STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, DECEMBER 14, 2023

9:03 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
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APPEARANCES

POSAAB MEMBERS PRESENT

JOYCE E. DUDLEY
(Board Chairperson)
Governor Appointee
Attorney

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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A P P E A R A N C E S C O N T I N U E D

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Staff Counsel
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CARRIE WOOLEY
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A P P E A R A N C E S C O N T I N U E D

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ALSO PRESENT

ROBERT BAUMANN
Counsel for
Officer Justin Ramirez
(Via videoconference)

MATTHEW BRADBURY
Deputy District Attorney
Orange County

LESLIE WILCOX
Counsel for
Officer James Fillmore

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Thursday, December 14, 2023, 9:03 a.m.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning. Today we will be making history. This is the first meeting of the Peace Officer Standards Accountability Advisory Board in the history of California.

My name is Joyce Dudley, and I am the Board Chair. Today is December 14th, 2023.

We are here today as a direct result of the hard work of peace officers, activists, legislators, voters, Governor Newsom's Office, and the staff of POST under the extraordinary leadership of its Executive Director, Manny Alvarez.

We are also here because, historically, people have been treated unjustly or have been unjustly accused. Some of these people include victims, their loved ones, and law enforcement officers.

To quote Dietrich Bonhoeffer, quote, "We are not to simply bandage the wounds of victims beneath the wheels of injustice. We are to drive a spike [sic] into the wheel itself."

We are here to listen carefully, think thoughtfully, and act judiciously as we seek truth and justice for all.

To quote Mahatma Gandhi, quote, "Truth never damages a cause that is just."

Our primary mission is to protect the public and all constitutional and statutory rights.

As Martin Luther King, Jr., said, "Human progress is neither automatic nor inevitable ... Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertion and passionate concern of dedicated individuals."

Which is why all of you were chosen to serve on this board.

To end my personal comments, I leave you with the words of Robert F. Kennedy. "Few will have the greatness to bend history itself, but each of us can work to change a small portion of events. It is from numberless, diverse acts of courage and belief that human history is shaped. Each time a person stands up for an ideal or acts to improve the lot of others, or strikes out against injustice, they send forth a tiny ripple of hope and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightest walls of oppression and resistance."

I want to personally thank you all for joining us today, the board and members and our community.

Before the meeting officially begins, allow me to remind you that this meeting is being webcast, recorded, and transcribed. So I may ask you to slow down, repeat things, or speak more clearly so that our transcriber can most accurately capture the discussion of our minutes.

Further, please note that the microphones are on and off. When you begin speaking, they may go live. With this in mind, you will need to pay attention to your cross-talk.

Mr. Knapp, please call the roll call.

MR. KNAPP: Madam Chair, Members of the Board, good morning.

Board Member Buchen.

(No response.)

MR. KNAPP: Board Member Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Board Member Crawford.

MEMBER HATCHER-CRAWFORD: Present.

MR. KNAPP: Board Member Doyle.

MEMBER DOYLE: Here.

MR. KNAPP: Board Member Dudley.

CHAIRPERSON DUDLEY: Here.

MR. KNAPP: Board Member Glaser.

MEMBER GLASER: Here.

MR. KNAPP: Board Member Johnson.

MEMBER JOHNSON: Here.

MR. KNAPP: Board Member Lara.

MEMBER LARA: Present.

MR. KNAPP: And Board Member Pena.

MEMBER PENA: Present.

MR. KNAPP: Thank you.

CHAIRPERSON DUDLEY: Thank you, Mr. Knapp.

A quorum has been established. There are eight members here today.

I would like to introduce -- and the name of this board, the initial of this board of POST, POSAAB. I'm not sure it is any easier to say than the full board name, but it is P-O-S-A-A-B.

And so our legal counsel is Christopher Beatty. Thank you for being here. And POST Assistant Executive Director Annemarie Del Mugnaio. Okay. She is to my right.

Public comment.

This time is set aside for members of the public who wish to comment on items not on the agenda, but those within the board's jurisdiction. Public comments on matters on the agenda will be heard after each item is presented.

Public comment on specific peace officer revocation

passes.

And I want to thank all the board members for doing all that reading last night. Obviously, you were very prepared, and it is very much appreciated.

Okay. We now move to the next items on the agenda, and that is the two cases that are before us today.

We will only be reviewing the facts and evidence as presented by the division. This is not an evidentiary hearing. The rules of evidence do not apply. Evidence is not formally admitted into the record. There is no need to make any objections, and objections will not be ruled upon.

