

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: SIFREDO A. CANO

POST ID NUMBER: C03-G01

EMPLOYING AGENCY: LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

POST CASE NUMBER: POST2307511

WRITTEN BY: William Imboden

DATE: 7/29/2024

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I. Executive Summary

On May 3, 2023, the Los Angeles County Sheriff's Department (LASD) reported to POST allegations of serious misconduct against Respondent pursuant to California Penal Code Section 13510.9. It was alleged Respondent was dishonest during an investigation into whether he violated multiple LASD Policy sections stemming from his contact with an arrestee after her release from jail. Further investigation by POST determined clear and convincing evidence exists to show Respondent abused the power of his position as a peace officer, in violation of POST Regulation 1205(a)(2), by leveraging his position as a peace officer to attempt to enter into a romantic relationship with an arrestee, and inappropriately accessing confidential information for personal gain; and committed sexual assault in violation of POST Regulation 1205(a)(4) in that he attempted the initiation of a sexual act with a member of the public while on duty and through offer of leniency or other official favor.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent Sifredo A. Cano was employed as a Deputy Sheriff with the Los Angeles County Sheriff's Department. Respondent was discharged from his position with LASD on March 22, 2023, in a disciplinary action arising out of the events at issue in this Investigative Summary and Findings.

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent began his employment with the LASD on November 30, 2007, as a full-time Deputy Sheriff.

Respondent's department records indicate he had one prior sustained allegation of misconduct:

In March of 2017, Respondent received a two-day suspension for policy violations when he failed to document a crime and book evidence in a timely manner. Respondent 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 Respondent still had the evidence in his possession.

c. Prior Employment History

Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certification

Respondent is assigned POST ID C03-G01. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic (December 26, 2008)
- Intermediate (January 21, 2010)
- Advanced (June 29, 2015)

e. The Present Allegations of Serious Misconduct

1. Filing of Complaint With Agency
   February 25, 2022

2. Agency Determinations on Complaint, Discipline, and Any Appeals
   Investigation closed February 16, 2023
   Final Discipline imposed March 22, 2023

3. Date of Receipt By POST
   May 3, 2023

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 a review of Los Angeles County Sheriff's Department's administrative investigation which included transcripts of interviews of 8 witnesses and the Respondent, over 100 text messages between the Respondent and the arrestee, and correspondence between the District Attorney's Office and the Sheriff's Department.

Information obtained was analyzed using the 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 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 February 25, 2022, LASD Temple Station Captain Mark A. Reyes received an interdepartment email from Los Angeles County Deputy District Attorney Victor Rodriguez, from the Alhambra Courthouse. The email indicated Respondent communicated via text message and met with a female arrestee (hereafter referred to as Victim) while he was on duty, approximately three times between May 14, 2021, and July 22, 2021. Respondent and Victim met on May 23, 2021, outside of Victim's friend's house in the city of San Gabriel and Respondent greeted Victim with a hug. During this meeting Respondent told Victim he could make her driving under the influence case go away if she would go out on a date with him. Respondent told Victim, "Believe me, I'll try my best to get Chen not to show up to court".

Additionally, in the presence of Victim, Respondent utilized the patrol vehicle's Mobile Digital Computer (MDC) to query personal information via various law enforcement applications and obtained her criminal history. Respondent then discussed her criminal history with Victim. Following that meeting with Respondent, Victim became uncomfortable with Respondent's persistent continuous contact and attempts to go out on a date with her. Victim reported the inappropriate behavior to her attorney, Levon Kyurkchyan, who then reported it to Deputy District Attorney Iliana Alverez via email.

DDA Rodriguez provided Captain Reyes screen shots of the text message communication between Respondent and Victim.

The initial contact Respondent had with Victim began May 13, 2021, when Victim was involved in a traffic collision in the city of Rosemead. Respondent responded to the traffic collision call for service along with additional Deputies. Victim was the driver of a vehicle that collided with multiple other vehicles, and she appeared to be under the influence of alcohol at the time of the collision. Victim was detained and Respondent contacted Reserve Deputy Edward Chen who responded to the scene to conduct the Driving Under the Influence investigation. Victim was subsequently arrested by Deputy Chen for Vehicle Code (VC) Section 23152(a), Driving Under the Influence and Respondent wrote the traffic collision portion of the report.

Deputy Chen transported Victim to Industry Station to administer the Breath Alcohol Analysis Test to her and then transported and booked her at Temple Station Jail. Respondent and Deputy Samuel Moon then transported Victim to the medical center for an in-custody medical clearance and then transported her back to Temple Station Jail where she remained until she was cite-released at 0836 hrs. on May 14, 2022.

