



# Stanislaus County Sheriff's Department

**JEFF DIRKSE  
SHERIFF-CORONER**

## **ADMINISTRATIVE INVESTIGATIONS REPORT**

**To: File**

**From: Lieutenant**

**Subject: IA 20-18**

**Date: June 11, 2020**

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### **SYNOPSIS:**

The following is regarding the on-duty conduct of Chief Marcelino Nuno (Chief Nuno). The on-duty conduct in question is alleged to have occurred while Chief Nuno was instructing at the Basic Police Academy. The on-duty conduct of Chief Nuno led to a criminal investigation. The criminal investigation led to a report charging Chief Nuno with Penal Code 243.4(e) (1) Sexual Battery; however, the District Attorneys Office ultimately did not file the charges.

### **ALLEGATIONS**

A female recruit reported that Chief Nuno acted inappropriately. While at the academy and instructing Defensive Tactics, Chief Nuno concealed training weapons on the female recruit. Chief Nuno placed the weapons inside her pants over her underwear, inside the back of her pants over her intergluteal cleft, under her bra at the bottom of her breast and under her bra on the side of her breast. Chief Nuno stuck his hand inside the female's recruits' pants, with the backside of his hand towards the recruit in an attempt to feel the training weapon he had concealed. While Chief Nuno was concealing the training weapons, he asked the female recruit what kind of underwear she was wearing. The female recruit said "black," and Chief Nuno said,

"no, are you wearing a thong?" and she said no. This was conducted in the weight room of the academy, where they were out of sight of other recruits and academy staff.

**ATTACHED DOCUMENTS:**

1. Stanislaus County Sheriffs Department Report S20019099
2. Flash drive with surveillance footage from April 22, 2020, of the academy
3. Chief Nuno administrative admonishments
4. Chief Nuno Notice of Investigation
5. Witness orders for Stanislaus County Sheriff Department employees
6. Academy Recruit Photos
7. An email detailing sexual harassment training Chief Nuno attended
8. Individual Training Activity for Chief Nuno outlining training courses he has attended
9. Photos of the training props
10. Axon videos for the interviews conducted by Detective        are stored at Evidence.com under case number S20019099
11. Audio recordings of interviews conducted by Sgt.

**PERSONS CONTACTED:**

San Joaquin Sheriffs Office  
Stanislaus County Sheriffs Department  
Modesto Police Department

Modesto Police Department  
Modesto Police Department  
Modesto Police Department  
San Joaquin Sheriffs Office  
Oakdale Police Department  
Stanislaus County Sheriffs Department  
Tuolumne County Sheriff Office  
Stanislaus County Sheriffs Department  
Stanislaus County Sheriffs Department  
Stanislaus County Sheriffs Department  
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**NARRATIVE:**

On April 23, 2020, at approximately 8:30 am, I was briefed by \_\_\_\_\_ of \_\_\_\_\_ misconduct allegations regarding Chief Nuno. A \_\_\_\_\_ academy recruit alleged that Chief Nuno touched the recruit inappropriately during Defensive Tactics training. The Stanislaus Sheriff Regional Training Center (training center) was hosting a basic police academy. The current academy was identified as Academy Class 184 (class 184) and was comprised of several recruits employed by area law enforcement agencies. The complainant recruit was in class 184. Chief Nuno is a Defensive Tactics Instructor and was instructing class 184.

After \_\_\_\_\_ briefed me, I instructed Sergeant \_\_\_\_\_ (Sgt. \_\_\_\_\_ and Sergeant \_\_\_\_\_ (Sgt. \_\_\_\_\_ to respond to the training center. Sgt. \_\_\_\_\_

and Sgt. [redacted] were instructed to investigate the allegations. Sgt. [redacted] and Sgt. [redacted] responded to the training center and began interviewing recruits from class 184.

At approximately 10:59 am, Sgt. [redacted] and Sgt. [redacted] interviewed Recruit [redacted] at the academy.

At approximately 11:39 am, Sgt. [redacted] and Sgt. [redacted] interviewed [redacted] at the academy.

At approximately 12:13 pm, Sgt. [redacted] and Sgt. [redacted] interviewed Recruit [redacted] at the academy.

