

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.