Beginning on May 14, 2021, at approximately 2306 hours, Respondent initiated a text conversation with Victim. The contact between Respondent and Victim lasted for 3

months, during which approximately 100 text messages were exchanged until Victim stopped replying to Respondent on July 22, 2021. The LASD Internal Affairs report (IA) contained screen shots of the text messages.

As will be described in greater detail below, the text messages generally show a pattern of Respondent reaching out to Victim and her responding. In them, Respondent asks to meet with her, asks her out on dates, tells her how sexy she is, reminds her of the fact that she was not wearing underwear at the time of her arrest, and asks her for pictures of herself.

On three occasions, Respondent met with Victim after asking where she was via text. One time was to return property she left in his patrol car at the time of her arrest (items that were not booked into property as they should have been). Through GPS tracking data on Respondent's patrol vehicle, LASD was able to determine he met with Victim on May 21, 2021 for 18 minutes, May 23, 2021 for 40 minutes, and again on May 23, 2021 for 21 minutes, all while on-duty.

During the ensuing IA investigation, Deputy Chen was interviewed regarding his involvement in the arrest of Victim and his observations of Respondent during the event. Deputy Chen's statement was that he didn't see any inappropriate behavior by Respondent but during a follow up interview of Deputy Chen he stated he had a conversation with Respondent where Respondent mentioned Victim had hired a lawyer and was looking at her second or third DUI conviction. These comments made Deputy Chen suspect Respondent was having inappropriate contact with Victim. Deputy Chen said Respondent never explicitly asked him to miss his court date so Victim would avoid the DUI conviction.

Deputy Chen said he also received a phone call from the Respondent on November 14, 2022. At that time Deputy Chen thought the administrative investigation was over so it was okay to talk to Respondent. Respondent began asking Deputy Chen about prior

conversations they had about Victim. At that time Deputy Chen realized the investigation must still be ongoing so he ended the call with Respondent. Deputy Chen said he was well aware he was not allowed to talk about the investigation with Respondent, which was why he ended the conversation. Deputy Chen provided the LASD IA investigator screen shots of his cellphone's call log for Monday November 14, 2022, which showed two calls: One missed call from Respondent and one call back to the Respondent from Deputy Chen that lasted 7 minutes and 20 seconds.

During the investigation, IA discovered that on May 23, 2021, someone accessed the Mobile Digital Computer (MDC) in the patrol vehicle Respondent was assigned to and accessed the DMV database to check a license plate of a vehicle belonging to Victim, and then a few hours later checked Victim for criminal history and warrants. May 23, 2021, was the same date Respondent met with Victim in person twice while on duty. Respondent's partner on May 23, 2021, was Deputy Elizabeth Tarin. Deputy Tarin's credentials were used to log into the MDC on May 23, 2021.

On September 6, 2021, Deputy Tarin stated in her IA interview that she did not remember checking the license plate of Victim's vehicle or running a criminal history check for Victim using Victim's full name and personal information. She stated she would not conduct criminal history inquiries on people unless it pertained to work. She also did not recall Respondent mentioning that he conducted a criminal history check on Victim. During a follow-up interview, Deputy Tarin did recall while parked near "the Hilton" Respondent had her run the license plate of a car (Victim's) and then stated he was going to eat Pho. He left her in the car to write a report. Deputy Tarin estimated he was gone less than an hour.

During a cell phone interview with POST on July 15, 2024, Victim stated she met with Respondent twice one day but could not remember the date. She said it was the day they met outside the Hilton Hotel. After the first meeting (at the Hilton), Respondent called her and asked where she was. She told him she was at a friend's house in Rosemead and

gave him the address. Respondent showed up at the friend's house and Victim came out to meet him. He invited her to sit in the front passenger seat of his patrol vehicle. During this meeting, among other things, Respondent checked Victim for warrants on his vehicle computer and then showed her the results. He also showed Victim her driving record and said it was not good.

On October 13, 2021, LASD IA interviewed DDA Victor Rodriguez, who told them he had received an email through his Assistant Head Deputy District Attorney from Victim's defense attorney Levon Kyurkchyan, stating Respondent was having inappropriate contact with his client (Victim) and at one point in front of friends of Victim's told her he could get her DUI arrest to go away if she went out with him. He stated, "Believe me I'll try my best to get Chen not to show up in court".

