STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

VOLUME I (Pages 1-223)

THURSDAY, OCTOBER 17, 2024

9:08 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:
Connie J. Parchman,
California Certified Shorthand Reporter #6137

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE DUDLEY
Governor Appointee
Attorney
(Chairperson)

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer
(Vice Chairperson)

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

ELIZABETH T. BUCHEN
Senate Rules Committee Appointee
Public Member

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POST COMMISSION LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

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CHANDLER KNAPP
Staff Services Manager
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KEVIN SHERBURNE
Law Enforcement Consultant
Professional Conduct Central Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

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

ALSO PRESENT

JAMES MUTUKU
Peace Officer, POST ID C25-A69

SIFREDO CANO
Peace Officer, POST ID C03-G01

JAIME BERMUDEZ
Peace Officer, POST ID C36-U28

PAUL MATEJCEK
Peace Officer, POST ID: C65-U31

MARIE MASTERS, Attorney at Law
Rains Lucia Stern St. Phalle & Silver, PC

MARSHAL ARNWINE
ACLU, Northern California

LISA MOORE

EUGENE MOORE

ANGELA SULLIVAN

KORI McCOY

DAVID HARRISON

MICHELLE MONTERROSA

ASHLEY MONTERROSA

MELISSA NOLD

KRIS KELLY

MARIA GRAJALVA

CHRISTIAN CRUZ

PAUL WINDERS

BEATRICE JOHNSON

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Thursday, October 17, 2024, 9:08 A.M.

West Sacramento, California

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BOARD CHAIR DUDLEY: Good morning, again, everyone.

Today's Thursday, October 17th, 2024, and the time is 9:08 A.M.

Thank you all for attending the Peace Officer Standard Accountability Advisory Board Hearing.

Please note that this hearing is being live streamed, recorded and transcribed.

Further, please note that the microphones are auto on-off. Okay. This is especially important for the Board Members. So what that means is, it will come on when you begin to speak. So don't forget, then, if you are doing that, that you need to watch the crosstalk. Okay?

Given that, any questions?

Okay. Now, Chandler, please read the roll.

MR. KNAPP: Good morning, members of the Board.

Thank you, Madam Chair.

Board Member Buchen.

MEMBER BUCHEN: Present.

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: Chair Dudley.
BOARD CHAIR DUDLEY: Here.
MR. KNAPP: Professor Glaser.
MEMBER GLASER: Present.
MR. KNAPP: Board Member Johnson.
MEMBER JOHNSON: Present.
MR. KNAPP: Board Member Lara.
(No response.)
MR. KNAPP: And Board Member Pena.
(No response.)
MR. KNAPP: Thank you.
Nine members are present.
BOARD CHAIR DUDLEY: Thank you. A quorum has been established. We are a body of nine people and so five is a quorum.
We have a new member today, who's not a new member, but you've just come back and joined us.
Would you give us your name and tell us a little bit about you?
MEMBER BUCHEN: Yes, good morning. Lizzie Buchen. I work with Smart Justice California and have worked on police accountability issues for many years in

various -- with various entities.

BOARD CHAIR DUDLEY: Welcome.

MEMBER BUCHEN: Thank you.

BOARD CHAIR DUDLEY: And let me ask all of you for the court reporter -- not the court reporter, but the transcriber -- whenever you speak, just before you're about to make your point, say your last name. So in the case of Bob Doyle, he would go: Doyle. And then go on with his comment.

That's going take the pressure off her to suddenly look up, get your name, get the spelling and then go back to what she's doing. So I'm going to try to remember that too. But if we all do that, the transcript will be easier to read.

Okay. Now, speaking with the audience, the 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 comment on matters on the agenda will be heard after each item is presented.

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.

Please be advised that the Board cannot take actions 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, request clarification or refer the items to staff.

Please remember that the meeting is being transcribed, so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comment can be correctly captured in the transcript.

As the Board Chair, I may ask members of the public to limit their remarks to no more than three minutes. Pursuant to existing Board policy, I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements and the 15-minute public comment period has expired.