Under the Penal Code and applicable state regulations, this initial hearing will determine only if the matter will proceed forward for the Commission's review. And then should the Commission approve, for a full evidentiary hearing before an administrative law judge to determine whether the allegations are true and justify discipline.

For those commenting on each item at this early stage, the board must only consider the facts that the division, after investigation, believes can be proved at a later evidentiary hearing.

For that reason, today, the board will entertain arguments as to whether or not those facts as presented

by the division demonstrate a high probability that serious misconduct, as defined in Penal Code section 13510.8 and Regulation 1205, occurred.

This finding simply results in the matter being moved forward. No actions by the board or the Commission prior to a full evidentiary hearing amount to a final determination that an officer did, in fact, engage in misconduct or that the revocation or suspension is mandated. That will be determined after the evidentiary hearing.

At this time, I will now call upon Law Enforcement Consultant Trevor Shields, Professional Conduct, Southern Bureau; and Carrie Wooley, Attorney Level III, Legal Affairs Bureau, to provide a report on case POST 2308479, Justin Raymond Ramirez, formerly of the Orange County Sheriff's Department.

Thank you both.

MR. SHIELDS: Good morning, Madam Chair, members of the board. My name is Trevor Shields. I'm a Law Enforcement Consultant with POST's Professional Conduct Bureau Southern Bureau -- Conduct Southern Bureau. Seated to my right -- I will let you introduce yourself, Carrie.

MS. WOOLLEY: My name is Carrie Wooley. I'm an Attorney III with the Legal Affairs Bureau for POST.

MR. SHIELDS: This case does involve former Deputy Justin Ramirez of the Orange County Sheriff's Department.

Deputy Ramirez was trained and assigned as a school resource officer. Like all peace officers, school resource officers are held to a higher standard of conduct. School resources act as teachers, counselors, role models, and protectors of our children.

Deputy Ramirez violated his duty to protect the children by utilizing his personal cell phone to show two separate groups of 14-year-old freshmen female students two videos and two photos that contained harmful matter as defined by California Penal Code 313(a).

If we could get it put up on the -- actually, it is the other one. Yes.

CHAIRPERSON DUDLEY: Is that not the Penal Code --

MS. WOOLLEY: Next slide, please.

MR. SHIELDS: Next slide.

MS. WOOLLEY: Thank you.

MR. SHIELDS: The definition of "harmful matter," according to the Penal Code.

MS. WOOLLEY: Yes. That's correct.

CHAIRPERSON DUDLEY: Stand by.

MR. SHIELDS: I will give you guys a moment to read

it.

CHAIRPERSON DUDLEY: Would you please read the definition?

MR. SHIELDS: Would you like me to read it?

CHAIRPERSON DUDLEY: Yes, please.

MR. SHIELDS: As used in this chapter, "'Harmful matter' means matter taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prudent [sic] interests, and is a matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors."

The Orange County Sheriff's Department conducted a criminal and administrative investigations. They sustained departmental policy violations of serious misconduct against Deputy Ramirez. They referred a criminal complaint to the Orange County District Attorney's Office.

The Orange County District Attorney's Office filed one misdemeanor charge of 313.1(a) of the California Vehicle Code, which was distributing harmful manner -- matter to a minor.

The following are facts to the serious misconduct charge of acts that violate the law:

On September 2nd, 2022, Deputy Ramirez was on campus at Trabuco High School in Mission Viejo during the freshman lunch period. Deputy Ramirez knew or should have known the students around him were high school students under the age of 18.

Deputy Ramirez was in full uniform. He was seated in his patrol car when he was approached by several freshman students. These students asked him questions about events he had seen in his job as a deputy sheriff. Specifically, and I quote, "What was the most horrible call you got?"

Instead of using this student interaction as a positive teaching moment, and providing an age-appropriate response, Deputy Ramirez used very poor judgment and utilized his personal cell phone to show the group of 14-year-old freshman students the two videos and two photos containing explicit, graphic, sexual, and violent content, as well as one -- as well as one of illicit drug use, all of which was not appropriate for juveniles.

Deputy Ramirez was not part of these events he was showing. He was not on scene, and he was not part of the investigation of these events.

The first video depicts two individuals engaging in sexual intercourse, who were subsequently stabbed by an

assailant with a knife, resulting in the death and apparent death of one of the victims. The video is very explicit and graphic in nature and shows the faces and intimate body contact between the victims.