At approximately 12:30 pm, I responded to the academy and met with Sergeant [redacted] (Sgt. [redacted] is the sergeant assigned to the training center. He informed me that as this investigation unfolded, each law enforcement agency that had recruits in class 184 was notified of the investigation that was underway. After the notifications were made, San Joaquin County Sheriff's Department contacted their recruits that were attending class 184. One of the San Joaquin County Sheriff's Department recruits was identified as [redacted] (Recruit [redacted]). During this contact, Recruit [redacted] told her sergeant that Chief Nuno had acted inappropriately. She said in summary; Chief Nuno concealed training weapons on her person. Chief Nuno placed the weapons inside her pants over her underwear, inside her pants over her intergluteal cleft, under her bra at the bottom of her breast and under her bra on the side of her breast. Chief Nuno stuck his hand inside her pants to try and feel the training weapon he had concealed. While Chief Nuno was concealing the training weapons, he asked her what kind of underwear she was wearing. Recruit [redacted] said "black," and Chief Nuno said, "no, are you wearing a thong?" and she said no. This was conducted in the weight room of the academy, where they were out of sight of other recruits and academy staff. Recruit [redacted] said she was uncomfortable but did not want to tell Chief Nuno to stop because he is a Police Chief.

After I received this information from Sgt. [redacted] I contacted [redacted] and briefed him on the updated information. Due to the possible criminal violation, Sergeant [redacted] (Sgt. [redacted] of the Stanislaus County Sheriff's Department was contacted.

Sgt. \_\_\_\_\_ is the supervisor for the \_\_\_\_\_ usually investigates complex criminal investigations involving Sheriff's Department personnel that occur within the Sheriff's Department jurisdiction. Sgt. \_\_\_\_\_ assigned this case to Detective \_\_\_\_\_ (Det. \_\_\_\_\_). The Stanislaus County Sheriff's Department case number for this investigation is S20019099.

Due to the criminal investigation, I told Sgt. \_\_\_\_\_ and Sgt. \_\_\_\_\_ to discontinue interviewing recruits. I also informed Sgt. \_\_\_\_\_ and Sgt. \_\_\_\_\_ I would be the lead investigator for this administrative investigation.

I spoke with Det. \_\_\_\_\_ who informed me she would be interviewing several of the recruits and individuals involved in this case. She told me the interviews would be conducted at the Stanislaus County Sheriff's Department. I responded to the Sheriff's Department and observed several of the interviews remotely. Det. \_\_\_\_\_ conducted the interviews. The following is a list of the interviews Det. \_\_\_\_\_ conducted regarding this case on April 23, 2020. These were conducted in the Investigations "soft room" interview room. Each of the following interviews was video recorded and later uploaded to Evidence.com;

At approximately 1:51 pm, Recruit \_\_\_\_\_ of the San Joaquin Sheriff's Office was interviewed by Det. \_\_\_\_\_.

At approximately 2:48 pm, Lieutenant \_\_\_\_\_ of the Stanislaus County Sheriff's Department was interviewed by Det. \_\_\_\_\_.

At approximately 3:48 pm, Recruit \_\_\_\_\_ of the Modesto Police Department was interviewed by Det. \_\_\_\_\_.

At approximately 4:21 pm, Recruit \_\_\_\_\_ of the Modesto Police Department was interviewed by Det. \_\_\_\_\_.

At approximately 4:44 pm, Recruit \_\_\_\_\_ of the Modesto Police Department was interviewed by Det. \_\_\_\_\_.

At approximately 4:48 pm, Recruit \_\_\_\_\_ of the Modesto Police Department was interviewed by Det. \_\_\_\_\_

At approximately 4:55 pm, Recruit \_\_\_\_\_ of the San Joaquin Sheriff's Office was interviewed by Det. \_\_\_\_\_

At approximately 5:17 pm, Recruit \_\_\_\_\_ of the Oakdale Police Department was interviewed by Det. \_\_\_\_\_

At approximately 5:20 pm, Recruit \_\_\_\_\_ of the Stanislaus County Sheriff's Department was interviewed by Det. \_\_\_\_\_

At approximately 6:18 pm, Recruit \_\_\_\_\_ of the Tuolumne Sheriff's Office was interviewed by Det. \_\_\_\_\_

On April 23, 2020, at approximately 4:30 pm, Chief Nuno met with \_\_\_\_\_ and me in the \_\_\_\_\_ I explained to Chief Nuno there was an administrative investigation and criminal investigation in regards to his conduct. I provided Chief Nuno with a "Notice of Investigation" memo regarding this investigation. Chief Nuno read and acknowledged the memo. Chief Nuno signed and dated the memo. Chief Nuno was provided a copy of the memo.