As a result of the inappropriate contact between Respondent and Victim, DDA Rodriguez believed he would have a difficult time achieving a conviction in Victim's case and agreed to a plea bargain of a "wet reckless" conviction (California Vehicle Code section 23103). DDA Rodriguez believed Respondent's actions, in addition to being policy violations, could amount to obstruction of justice and violate the law. DDA Rodriguez contacted Captain Reyes and notified him of the allegations against Respondent. He also provided a copy of the email from Victim's defense attorney.

On September 27, 2022, LASD IA investigators interviewed Respondent. Specific instances of dishonest statements made by Respondent will be outlined in greater depth below. A summary of Respondent's interview is as follows. At that time, Respondent recalled responding to the collision involving Victim and was able to describe her but even after looking at her photograph could not remember her name.

Respondent said he assisted other Deputies with the investigation but did not have any other contact with Victim that night. Respondent did not recall transporting Victim to be

medically cleared even after being reminded and shown corresponding paperwork with his name and signature on it.

Investigators asked Respondent if he contacted Victim on the day after her arrest. Respondent said he only had contact with Victim several weeks after her arrest when he was on a traffic stop while on patrol in Temple City. Victim approached him and asked if he remembered her. Respondent said he didn't recognize her at first and then remembered her from the collision on May 13, 2021. Victim asked him to help one of her friends who had some DJ equipment confiscated by El Monte PD. Respondent agreed to help her and contacted El Monte PD to gather information. He then texted Victim who asked him to meet her in the city of Rosemead. Respondent said he drove to Rosemead and met with Victim and her friend and that was the last time he had contact with her.

Victim was interviewed by a POST Law Enforcement Consultant as part of this investigation. During her POST interview, Victim stated she never approached Respondent at a traffic stop in Temple or anywhere else. Victim said Respondent texted that he had her Airpods to give to her. She asked where he was, and he said he was at Temple High School. When they met at Temple High School, she brought up her friend's DJ equipment.

During the IA, Respondent was provided with a 28-page document which contained screen shots of over 100 text messages exchanged between Respondent and Victim beginning May 14, 2021, and ending July 22, 2021. After reviewing the entire document Respondent admitted he started communicating with Victim via text message on May 14, 2021. He stated he got Victim's phone number from Deputy Chen's DUI report.

Respondent stated he initially reached out to Victim to return ear buds he found in the back seat of his patrol vehicle which he assumed were hers. Respondent admitted asking Victim for photographs of her and for her Instagram username, and then "friend requested" her on Instagram.

Through text messages, Respondent also spoke to Victim about the events that led up to her being arrested for DUI and reminded her that she was not wearing underwear that night. Respondent told the IA investigator that Victim was moving around in the back seat of the patrol car with her legs up while wearing a dress with no underwear on. Respondent denied ever discussing specifics about Victim's criminal case or any court proceedings.

Over the course of the next few days Respondent and Victim exchanged several texts trying to meet Respondent to retrieve her ear pods. They agreed to meet on May 21, 2021, at Temple City High School while Respondent was on-duty assigned to Temple City. Respondent stated he drove around the city of Temple in his patrol vehicle and "on a whim" decided to meet with Victim. They met for, "maybe five minutes" and remained inside their respective vehicles.

According to the GPS tracking unit in Respondent's patrol vehicle, the vehicle was in the Temple City High School parking lot for approximately 27 minutes while Respondent was on-duty.

Respondent stated that on May 23, 2021, he agreed to meet with Victim to give her what little information he was able to gather regarding her friend's pending criminal case with El Monte PD. He said he met with Victim and her friend in the area of Del Mar Ave and Valley Boulevard for five or six minutes. Respondent said they met on the sidewalk outside the Hilton Plaza and he greeted her with a handshake. She introduced him to her friend.

GPS tracking of his patrol vehicle during that time period showed his vehicle parked in that area for 40 minutes. This was during the shift where someone conducted a criminal history check on Victim and ran her license plate through the DMV while Deputy Tarin was logged into the MDC.

After meeting with Victim near the Hilton Plaza, Respondent continued to exchange text messages with her and agreed to meet her again that day in San Gabriel. Respondent confirmed they met a second time on May 23, 20221, for approximately five minutes. He said he never exited the patrol vehicle and Victim stood on the sidewalk. GPS tracking of Respondent's patrol vehicle showed the vehicle was parked at that location for 19 minutes.

Respondent said Victim did not get into the patrol vehicle, and he did not use the MDC to check Victim's criminal history record on May 23, 2021. He then said, "I don't recall running her name at all. Or her being in the car. I don't know. Because I don't recall running her name. If it comes out, then yeah. Maybe I did, but I don't recall."