The second video shows two males sitting on the ground in a room, smoking a controlled substance, most likely crack cocaine, from glass pipes. The males engaged in an explicit act -- activity of blowing narcotics smoke into the intimate body part of another.

The deputy also showed two students the -- two photos. The first was of a deceased young female similar age as the students. The female was laying in a roadway as a result of a traffic collision with a severe head injury.

The second photo was taken in a hospital setting depicting a severe lacerations to a female's leg from the bite of a sheriff's K9.

Deputy Ramirez repeated the act of showing these same videos and photos to -- a few minutes later to a new group of freshman female students. These students came over to him after hearing about the videos and photos from the first group of students. Each student had a different reaction to being shown these images.

One student stated she will never forget the image of a, quote, "a 17-year-old girl on the street. There

was a gash, and her brains were coming out."

Later that same student said, and I quote, "That's actually somebody dying in front of my face."

One of the students was disturbed enough to share what she saw with her mother, who turned around and called the Orange County Sheriff's Department to report the incident, which led to this investigation.

The Orange County Sheriff's Department investigation -- or during the Orange County Sheriff's Department's investigation, Deputy Ramirez resigned from the sheriff's department on December 14th, 2022, prior to his administrative interview, and has not provided a statement.

On the PowerPoint is the definition of the criminal charge he was charged with.

Madam Chair, would you like me to read the law? Okay.

California Penal Code 313.1(a). "Every person who, with knowledge that a person is a minor, or fails to exercise reasonable care in ascertaining the true age of a minor, knowingly sells, rents, distributes, sends, causes to be sent, exhibits, or offers to distribute or exhibit by any means, including, but not limited to, live or recorded phone messages, any harmful matter to the minor shall be punished as specified in section

313.4."

CHAIRPERSON DUDLEY: Thank you.

MR. SHIELDS: On April 25th of this year, Deputy Ramirez appeared in Orange County Superior Court on one misdemeanor count of this section of 313.1(a). Despite opposition from the Orange County District Attorney's Office, the court granted Deputy Ramirez a misdemeanor pretrial diversion under Penal Code section 1001.95.

As part of that agreement, Deputy Ramirez agreed to commit no new misdemeanor or felony crimes, performed 40 hours of community service, complete sensitivity training, comply with the stay-away order, and pay a diversion restitution fee.

Information obtained during this investigation was analyzed by the clear and convincing evidence standard. For purposes of this investigation, 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 not -- the evidence need not establish a fact beyond a reasonable doubt.

As a school resource officer, Deputy Ramirez was entrusted with an extremely high level of public trust in the community; namely, the safety and the protection of the community's youth. He received training from his agency as a school resource officer.

Deputy Ramirez's actions were egregious and repeated. They were inconsistent with the obligation of a peace officer to uphold the law and respect the rights of members of the public.

Deputy Ramirez not only violated the Penal Code, but showed his lack of judgment and disregard for his assignment as a deputy and a school resource officer.

Deputy Ramirez should have acted as a role model for these students, not exposing them to explicit, graphic, and violent material. He chose to show this inappropriate material not once, but twice to two separate groups of 14-year-old female students, while in uniform and sitting in a marked patrol vehicle as a high school.

Based on the facts of this case, as described here and in the investigative summary and findings, there is clear and convincing evidence that Deputy Ramirez committed acts that violate the law, defined in Penal Code section 13510.8(b)(6).

Therefore, the recommendation is that Deputy Ramirez -- Deputy Ramirez's Peace Officer's Certificate be revoked.

If the board has any questions, Carrie and I will be happy to answer them at this time.

CHAIRPERSON DUDLEY: I know all of you have

reviewed the documentary evidence that was sent to you, and all of you have seen the videos that have been described as well as the photographs.

So do any of you have any additional questions or comments?

I have one question, and then I will be calling upon Board Member Doyle.

Perhaps I misunderstood this, but when the parent of the daughter who explained to her what happened at school, that alleged victim, then after she, her daughter, told her what happened, that parent then called 911 or the sheriff's department.

And was it true, in fact, that the responding officer was Officer Ramirez?

MR. SHIELDS: Yes. Yes, it was.

CHAIRPERSON DUDLEY: So he interviewed the child who he, in fact, showed this photo to?

MR. SHIELDS: Briefly, yes.

CHAIRPERSON DUDLEY: Okay. And then at some point, he came to realize that it was, in fact, he who she was describing?