On April 23, 2020, Det. \_\_\_\_\_ took photos of 16 fake plastic yellow weapons and contraband that are used for training at the academy. Some of these fake weapons and contraband were placed on Recruit \_\_\_\_\_ during the academy scenario. The fake plastic yellow weapons and fake contraband were;

Handgun magazine, a Marijuana pipe  
Screwdriver, Scissors  
Closed folding knife, Box cutter  
Open folding knife, Handgun

Two syringes, Pepper spray  
Handgun, Blade  
Cell phone, Brass knuckles  
Pipe used to smoke methamphetamine

On April 24, 2020, Chief Nuno was placed on paid administrative leave as a result of this investigation. I contacted Chief Nuno in his office at the Patterson Substation, where he was provided with his paid administrative leave instructions. Chief Nuno acknowledged and signed the paid administrative leave instructions. I collected Chief Nuno's Stanislaus County Sheriff's Department equipment and transported him to his residence.

On April 24, 2020, Det. \_\_\_\_\_ continued interviewing employees involved in this investigation. The following is a list of the interviews Det. \_\_\_\_\_ conducted regarding this case on April 24, 2020. These interviews were conducted in the Investigations "soft room" interview room. Each of the following interviews was video recorded and later uploaded to Evidence.com;

At approximately 1:01 pm, Detective \_\_\_\_\_ of the Stanislaus County Sheriff's Department was interviewed by Det. \_\_\_\_\_

At approximately 1:48 pm, Deputy \_\_\_\_\_ of the Stanislaus County Sheriff's Department was interviewed by Det. \_\_\_\_\_

At approximately 6:49 pm, Deputy \_\_\_\_\_ of the Stanislaus County Sheriff's Department was interviewed by Det. \_\_\_\_\_

On April 27, 2020, Det. \_\_\_\_\_ continued interviewing employees involved in this investigation. The following is a list of the interviews Det. \_\_\_\_\_ conducted regarding this case on April 27, 2020. These interviews were conducted in the Investigations "soft room" interview room. Each of the following interviews was video recorded and later uploaded to Evidence.com;

At approximately 1:40 pm, Recruit \_\_\_\_\_ of the Stanislaus County Sheriff's Department was interviewed by Det. \_\_\_\_\_

At approximately 2:17 pm, Deputy \_\_\_\_\_ of the Stanislaus County Sheriff's Department was interviewed by Det. \_\_\_\_\_

On April 27, 2020, the following employees were served with witness interview orders in regards to this administrative investigation;

Lieutenant  
Sergeant  
Deputy  
Recruit

On April 27, 2020, \_\_\_\_\_ extracted a video from the academy surveillance system and provided it to Det. \_\_\_\_\_. Det. \_\_\_\_\_ requested \_\_\_\_\_ extract the video footage from the surveillance system that was recorded on April 22, 2020, between the time of 7:00 am through 5:00 pm. During the extraction process, \_\_\_\_\_ found the surveillance system had a one hour offset. \_\_\_\_\_ extracted the video footage from the surveillance system for April 22, 2020, between the times of 6:00 am through 4:00 pm to comply with Det. \_\_\_\_\_ request.

On April 29, 2020, Det. \_\_\_\_\_ continued interviewing employees involved in this investigation. The following is a list of the interviews Det. \_\_\_\_\_ conducted regarding this case on April 29, 2020. These interviews were conducted in the Investigations "soft room" interview room. Each of the following interviews was video recorded and later uploaded to Evidence.com;

At approximately 1:38 pm, Recruit \_\_\_\_\_ of the Stanislaus County Sheriff's Department was interviewed by Det. \_\_\_\_\_

At approximately 1:49 pm, Recruit \_\_\_\_\_ of the Stanislaus County Sheriff's Department was interviewed by Det. \_\_\_\_\_



At approximately 2:19 pm, Detective \_\_\_\_\_ of the Stanislaus County Sheriff's Department was interviewed by Det. \_\_\_\_\_

On April 29, 2020, the following employees were served with witness interview orders in regards to this administrative investigation;

Deputy \_\_\_\_\_  
Recruit \_\_\_\_\_  
Recruit \_\_\_\_\_

On April 30, 2020, Det. \_\_\_\_\_ continued interviewing employees involved in this investigation. The following is a list of the interviews Det. \_\_\_\_\_ conducted regarding this case on April 30, 2020. These interviews were conducted in the Investigations "soft room" interview room. Each of the following interviews was video recorded and later uploaded to Evidence.com;

