Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
www.post.ca.gov

STATEMENT OF FINDINGS

POST makes the following information available to the public pursuant to Penal Code §13510.85(c) which establishes that POST shall publish the names of any peace officer whose certification has been suspended or revoked and the basis for the suspension or revocation.

CASE NO.: POST2310307

SUBJECT OFFICER: Hugo Castaneda-Juarez **POST ID:** C74-T84

EMPLOYING AGENCY: Los Angeles County Sheriff's Department

ALLEGED MISCONDUCT: 13510.8. (b)(1)/11 CCR 1205. (a)(1) – Dishonesty; 13510.8. (b)(8)/11 CCR 1205. (a)(8) – Failure to Cooperate; 13510.8. (b)(6)/11 CCR 1205. (a)(6) – Acts That Violate the Law

CASE SUMMARY:

On June 7, 2023, the Los Angeles County Sheriff's Department submitted a serious misconduct complaint to POST against Los Angeles County Sheriff's Deputy Hugo Castaneda-Juarez, hereafter "Respondent", for allegations of Dishonesty and Failure to Cooperate with an Investigation. Following POST's investigation and review, POST found, by clear and convincing evidence, that reasonable grounds existed for consideration of revocation pursuant to Penal Code section 13510.8. A summary of the investigative findings of the Division are as follows:

On June 4, 2021, the Los Angeles Sheriff's Department (LASD) Internal Affairs Division (IAD) received a phone call from a resident stating her neighbor, who was a Sheriff's Deputy, was growing marijuana on his property. The residence was located in San Bernardino County, so the San Bernardino County Sheriff's Department (SBSD) was notified.

On June 23, 2021, the SBSD Marijuana Enforcement Team (MET) responded to the location and contacted Respondent when he answered their knock at the front door. Respondent admitted there was a "marijuana grow" on the property and consented to a search.

Inside the home, MET located 280 marijuana plants being grown in two bedrooms, and 2 pounds of processed marijuana in the attached garage, which had been converted into two grow rooms. On the property, they also discovered a shed that had been converted into an insulated cultivation

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room, a detached garage with 4 pounds of processed marijuana, and an 8'x40' shipping container converted into a cultivation enclosure that contained 208 marijuana plants.

Respondent consented to an interview with SBSD MET, which was audio recorded. When Respondent was subsequently interviewed by the LASD IAB Detectives, he made several statements with respect to the marijuana grow, his knowledge of it, and his role in it that were in direct contradiction to what he told SBSD MET. It was determined that Respondent had been dishonest in his initial interview with SBSD MET.

Respondent was scheduled for another LASD Internal Affairs interview on March 30, 2023. On March 30, 2023, Respondent failed to appear for his IAB interview and failed to report for work. On March 31, 2023, a certified letter was sent to Respondent ordering him to appear for an IAB interview on April 18, 2023. On April 11, 2023, Respondent signed for the letter, but on April 18, 2023, he failed to show up for his IAB interview. On July 10, 2023, Respondent resigned his position as a Deputy Sheriff in lieu of being terminated.

ANALYSIS/FINDINGS:

1. **The alleged misconduct violated Penal Code Section 13510.8 (b)(1) and Title 11, California Code of Regulations Section 1205 (a)(1) – Dishonesty**

   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 false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.

   Clear and convincing evidence exists to show that Respondent provided numerous false, misleading, and contradictory statements to the San Bernardino Sheriff's Department MET deputies and the LASD IAB investigators, intending to mislead their investigations and deflect suspicion or guilt away from himself.

   There were four (4) audio recordings (AR) made by SBSD MET deputies of their interviews of Respondent following the search of Respondent's property on June 23, 2021. During the course of their investigation, LASD Internal Affairs asked numerous clarifying questions to which the Respondent gave false and contradictory answers,

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which he only changed when faced with the audio recording. Respondent also made several statements that were in direct conflict with statements made by witnesses..

2. The alleged misconduct violated Penal Code Section 13510.8 (b)(8) and Title 11, California Code of Regulations Section 1205 (a)(8) – Failure to Cooperate

Failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to this chapter. For purposes of this paragraph, the lawful exercise of rights granted under the United States Constitution, the California Constitution, or any other law shall not be considered a failure to cooperate.