So before I open public comment on matters not on the agenda, please note that if you have a specific complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer's employing agency. And our staff will assist you in this regard.

I would like to remind individuals making comments to not discuss pending complaints or pending disciplinary actions that may later come before the Board for recommendation. If the Board takes action on your complaint, you will have an opportunity to address the Board at the time.

MR. KNAPP: And Member Johnson?

MEMBER JOHNSON: Nay.

BOARD CHAIR DUDLEY: So there are four votes for revocation, therefore the motion passes and the recommendation of this committee to the Commission is revocation.

Okay. On to the next case.

UNIDENTIFIED SPEAKER: Excuse me, can I just say something before you go forward?

BOARD CHAIR DUDLEY: No. It's -- this is not the time for public comment.

If you want to make a public comment when we get to the next case, you're absolutely welcome to do so. But for this case for right now there's no more public comment. Thank you.

UNIDENTIFIED VOICE: Okay.

BOARD CHAIR DUDLEY: Moving on to the second case.

At this time I will now call upon law enforcement consultant William Imboden, Professional Conduct, Los Angeles County Bureau, and Chris Becker, assistant Chief Counsel, Legal Affairs Bureau to provide a report on POST number 2307511, Sifredo Cano, who, at the time of the events at issue in this case, was employed with the Los Angeles County Sheriff's Department.

MR. IMBODEN: Good afternoon. My name's

William Imboden. I'm a Law Enforcement Consultant, one of the law enforcement consultants, assigned to the Professional Conduct Bureau, in Los Angeles County in the Peace Officers Standards Accountability Division.

With me today is Christopher Becker, an attorney with our Legal Affairs Bureau.

I'm here today to present case POST 2307511, involving Sifredo A. Cano, formerly Los Angeles County Sheriff's Department.

It's the Division's determination that clear and convincing evidence exists to demonstrate that Sifredo Cano committed acts of serious misconduct as set forth in Penal Code Section 13510.8 on or between May 14, 2021, and July 22nd, 2021.

Specifically, the Division has determined that Sifredo A. Cano committed the following acts of serious misconduct.

Abuse of power, including but not limited to intimidating witnesses, knowingly obtaining a false confession and knowingly making a false arrest.

And sexual assault as described in section -- I'm sorry, subdivision (b) of section 832.7, which states quote, sexual assault means the commission of or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion,

extortion, officer -- offer of leniency or other official favor or under the color of authority.

For the purposes of this definition the propositioning for or commission of any sexual act while on duty is considered a sexual assault.

And dishonesty relating to the reporting, investigation or prosecution of a crime or relating to the reporting of or investigation of misconduct by a peace officer or custodial officer, including but not limited to false statements; intentionally filing a false report; tampering with, falsifying, destroying or concealing evidence; perjury; and tampering with data recorded by a body-worn camera or other device, recording device, for the purposes of concealing misconduct.

In this presentation I will present a brief outline of the Division's findings of investigation in this matter.

Sifredo A. Cano began his career with the Los Angeles County Sheriff's Department on November 30th, 2007. And at the time of his termination from the Sheriff's Department held basic, intermediate and advanced certificates -- POST certificates.

LASD records indicate that Mr. Cano had one prior sustained allegation of misconduct.

In March of 2017, Mr. Cano received a two-day suspension for policies violations when he failed to document a crime and book evidence in a timely manner.

Mr. Cano received a fictitious $100 bill from a business owner, but did not write the report or book the evidence until after the victim followed up with the agency days later and it was discovered Mr. Cano still had the evidence in his position.

On May 13th, 2021, Mr. Cano met the victim in the case we are here to discuss in his capacity as a peace officer during her arrest for driving under the influence of alcohol.

He then used his position of power and influence to initiate personal contacts with the victim to leverage his position as a peace officer to obtain a romantic relationship with the victim.

On May 23rd, 2021, Mr. Cano told the victim he could make the DUI go away if she would go out with him on a date, saying he would try his best to get the arresting deputy not to show up in court.

The evidence demonstrates that Mr. Cano attempted to make good on this promise when he approached that deputy and informed him that he had spoken with the victim and learned that this was her second or third DUI.