At approximately 6:54 pm, Deputy \_\_\_\_\_ of the Stanislaus County Sheriff's Department was interviewed by Det. \_\_\_\_\_

On May 4, 2020, Det. \_\_\_\_\_ interviewed Sergeant \_\_\_\_\_ (Sgt. \_\_\_\_\_ of the Stanislaus County Sheriff's Department. The interview with Sgt. \_\_\_\_\_ was not recorded by Det. \_\_\_\_\_

On June 2, 2020, at approximately 9:56 am, Sgt. \_\_\_\_\_ and I interviewed Lieutenant \_\_\_\_\_ (Lt. \_\_\_\_\_) in regards to this investigation. At the start of this interview, Lt. \_\_\_\_\_ was served with a witness interview order, which he acknowledged and signed. The interview was conducted in the \_\_\_\_\_ at the Stanislaus County Sheriff's Department. The interview was audio recorded.

On June 2, 2020, at approximately 3:43 pm, Sgt. \_\_\_\_\_ and I interviewed Sgt. \_\_\_\_\_ in regards to this investigation. At the start of this interview, Sgt. \_\_\_\_\_ was served with a witness interview order, which he acknowledged and signed. The interview was conducted in

the : at the Stanislaus County Sheriff's Department. The interview was audio recorded.

On June 3, 2020, at approximately 1:51 pm Sgt. and I interviewed Chief Nuno regarding this administrative investigation. Chief Nuno had Attorney of present and acting as his elected representative during this interview. The interview was conducted in the Investigations "soft room" interview room. The interview was audio recorded.

### **SUMMARY OF SURVEILLANCE FOOTAGE** **DETECTIVE**

The following is a summary of what Det observed with the video in each camera. There were several times where Nuno spoke with both male and female recruits; these were not noted in the summary of the video review. When the class was in a half-circle watching demonstrations, there were a few times that Nuno would demonstrate the move using a male recruit. These were not noted in the summary of the video review.

It should be noted that the time stamp on the cameras was 1 hour behind the actual time. All times noted in this report will refer to the DVR time stamp.

#### **CAMERA 1 (SOUTHWEST CORNER OF GYM):**



- 15:08:08 – A female recruit, which appears to possibly be [REDACTED] is called to the instructors. She walks with Nuno and [REDACTED] then runs towards the west door area of the gym.
- 15:09:12 – Nuno is seen with a black bag in his left hand walking towards the west door area of the gym.
- 15:17:02 – Nuno and [REDACTED] walk into view in the gym. [REDACTED] is still in the gym at this point.
- 15:32:47 – Nuno and [REDACTED] are seen walking from the southeast gym door area to the west gym door area.

- 15:35:34 – Nuno and [REDACTED] are seen walking from the west gym door area to the southeast gym door area.
- 15:52:17 – Nuno and [REDACTED] are seen walking into view from the southeast gym door area. They stay in that area. [REDACTED] begins to place items on her person. It appears Nuno places an item in the pocket area and possibly one in her back waistband area. Nuno hands items to [REDACTED] and [REDACTED] seems to place some in her bra area. They leave the view towards the same door area they came from at 15:54:22.
- 16:14:02 – Nuno and [REDACTED] are seen walking into view from the southeast gym door area. They stay in that area. [REDACTED] begins to place items on her person. It appears Nuno places an item in the pocket area. Nuno appears to possibly be patting areas to feel. These areas included her lower back and legs. Nuno appears to assist with placing an item in [REDACTED] right sleeve, then hands items to her as she places them in her bra area. They leave in the area the same way they came in around 16:15:42.
- 16:31:50 – Nuno and [REDACTED] enter the gym the same way they had been and stop in the same area. [REDACTED] appears to place items in her bra area, while Nuno places one in her shoe area. Nuno again appears to place an item in her pocket and seems to pat her leg area. They leave the same way they came in at approximately 16:33:25.
- 16:46:03 – Nuno enters the gym the same way he had been coming in, seems to grab his belongings from the desk area, and leaves the same way he came in.

#### CAMERA 3 (BREAK ROOM):

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CAMERA 4 (NORTHEAST CORNER OF GYM):

- Skips a lot and does not show anything.

CAMERA 6 (COURTYARD/GRINDER):

- Skips a lot and does not show anything.