Respondent said Deputy Tarin was with him the first time he met Victim, but he couldn't recall if she was there the second time.

Victim stated when she met with Respondent the second time, he invited her into the front passenger seat where she sat while he checked her for warrants and showed Victim her driving record.

Between May 14, 2021, and July 22, 2021, Respondent sent Victim numerous text messages. Victim often did not reply or sent minimal responses. After July 22, 2021, no further messages were sent. Respondent said he stopped texting because Victim's court date was approaching, and he did not want to be involved anymore. Respondent stated despite three months' worth of texting he realized he should not have been talking to her.

Respondent indicated he was aware per Department Policy he was not supposed to associate with individuals with pending criminal charges filed against them and/or released from jail within 30 days of the arrest date. Respondent said he never had physical contact

with Victim other than to shake her hand on the occasions when they met, and he had not followed up with any other female arrestees in the past, but he became physically attracted to and fond of Victim; therefore, he pursued her with intentions of starting a romantic relationship.

On November 14, 2021, Respondent had a second interview with LASD IA investigators. He was shown a printout of the unit history report for his patrol vehicle on May 23, 2021. At 1609 hours a Department of Motor Vehicles vehicle inquiry was conducted on Victim's vehicle and at 2126 hours a criminal history inquiry was conducted with Victim's full name and date of birth.

Respondent said he did not recall running an inquiry on Victim's vehicle and Deputy Tarin was not with him during the second meeting with Victim on May 23, 2021, therefore he assumed he was the one who conducted the criminal history inquiry. Respondent did not give Deputy Tarin Victim's personal information to have her conduct a criminal history check.

Respondent denied ever telling Victim that he would try to get her DUI to go away or get Deputy Chen to not show up in court. He also denied talking to, suggesting, or alluding to Deputy Chen he should not show up for Victim's court hearing.

(During her interview Victim stated when Respondent met with her outside the Hilton Hotel he greeted her with a hug. She asked Respondent if there was any way her DUI could "go away". He responded that he would try but did not elaborate on how.)

Respondent said he had no contact with or engaged in any conversation with Deputy Chen after Victim's arrest on May 13, 2021. Respondent also denied telling Deputy Chen the May 13, 2021, arrest was Victim's second or third DUI arrest.

During his IA interview on November 17, 2021, Deputy Chen contradicted this, stating Respondent approached him at the station some weeks after Victim's arrest, let him know he had been in contact with Victim, stated this was her second or third DUI arrest, and alluded to the idea Chen should miss his court date. Additionally, Chen stated Respondent called him on November 14, 2021. Respondent told Chen his IA case was concluded and he was returning to work, so Chen thought it was okay to talk to him until Respondent started talking about the investigation, at which time Chen ended the conversation.

On November 21, 2022, Respondent had a third interview with LASD IA. Respondent started the interview by clarifying the statement he made about not having any contact with Deputy Chen. Respondent admitted he did have one contact with Deputy Chen after Victim's arrest, but the conversation did not pertain to the administrative investigation. Respondent said between May 14, 2021, and July 22, 2021, he had a telephonic conversation with Deputy Chen in which they discussed the fact that neither he nor Deputy Chen searched Victim on the night of her arrest. Additionally, they had a face-to-face meeting during which Deputy Chen asked if Respondent had completed the traffic collision report for Victim's case. Respondent did not address the phone conversation he had with Chen four days before this interview on November 14, 2021.

Respondent admitted contacting Deputy Chen despite knowing Deputy Chen was interviewed as a witness in the Administrative Investigation. Respondent said the purpose of the call was to gain insight into the process of the administrative investigation since he knew Deputy Chen had been through a "similar situation" in the past. Respondent denied having any conversations about the details of the administrative investigation.

LASD IA investigators attempted to interview Victim and/or her attorney but they both declined to be interviewed for the investigation. Consequently, Victim's friend who allegedly witnessed Respondent stating he would try to get Deputy Chen to not show up for court was never identified or interviewed.

V. Analysis and Findings

a. Does the alleged conduct violate California Regulation 1205(a)(2) – Abuse of Power?

Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the abuse of power was a knowing abuse of the power and authority of a public office.

Clear and convincing evidence exists to show that Respondent abused his power in his position as a law enforcement officer by initiating and maintaining inappropriate contact with an arrestee with the purpose of establishing a romantic relationship; attempting to use his position of authority to further that romantic pursuit by offering to make the Victim's arrest "go away"; and in using his partner's law enforcement credentials to access Victim's criminal and DMV history.

