

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON
LIABILITY**

Alek Schott v. Bexar County, Texas

Case No. 5:23-cv-00706-OLG-RBF

EXHIBIT 45



Bexar County Sheriff's Office

★ ★ ★ ★ Sheriff Javier Salazar ★ ★ ★ ★

RESPONSE TO GRIEVANCE

Employee: Deputy Joel Babb, Employee #38552, L. E. Bureau - Academy

Date: June 26, 2024

On June 10, 2024, you were served with an Order of Dismissal through your CLEAT Attorney Analisa Longoria. You were made aware of your rights regarding the said discipline and requested a hearing. A hearing was held on June 25, 2024.

Present at the hearing were the following:

Chief Deputy James Serrato, Sheriff's Administration,
Civilian Ilyssa Saenz, Discipline and Grievance,
Civilian Kristina Villarreal, Sheriff's Administration,
Deputy Joel Babb, Grievant, and
Analisa Longoria, CLEAT Attorney

After hearing your case, you did not provide me with any new information that would alter my decision. Therefore, I am denying your grievance and upholding this Order of Dismissal.

You are advised that you may grieve this Response to Grievance, in writing, to Sheriff's Civil Service Commission. Your grievance, if submitted, must be received and time stamped by the Sheriff's Civil Service Commission no later than the tenth (10th) business day following receipt of this document. Additionally, a copy of the grievance, if submitted, must be distributed to the Bexar County Sheriff's Civil Service Commission, 211 S. Flores, San Antonio, Texas, 78204, and to the Bexar County Sheriff's Personnel Office. If you have any questions regarding the Rules, or your rights of the Bexar County Sheriff's Civil Service Commission, you may contact the Director of the Civil Service Commission at (210) 335-0728.

James Serrato
Chief Deputy
Sheriff's Administration

The foregoing document was sent via facsimile to Analisa Longoria, CLEAT Attorney, on June ____, 2024. Please acknowledge receipt of said document and return by fax to Sheriff's HR Office at (210)335-5083 or email to BCSO HR Discipline at HRDiscipline@bexar.org.

I acknowledge receipt of this document:

Analisa Longoria
Signature of Representative

Original: HR File

Copy: 1) Employee/Attorney

2) Discipline Section

JLS:ch

Integrity Fairness Leadership Professionalism
200 North Comal San Antonio, Texas 78207 www.bexar.org/sheriff
Office: (210) 335-6010 Emergency: 911 Fax: (210) 335-6019

DEF BATES BC 011581



Attendees: Chief Serrato, Attorney Analisa Longoria, Deputy Joel Babb, Civilian Ilyssa Saenz, and Civilian Kristina Villarreal

Hearing starts @ 10:05 am on 6/25/2024

Chief Serrato – I'm familiar with the case. Anything you want to let me know or add to this?

Deputy Babb – Dishonesty – I forgot to turn off the camera.

Chief Serrato – You manually turned it off 8 seconds before.

Deputy Babb – I flicked it with my hand.

Chief Serrato -Do you remember?

Deputy Babb – I don't. It was a long time ago. It was a traffic stop. I have nothing to hide.

Chief Serrato – What video did you see?

Deputy Babb – It was his personal vehicles camera.

Chief Serrato – This is about truthfulness. Anything you can explain. IA did their job.

Deputy Babb – What's App / Internet networking that is used by officers on I-35 for human smugglers. There are fusion centers on What's App. I did a lot of training, and I was doing my job. I have been here for 10 years and never got in trouble.

Attorney – Truthfulness can't be proven, camera wasn't operating, could be inoperable, broken.

Deputy Babb – A Youtube video was brought up and now I'm back here.

Attorney – He was requested to write a supplemental report back in 2022.

Chief Serrato – I know it's hard. Who made you write your second report? I have to check on that.

Chief Serrato – He came back to make a complaint to IA.

Attorney – He came with an attorney.

Chief Serrato – When they file a complaint, we have to investigate. We've reviewed the case and is there anything you want to add? You think you flicked the switch/camera?

Deputy Babb – Yes, it was habit to do it.

Chief Serrato – Why turn it off.

Deputy Babb – No reason to. The camera isn't on when waiting for a car. I didn't know the camera was off.

Chief Serrato – Inoperable means not operating. Incapable of operating. I will share this with the Sheriff. You have done a lot for the agency.