The arresting deputy confirmed he interpreted the conversation to mean that he should not attend the court hearing.

Also on May 23rd, 2021, Mr. Cano deceitfully had his partner access the DMV database to run the registration on the victim's vehicle before meeting with her for lunch. And then later that same day, after his partner went off shift, Mr. Cano used the partner's secure login information to access CLETS to check the victim for warrants and wants while meeting with her a second time that day.

He then showed the victim the confidential results of that query.

Further, between May 14th and July 22nd, 2021, Mr. Cano initiated and maintained a text and phone relationship with the victim after getting her cellphone number from the arresting deputy's DUI report.

The initial text message from Mr. Cano to the victim was sent the day after she was released and shortly after -- I'm sorry -- arrested and shortly after she was released from the LASD jail.

Additionally, Mr. Cano's conduct amounted to sexual assault as -- amounted to sexual assault as described Penal Code Section 832.7 in that he attempted the initiation of a sexual act with a member of the public

while on duty and through offers of leniency and other official favor.

Between May 14th and July 2022 -- I'm sorry, July 22, 2021, Mr. Cano and the victim exchanged approximately 100 text messages, many of which are Mr. Cano asking the victim to meet with him, asking her out on dates, telling her how sexy she is, asking for pictures of her. And on one occasion reminding her that she was not wearing underwear the night she was arrested.

During his IA interview, Mr. Cano eventually admitted to initiating contact because he was attracted to the victim and wanted to establish a relationship with her. He said he knew it was a violation of department policy and was wrong.

On May 23rd 2021, according to the attorney representing the victim, Mr. Cano implied to the victim that he could make her DUI arrest, quote, go away if she would go out on a date with him.

At that meeting, Mr. Cano was on duty in his patrol vehicle and met the victim outside a restaurant where she was with friends.

Later that day, Mr. Cano met with the victim again while on duty in front of her friend's home. The victim got into the patrol vehicle at Mr. Cano's request, sat

in the front passenger seat while Mr. Cano accessed the computer to check the victim for warrants and wants.

At one point Mr. Cano asked the victim to go out with him and when she said no, Mr. Cano touched her face and told her he wanted to, quote, be with her, with a clear meaning, he meant in a sexual way.

He then kissed her cheek and told the victim, you're so sexy.

This account was corroborated through an audit of the MBC useage in Mr. Cano's patrol vehicle from May 23rd, 2021, and confirmed when the Division interviewed the victim on July 15th, 2024.

Finally, clear and convincing evidence supports dishonesty occurred in relation to the investigation of misconduct by a peace officer in the form of false and misleading statements made by the subject deputy, Mr. Cano.

This is supported by text messages between Mr. Cano and the victim, GPS timelines of Mr. Cano's movements and call logs from a witness cellphone, as well as statements from the victim.

This evidence is corroborated by statements from the witness deputies and the Los Angeles County Head Deputy District Attorney.

Mr. Cano was dishonest during his three compelled

interviews until he was confronted with the physical evidence contradicting his statements. The following examples highlight this pattern.

At the beginning of the administrative investigation, Mr. Cano remembered minute details of the DUI crash, including the victim's description but said he could not remember her name.

When the investigator showed him the collision report, Mr. Cano read the victim's name and said that must be the name, that must be her name, because she was listed as, quote, party one, and whoever is party one is the person who was at fault in the collision.

This despite months of text messaging the victim, requesting her Instagram contact, pursuing her romantically and providing professional favors for her.

At one point Mr. Cano mentioned offhand in the interview that he met with the victim at a specific location because she lived nearby. But he couldn't remember what her name was when confronted by IA.

Mr. Cano told internal affairs he had no contact with the victim after the night of her arrest for DUI on May 13th, 2024 -- or 2021 until she contacted him several weeks later at a traffic stop, a statement the victim later said was false.

IA then presented Mr. Cano with 28 pages of text

messages of over 100 text messages between Mr. Cano and the victim that Mr. Cano initiated, beginning within hours of her release from jail on May 14th, 2021.