Here, Respondent met Victim in his capacity as a peace officer during her arrest for driving under the influence of alcohol. He then used this position of power and influence to initiate personal contacts with Victim to leverage his position as a peace officer to obtain a romantic relationship with Victim. Indeed, on May 23, 2021, Respondent told Victim he could make the DUI go away if she would go out on a date with him, saying, "Believe me I'll try my best to get Chen not to show up to court". **(Attachment A)** The evidence demonstrates that Respondent attempted to make good on this promise when he approached Deputy Chen and informed him that he had spoken with Victim and learned that this would be her second or third DUI. Deputy Chen interpreted the conversation to mean that he should not attend the court hearing. Deputy Chen ended the conversation stating that attends all of his court hearings.

Between May 14 and July 22, 2021, Respondent initiated and maintained a text and phone relationship with Victim after getting her cell phone number from Deputy Chen's DUI report. The initial text message from Respondent to Victim was sent the day after she was arrested and shortly after she was released from Respondent's jail. **(Attachment C) (Attachment F, Pages 182 and 223)**

> **Rodriguez:** Okay. When did you get her phone number initially?
> **Respondent:** I believe that night of the -- the traffic collision. For the report.
> **Rodriguez:** You got for -- her phone number for the report?

Respondent: I believe I got it from the handling unit (Deputy Chen). Because we -- I couldn't – we couldn't understand at the beginning what -- to talk to her. So I -- I believe I got if from my partner.

Rodriguez: Okay. And then, once again, you -- she was arrested on May 13th --
Respondent: Yes.
Rodriguez: -- 2021 -- 2021?
Respondent: Yes, ma'am.
Rodriguez: And you contacted her via one of your burner phones -- that's what you called it -- on May 14th, 2021?
Respondent: Yes, ma'am.
Rodriguez: Okay. So literally just like a day after she had been arrested. Or the morning after; right? She had been --
Respondent: After she got released. Yes

May 23, 2021, Respondent deceitfully had his partner **(Tarin)** access the DMV database to run the registration on Victim's vehicle before meeting with Victim for lunch, and then later the same date, after Deputy Tarin went off shift, Respondent used Deputy Tarin's secure log-in information to access CLETS to check Victim for warrants or wants while meeting with her a second time that date. He then showed Victim the confidential results of the query **(Attachment F, pages 132 - 134) (Attachment F, pages 216 and 246)**

IA Interview of Deputy Tarin dated 10/13/2022 (While showing Dep. Tarin the vehicle license plate belonging to Victim that was queried on the MDC)

Rodriguez: So, I'm going to show you a photocopy of it's a CLETS return for a vehicle registration, okay. So, there's four pages, but you know, the rest of the pages are pretty much SVS had zero messages that might come back, okay? Do you remember running that plate?
Tarin: I ran a lot of plates. So, -
Rodriguez: Well, the name is kind of, so, if you focus on the you know, the registration. It's a leased vehicle, but if you focus on the registration and the information of the person that's you know, under the lease, if you notice it's the same name that was ran later on.
Tarin: Yeah.
Rodriguez: Right?
Tarin: Correct, correct, yeah.
Rodriguez: So, again, you don't remember running anything like that with that name or anything?
Tarin: No.

Tarin: After our first interview, I was like a little bit like what's going on. So, I drove that way and it, I remembered stopping there and I remember the whole situation.
Rodriguez: Let's talk about that.
Tarin: So, we ran the car, he said he was going to go have pho there. And he asked me if I wanted to go eat and I was, I was writing the Big 5 report. And again, I'm a newer deputy. So, I'm not going to, I didn't feel comfortable going to eat with him. I just wanted to get the report done and then go home. So, he, he told me that he was going to go eat pho, to which he left. And I stayed in the car and wrote the report.

Respondent: I don't recall.
Rodriguez: You don't recall --
Respondent: No. I --
Rodriguez: -- or you didn't run her?
Respondent: I don't recall running her. Or running her name. No

Rodriguez: Did you give Miss Tarin her information? Victim's information to run?
Respondent: No, I did not.
Rodriguez: So if -- if Tarin wasn't with you -- Deputy Tarin wasn't with you, then who ran Victim?
Respondent: Oh, it had to be me because it's my -- my unit, but I don't recall running her. But it's -- I mean, it's got to be me.

b. Does the alleged conduct violate California Regulation 1205(a)(4) – Sexual Assault?

Sexual assault as described in subdivision (b) of Penal Code Section 832.7.

Cal. Penal Code § 832.7 (b)(1)(B)(ii)-(iii)

(ii) As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.