MR. SHIELDS: That is correct.

CHAIRPERSON DUDLEY: Okay. And then another officer came in?

MR. SHIELDS: He did. He contacted his supervisor

who came to the scene.

CHAIRPERSON DUDLEY: Okay. So there was a period of time -- moments, I don't know -- where he -- in addition to showing the photographs and the videos, where he then took a report about his own behavior?

MR. SHIELDS: Correct.

CHAIRPERSON DUDLEY: Okay. And about how long was that?

MR. SHIELDS: From the time he arrived at the residence to the time the supervisor arrived, I believe it was -- I don't know exactly. I would have to be -- give you an approximate. It was approximately 20 to 30 minutes.

CHAIRPERSON DUDLEY: Okay. During that period of time, do you happen to know if he stayed with that child, or whether he immediately took himself out of the case?

MR. SHIELDS: He did not. He did. He stepped -- when he realized that this case was about him, he did excuse himself, went out to his patrol car. That's where he made a phone call to another school resource officer and to his supervisor.

CHAIRPERSON DUDLEY: Okay.

MR. SHIELDS: When his supervisor arrived, they then went back into the house.

CHAIRPERSON DUDLEY: Okay.

MR. SHIELDS: He was not alone with the child.

CHAIRPERSON DUDLEY: But when -- and I believe this was all in your report. He waited outside, and then when his supervisor arrived, he again entered that house where this child and her mother were?

MR. SHIELDS: Correct.

CHAIRPERSON DUDLEY: Okay.

Yes. Board Member Doyle.

MEMBER DOYLE: The decision to provide diversion, was that a court -- Orange County court policy?

MR. SHIELDS: Yes -- oh, that's probably more of a --

MS. WOOLLEY: It would have been within the discretion of the trial judge. It was over the objection of the district attorney. I believe the district attorney who handled the case was supposed to be appearing today. If he's here for public comment, he may be able to answer that question in full.

CHAIRPERSON DUDLEY: Board Member Doyle, he is due here at about 10 o'clock.

MEMBER DOYLE: No, that's sufficient. I just wanted to know -- because I know there are misdemeanors that are excluded from diversion and just wanted to clarify if that was a board policy to pretty much divert

misdemeanors.

MS. WOOLLEY: Right.

MEMBER DOYLE: Okay. Thank you.

MS. WOOLLEY: It would have been excluded had it been registerable under Penal Code section 298. This was not, though.

CHAIRPERSON DUDLEY: Any other board members have any other questions?

Yes.

MEMBER GLASER: Yeah. Just on Chair Dudley's earlier point.

In your report, it says, on page 6 in the fourth paragraph, that the sergeant that he called, Sergeant Huerta, assisted the respondent to complete his -- to complete his interviews by talking with the parents so the respondent could interview Student Number 1 in the adjacent room.

Did that interview occur in the adjacent room, or did they just set that up, and then it got scuttled?

MR. SHIELDS: No, he did interview the student in an adjacent room.

But there was a little -- Deputy Ramirez wasn't a hundred percent completely honest with the supervisor. I don't believe the supervisor, at that point, knew that this was about him. And I think things would have been

a little different, maybe.

It wasn't until after they exited the residence that Deputy Ramirez came a little bit forward with what he thought was going on.

MEMBER GLASER: But that interview had occurred --

MR. SHIELDS: Had occurred --

MEMBER GLASER: -- in the adjacent room between the respondent and the student?

MR. SHIELDS: That is correct.

MEMBER GLASER: Alone?

MR. SHIELDS: It's still within eye -- it's within the house. They were within eyeshot of the -- of each other, the parents and the sergeant.

CHAIRPERSON DUDLEY: Are there any other questions or comments from any of the board members at this time?

MEMBER LARA: Actually, I have a question. Was there any explanation -- I didn't see in the report -- about the evolution of the story that the deputy gave to Sergeant Huerta?

The story began, he did not -- the videos were not of a sexual nature. And then later on, the story becomes something different, that he explains to the supervisor.

Was there any expansion on why that might have happened?

MR. SHIELDS: There was not. It was -- you know, he told them at the scene, before they left, that he -- you know, that it might have been about him.

And then later on in the shift, he then, I think, was probably trying to write the report, and contacted the supervisor and gave him that further update that he did show a couple of videos and photos to students.

MS. WOOLLEY: And to your point, Board Member Lara, he was not interviewed for the administrative investigation. He resigned prior to being interviewed.