Clear and convincing evidence exits to show that Respondent failed to fully cooperate with the investigation into his alleged misconduct when he refused to report, as ordered, for a scheduled interview with LASD's IAB investigators on March 30, 2023, and April 18, 2023. Respondent's knowledge of the March 30, 2023, interview with LASD's IAB investigators was acknowledged via email by his attorney on March 29, 2023, and confirmed by USPS tracking information. Respondent was also on notice of the scheduled April 18, 2023, interview.

These further interviews were scheduled to follow-up on issues that arose in the February 2, 2023, interview such as Respondent's claim that he had a written lease agreement for the property, and to question Respondent about the inconsistencies in his statements. Respondent was aware that a follow-up interview might be needed, as he had indicated in his earlier interview that he would provide his written lease agreement to IAB investigators and then failed to do so. Moreover, further administrative interviews of subject officers once all witness interviews have been conducted, are common practice in misconduct investigations. Therefore, by failing to appear at the scheduled further interviews, Respondent prevented LASD IAB from being able to follow-up on the outstanding issues, which hindered LASD's ability to fully investigate the allegations against Respondent.

In addition, because the one-year statute of limitations for filing a misdemeanor case against Respondent had lapsed as of June 23, 2022, there was no threat of potential criminal action against Respondent when LASD's IAB noticed Respondent of the further administrative interviews. Thus, Respondent's failure to cooperate in these interviews was not a lawful exercise of his right against self-incrimination as guaranteed under the Fifth Amendment of the United States Constitution.

On July 10, 2023, Respondent resigned from his position as a Deputy Sheriff to avoid being terminated at the conclusion of the IAB investigation.

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3. The alleged misconduct violated Penal Code Section 13510.8 (b)(6) and Title 11, California Code of Regulations Section 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 exists to support the allegation that the Respondent was actively engaged in the planting, harvesting, and cultivation of more than six (6) marijuana plants by an individual who is over the age of 18 years, which is a misdemeanor under Health and Safety Code section 11358(c).

As documented by the report authored by SBSD, after obtaining a search warrant, SBSD MET deputies recovered approximately 488 marijuana plants and 6 pounds of processed marijuana from Respondent's property on June 23, 2021. In addition, SBSD deputies observed evidence that two of the bedrooms in the house, the garage, and a Conex storage shed on the property, were modified and insulated to serve as cultivation rooms for marijuana and contained, in addition to marijuana plants, items such as LED grow lamps, filtration systems, automated watering systems, grow chemicals, added electrical panels, CO2 tanks and generators, and oscillating fans. These items were identified by SBSD as cultivation items and evidence that these areas had been modified to serve as indoor cultivation rooms.

Although Respondent told SBSD and LASD IAB investigators that the marijuana on the property was not being cultivated by him, his statements were contradicted by a witness, who told LASD IAB investigators during their interview that they witnessed Respondent tending to the plants every night for a couple of weeks in March or April of 2021, and witnessed Respondent's girlfriend and her minor son assisting Respondent with tending to the plants during this period. The witnesses' statements were consistent with SBSD'sassessment of the age of the plants found and helped the LASD IAB investigators establish a timeline for the plant life cycle that coincided with the Respondent moving onto the property, setting up the grow operation, cultivating 488 plants in various stages of growth, and processing the six pounds of marijuana seized from both inside and outside of the home.

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OUTCOME/IMPOSITION OF DISCIPLINARY ACTION AGAINST PEACE OFFICER CERTIFICATION:

The Peace Officer Standards Accountability Division determined that reasonable grounds existed to seek revocation of the Respondent's certifications in this case. A notice of intent to revoke was served on May 15, 2024. Respondent did not file a request for review within the 30-day response period, pursuant to Penal Code section 13510.85 (a)(2), thus resulting in default revocation of Respondent's certification with no further proceedings. On July 23, 2024, the default order was issued and served on Respondent. Respondent Hugo Castaneda-Juarez's (POST2310307) (POST ID: C74-T84) peace officer certification was revoked on July 23, 2024.