Clear and convincing evidence exists to show that Respondent's conduct amounted to sexual assault as described in Penal Code section 832.7(b)(1(B(ii) in that he attempted the initiation of a sexual act with a member of the public while on duty and through offer of leniency or other official favor. Between May 14, 2021, and July 22, 2021, Respondent and Victim exchanged approximately 100 texts messages, many of which are the Respondent asking 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 Victim that she was not wearing underwear the night she was arrested. **(Attachment C)**

The IA investigators showed Respondent the 28 pages of text messages. Only then did Respondent admit to initiating contact because he was attracted to Victim and wanted to establish a relationship with her. He said he knew it was a violation of Department Policy and was wrong.

Luna: You had said, "I'm serious." "I want to be with you." What did you mean by that first bubble? "I'm serious." "I want to be with you."

Respondent: Just to be with her. Just us.

Luna: Did you want to engage in some sort of romantic relationship with her?

Respondent: I believe so, sir. Yes.

Luna: Okay.

Rodriguez: So you believe so or --

Respondent: Yes.

Rodriguez: -- yes? Okay. Is that why you keep telling her that she's sexy and that you want --

Respondent: Yes.

Rodriguez: -- that you want her to take you home with her?

Respondent: Yes.

On May 23, 2021, according to the attorney representing Victim, Respondent implied to Victim he could make her DUI arrest "go away" if she would go out on a date with him, saying, "Believe me, I'll do my best to get Chen not to show up to court." At that meeting Respondent was on duty in his patrol vehicle and met Victim outside a restaurant where she was with friends. The friends witnessed the statement, however they were not made available to be interviewed by IA.

Later that day Respondent met with Victim again while on duty, in front of her friend's home. Victim got into the patrol vehicle and sat in the front passenger seat while Respondent accessed the Mobile Digital Computer (MDC) to check Victim for warrants and wants. At one point Respondent asked Victim to go out with him. When she said no, Respondent touched her face and told her he wanted "to be with her", with a clear meaning he meant in a sexual way. **(Attachment A)** He then kissed her cheek and told Victim, "You're so sexy". **(Victim interview)**. This account was corroborated through an audit of the MDC usage in Respondent's patrol vehicle for May 23, 2021, showing someone had used Respondent's computer to check Victim for wants and warrants, **(Attachment D)** and through an interview with Victim on July 15, 2024.

c. Does the alleged conduct violate California Regulation 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 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 officer, Respondent. This is supported by text messages between Respondent and Victim, GPS timelines of Respondent's movements and call logs from a witness cellphone, as well as statements from Victim. This evidence is corroborated by statements from witness Deputies and Los Angeles County Head Deputy District Attorney Victor Rodriguez.

On May 3, 2023, LASD reported this case to POST pursuant to the requirements of Penal Code section 13510.9. POST obtained the administrative investigation completed by LASD and conducted a review of the evidence and a thorough analysis of all the relevant facts. On July 15, 2024, POST conducted a cellphone interview with the Victim as well.

Respondent was dishonest during his compelled interviews (3) until he was confronted with physical evidence contradicting his statements. The following examples highlight this pattern:

Respondent told Internal Affairs he had no contact with the victim after the night of her arrest for DUI (May 13, 2021), until she contacted him several weeks later, a statement the Victim said was false. IA presented Respondent with 28 pages containing over 100 text messages between Respondent and Victim that Respondent initiated, beginning within hours of her release from jail on May 14, 2021. Only then did Respondent admit to his interactions with Victim.

Relevant excerpts from Respondent's interview relating to this aspect of his dishonesty are as follows:

> **Rodriguez**: Did you see her after that night? *(After the DUI arrest)*
> **Respondent**: After -- no.

Rodriguez: After --

Respondent: I did not.

Rodriguez: I mean, after the 13th you didn't see her at all?

Respondent: No. That night, no.

Rodriguez: Okay. So did you see her any day after that?

Respondent: Yes.

Rodriguez: Okay. When was the next time -- the -- the next time you saw her after the 13th?