CHAIRPERSON DUDLEY: Are there any other comments or questions?

Yes, Mr. Johnson.

MEMBER JOHNSON: Yes. I do have a question. How did he come to get the videos, I guess, is the first question.

And the second question is: There's a violation -- I'm not sure what code -- of the evidence that he had on his phone, which is a private phone, his personal phone, from what I believe.

So the first question is: How did he come to get the videos? And was it okay for him to have those on his phone?

MR. SHIELDS: I'm not sure how he came to get them. He was not part of those investigations. Whether they

were sent to him by another person, deputy, friend, I don't know who sent them to him.

There were quite a few photos on his phone when the sheriff's department did a search warrant. There was a homicide investigator that completed the criminal portion of the -- of the report, of Orange County's report. And he did go through all -- I believe it was close to 18,000 videos and photos.

When I spoke with him, he said that there was nothing criminal in nature that specifically was criminal to possess. It became criminal when Deputy Ramirez showed them to the underage females.

MEMBER HATCHER-CRAWFORD: I do have a question.

CHAIRPERSON DUDLEY: One moment, please.

Was there a follow-up on that, Mr. Johnson?

MEMBER JOHNSON: No. No. He answered it.

CHAIRPERSON DUDLEY: The law that I think you are referring to is Kobe's Law, and that law wasn't yet enacted.

And, yes, Ms. Pena.

MEMBER PENA: Kobe's Law was what I was going to comment on.

CHAIRPERSON DUDLEY: Thank you.

Anything else? Any other questions from the board?

Yes.

MEMBER HATCHER-CRAWFORD: So they kind of answered the question about the Kobe's Law.

When did the sheriff's department -- did he voluntarily show the videos, or was it during at the time that they got the search warrant to go to the house, and they obtained this -- the videos off of his personal phone?

MR. SHIELDS: The search warrant -- they called him into the -- I believe it was their city hall. And they had the search warrant. And he volunteer -- you know, he certainly didn't fight them. Provided those phones in accordance with that -- with that search warrant.

MEMBER HATCHER-CRAWFORD: Thank you.

CHAIRPERSON DUDLEY: Any other questions or comments from the board?

(No response.)

CHAIRPERSON DUDLEY: Are there any members of the public who would like to address the board regarding this agenda item?

(No response.)

CHAIRPERSON DUDLEY: I believe we have someone online. Would you please identify yourself, sir.

MR. BAUMANN: Yes, good morning. Madam Chair, board members. My name is Robert Baumann. I'm a representative for Deputy Ramirez.

CHAIRPERSON DUDLEY: Okay. Thank you.

And do you have a public comment regarding this matter?

MR. BAUMANN: Yes, ma'am. Just a couple items that I wanted to address. The first piece is, as it relates to Deputy Ramirez, it has been mentioned that he did not provide a statement, and the division has never reached out to conduct an investigation or any further investigation to discuss this with Deputy Ramirez. I think Deputy Ramirez's statement and what he says is imperative and pertinent to this investigation.

And, again, my understanding, unless I have a misunderstanding, is that the division does have the authority and the ability to conduct further investigation. Obviously, the standard before the board is clear and convincing evidence, which is a higher standard than what the department -- the department's burden of preponderance of the evidence.

Therefore, I think Deputy Ramirez's statement is pertinent and, again, would shed light on a lot of these allegations, because as of right, these are -- the allegations are being substantiated by one side by statements by one party essentially, without Deputy Ramirez's input.

That was the first item I wanted to address and

bring to the board's attention.

The second item --

CHAIRPERSON DUDLEY: May I interrupt you and just have them respond to that, and then we can go on to the next event? Is that okay?

MR. BAUMANN: Yes.

CHAIRPERSON DUDLEY: Please, go ahead.

MS. WOOLLEY: Thank you.

I did just confer with Mr. Shields. That's true that the division did not reach out for a statement from Deputy Ramirez. However, I would like to point out that under the law, we are not obligated to reach out to Deputy Ramirez for a statement or to any officer for a statement if we feel that the investigation that was performed by the agency was sufficient in and of itself, which was the case here.

We had the evidence from Deputy Ramirez's phones that corroborated the victims' statements.

We also had the evidence from Deputy Ramirez's statements to the other officer that was on his body-worn camera footage, where he indicated and admitted to the other officer that he, in fact, did show these videos to those children at the high school.

So we felt that the investigation was complete and did not require further statements or investigation on

our part.

