree with its terms and conditions: Initials JF ***Date*** 8-29-17

13. Upon request of his concerned commanding officer or a designated supervisor, Fillmore will provide satisfactory proof and/or appropriate releases regarding his BSS evaluations and treatment and any relevant outpatient and/or treatment programs.

14. Fillmore understands that the Chief of Police has directed his commanding officer and the commanding officer of BSS to monitor his adherence to the conditions of this AGREEMENT and to notify the Department Advocate and/or Disciplinary Settlement Unit, Internal Affairs Group, should Fillmore fail to comply with any of the above conditions.

15. In consideration for the City doing the actions set forth herein and for the City's acting in compliance with the promises and representations set forth in this AGREEMENT, Fillmore hereby releases and forever discharges the City, its past, present and future officers, directors, attorneys, agents, servants, representatives, and employees, and its past, present and future boards, commissions, departments, subsidiaries, affiliates, partners, predecessors, successors-in-interest and assigns, and all other persons, firms, or corporations, of and from any and all past, present or future claims, demands, obligations, actions, causes of action, rights, damages, costs, expenses, and compensation of any nature whatsoever, whether for compensatory, punitive or any other form of damages, which he now has, or which may hereafter accrue or otherwise be acquired, on account of, or in any way growing out of or related to, any matters, acts or omissions arising out of, or related to, the claims which are the subject of this investigation, the personnel complaint, and its resolution as reflected in this AGREEMENT, including, but not limited to, any and all known or unknown claims for bodily and personal injuries to Fillmore, and the consequences thereof, which have resulted or may result from the alleged acts or omissions of the City. This release and discharge shall be a fully binding and complete settlement between the parties to this AGREEMENT and all parties represented by or claiming through such parties.

16. Fillmore further understands and agrees that the actions taken, are intended to release and discharge any and all claims or damages which Fillmore does not know or suspect to exist at the time of his execution of this AGREEMENT and Fillmore hereby waives any rights under Section 1542 of the Civil Code of the State of California which reads as follows:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN

BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

17. This AGREEMENT contains the entire AGREEMENT between Fillmore and the City with regard to the matters set forth in it and shall be binding upon and inure to the benefit, jointly and severally, of Fillmore and the City and the executors, administrators, personal representatives, heirs, successors and assigns of each. Any prior agreements, promises, negotiations or representations, whether written or oral, relating to the subject matter of this AGREEMENT which are not expressly set forth in this AGREEMENT are of no force or effect. Any amendment or modification of this AGREEMENT must be in writing, and signed by both parties.

18. In entering into this AGREEMENT, each of the parties' represent that he has had the opportunity to seek the advice of his counsel of choice regarding the terms of this AGREEMENT, that those terms are fully understood and voluntarily accepted by each of the parties.

19. The parties agree that this AGREEMENT shall not be used as evidence in any future proceedings except in the event either party claims a breach of the AGREEMENT or desires to enforce the provisions of the AGREEMENT in litigation and/or administrative proceedings. In addition, the parties agree that this AGREEMENT shall not have precedential value in any other proceedings or for any other employee employed by the City.

20. The parties also agree that this AGREEMENT may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same AGREEMENT.

21. Should any provision of this AGREEMENT be declared or be determined by any court to be illegal or invalid, the validity of the remaining parts, terms, or provisions shall not be affected thereby and shall remain with full force and effect, and said illegal or invalid part, term, or provision shall be deemed not to be part of the AGREEMENT.

I have read this page and agree with its terms and conditions: Initials JF ***Date*** 8-29-17

22. This AGREEMENT shall be effective on the date of execution by the Employee and the Chief of Police and if those signatures are on different dates, the effective date of this AGREEMENT shall be that latest of those dates.

23. Jurisdiction over any disputes arising from the AGREEMENT shall be in the Superior Court of the County of Los Angeles.

I have read this page and agree with its terms and conditions: Initials JF *Date* 8-29-17

This AGREEMENT consists of eight pages.

I, THE UNDERSIGNED EMPLOYEE OF THE LOS ANGELES POLICE DEPARTMENT HAVE CAREFULLY READ AND CONSIDERED EACH PROVISION IN THIS AGREEMENT. IN ADDITION, I ACKNOWLEDGE THAT THE DEPARTMENT HAS ENCOURAGED ME TO CONSULT WITH LEGAL COUNSEL OF MY CHOICE AND I HAVE DONE SO. I HAVE ALSO CAREFULLY CONSIDERED BOTH THE ADVANTAGES AND DISADVANTAGES THE AGREEMENT WOULD GIVE ME. IN RECOGNITION OF THOSE ADVANTAGES, I HEREBY KNOWINGLY AND VOLUNTARILY WAIVE MY RIGHT TO AN ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW OF THE DEPARTMENT'S ADJUDICATION OF OR PENALTY FOR THE ALLEGED MISCONDUCT UNDERLYING THIS AGREEMENT.