Only then did Mr. Cano admit to some interactions with the victim.

Mr. Cano told IA very explicitly that he had no memory of transporting the victim to the hospital the night of her arrest. Although they showed him hospital paperwork he signed for her release, agency call logs showing he transported her to the hospital and transcripts showing he and his partner were transporting, quote, a female to the hospital.

Yet, in his very first text to the victim on May 14th, 2021, Mr. Cano reminded her that he was the deputy that transported her to the hospital.

Mr. Cano denied using the patrol vehicle computer to check the victim for warrants or run her driver's license on May 23rd, 2021.

At one point Mr. Cano asked the victim to go out with him and when she said -- I'm sorry, that's repeating myself.

In a subsequent interview, the IA investigators were able to present Mr. Cano with records showing his computer was used to check the victim for warrants and license status at a time when only Mr. Cano was using

that vehicle.

Even though the login information was Mr. Cano's off-duty partner's login information.

Mr. Cano told IA he must have, quote, ran her, but he didn't remember doing it.

In her interview, the victim stated she sat in the front seat of the patrol car on May 23rd, 2021, while Mr. Cano checked her for warrants and ran her driver's license and gave her the results.

During her interview with the Division, the victim stated she was sitting on -- in the patrol car at Mr. Cano's request while he checked her for warrants on the computer and Mr. Cano told her that her driving record was, quote, not good.

Mr. Cano stated he met the victim on three occasions but stated each time was brief only around five minutes each.

However, GPS tracking on his patrol vehicle showed Mr. Cano met with the victim on May 21, 2021, at Temple High School for 18 minutes.

He then met with the victim on May 23rd, 2021, outside the Hilton Hotel for 40 minutes.

And then again on May 23rd, 2021, in Rosemead for 21 minutes.

Mr. Cano denied speaking to the deputy that

arrested the victim for DUI in an attempt to dissuade him from testifying against the victim. Mr. Cano said he had not talked to that deputy at all or engaged in type of conversation with him since the night of the victim's arrest on May 13th, 2021.

During his IA interview, the arresting deputy stated Mr. Cano approached him in the station a few weeks after the victim's arrest and struck up a conversation with him about her prior DUI arrests.

Additionally, the deputy provided a screenshot of his cellphone showing he missed a phone call from Mr. Cano on November 14th, 2022, and a screenshot of a connected call with Mr. Cano one hour later that lasted 7 minutes, 20 seconds.

The missed call came one hour and ten minutes after Mr. Cano finished his second IA interview where he stated he had not talked to the arresting deputy about the victim or about her case.

On November 21, 2022, Mr. Cano had a third interview with IA where he changed his answer and admitted having conversations with the arresting deputy but not about the victims's case or his ongoing IA.

The facts I've just recited support the Division's finding that Sifredo A. Cano was involved serious misconduct, specifically abuse of power, sexual assault

and dishonesty.

For the purposes of the Division's analysis, 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.

The Division recommends that Sifredo A. Cano's POST certification be revoked. The Division's recommendation is based on the following serious misconduct:

Abuse of power where Mr. Cano accessed confidential records to obtain the victim's phone number in an effort to contact her to establish a personal relationship.

Deceived coworkers to surreptitiously access her criminal and driving records and attempted to dissuade the arresting deputy from appearing in court in an effort to influence her criminal case.

And sexual assault where Mr. Cano committed or attempted the initiation of sexual act with a member of the public by offer of leniency or other official favor and under the color of authority.

Specifically, Mr. Cano offered official favors, attempted to influence the victim's criminal case, and met with her while on duty, kissing her cheek and telling her how sexy she is in an effort to establish a

quid pro quo sexual relationship.

And dishonesty as it pertains to the investigation of a peace officer where Mr. Cano was repeatedly dishonest and gave misleading statements to IA investigators until presented with factual evidence of his deceptions, at which time he admitted his actions and deceptions to the extent they had been proven, but no further.

And with that I'm happy to answer any questions the Board may have.

BOARD CHAIR DUDLEY: Questions?