CHAIRPERSON DUDLEY: Thank you. Please, you can either respond or go on to your next item.

MR. BAUMANN: Thank you, Madam Chair. Just to briefly respond.

If there's other body-worn camera footage or other evidence, again, I would request that that evidence be provided to Deputy Ramirez. Deputy Ramirez has not received that evidence and, therefore, it would be a due process violation to move forward and use that evidence without him having the opportunity to see that evidence and to respond to that evidence.

So to move on, the second and last item I wanted to address as well, Madam Chair, is in the evidence provided by POST in their investigation summary, talking about the criminal case and the criminal investigation against Deputy Ramirez, in page 3 of 14, it specifically states that Deputy Ramirez pled guilty. And that is a hundred percent incorrect. Deputy Ramirez has never pled guilty to the misdemeanor. And, in fact, if you pull up the court status of the case, it clearly states that he pled not guilty to the misdemeanor allegation against him.

So I wanted to bring that to the board's attention as well, that the document provided by POST is clearly

false and misleading as it relates to that point.

And, further, Deputy Ramirez -- and, again, I'm just making the representation based on his representation, because I do not represent Deputy Ramirez in the criminal matter -- is that he anticipates that the case will be dismissed come April, his next court date.

So I think that is important clarification for the board, considering it is mentioned in the POST investigation summary. And it is inaccurate.

CHAIRPERSON DUDLEY: He did, in fact, accept diversion as a result of this charge; is that correct?

MR. BAUMANN: Yes. That is correct, Madam Chair.

CHAIRPERSON DUDLEY: Okay. Counsel, did you want to respond?

MS. WOOLLEY: I would. Thank you.

That is correct that our investigative summary and findings is factually inaccurate. I would not say it's false and misleading. Deputy Ramirez did accept a diversion deal, which requires that he agree to some terms with the court, that he actually perform those terms in order for his case to be dismissed.

But as counsel should be aware under Penal Code section 1001.97, even though his case would be dismissed, if he applies for another position as a peace

officer, he would still have to disclose his arrest and the fact that he was given diversion. It would not be wiped clean from his slate.

CHAIRPERSON DUDLEY: Okay. Thank you.

Counsel, is there anything else?

MR. BAUMANN: No. Nothing further, Madam Chair. Thank you.

CHAIRPERSON DUDLEY: Thank you.

I will accept some more questions and comments from the board. Let me first ask: Is there any other public member who would like to respond to this?

(No response.)

CHAIRPERSON DUDLEY: What we will do, just so everyone is aware of procedurally what will happen now is, I will entertain any other questions and comments from the board.

Then we will take a break. And I believe, at that point, there may be another person who wants to make public comment.

So now back to the board. Board Member Doyle.

MEMBER DOYLE: I have a question.

I just assumed from the documents that we got that Ramirez refused to give a statement. And so I'm sort of concerned. Because having experience, you would never not interview the subject of an investigation just

because all of the other evidence was overwhelming.

And so I'm -- and so I know they don't have to, but I don't understand why they wouldn't close that loop.

MS. WOOLLEY: It is discretionary on the division whether or not to interview the subject officer. When we have a case like this, where we have a large body of evidence, and we actually have a video where it shows an admission by the officer, the division may make the decision at its discretion not to interview the officer. So it is simply within POST's discretion whether to go ahead and interview.

MEMBER DOYLE: Thank you.

MS. WOOLLEY: Thank you.

CHAIRPERSON DUDLEY: Anything else?

MEMBER DOYLE: No.

CHAIRPERSON DUDLEY: Would any other board member like to make -- please.

MEMBER PENA: Question. On the photo of the young woman who was the victim of an automobile accident, was that a crime scene photo, a local crime scene photo? Or was that from a website or obtained elsewhere? Or do you know?

MR. SHIELDS: I don't know for sure. I know it is within the County of Orange -- Orange County. The Orange County also has a coroner division. So somebody

from within the Orange County Sheriff's Department's coroner division would have come out. I don't know who took the photo or how it was sent to Deputy Ramirez.

MEMBER PENA: But it was a local photo?

MR. SHIELDS: Yes. Yes.

MEMBER PENA: Okay. Thank you.

CHAIRPERSON DUDLEY: Thank you.

Any other questions or comments at this time?

(No response.)

CHAIRPERSON DUDLEY: Okay. We'll be taking breaks at about every hour, every 15 minute -- or an hour and 15 minutes to give the transcriber a break.