Dated: 8-24-17

JAMES FILLMORE

Dated: 8-24-17

CHARLIE BECK, Chief of Police
Los Angeles Police Department

APPROVED AS TO FORM AND CONTENT:

Dated: Aug 15, 2017

Attorney, IRA SALZMAN
Representative for JAMES FILLMORE

Dated:

3059
Representative for the City of Los Angeles

ATTACHMENT H

SCANNED
P. Suarez
Date: 5-5-22

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH REPORT

CHP 555 Page 1 (Rev. 3-20) OPI 080

SPECIAL CONDITIONS	NUMBER PARTIES: 1	HIT & RUN: ☐	CITY: SANTA CLARITA	JUDICIAL DISTRICT: NEWHALL	LOCAL REPORT NUMBER: 922-01043-0226-342
	NUMBER KILLED: 0	HIT & RUN MISDEMEANOR: ☐	COUNTY: Los Angeles	REPORTING DISTRICT: 0647 BEAT: 62TI	DAY OF WEEK: S M T W T F S; TOW AWAY: ☒ YES ☐ NO

LOCATION

CRASH OCCURRED ON: CIRCLE J RANCH ROAD			DAY: 04-30-2022	TIME (24HR): 1700	NCIC #: 1900
MILEPOST INFORMATION: FEET/MILES / DIR OF		GPS COORDINATES: LATITUDE 34.39669	LONGITUDE -118.53142		OFFICER ID: # 65785
☐ AT INTERSECTION WITH OR: 60 FEET/MILES NORTH OF CLEARVIEW COURT				STATE HWY REL: ☐ YES ☒ NO	PHOTOGRAPHS BY: ☒ NONE

PARTY 1

DRIVER'S LICENSE NUMBER: [redacted]	STATE: CA	CLASS: C	AIR BAG: L	SAFETY EQUIP: G	
DRIVER: ☒ NAME (FIRST, MIDDLE, LAST): JAMES FILLMORE					
PEDESTRIAN: ☐ STREET ADDRESS: [redacted]					
TABOED VEHICLE: ☐ CITY: [redacted]					
BICYCLIST: ☐ SEX: M	HAIR: BRN	EYES: HZL	HEIGHT: 508	WEIGHT: 200	RACE: W
OTHER: ☐ HOME PHONE: [redacted]	BUSINESS PHONE: [redacted]				
OPERATOR: ☐ INSURANCE COMPANY: CITY OF LOS ANGELES	POLICY NUMBER:				

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT
S	CIRCLE J RANCH ROAD	1	1	1	25

VEH. YEAR: 2016	MAKE/MODEL/COLOR: NISSAN/MAXIMA/BLACK	LICENSE NUMBER: [redacted]	STATE: CA		
OWNER'S NAME: ☐ SAME AS DRIVER: CITY OF LOS ANGELES					
OWNER'S ADDRESS: ☐ SAME AS DRIVER: 555 N RAMIREZ SP 810 LA CA 90017					
DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER: FREEWAY TOW					
PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE					
VEHICLE IDENTIFICATION NUMBER: [redacted]					
VEHICLE TYPE: 01	DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☐ MOD. ☒ MAJOR ☐ ROLL-OVER	SHADE IN DAMAGED AREA			
CA: DOT: CAL-T: TOW/SC: NCIC:					

PARTY 2

DRIVER'S LICENSE NUMBER:	STATE:	CLASS:	AIR BAG: P	SAFETY EQUIP: P	
DRIVER: ☒ NAME (FIRST, MIDDLE, LAST):					
PEDESTRIAN: ☐ STREET ADDRESS:					
PARKED VEHICLE: ☒ CITY/STATE/ZIP:					
BICYCLIST: ☐ SEX:	HAIR:	EYES:	HEIGHT:	WEIGHT:	BIRTHDATE Mo. Day Year:	RACE:
OTHER: ☐ HOME PHONE: [redacted]	BUSINESS PHONE: —				
OPERATOR: ☐ INSURANCE COMPANY: STATE FARM	POLICY NUMBER: [redacted]				

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT
S	CIRCLE J RANCH ROAD	1	1	1	25

VEH. YEAR: 2021	MAKE/MODEL/COLOR: GMC/SIERRA/BLACK	LICENSE NUMBER: [redacted]	STATE: CA		
OWNER'S NAME: [redacted] ☐ SAME AS DRIVER					
OWNER'S ADDRESS: [redacted] ☐ SAME AS DRIVER					
DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER: FREEWAY TOW					
PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE					
VEHICLE IDENTIFICATION NUMBER: [redacted]					
VEHICLE TYPE: 12	DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☒ MOD. ☐ MAJOR ☐ ROLL-OVER	SHADE IN DAMAGED AREA			
CA: DOT: CAL-T: TOW/SC: NCIC:					