Attorney – If he isn't here then future agencies will not take him.

Chief Serrato – I will know by today at 4:30 pm or by tomorrow at the latest. I need to talk to the sheriff.



Bexar County Sheriff's Office
Sheriff Javier Salazar

ORDER OF DISMISSAL

Employee: Deputy Joel Babb, Employee #38552, L. E. Bureau - Academy
Date: June 7, 2024

You are hereby notified that the Bexar County Sheriff's Office (BCSO) is dismissing you from the position of **Law Enforcement Bureau Deputy**.

Your dismissal is in relation to your conduct and not because of a reduction in workforce or an at-will employment decision.

Location: Intersection Shepherd Road/NB IH 35 S
Texas

Date: March 16, 2022

Time: Between 1100 hours and 1300 hours

You have violated the following subsections Chapter IX, Section 9.02 of the Rules of the Bexar County Sheriffs Civil Service Commission:

- D. Dishonesty - Characterized by lack of trust, honesty or trustfulness.**
- J. Poor job performance.**
- O. Conduct or action that would seriously impair job effectiveness.**
- P. Conduct which has proven to be detrimental or has an adverse affect (sic) on the Sheriff's Office.**

In addition, you violated the following section(s) of the Bexar County Sheriff's Office Policy and Procedure:

- 5.02 Performance of Duties**
- 5.24 Conduct Unbecoming an Officer**
- 5.26 Untruthfulness**
- 5.45 Bringing Discredit**
- 5.46 Immoral Conduct**
- 44.04 Body Worn Camera and Digital Media Evidence**

The specific reason(s) for this action are as follows: On or about June 12, 2023, a Request for Investigation was approved requesting an investigation for a traffic stop on March 16, 2022. It was discovered that you violated Bexar County Sheriff's Office Policies and Procedures during a traffic stop.

The findings of Internal Affairs were that on or about March 16, 2022, at approximately 1115 hours, you conducted a traffic stop at the intersection of Shepherd Road and NB IH 35 S. During the investigation it was discovered that on March 16, 2022, at approximately 1113 hours you manually turned off your mobile recording device and failed to activate it for the traffic stop. In addition, on or about March 18, 2022, you reported your dash camera was "mistakenly not activated" for the stop however it was turned off just eight (8) seconds before your body worn camera started recording. The

Investigative Division - Bexar County Sheriff's Office
Investigative Division - San Antonio Sheriff's Office
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footage of your body worn camera indicated your vehicle was already in motion at this time. On or about April 12, 2022, after the incident you knowingly added an untruthful supplemental report. You stated the dash camera was "inoperable" and then you "realized the point the footage was not there" indicating an untruthful statement entered into record. Your actions brought discredit to yourself and the Sheriff's Office.

Your conduct violates the Bexar County Sheriff's Office Policies, Procedures, and the Bexar County Sheriff's Civil Service Rules as follows:

- a. Manually turning off the mobile recording device is poor job performance; conduct or action that would seriously impair job effectiveness; conduct proven detrimental or has an adverse affect (sic) on the Sheriff's Office; poor performance of duties; conduct unbecoming an officer; conduct bringing discredit to yourself and the Sheriff's Office; and a failure to create and maintain evidence of a law enforcement encounter, as required by policy (CS: 9.02- J; O; & P and SP: 5.02; 5.24; 5.45; and 44.04)
- b. Failing to activate the mobile recording device is poor job performance; conduct or action that would seriously impair job effectiveness; conduct proven detrimental or has an adverse affect (sic) on the Sheriff's Office; poor performance of duties; conduct unbecoming an officer; conduct bringing discredit to yourself and the Sheriff's Office; and a failure to create and maintain evidence of a law enforcement encounter, as required by policy. (CS: 9.02- J; O; & P and SP: 5.02; 5.24; 5.45; and 44.04)
- c. Submitting an untruthful supplemental report is dishonesty - characterized by lack of trust, honesty or trustfulness; poor job performance; conduct or action that would seriously impair job effectiveness; conduct proven detrimental or has an adverse affect (sic) on the Sheriff's Office; poor performance of duties; conduct unbecoming an officer; untruthful; conduct bringing discredit to yourself and the Sheriff's Office; and immoral conduct (CS: 9.02- D; J; O; & P and SP: 5.02; 5.24; 5.45; and 5.46)

On May 22, 2024, you were served a Notice of Proposed Dismissal. You were made aware of your rights regarding the said discipline, and you requested a hearing. On June 5, 2024, a hearing was held.