CAMERA 8 (PICNIC AREA):

## STATEMENTS OF PERSONS CONTACTED DURING THIS INVESTIGATION

The following will be a summary of the statements provided to Det. \_\_\_\_\_ Sgt. \_\_\_\_\_ and I. Each statement summarized in this report may not be in the order they were received; this is done to aid in the clarity of the report. Statements provided to Det. \_\_\_\_\_ or Sgt. \_\_\_\_\_ will summarize from excerpts of their reports. For exact documentation, please refer to the

audio/video-recorded interviews. A copy of the recorded interviews may be provided upon request.

## STATEMENT OF RECRUIT

Det. interviewed Recruit                      The following is a summary of the interview with

Det. [REDACTED] first explained why Det. [REDACTED] was there to speak with Det. [REDACTED]. Det. [REDACTED] told that Det. [REDACTED] wanted to hear what occurred from her. [REDACTED] was a recruit with San Joaquin County Sheriff's Department. She had previously gone through the same academy but failed out at shooting testing.

stated on April 22, 2020, at approximately 4:00 pm, she was asked to be a role player in one of the scenarios at the academy. The scenario was a call of indecent exposure. The goal of the scenario was for the recruits to be able to practice proper searching techniques. [REDACTED] was instructed to dress out into her "civilian" clothes. She put on her cowboy boots, jeans, and her grey physical training shirt. [REDACTED] was called to be the role player by Detective [REDACTED] and it was explained to her that since she had already been through the academy, this scenario was nothing new to her.

After getting changed, \_\_\_\_\_ walked into an empty gym but was called to the weight room by Nuno. She entered the weight room and saw that Nuno had a black bag that contained several fake props for her to hide on her person for the search scenario. These items were yellow and plastic. Nuno laid the items on a bench. There were eight items to place on her, which included fake weapons and fake contraband.

explained the first item that was placed was a gun, which placed in her boot. Det. then asked to go through the items that she could recall being placed on her and where. All items mentioned were fake/replicas of the actual item.

Nuno placed a pipe in her small right pocket.

Nuno then pulled the front of her pants, which were loose, out, and placed a small pocket knife in between her zipper and underwear line. Nuno did this by holding the knife in the palm of his hand, put his hand in her pants with the back of his hand toward her underwear. While doing this, he asked what kind of underwear she was wearing. She was confused by this question and answered with "Black." Nuno clarified, asking if she was wearing a thong. explained she was not but was wearing "cheeky" underwear. She did not know if Nuno was looking in her pants when this was done because she felt awkward and was looking straight forward. Once the small pocket knife was placed, he manipulated her zipper area multiple times to feel the knife. While he was doing this, felt awkward. She explained that because of the zipper line, you could not see the bulge of the knife, and she felt as though it did not need to be patted down.

t-shirt then was lifted, but could not remember if she lifted it or if Nuno lifted it. Nuno placed a knife in her left bra strap. He then opened the bottom portion of her bra and put a knife inside her bra. Another knife was placed under her right bra strap. Nuno then manipulated the knife in her right bra strap lower on her strap. To feel the knife under her left breast, Nuno used the appropriate searching technique, which included the back of the hand and the thumb side of a bladed hand, to feel the knife under her clothing. When Nuno was feeling the right strap area, stated he did touch a part of her breast on the side over her clothes.

Nuno placed another knife in her back-right pocket and patted her buttocks. was unsure if Nuno patted her buttocks with the palm or back of his hand because she was facing forward. He also placed a handgun in her waistline in her back area.

After the items were placed, they went to the picnic area, where the first scenario was completed. and Nuno then walked back through the gym to the weight room for the items to be placed back on her.

During the second placement, shirt was lifted back up, and placed an item below her left breast. Nuno repositioned the item that was in her right bra strap. Nuno put a mini pocket knife in her pants, between her underwear and her pants. This item was pushed down to

the top of her butt cheeks.            did not feel Nuno's hand on her butt. She did not recall if the skin was touched; she just remembered feeling the plastic on her buttocks. Nuno patted the area to see if he could feel the knife but did not touch her buttocks. During this,            felt uncomfortable because she did not expect to feel Nuno's hands down her pants.

After the second scenario,            was told that Lt.            would be the role player for the following groups and took over the role player from            To get the missed items out of her shirt,            opened her shirt and let the items drop out of her shirt.