PARTY 3

DRIVER'S LICENSE NUMBER:	STATE:	CLASS:	AIR BAG: P	SAFETY EQUIP: P	
DRIVER: ☐ NAME (FIRST, MIDDLE, LAST):					
PEDESTRIAN: ☐ STREET ADDRESS:					
PARKED VEHICLE: ☒ CITY/STATE/ZIP:					
BICYCLIST: ☐ SEX:	HAIR:	EYES:	HEIGHT:	WEIGHT:	BIRTHDATE Mo. Day Year:	RACE:
OTHER: ☐ HOME PHONE: [redacted]	BUSINESS PHONE: —				
OPERATOR: ☐ INSURANCE COMPANY: FARMERS	POLICY NUMBER: [redacted]				

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT
S	CIRCLE J. RANCH ROAD	1	1	1	25

VEH. YEAR: 2004	MAKE/MODEL/COLOR: TOYOTA/COROLLA/SILVER	LICENSE NUMBER: [redacted]	STATE: CA		
OWNER'S NAME: [redacted] ☐ SAME AS DRIVER					
OWNER'S ADDRESS: [redacted]					
DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER: FREEWAY TOW					
PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE					
VEHICLE IDENTIFICATION NUMBER: [redacted]					
VEHICLE TYPE: 01	DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☒ MOD. ☐ MAJOR ☐ ROLL-OVER	SHADE IN DAMAGED AREA			
CA: DOT: CAL-T: TOW/SC: NCIC:					

REPORTING OFFICER NAME: N. MOSLEY #65785	DISPATCH NOTIFIED: ☒ YES ☐ NO ☐ N/A	REVIEWER'S NAME: CRAMER M 472724	DATE REVIEWED: 5-3-2022

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH CODING

CHP 555 Page 2 (Rev. 3-20) OPI 060

DATE OF CRASH (MO, DAY, YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
04-30-2022	1700	1900	# 652853	922-06013-0826-242

PROPERTY DAMAGE

OWNER'S NAME: / OWNER'S ADDRESS:

PERSON NOTIFIED: / ☐ SAME AS OWNER / TELEPHONE NUMBER:

METHOD OF NOTIFICATION (MARK ALL THAT APPLY): ☐ IN PERSON ☐ PHONE ☐ DISPATCH ☐ CHP 180

LOG / REPORT NUMBER: 172

DESCRIPTION OF DAMAGE:

SEATING POSITION

A

1 2 3
4 5 6
7 8 9
10

1 TO 9 - STANDARD SEATING POSITION

10 - REAR OCC. TRK. VAN, STATION WAGON, ETC.*

11 - POSITION UNKNOWN*

0 - OTHER*

SAFETY EQUIPMENT

OCCUPANTS
A - NONE IN VEHICLE
B - UNKNOWN
C - LAP BELT USED
D - LAP BELT NOT USED
E - SHOULDER HARNESS USED
F - SHOULDER HARNESS NOT USED
G - LAP / SHOULDER HARNESS USED
H - LAP / SHOULDER HARNESS NOT USED
J - PASSIVE RESTRAINT USED
K - PASSIVE RESTRAINT NOT USED
P - NOT REQUIRED

CHILD RESTRAINT
Q - IN VEHICLE USED
R - IN VEHICLE NOT USED
S - IN VEHICLE USE UNKNOWN
T - IN VEHICLE IMPROPER USE
U - NONE IN VEHICLE

MC / BICYCLE - HELMET

	DRIVER	PASSENGER
	V - NO	X - NO
	W - YES	Y - YES

AIR BAG

B - UNKNOWN
L - AIR BAG DEPLOYED
M - AIR BAG NOT DEPLOYED
N - OTHER
P - NOT REQUIRED

EJECTED FROM VEHICLE

0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

INATTENTION CODES

A - CELL PHONE HANDHELD
B - CELL PHONE HANDSFREE
C - ELECTRONIC EQUIPMENT
D - RADIO / CD
E - SMOKING
F - EATING
G - CHILDREN
H - ANIMALS
I - PERSONAL HYGIENE
J - READING
K - OTHER

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY CRASH FACTOR LIST NUMBER (#) OF PARTY AT FAULT: 1

- A. CVC SECTION VIOLATED: 22350(a) CVC — CITED ☐ YES ☐ NO
- B. OTHER IMPROPER DRIVING*:
- C. OTHER THAN DRIVER*
- D. UNKNOWN*

WEATHER (MARK 1 TO 2 ITEMS)
- A. CLEAR
- B. CLOUDY
- C. RAINING
- D. SNOWING
- E. FOG / VISIBILITY FT.
- F. OTHER*:
- G. WIND

LIGHTING
- A. DAYLIGHT
- B. DUSK - DAWN
- C. DARK - STREET LIGHTS
- D. DARK - NO STREET LIGHTS
- E. DARK - STREET LIGHTS NOT FUNCTIONING*

ROADWAY SURFACE
- A. DRY
- B. WET
- C. SNOWY - ICY
- D. SLIPPERY (MUDDY, OILY, ETC.)

ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)
- A. HOLES, DEEP RUT*
- B. LOOSE MATERIAL ON ROADWAY*
- C. OBSTRUCTION ON ROADWAY*
- D. CONSTRUCTION - REPAIR ZONE
- E. REDUCED ROADWAY WIDTH
- F. FLOODED*
- G. OTHER*:
- H. NO UNUSUAL CONDITIONS

TRAFFIC CONTROL DEVICES
- A. CONTROLS FUNCTIONING
- B. CONTROLS NOT FUNCTIONING*
- C. CONTROLS OBSCURED
- D. NO CONTROLS PRESENT / FACTOR*

TYPE OF CRASH
- A. HEAD - ON
- B. SIDE SWIPE
- C. REAR END
- D. BROADSIDE
- E. HIT OBJECT
- F. OVERTURNED
- G. VEHICLE / PEDESTRIAN
- H. OTHER*:

MOTOR VEHICLE INVOLVED WITH (MARK 1 TO 2 ITEMS)
- A. NONCOLLISION
- B. PEDESTRIAN
- C. OTHER MOTOR VEHICLE
- D. MOTOR VEHICLE ON OTHER ROADWAY
- E. PARKED MOTOR VEHICLE
- F. TRAIN
- G. BICYCLE
- H. ANIMAL*
- I. FIXED OBJECT*
- J. OTHER OBJECT*
- K. ADDITIONAL OBJECT(S) STRUCK

PEDESTRIAN'S ACTIONS
- A. NO PEDESTRIANS INVOLVED
- B. CROSSING IN CROSSWALK - AT INTERSECTION
- C. CROSSING IN CROSSWALK - NOT AT INTERSECTION
- D. CROSSING - NOT IN CROSSWALK
- E. IN ROAD - INCLUDES SHOULDER
- F. NOT IN ROAD
- G. APPROACHING / LEAVING SCHOOL BUS

1	2	3	VEHICLE AUTOMATION LEVEL
			A. SAE LEVEL - 0
			B. SAE LEVEL - 1
			C. SAE LEVEL - 2
			D. SAE LEVEL - 3
			E. SAE LEVEL - 4
			F. SAE LEVEL - 5
			G. UNKNOWN*

1	2	3	VEHICLE AUTOMATION ENGAGED
			A. NO AUTOMATION
			B. DRIVER ASSISTANCE
			C. PARTIAL AUTOMATION
			D. CONDITIONAL AUTOMATION
			E. HIGH AUTOMATION
			F. FULL AUTOMATION
			G. UNKNOWN*

1	2	3	OTHER ASSOCIATED FACTOR(S) (MARK 1 TO 2 ITEMS)
			A. CVC SECTION VIOLATION: 22350 CVC — CITED ☐ YES ☐ NO
			B. CVC SECTION VIOLATION: — CITED ☐ YES ☐ NO
			C. CVC SECTION VIOLATION: — CITED ☐ YES ☐ NO
			D.
			E. VISION OBSCUREMENT
			F. INATTENTION*:
			G. STOP & GO TRAFFIC
			H. ENTERING / LEAVING RAMP
			I. PREVIOUS CRASH
			J. UNFAMILIAR WITH ROAD
			K. DEFECTIVE VEH. EQUIP.: CITED ☐ YES ☐ NO
			L. UNINVOLVED VEHICLE
			M. OTHER*:
			N. NONE APPARENT
			O. RUNAWAY VEHICLE

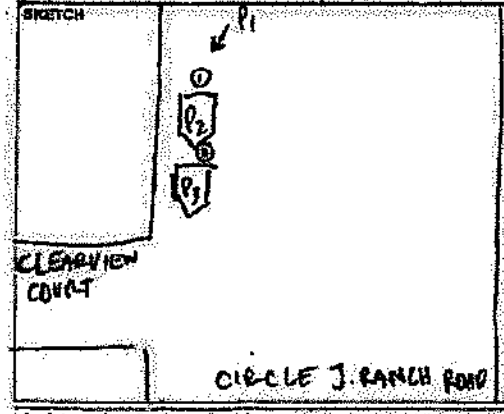
1	2	3	MOVEMENT PRECEDING CRASH
			A. STOPPED
			B. PROCEEDING STRAIGHT
			C. RAN OFF ROAD
			D. MAKING RIGHT TURN
			E. MAKING LEFT TURN
			F. MAKING U TURN
			G. BACKING
			H. SLOWING / STOPPING
			I. PASSING OTHER VEHICLE
			J. CHANGING LANES
			K. PARKING MANEUVER
			L. ENTERING TRAFFIC
			M. OTHER UNSAFE TURNING
			N. XING INTO OPPOSING LANE
			O. PARKED
			P. MERGING
			Q. TRAVELING WRONG WAY
			R. OTHER*:
			S. LANE SPLITTING