So we will now -- it is approximately three minutes to 10:00. We will now break until approximately 10:08.

Thank you all.

(Break taken in proceedings.)

CHAIRPERSON DUDLEY: Okay. This is my granddaughter's favorite part of my job.

Having banged the gavel, we are back on. And at this time, I will ask, again: Is there anyone in the audience who would like to make a public statement?

(No response.)

MR. BRADBURY: Yes. There is no one else.

CHAIRPERSON DUDLEY: Please. Come on up. And please state your name and your agency if you would

like.

MR. BRADBURY: Yes. Good morning, everyone. My name is Matthew Bradbury. I appreciate you all opening this up to public comment. There we go. Like I said, my name is Matthew Bradbury. I'm a deputy district attorney in Orange County. And I'm the deputy DA who filed the criminal charges against Mr. Ramirez earlier this year.

So I will be brief because I know that a lot has been said already. We do have the criminal case. The criminal case is in diversion.

Just to kind of hammer home some of the major points that we felt made it necessary to file criminal charges here: Mr. Ramirez was working as a deputy sheriff. He was on campus at a high school in South Orange County. Some high school girls, teenagers, approached him. And I think they thought it was just kind of a friendly, casual conversation. He showed them videos and photographs that are -- were extremely inappropriate. Inappropriate to show anyone, not affiliated law enforcement, let alone, you know, freshmen in high school, female freshmen in high school.

Based on that, the girls told their parents. They made statements to the effect of being shocked and traumatized by what they saw.

One of the girls' parents called the sheriff's department, and then that's how the Internal Affairs investigation opened up. It then came to us at the district attorney's office. My unit at the DA's office looks at all of those Internal Affairs cases, and we usually don't file charges, to be honest. But this is one that we did.

There was an additional search warrant that was done of Mr. Ramirez's phone. And apologies if you know all of this already. But the search warrant showed additional photographs that -- and videos that we felt were very inappropriate, including two -- including photographs from other crime scenes that he had kept on his personal phone. And, you know, without speculating why he chose to do that, you know, two of those photographs were of dead bodies from other crime scenes in Orange County.

There was other material, personal material to him, that we also felt was very inappropriate for him to have, including a video that he took of himself while on sheriff's property. A selfie, but a video, if you will.

And just -- there's a lot of material on there in that search warrant that we felt added to our general sense that Mr. Ramirez just does not have the judgment to be a peace officer.

Now, that is obviously not what we decide, but it was part of the reason that we wanted to be here in person today. And we're very happy that this -- this Commission, which I know is brand new, is taking a look at this.

And so we feel that all in all, not only the way that Mr. Ramirez behaved with the high school students, but also the other materials found on his personal device related to other crime scenes, were more than just a lapse in judgment. But were really a complete -- it just showed a complete lack of judgment on his part.

And, look, no one is saying that on a criminal case, he needs to spend a decade in prison. Of course not. It is a misdemeanor. But in terms of his ability to serve and wear a badge, in our view, that is just something he should be foreclosed from doing.

And so, again, I will leave with, if you have not had a chance to see the videos and photographs, and I believe there were still images provided --

CHAIRPERSON DUDLEY: This board has seen the videos and the photographs, or at least most of the photographs you just described. This board has not seen any photograph of the defendant in uniform. But the other photographs that you have articulated, they have seen.

May I ask you a question?

MR. BRADBURY: Yes.

CHAIRPERSON DUDLEY: There has been some discussion about the plea and about the meaning of diversion. Would you explain to us what the plea was and what the ramifications of diversion are.

MR. BRADBURY: Yes. Definitely.

So it is a -- there has been no guilty plea entered. So state of California, Penal Code section 1001 -- I think it's .6 is this form of diversion. We just call it misdemeanor diversion. It is a diversion without a guilty plea up front that is available to any defendant in Superior Court in California for a misdemeanor, barring certain specific misdemeanors; like DUIs typically can't be diverted in this way.

So there's no guilty plea for Mr. Ramirez. It is a -- it is a kind of an indefinite period of time where he has to perform counseling, community service, stay out of trouble, things like that.

So he did accept that. He did not fight the case in the sense of, I'm taking this to trial. This is not true. Okay. But, at the same time, he has not pled guilty.

CHAIRPERSON DUDLEY: Okay.

MR. BRADBURY: And it would lead -- just -- sorry -- it would lead to a dismissal if you were to

abide by all those terms and stay out of trouble on the criminal case. It could take a year or two, essentially at most.