Present at the hearing were the following:

Assistant Chief Deputy Raul Garza, Chief of Staff,
Civilian Kristina Villarreal, Sheriff's Administration,
Deputy Joel Babb, Grievant, and
Analisa Longoria, CLEAT Attorney

During the hearing, you failed to provide me with any new information that would alter my decision. Therefore, I am denying your grievance and moving forward with this Order of Dismissal.

You are advised that you may grieve this Order of Dismissal, in writing, to the Sheriff's Level or Designee. Your grievance, if submitted, must be received and time stamped by

the Sheriff's Administration no later than the tenth (10th) business day following receipt of this document. Additionally, a copy of the grievance, if submitted, must be distributed to the Bexar County Sheriff's Civil Service Commission at 211 S. Flores, San Antonio, Texas, 78204, and to the Bexar County Sheriff's HR Office. If you have any questions regarding the Rules, or your rights of the Bexar County Sheriff's Civil Service Commission, you may contact the Civil Service Commission at (210) 335-0728.



Raul Garza
Assistant Chief Deputy
Chief of Staff

The foregoing document was sent via facsimile to Analisa Longoria, CLEAT Attorney on June 10, 2024. Please acknowledge receipt of said document and return by fax to Sheriff's HR Office at (210)335-5083 or email to BCSO HR Discipline at HRDiscipline@bexar.org.

I acknowledge receipt of this document:

Analisa Longoria

Signature of Attorney

CC: 1) Original -HR file 2) Employee/Attorney 3) Discipline Section
RS:ch

Integrity Fairness Leadership Professionalism
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Attendees: Chief Raul Garza, Attorney Analisa Longoria, Deputy Joel Babb, and Civilian Kristina Villarreal

Hearing starts at 2:07 pm at 6/5/2024

Chief R. Garza - Hello (looks over case file) alright, what do you all want to say about this?

Deputy Babb -I want to appeal it. I don't have much to say. Next level. (goes over term dishonesty from the case file) 10 years I've been here. I'm losing my job and I shouldn't. I've done a lot for this agency and community. I'm just blown away cause I've done a lot and to be dismissed.

Chief R. Garza – What would you want?

Deputy Babb – I'm not that guy. I've worked with Javier Salazar. He knows my work ethic and to just get dismissed. He knows my training and tactics. I've done several classes.

Attorney – Individual got paid from the County. Stop isn't in question. He did a clean stop. He filed a second law suit. County now wants to wash hands. Deputy did stop and you all should back him. This case will harm him in the civil case. There are so many inconsistencies in that YouTube video.

Deputy Babb- I've gotten death threats. There are over 1 million views. I've gotten a lot of calls and I'm going through a lot. It's horrible. I'm in therapy. I was just doing my job. I didn't know that my camera was off. This was 2 years ago. This far into my career and to use the term dishonesty isn't fair.

Attorney – If off, common thing to be off and on. Accidents happen.

Deputy Babb – It was a mistake. I'm not a liar. Dishonesty means fired. Trying to get me. So I want to appeal.

Chief – You want to go to the next level?

Attorney – If you can't do anything on your level. I know it's difficult. With all that's going on. This is a false narrative. He's a good deputy. BCSO should support him and say he's a good employee.

Deputy Babb – This was I-35. It was a deep search. There's a lot of smuggling and drugs. The video was bull. They edited it and took out parts.

Chief R. Garza – How long is the video supposed to be?

Deputy Babb – Very long. Had to wait for K9. About an hour. It was a K9 alert, positive alert. They think we search cars for fun.

Attorney – I know it's difficult. There are so many people involved. Maybe resign. This paperwork will hurt him in the civil case. The verbiage in this case file is very meticulous. Well thought out. Not like the other case files I've seen.

Chief R. Garza – What verbiage?

Attorney – (shows verbiage)

Chief R. Garza – Let me talk to the staff and get back to you.

Attorney – They want to issue discipline, to settle and now want termination. Verbiage is different. County is wanting this done.

Deputy Babb – This has been a rough year.

Chief R. Garza – I need some time and to look over the verbiage.

Attorney – This isn't dishonesty. He didn't reactivate it (mistakenly). Okay will wait for an answer.

Hearing ends at 2:34pm