1	2	3	SOBRIETY - DRUG - PHYSICAL (MARK ALL THAT APPLY)
			A. HAD NOT BEEN DRINKING
			B. HBD - UNDER THE INFLUENCE
			C. HBD - NOT UNDER INFLUENCE*
			D. HBD - IMPAIRMENT UNKNOWN*
			E. UNDER DRUG INFLUENCE*
			DRE EXAM. CONDUCTED
			STIMULANT
			HALLUCINOGEN
			DISSOCIATIVE ANESTHETICS
			NARCOTIC ANALGESIC
			INHALANT
			CANNABIS
			DEPRESSANT
			F. IMPAIRMENT - PHYSICAL*
			G. IMPAIRMENT NOT KNOWN
			H. NOT APPLICABLE
			I. SLEEPY / FATIGUED*

1	2	3	SPECIAL INFORMATION
			A. HAZARDOUS MATERIAL
			B. CELL PHONE HANDHELD IN USE
			C. CELL PHONE HANDSFREE IN USE
			D. CELL PHONE NOT IN USE
			E. CELL PHONE USE UNKNOWN
			F. SCHOOL BUS RELATED

1	2	3	BIKEWAY FACILITY
			A. SHARED ROADWAY
			B. CLASS I - BIKE PATH*
			C. CLASS II - BIKE LANE*
			D. CLASS III - BIKE ROUTE*
			E. CLASS IV - SEPARATED BIKEWAY*

SKETCH



INDICATE NORTH

MISCELLANEOUS

AD 1-1 60

AD 1-2 40

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INJURED / WITNESS / PASSENGERS

CHP 555 Page 3 (Rev. 3-20) OPI 080

DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
04-30-2022	1700	1900	#657853	977-08043-0622-242

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)						PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SUSPECTED SERIOUS INJURY	SUSPECTED MINOR INJURY	POSSIBLE INJURY	DRIVER	PASS.	PED.	BICYCLIST	OTHER	SPCH.					
#		43	M		X			X						1	1	L	G	0

NAME / D.O.B. / ADDRESS: JAMES FILLMORE [redacted] TELEPHONE: [redacted]

(INJURED ONLY) TRANSPORTED BY: AMR #751 EMS RUN NUMBER: 8165044 TAKEN TO: HENRY MAYO

DESCRIBE INJURIES: LEFT WRIST FRACTURE; LACOFD ENGINE 73 MEDICALLY EVALUATED HIM IN THE FIELD, UNDER THE SUPERVISION OF CAPTAIN TIBBITTS

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																		
#																		

NAME / D.O.B. / ADDRESS: TELEPHONE:

(INJURED ONLY) TRANSPORTED BY: EMS RUN NUMBER: TAKEN TO:

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																		
#																		

NAME / D.O.B. / ADDRESS: TELEPHONE:

(INJURED ONLY) TRANSPORTED BY: EMS RUN NUMBER: TAKEN TO:

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																		
#																		

NAME / D.O.B. / ADDRESS: TELEPHONE:

(INJURED ONLY) TRANSPORTED BY: EMS RUN NUMBER: TAKEN TO:

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																		
#																		

NAME / D.O.B. / ADDRESS: TELEPHONE:

(INJURED ONLY) TRANSPORTED BY: EMS RUN NUMBER: TAKEN TO:

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
N. HOSLET	#657853	4-30-2022		

DATE OF INCIDENT/OCCURRENCE	TIME (2400)	NCIC NUMBER	OFFICER ID NUMBER	NUMBER
04-30-2022	1700	1900	#852853	922-06043-0626-242

"X" ONE	"X" ONE	TYPE SUPPLEMENTAL ("X") APPLICABLE		
☒ Narrative	☒ Collision report	☐ BA update	☐ Fatal	☐ Hit and Run update
☐ Supplemental	☐ Other	☐ Hazardous materials	☐ School bus	☐ Other:

CITY/COUNTY/JUDICIAL DISTRICT	REPORTING DISTRICT/BEAT	CITATION NUMBER
Santa Clarita / Los Angeles / Newhall	0647 / 62T1	AD130471

LOCATION/SUBJECT	STATE HIGHWAY RELATED
Circle J Ranch Road / Clearview Court	☐ Yes ☒ No

I. FACTS

A. SCENE

1. ROADWAY DESCRIPTION

Circle J Ranch Road is a north / south residential street. The roadway composition is primarily asphalt and the width is 40 feet. The roadway has a positive grade for southbound traffic, has concrete curbs and is curved near the collision scene.

(See attached sketch)

2. TRAFFIC CONTROLS

(None.)

B. MEASUREMENTS

All measurements were taken using estimation and are approximate. The area of impact was determined from a combination of party and witness statements, physical evidence and debris at the scene.