Respondent: It had to be several weeks after. I -- I was working overtime. The same city. She lives borderline Temple City and Arcadia. And I was working the same city that night I believe. And she flagged me down. I was on a stop. She flagged me down. I told her that I would talk to her after I finished with the traffic stop. I came over once I was done and she asked me if – if I remembered her. She told me if I remembered her. I said, "No." I -- I don't." She said, “you and -- you and your partner stopped me for a crash and a DUI." I said, "Well, where was it at?" And she said she told me it was in -- on Rosemead and Giraldi a couple of weeks back. I don't remember how long exactly. I said, "Oh, yeah. I remember." I said, "I remember. Deputy Chen is the one that arrested you for the DUI." And I said “I -- I wrote the -- the traffic report." She said, "Yes." And that's when she told me if -- if I could help one of her friends. I guess one of her best friends is a famous DJ that plays and flies all over the country doing DJ stuff. And she told me that they were doing an underground party in El Monte during COVID and that her stuff were taken away. Their equipment. DJ equipment. And that he was trying to find out what was happening with the case. If -- she said if I can maybe help her get some information about the case. She didn't have any information on it. She said she will get me the case number. I told her that I didn't really know anybody in El Monte. I said, "We don't really see them on this side." I said, "But I can find out."

See if there's any information on the case. And that's -- that was the last -- last time I saw her.

Rodriguez: That the last time --

Respondent: Yeah.

Rodriguez: -- you saw her or talked to her?

Respondent: No. When she told me the -- that she was going to get me the -- the case numbers -- I don't remember if she ever texted me back that she was -- that she had the case number. Several weeks later -- I don't remember how -- how the timeframe, but I did call El Monte P.D. and just to find out if they had anything on that case and they told me that -- that it was still open. That they didn't -- they didn't -- they didn't know what court date or anything like that. That they were behind. And that they just had to wait. And then I let her know. I believe I -- I don't remember if I called her or texted her and I -- hey -- hey, I -- "I have some information regarding your friend's case." And I was working Rosemead that day. And she told me, "Oh, I'm -- I'm in Rosemead can you come meet my friend? He's over here." I was on -- I believe I was on Valley and either San Gabriel or Valley and Walnut Grove. Somewhere around there. And they were there. So it was my RD. I drove through there and I -- I spoke to her friend and I just told him I said, "Hey, they said that the case is still open." "That you have to wait." And, "They don't know when it's going to go to court." And that was that.

Rodriguez: Okay.

Respondent: And that was the last time that I saw her.

(Attachment F, pages 169-170)

Respondent 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 “a female” to the hospital. Yet in the very first text to victim on May 14, 2021, Respondent reminds her he was the Deputy who transported her to the hospital.

Relevant excerpts from Respondent’s interview relating to this aspect of his dishonesty are as follows:

> **Luna:** Did you transport her to the hospital?
> **Respondent:** No, sir.
> **Luna:** Okay
>
> **(Attachment F, page 171)**

Respondent denied using the patrol vehicle computer (MDC) to check the victim for warrants or run her driver’s license on May 23, 2021. In a subsequent interview, the IA investigators were able to present Respondent with records showing his MDC was used to check the Victim for warrants and license status at a time when only the Respondent was using that vehicle, even though the log-in information was Respondent’s partner’s information. Respondent told IA he must have “ran her” then 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 23, 2021, while Respondent checked her for warrants and ran her driver’s license and gave her the results. During her POST interview Victim said she was sitting in the patrol car while Respondent checked her for warrants, “on the computer”.

Relevant excerpts from Respondent’s interview relating to this aspect of his dishonesty are as follows:

> **Rodriguez**: On the 23rd that -- that day when you go in to -- you meet her outside of the apartment complex --
> **Respondent**: Yes.
> **Rodriguez**: -- did she ever get back in her car with you?
> **Respondent**: No.

Rodriguez: Okay. Did you ever run her -- her name on your M.D.C.?
Respondent: No. Not -- not -- well, if I ran her maybe for the report, but not for nothing after that.
Rodriguez: What do you mean "for the report"?
Respondent: Like at night -- the night of the traffic collision maybe. But not for – not after -- after that.
Rodriguez: So I'm asking specifically for the 23rd.
Respondent: For this date?
Rodriguez: Yes.
Respondent: No.

(Attachment F, pages 215-216)

Respondent stated he met the Victim on three occasions, but stated each time was brief, only around 5 minutes each. However, GPS tracking on his patrol vehicle showed Respondent met with the victim on May 21, 2021, at Temple High School for 18 minutes. He then met with the Victim on May 23, 2021, outside the Hilton Hotel for 40 minutes, and then again on May 23, 2021, in Rosemead for 21 minutes.

Respondent denied speaking to the Deputy that arrested Victim for DUI in an attempt to dissuade him from testifying against Victim. Respondent said he had not talked to that Deputy at all or engaged in any type of conversation with him since the night of Victim's arrest May 13, 2021.