When Nuno was placing items on            he did not say anything to            in a sexual manner. She could not think of anything said off the top of her head. Nuno's demeanor was calm.            did not say much of anything to Nuno during this time.

                 also explained that when the scenarios were done, Nuno asked her if she collected any challenge coins.            told Nuno she did, so Nuno took her to his vehicle and provided her with six challenge coins.            believed he gave them to her for being a role player.

                 explained that she felt uncomfortable when Nuno was placing the items on her but did not feel like a victim.            knew it was wrong, knew it was inappropriate and not okay, but did not know how to say "no" because Nuno was of such a high rank, and she was beneath his rank.

Det.            clarified with            why she thought the actions were inappropriate. She explained that pulling her pants, feeling in between her pants and underwear was inappropriate. She felt asking her what kind of underwear she was wearing was weird for an instructor to ask.            also explained that lifting her shirt and personally putting items in her sports bra was not appropriate for a male instructor to do.



did not know what Nuno's intent was. She felt "weirded out" and thought it was different having someone else place items on her as he did. explained that typically, if an instructor wants something concealed on her, the instructor will give it to her, so she can place it herself, rather than having someone physically put it on her.

had not met Nuno before this day, besides possibly seeing him on a previous day. On that previous day, Nuno wasn't introduced but just walked around. April 22, 2020, was the first day there had been interaction between and Nuno.

Det. asked if she told anyone about this incident. She explained that she carpools with so she talked with her about what happened. She did not speak to anyone else about the incident. The first person, besides was Sgt.

#### **STATEMENT OF RECRUIT**

Det. interviewed Recruit The following is a summary of the interview with

Det. started the interview by getting basic personal information. was a recruit with the Modesto Police Department. Det. explained to why she was there to speak with her and that her name got brought up as possibly having information about possible allegations against Lt. Nuno.

explained that and her carpool together. On April 22, 2020, before driving home, had mentioned some things in the locker room while all of the girls were changing out. explained that wasn't the start of the conversation, but that the conversation began with Recruit Everyone in the locker room was talking. went to and asked her what happened. told she did not want to talk about it and looked like she was going to cry. was the first one out of the locker room, which was not like her. At one point, did say that Nuno touched her inappropriately, and had stated something similar.

On the way home, [redacted] and [redacted] began to talk more. [redacted] stated Nuno was inappropriate. During the scenario, [redacted] was the role player. The scenario was for indecent exposure and was to focus on searching. When [redacted] was the role player, Nuno placed the items to be searched on [redacted] person. [redacted] asked what she meant, and [redacted] stated that Nuno went to her pants and touched the top part of it by her pelvis. At one point, Nuno had pulled [redacted] pants out and placed his hand in her pants to place an item. Nuno then asked [redacted] what kind of underwear she was wearing. [redacted] responded with black, but Nuno further explained that he meant type, thong or bikini. [redacted] continued to explain that Nuno lifted her shirt and put the items on her person.

[redacted] did mention to [redacted] that where the incident occurred was in an area that had no cameras. [redacted] could not remember exactly where but mentioned it might have been the weight room or the break room; she just remembered that it was an area with no cameras. [redacted] mentioned that it wouldn't be on camera and stated, "coincidence, right?" [redacted] thought it was weird that they would go to the weight room because no one was in the gym.

[redacted] explained that [redacted] told her that at no point did Nuno ask [redacted] to place the items on herself, but instead just physically did it for her. [redacted] told [redacted] she felt awkward and uncomfortable. Nuno's actions were not right, but [redacted] did not want to say anything because Nuno was a higher rank.

[redacted] mentioned that during the scenario, when one of the other recruits was searching [redacted] told the recruit not to touch her and that he already got the weapon out. [redacted] thought this was weird but didn't think much about it until their conversation in the car.

had not had any contact with Nuno outside of defensive tactics. She had not received any coins or items from Nuno. knew that had received a lot of coins from Nuno. stated that no one else received coins but

## **SUMMARY OF INTERVIEW WITH DEPUTY**

Det. interviewed Dep. The following is a summary of the interview with Dep.

At the academy, taught physical training and defensive tactics. had been a role player in the academy since 2016. began helping Sgt. in defensive tactics at the beginning of 2019. went to defensive tactics school at the beginning of 2019. This was a 40-hour course in southern California. This academy class was the first time had taken over scheduling and taken over a lead role in defensive tactics.

Det. explained to that he was a witness in the case, and she was investigating some allegations of possible sexual misconduct with a defensive tactics instructor on April 22, 2020.

Det. asked if he had seen or noticed any inappropriate behavior. said, "No." then went into how the day was planned.