1. AREA OF IMPACT

1. (P-1 / P-2)

60 feet N/NCL of Clearview Court and
8 feet E/WCL of Circle J Ranch Road

2. (P-2 / P-3)

40 feet N/NCL of Clearview Court and
6 feet E/WCL of Circle J Ranch Road

II. STATEMENTS

All Party, Witness, and Passenger statements are *the substance* of what was told to me and **are <u>not</u> verbatim** statements unless indicated by quotation (" ") marks

A. PARTY

Party 1 (James) who was driving the black Nissan was located in the drivers' seat upon my arrival, and he was being medically treated by Los Angeles County Fire Department Engine 73 (under the supervision of Captain Tibbetts). He was identified

DATE OF INCIDENT/OCCURRENCE	TIME (2400)	NCIC NUMBER	OFFICER ID NUMBER	NUMBER
04-30-2022	1700	1900	#652853	922-06043-0626-242

"X" ONE	"X" ONE	TYPE SUPPLEMENTAL ("X") APPLICABLE		
☒ Narrative	☒ Collision report	☐ BA update	☐ Fatal	☐ Hit and Run update
☐ Supplemental	☐ Other	☐ Hazardous materials	☐ School bus	☐ Other:

CITY/COUNTY/JUDICIAL DISTRICT	REPORTING DISTRICT/BEAT	CITATION NUMBER
Santa Clarita / Los Angeles / Newhall	0647 / 62T1	AD130471

LOCATION/SUBJECT	STATE HIGHWAY RELATED
Circle J Ranch Road / Clearview Court	☐ Yes ☒ No

by his drivers' license. He was transported by AMR to Henry Mayo Hospital regarding the injuries he sustained from the traffic collision including a fractured left wrist. Upon my arrival to Henry Mayo Hospital, I contacted Party 1. Party 1 stated he was traveling southbound on Circle J Ranch Road at a high rate of speed. He stated he had been drinking alcohol prior to driving. He stated he was the sole driver and occupant of the vehicle.

Party 2 was a parked unoccupied vehicle.

Party 3 was a parked unoccupied vehicle.

III. OPINIONS AND CONCLUSIONS

A. SUMMARY

Party 2 and Party 3 were parked unoccupied vehicles. Party 1 was traveling southbound on Circle J Ranch Road. Party 1 struck Party 2. Due to the impact, Party 2 struck Party 3.

B. INTOXICATION

Party 1 displayed the objective signs and symptoms of intoxication and failed to perform the Standardized Field Sobriety Tests as instructed which led me to believe that he was under the influence of alcohol at the time of this collision.

C. CAUSE

Based on statements, physical evidence and my training and experience, I determined that the cause of this collision is party 1 driving under the influence of alcohol, a violation of 23152(a) CVC. An associated factor is Party 1 traveling at an unsafe speed for the conditions, a violation of 22350 CVC.

D. ARREST / CITATION

Party 1 was arrested for driving while under the influence of alcohol (BKG#6369976), and he was issued citation #AD130471. (See report under same file number).

IV. RECOMMENDATIONS

I recommend that this report be forwarded to the District Attorney for filing of the appropriate charges.

PREPARER'S NAME AND ID NUMBER	DATE	REVIEWER'S NAME	DATE
N. Hoslet #652853	4-30-2022		

ATTACHMENT I

Although the evidence to sustain all allegations is overwhelming, it is not necessary as Detective Fillmore admitted to his actions during his employee interview. In addition, Deputy Morgan, LASD Santa Clarita station, observed an open 25 ounce can of "Budweiser Lite" beer, approximately half full, in the center console cup holder of Fillmore's vehicle, adjacent to the driver's seat in violation of 23222 (a) CVC. Morgan also observed two empty Jim Beam Bourbon whiskey bottles, 375 ml, and two empty Jim beam Bourbon whiskey bottles, 200 ml, on the front passenger floor board, and one empty 50 ml bottle of Jack Daniels whiskey on the rear passenger floor board. This combined with his no contest plea in court and his admission to the investigating supervisor supports sustaining these allegations.

If the danger he created to himself and the people of Santa Clarita was not bad enough, Fillmore's behavior with the Deputy was unprofessional, and delayed his investigation. Fillmore failed to provide a proper breath sample at the LASD station, despite being given five opportunities to do so. Due to Fillmore's lack of cooperation, Morgan requested the assistance of a supervisor, Sergeant Bringas, and the on-duty watch commander, Lieutenant Aguilera, who explained the administrative process, and Fillmore's obligation to cooperate. Fillmore told Deputy Morgan he would only provide a blood sample, with a court order then questioned Morgan's integrity as to the truthfulness of the probable cause listed in the warrant. After preparing the court order and contacting a judicial officer to approve it, Morgan transported Fillmore to Henry Mayo hospital to have blood drawn. Fillmore's actions kept valuable LASD resources tied up longer than were necessary.

On at least two occasions during the investigation, Fillmore attempted to use his position with the Department to secure his release and avoid the ramifications of his actions. He told Morgan that the two were "on the same team," that "it [the investigation] did not have to go this far," and "if were up to me I would let you go." His unprofessional and inappropriate attempts to dissuade LASD personnel from completing his booking were an embarrassment to the police profession. Fillmore left anyone listening to him with the unambiguous impression that LAPD officers are above the law, and will abandon their duty to their profession when another officer violates the law. This is completely inconsistent with our Core Values and could be misconduct worthy of termination. During his personnel interview, Fillmore advised he has never released a DUI driver.