CHAIRPERSON DUDLEY: The other question that was raised was: What was the district attorney's position on whether he should be able to get -- to be diverted on this case?

MR. BRADBURY: We objected to diversion pretty vehemently, actually. We not only objected to diversion, we also filed a motion to reconsider and actually went back to the same court.

So we objected to diversion, again, based on the reasons I have outlined.

CHAIRPERSON DUDLEY: Okay. Thank you. Let me just talk to the board members, see if they have any questions or comments.

Any other board members have any questions?

Yes, please.

MEMBER GLASER: Yeah. Just a simple question. If he were to be found to be -- to have violated the conditions of his diversion, what would happen subsequently?

MR. BRADBURY: That would reinstate the criminal case, and then we would be back in an open, active criminal case.

So at that point, it would have to go to -- you know, he could fight it, go to trial, or he could plead guilty and resolve it. But that would end his diversion.

But that would not mean an automatic conviction if that is kind of what you are getting at.

CHAIRPERSON DUDLEY: Any other questions or comments of the board?

Mr. Johnson.

MEMBER JOHNSON: Yes. He resigned. Did he give a statement on why?

MS. WOOLLEY: I can answer that question.

He did not. He just simply resigned prior to being interviewed for his Internal Affairs investigation.

CHAIRPERSON DUDLEY: Any other questions or comments from the board?

(No response.)

CHAIRPERSON DUDLEY: Thank you very much, Counsel.

MR. BRADBURY: I appreciate it. Thank you.

CHAIRPERSON DUDLEY: Are there any other -- is there any other public comments on this case?

(No response.)

CHAIRPERSON DUDLEY: Okay. With that said, at this time, the meeting will adjourn into closed session for deliberations on this case.

As some of the case material is graphic and explicit in nature, and you have all heard about that, unredacted versions that will be shown to the board if they request it in closed session now, because the public's interest served by not publicly disclosing the unredacted version clearly outweighs the public's interest in disclosure of the full, unredacted versions.

The board will now exit this room and go to the left, I believe, and view closed session material in secure room. And then come back again for regular discussion.

And we should be coming back shortly. I'm not sure what that means because I need to hear from the board members.

Thank you. And we will take the court reporter -- the transcriber with us.

(Time noted: 10:18 a.m.)

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(Closed session was held from 10:22 a.m. to 10:34 a.m.)

---o0o---

(Time noted: 10:36 a.m.)

CHAIRPERSON DUDLEY: We are back from closed session. We will now reconvene in regular session to take a vote on the board's recommendation to the

Commission in the matter of POST2308479, Justin Raymond Ramirez, formerly of the Orange County Sheriff's Department.

Are there any other comments that the board members would like to make?

(No response.)

CHAIRPERSON DUDLEY: Hearing none, is there a motion to make a recommendation to the Commission on this matter?

MEMBER CLAVO: I make a motion.

CHAIRPERSON DUDLEY: And what is that motion?

MEMBER CLAVO: Decertify.

CHAIRPERSON DUDLEY: There is a motion to decertify Mr. Ramirez.

Is there a second?

MEMBER PENA: I second.

CHAIRPERSON DUDLEY: We will now take a roll call as to each member of the board articulating their decision.

Mr. Knapp, please call the roll call vote.

MR. KNAPP: Board Member Buchen.

Absent.

Board Member Clavo.

MEMBER CLAVO: Agree.

MR. KNAPP: Board Member Crawford.

MEMBER HATCHER-CRAWFORD: Agree.
MR. KNAPP: Board Member Doyle.
MEMBER DOYLE: I support the motion.
MR. KNAPP: Board Member Dudley.
CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Board Member Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Board Member Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Board Member Lara.
MEMBER LARA: Aye.
MR. KNAPP: And Board Member Pena.
MEMBER PENA: Aye.
MR. KNAPP: Thank you.
CHAIRPERSON DUDLEY: Okay. It appears that every member of the board who is here today has voted that the recommendation be revocation.
Are there -- is there anyone that is deciding that they don't want to vote that way?
(No response.)
CHAIRPERSON DUDLEY: Seeing none, hearing none, is there anybody who is abstaining?
(No response.)
CHAIRPERSON DUDLEY: Seeing none, hearing none, it is unanimous. The motion passes.

CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Kathryn S. Swank, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of January 2024.

/s/ Kathryn S. Swank
KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061