Okay. At this time, does the subject officer and/or counsel wish to make public comment?

MR. CANO: Hello.

BOARD CHAIR DUDLEY: Hi, can you hear us?

MR. CANO: Yes, I can.

BOARD CHAIR DUDLEY: And can you identify yourself, please?

MR. CANO: My name is Sifredo Cano.

BOARD CHAIR DUDLEY: Okay. And would you like to make a comment?

MR. CANO: Yes. Unfortunately my counsel had to go to court for another case and I've been listening in, so --

BOARD CHAIR DUDLEY: Well, let me just ask you,

your counsel was there with you. And now had to go to court on another case; is that correct?

MR. CANO: That's correct.

BOARD CHAIR DUDLEY: Do you want to go ahead and make any statements even though he's not -- he or she is not there?

MR. CANO: Yes, I do. Just -- just on some of the statements that they made.

BOARD CHAIR DUDLEY: That's absolutely fine. I just wanted to make sure the record was clear that your attorney was there, your attorney left and you've now decided to make statements without your attorney being present.

So I think you said yes to those things; is that correct, Mr. Cano?

MR. CANO: Yes, that's correct.

BOARD CHAIR DUDLEY: Okay. Please go ahead.

MR. CANO: A lot of the things that they -- that they stated are not true. And we will prove at a time that we have the -- our hearing.

I never promised anybody anything.

She was never in the car.

I did not ask for any favors to make the case disappear. I don't have that power.

And all of that would be presented when -- when we

have our hearing.

But a lot of the things that they read from that paper, it's not true. It's simply not true.

Did I talk to her? Yes, I did.

I did not get any information from any report. I wrote the traffic report. I had all the information, so I did not run her name just to get her information.

And all that will be proven when they see that I was the one that wrote the traffic report.

BOARD CHAIR DUDLEY: Is there anything else for now, Mr. Cano?

And then I will turn it over to the Board and see if anybody has any questions of you.

MR. CANO: No, I don't want to say anything else without my lawyer, but I just wanted to mention that on the record that, you know, a lot of the things they said are not true.

BOARD CHAIR DUDLEY: Okay.

Now, if a board member asks you a question, you should not feel compelled to answer it. I want to make sure you know that. So if you hear their question and you can respond or you can not respond. Okay?

MR. CANO: Okay. Thank you.

BOARD CHAIR DUDLEY: Sure. Any questions from any Board Members?

(No response.)

BOARD CHAIR DUDLEY: There doesn't appear to be any questions.

Thank you, Mr. Cano. I appreciate you calling in. We all do.

MR. CANO: Thank you.

BOARD CHAIR DUDLEY: Okay. Is there any public comment regarding this case?

Hearing none, let's go into the back room.

(Time Noted: 3:25 p.m.)

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(Closed session was held from 3:27 p.m. to 3:30 p.m.)

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(Time noted: 3:33 p.m.)

BOARD CHAIR DUDLEY: Okay. Back on the record, please.

Okay. Is there a motion for revocation in this case?

MEMBER BUCHEN: Buchen. I'll make a motion.

BOARD CHAIR DUDLEY: Is there a second?

MEMBER GLASER: Glaser. Second.

BOARD CHAIR DUDLEY: Okay. Any further discussion or comments?

(No response.)

BOARD CHAIR DUDLEY: Okay. Please take roll call, Mr. Chandler.

MR. KNAPP: Buchen.

MEMBER BUCHEN: Aye.

MR. KNAPP: Buchen, aye.

Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.

Doyle.

MEMBER DOYLE: Aye.

MR. KNAPP: Doyle, aye.

Dudley.

BOARD CHAIR DUDLEY: Aye.

MR. KNAPP: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Glaser, aye.

And Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: Johnson, aye.

BOARD CHAIR DUDLEY: No abstentions, that motion passes.

CERTIFICATE OF REPORTER

I, CONNIE J. PARCHMAN, 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, Connie J. Parchman, 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 29th day of October 2024.

/s/ Connie Parchman
Connie J. Parchman, CSR
Certified Shorthand Reporter
License No. 6137