Based on his personnel interview and behavior since the incident, it is apparent that Fillmore is very embarrassed by his actions and extremely contrite. He placed the blame for his actions squarely upon his own shoulders. He discussed several personal issues that may have led to his behavior, but at the same time, Fillmore did not use these issues as an excuse. Since this incident, Fillmore has voluntarily sought assistance from multiple providers, and has made several significant life changes that have resulted in an improved work performance, behavior, demeanor, and overall appearance. It is my opinion that Fillmore fully understands the negative ramifications of his actions on February 27, 2016, and is taking the necessary steps to correct his behavior, make amends, and preclude future incidents.

ATTACHMENT J

922-06043-0622-242

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT MISDEMEANOR ☒ Traffic ☐ Nontraffic

NOTICE TO APPEAR CITE AD130471

Date of Violation: 4/30/22 | Time: 5:00 ☐ AM ☐ PM | Day of Week: S M T W T F S | Speed/Limit: CMB/SCT

Name (First, Middle, Last): JAMES KURTZ FILLMORE ☐ Owner's Responsibility (Veh. Code, § 40001)

Address: [redacted]

City: [redacted] State: CA Class: [redacted] Commercial: ☐ Yes ☐ No | Age: [redacted]

Sex: M | Hair: BRN | Eyes: HZL | Height: 508 | Weight: 200 | Race: W | Place of Birth (Optional): IOWA

Driver's License No.: [redacted] State: CA

Yr of Veh.: NISSAN | Make: MAXIMA | Body Style: 4DR | Color: BLK | ☐ COMMERCIAL VEHICLE (Veh. Code, § 15210(b)) | ☐ HAZARDOUS MATERIAL (Veh. Code, § 353)

Evidence of Financial Responsibility: STORM

Registered Owner or Lessee: CITY OF LOS ANGELES ☐ Same as Driver

Address: 6240 SYLMAR AVENUE ☐ Same as Driver

City: VAN NUYS, State: CA ZIP Code: 91401

Yes	No	Code and Section	Description	Booking Required	Misdemeanor or Infraction (Circle)
☒	☐	23152(a) CVC	DRIVING UNDER THE INFLUENCE		M I
☐	☐				M I
☐	☐				M I
☐	☐				M I

Speed Approx.: | PF/Max Spd.: | Veh. Lmt.: | Safe: | Radar: | Laser: | ☐ Construction Zone

Location of Violation: At CIRCLE J RANCH RD / CLEARVIEW COURT | City of Occurrence: SCR

File No. / RD: 922-06043-0622-242 | Reference: 63681176 | No. Passengers: M 0 F 0

☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

4/30/22 Date | N. MOSLEY Arresting or Citing Officer | 685883 Employee No. | 10 Vac Duties

/ / Date | Name of Arresting Officer, if different from Citing Officer | Employee No. | Vac Duties

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X Signature: [signature]

WHEN: ON OR BEFORE THIS DATE 8/31/22 Time 8:30 ☒ AM ☐ PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

WHERE:

[Name of court(s)] SANTA CLARITA COURTHOUSE

[Section(s) or division(s), room number(s).]

[Street address(es)] 23747 VALENCIA BLVD.

VALENCIA, CA 91355

[Phone No.]

☐ To be notified

AD130471 *1900*

Judicial Council of California Form Rev. 03-08-15 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.5)

SEE REVERSE

TR-130

ATTACHMENT K

DMV
A Public Service Agency

[redacted] E 21 AND OLDER OFFICER'S STATEMENT [redacted]

SECTIONS 13353, 13353.1, 13353.2 & 13389 CALIFORNIA VEHICLE CODE (CVC)

APS

FORWARD THIS FORM WITHIN 5 BUSINESS DAYS TO YOUR LOCAL DRIVER SAFETY OFFICE, LISTED ON THE BACK OF PAGE 2

COMPLETE IN BLACK INK

LAW ENFORCEMENT AGENCY CASE NO.	DETENTION/ARREST DATE	FOR DMV USE ONLY
16-02607-0029-242	2/27/16	

DRIVER'S NAME (LAST, FIRST, M.I.): FLORES, JAMES KURTZ

DRIVER LICENSE NO.: [redacted] | COMMERCIAL? ☐ Yes ☒ No | STATE: CA

[redacted] ZIP CODE

THUMB PRINT (Right thumb or specify)



DOB: [redacted] Sex: M Hair: Bld Eyes: Brn Ht.: 5-06 Wt.: 220

Driver License: ☐ Suspended/Revoked ☒ Surrendered (Attached) ☐ Not in Possession ☐ Unlicensed

- ☐ 0.01% or more BAC DUI Probation
- ☐ 0.04% or more BAC/COMM VEH
- ☐ 0.08% or more BAC Chemical Tests Results
- ☐ PAS or other Chemical Test Refusal – (DUI Probation) (Complete reverse)
- ☐ Chemical Test Refusal (Complete reverse)
- ☒ Forced Blood Test (Complete reverse)

Vehicle Lic. No. or VIN [redacted]

☐ COMMERCIAL VEHICLE: Vehicle operation requires a commercial driver license (Section 15210 CVC).