He stated the day was a test day, approximately a 9-hour day. From 07:00-08:00, the recruits did defensive tactics training, then they would go into test review. Scheduled from 10:00 –

12:00 was the testing, but they ran late and went until almost 13:00. They broke until approximately 13:30. Then from 13:30 – 18:00, they had ground fighting and a scenario. Defensive tactics are mainly done on the mats in the main gym area and always in a group setting. The only time it is not a group setting is when they are testing. When they are testing, they create walls with smaller mats. In these testing areas is an instructor and a role player, who is either an officer or sworn deputy.

When they got to the scenario portion,            had            be the “bad guy.” The scenario was for indecent exposure of a drunk female flashing herself in a park. Nuno was the reporting person on the call. Nuno would call one of five recruits over to get the story and then talk to

                    The goal of the scenario was to make an arrest and conduct a proper pat-down search. There were several weapons on            These weapons would be hidden in areas that are uncomfortable to search but not inappropriate.

At some point, two out of the five that were going to go through the scenario had gone through. They switched out            with Lt.            as the role player. Lt.            was not happy about the way they were searching, so she decided it best to switch and see how they did when they are searching Lt.

During this day of training, for testing and test-prep,            had the following instructors.

Lt. Nuno

Deputy

Deputy

Deputy

At the beginning of class,            was there but wasn’t there for very long.

After testing,            and            took off.            Nuno, and            were left for instruction.

During the day, there was a female sitting in a chair in the gym.            explained that the female was

Det. [redacted] explained to [redacted] that she knew he said he did not see anything but wanted to know if he had heard anything. [redacted] said, “absolutely.” At the end of the instruction day, he had paperwork to do, so he was in the RTO’s office. While in the office, [redacted] who was the class leader, came in and reported to the RTO’s. [redacted] stated that he was approached by [redacted] who was a squad leader. [redacted] went to [redacted] because a female recruit, [redacted] had reported a sexual misconduct allegation against Nuno. The only other people in the office were Deputy [redacted], RTO [redacted], and RTO [redacted].

Det. [redacted] asked [redacted] if during his schooling for defensive tactics if they went over any guidelines on how to approach interactions of male instructors with female recruits. He explained that they did not specifically go over that and used a mock system, which they do not use at the academy. When they teach the recruits, they teach males how to search females, and females how to search males. To accomplish this, they rotate the class, so the recruits are searching those of different gender and size.

Det. [redacted] asked what [redacted] did when a female recruit needed additional help from a male instructor. [redacted] explained that if a female recruit asked him to check a technique, he would have the recruit show on their partner. If a recruit wanted [redacted] to show a technique, he asked if they were ok with [redacted] showing it on the person or their partner. Depending on their answer is what he would do. He used this with both male and female recruits.

[redacted] explained that the searching scenario is a part of the day. In the LD33 binder, it details out what needs to be taught each day. Some of it was changed in the order it was taught to suit this academy class better. At the end of the day, there is a required learning activity, and this scenario was the activity. [redacted] added the weapons and items to be placed on them.

Det. [redacted] asked [redacted] how it was decided that a female would be the one to be searched. [redacted] stated that Nuno suggested a female. [redacted] believed it was a good idea because the class had difficulties searching females. [redacted] pulled [redacted] aside and asked if she was comfortable at being the role player. [redacted] had previously gone through the academy and had already completed this section of the academy. [redacted] believed that the learning value for

was far less than the other recruits. He instructed to go to the locker room and change into civilian clothes that were baggy to conceal items. Nuno had pulled several prop items, such as guns and knives. had instructed to conceal the items on her and meet outside of the gym near the north exit. did not know who gave her the items or where had gone. At one point, went looking for but could not find her. He then sent recruit to the locker room to find came back saying was not in the locker room. Next thing knew was was out and ready for the scenario. did a couple of rounds of searches, and then Lt. took over being the role player.

has worked with Nuno in defensive tactics since first started helping out. did not recall any incidents from April 22, 2020, that could have been seen as inappropriate. The only thing could think of was the introduction to ground fighting. He explained that if you have never done ground fighting prior, it could be uncomfortable because of the closeness that is required in ground fighting. He further explained that there are very intimate positions, such as the full guard. The full guard is similar to the “missionary position in sex.” These techniques are nothing new and are always taught. They are POST certified and in the schedule. This was the only thing he could think of as possibly being too much. He also mentioned that this was all done in the gym, in a group setting, on camera. The

only thing that was not on camera was the searching scenario, which was done in front of the entire training staff.