Relevant excerpts from Respondent's interview relating to this aspect of his dishonesty are as follows:

Rodriguez: Noted. Okay. So after you – Victim was arrested and you went to go see her that day on the 23rd, one of the days -- one of those locations, did you ever suggest to Victim that if she went out on a date with you that you could make the case go away?
Respondent: No, I did not.

Rodriguez: Did you ever tell Victim, “Believe me, I’ll try my best to get Chen” -- Deputy -- Deputy Chen -- “not to show up to court”?
Respondent: No, I did not.
Rodriguez: After Victim was -- was arrested and during the time you were communicating with her, did you ever speak to Deputy Chen regarding Victim’s case?
Respondent: No, I did not.
Rodriguez: Did you ever, at any point -- at any point or in any way suggest to Deputy Chen that he should not show up to court for Victim’s case?
Respondent: No, I did not.
Rodriguez: Did you ever have any type of conversation with Deputy Chen after Victim’s arrest?
Johnson: About the case or just about anything?
Rodriguez: Just any type of conversation or any contact with him after?
Respondent: Just during the incident.
Rodriguez: Okay.
Respondent: During --
Rodriguez: After the arrest, did you have any contact --
Respondent: No.
Rodriguez: -- with him?
(Attachment F, pages 249 – 250)

Deputy Chen was interviewed during the IA investigation. In his interview, Deputy Chen provided a screen shot of his cell phone showing he missed a phone call from Respondent on November 14, 2022 **(Attachment E),** and a screen shot of a connected call with Respondent one hour later that lasted 7 minutes and 20 seconds **(Attachment E)**. (The missed call came in at 1205 hours, 1 hour and 10

minutes after Respondent finished his second IA interview where he stated he had not talked to the arresting Deputy about Victim or her case).

Deputy Chen was asked about his interactions with Respondent. Relevant excerpts from this interview are as follows:

(Deputy Chen IA interview dated 11/17/2022) **(Attachment F)**

Rodriguez: After you arrested her, did you have any type of contact with Deputy Cano?

Lawrence: Regarding?

Rodriguez: For now, any type of contact with Deputy Cano?

Chen: I have. He works here at the station. In passing, we see each other, we converse.

Rodriguez: So, between May 13th, when's the last time you talked to him?

Chen: It would be before, it'll be a few days ago on a phone call when I believe that he had informed me that the case was over, that he was coming back, so I picked up the phone. But that was not the case.

Rodriguez: Did you guys discuss anything pertaining to the case?

Chen: It was to refresh what we had discussed about Victim and a possible direction of what he's being questioned about. I thought my part of the interview is over.

Rodriguez: And you said this happened a few days ago?

Chen: Yes.

Rodriguez: So, would it be safe to say that within the last week?

Chen: Within the last week, yes.

(later in the same IA interview referring to a meeting with Respondent at the station a few weeks after Victim's arrest)

Chen: He brought up the fact that he's spoke to Victim and learned that this would be her second or third DUI. I interpreted that to mean, from a deputy to another, that if I were to not attend the court hearings, but he never specifically requested that of me. I ended the conversation by stating that I attend all my court hearings and subpoenas and I don't believe it ever got to a point where he crossed the line or made that request, or I responded in any way that would indicate that I understood what he was asking.

Rodriguez: So, you never asked for clarification what he was asking? That conversation that-

Chen: No, because I did not like what that implied. He never asked.

Rodriguez: Uh huh.

Chen: I want to be clear. But when you bring up a suspect's record and indicated that you've spoken to her, my interpretation of that encounter would be that, if there's anything I could do as the arresting officer to impact or influence that case, which I don't believe I had the opportunity to do, because as a reserve deputy, I attend all my subpoenas. I attend all on-call or in court hearings by the court as when I'm subpoenaed to. I even attend most traffic citations that I issue. I even attend most traffic court subpoenas.

Rodriguez: So, if I'm understanding you correctly, I don't want to put words in your mouth, you interpreted that conversation that you had with Deputy Cano and he came up to you, right?

Chen: Yes. We were in the secretary's office when that conversation occurred.

On November 21, 2022, Respondent had a third interview with IA where he changed his answer and admitted having conversations with Deputy Chen, but not about her case or his on-going IA. **(Attachment F, page 253 – 254)**

VI. Supporting Evidence and Documentation

- Attachment A – DA Complaint Email Dated 2/25/22
- Attachment B – Respondent Vehicle GPS Locations
- Attachment C – Respondent Text Messages
- Attachment D – Warrant & Registration Checks
- Attachment E – Witness Deputy Text Message
- Attachment F – Interview Transcripts

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.