☐ HAZARDOUS MATERIALS: (transporting materials requiring placards/markings per Section 27903 CVC).

On 2/27/16 at 10:15 AM/PM in (City and County) Alhambra, LA CA, the above named driver was:

☒ Driving: ☒ observed by this officer or ☐ the observer shown in the shaded area on the second page; ☒ admitted to driving.

☐ Contacted per Section 40300.5 CVC. (Describe details in probable cause section on second page.)

☐ Involved in a collision. Attach collision report. In the probable cause section on the second page, describe how time of collision was established.

I had reasonable cause to believe the driver was driving a motor vehicle with alcohol and/or drugs present in the blood or while under the influence. The driver was lawfully arrested, or lawfully detained while on DUI probation, by this officer, or by the person shown in the shaded area on the second page on 2/27/16 (Month/Day/Year) at 10:30 AM/PM for violation of Section 23152 or 23153, 23154 CVC.

PROBABLE CAUSE. Describe in detail the facts and circumstances that led to the stop or contact. If driving was observed by someone other than the arresting officer, what did the observer say? State details on second page of this form hereby incorporated by reference.

OBJECTIVE SYMPTOMS OF INTOXICATION: ☒ Bloodshot/watery eyes ☒ Odor of alcoholic beverage ☐ Unsteady gait ☒ Slurred speech ☐ Other: _____ Observed by: Morent C at 12:20 AM/PM

PRELIMINARY ALCOHOL SCREENING TEST 0.01% OR MORE BLOOD ALCOHOL CONCENTRATION (BAC) DUI PROBATION

Driver submitted to and completed a Preliminary Alcohol Screening (PAS) test with the results of:

TEST 1 ____% BAC on _____ (DATE) at _____ (TIME) AM/PM TEST 2 (Optional) ____% BAC on _____ (DATE) at _____ (TIME) AM/PM

OFFICER'S CERTIFICATION: I certify under penalty of perjury under the laws of the State of California that (1) I obtained the above PAS test results in the regular course of my duties, (2) I used PAS Model (Name/Number) _____, Serial# _____, Manufactured by _____, (3) I administered this PAS test properly in accordance with the manufacturer's guidelines and instructions, (4) I have received training on the proper operation of this device and administration of the PAS test and am competent and qualified to operate the device, and (5) the device was functioning properly at the time of the test. ☐ PAS Test Unavailable

Date | Signature X | BADGE/ID NO. | Agcy./Div.

CHEMICAL TEST Obtained from Morent C

Breath Test Results (Attach copy of the results, if available)

TEST 1 ___% BAC on _____ (DATE) _____ (TIME) AM/PM TEST 2 ___% BAC on _____ (DATE) _____ (TIME) AM/PM TEST 3 ___% BAC on _____ (DATE) _____ (TIME) (WHEN APPLICABLE) AM/PM

BREATH TEST MACHINE OPERATOR'S CERTIFICATION: I certify under penalty of perjury under the laws of the State of California, that the above breath test sample results were obtained in the regular course of my duties. I further certify that I am qualified to operate this equipment and that the test was administered pursuant to the requirements of Title 17 of the California Code of Regulations.

Date | Signature X | Badge/ID No. | Agcy./Div.

Blood Test Results ☒ Blood Test on 2/28/16 (DATE) 12:52 (TIME) AM/PM ☐ Breath Test Unavailable

Obtained from Morent C

Urine Test Results ☐ Both Breath and Blood tests unavailable. ☐ Drug use suspected. ☐ Urine required.

☐ Urine Test First Void on _____ (DATE) _____ (TIME) AM/PM Test on _____ (DATE) _____ (TIME) AM/PM

I certify under penalty of perjury, under the laws of the State of California, that the information contained on all pages of this Officer's Statement is true and correct.

EXECUTED ON: Date 2/28/16 AT: City Santa Clarita County Los Angeles State CA

OFFICER'S PRINTED NAME	BADGE/ID NO.	TELEPHONE NO.
Morent C	16550	(661) 255-1121
AGENCY CHP	AREA Sep	COURT (IF UNKNOWN, COURT NAME) Norw

I ☒ did ☐ did not personally serve a copy of the Order of Suspension/Revocation to the driver.

ISSUE DATE OF ORDER 2/28/16 | SIGNATURE OF ARRESTING OFFICER

IF ORDER SERVED BY ANOTHER OFFICER, I personally served a copy of the order to the driver on the date shown below:

ISSUE DATE	OFFICER'S PRINTED NAME	BADGE/ID NO.	SIGNATURE OF OFFICER X

DS 367 (REV. 10/2012) White—DMV Yellow—Law Enforcement Pink—Driver

continued on n