Det.        asked        if he had ever been a part of placing items or weapons on a recruit.

             explained that he might have with males in the past, but he would not with a female.

He further explained that he would not place it on a female but would not mind telling a female

where to conceal the items.        stated that if he wanted a recruit to put items on their

person, he would say to them where he wanted the items to be placed and let the recruit do it

themselves.        has also told the recruits to be creative and sent them off with the item(s).

             does not change how he does things between males and females.        did not recall

physically ever place items on someone. He would instead give them instructions on where to

place them.

             did not notice any potential public displays of affection by Nuno. He did not see any

personal contact by Nuno, such as hugs or hands-on shoulders, that could be deemed

inappropriate.

Deputy        was interviewed a second time by Det.        The following is a summary of the second interview with Dep.

Det.        asked        if he recalled what recruits, if any, were used in the searching scenario

from the previous academy.        explained that they use both recruits and role players but

could not remember specifically what recruit was used.

#### **SUMMARY OF INTERVIEW WITH DEPUTY**

Det.        interviewed Dep.        Det.        learned Dep.        attended the

academy class before class 184. Det.        also learned Dep.        was used for a search

scenario during his time in the academy. The following is a summary of the interview with

Dep.



Det.            began the interview by getting basic personal information. Deputy            went to the Stanislaus Academy from September 2019 to February 2020. After the academy, he went to patrol as a Deputy with the Stanislaus County Sheriff's Department.

Det.            explained to            that she needed to speak with him about his experience in the academy, specifically his experience as a role player during a scenario.

                 explained that the scenario he was a role player in was a prowler scenario. There were several items, such as screwdriver, knife, red gun, hidden on his person. The instructor in charge of this scenario was            had given the items to            to place on his person. He did this scenario as a role player approximately 12 times, and at no point did anyone else place the items on            always put the items on his person.

                 explained that several scenarios included searching but couldn't remember specifically who the role players were.

Det.            asked            if, during defensive tactics, they were taught how to search females, which he stated they did. Det.            asked if there were any scenarios or training that included the females hiding items on them to be searched for.            explained that during defensive tactics, they did not hide any items.

Det.            indicated that based on the statement from            it did not appear that there was a similar scenario to the one on April 22, 2020, in the previous academy class.

### **SUMMARY OF INTERVIEW WITH DEPUTY**

Det.            interviewed Dep.            The following is a summary of the interview with Dep.

                 had been employed with the Stanislaus County Sheriff's Department for approximately four years, two years in custody, and two years in patrol.            was currently assigned to Patterson B days patrol. His specialty assignment included defensive tactics. He had been an

instructor in defensive tactics when he was in custody and then resumed this current POST academy.        went to the defensive tactics school in 2017, which was an 80-hour course. He explained that defensive tactics for custody and patrol deputy was the same.

Det.        explained to        that he was a witness in the case, and she was investigating some allegations of possible sexual misconduct with a defensive tactics instructor on April 22, 2020.

Det.        asked if        had observed or heard of any possible misconduct by any of the instructors.        explained he had not.        explained he was at the academy teaching for the entire 10 hour day.        was present during the gym activities and the search scenario at the end of the day. He did not see any contact, such as hands-on shoulders, hugging, that may be seen as possibly excessive by Nuno.        believed that        was selected for the search scenario due to previously going through the academy.

Det.        asked        if he had ever been the instructor that had assisted in items being placed on a recruit.        explained that he had always just given the items to the recruit and told them to hide them. Suggestions may have been made on where the items should go, but        never placed and has never seen anyone place items to be hidden on another person.

Det.        asked        if he had received any guidelines or instructions during his school on how to deal with instructing a female recruit when you are a male instructor.        explained that if a female requested assistance, a female instructor should be used if available. Otherwise, if it had to do with a limb, like an arm lock, or a search technique, they would just use the recruits.

#### **SUMMARY OF INTERVIEW WITH DEPUTY**

Det.        interviewed Dep.        . The following is a summary of the interview with Dep.

Deputy        had been employed with the Stanislaus County Sheriff's Department for approximately six years. He was currently assigned to patrol, working the B swings shift, but

had been adjusted to graves during the Coronavirus pandemic. had several specialty assignments, including for approximately a year, went

Det. explained to that he was a witness in the case, and she was investigating some allegations of possible sexual misconduct with a defensive tactics instructor on April 22, 2020.

Since attending the schooling for defensive tactics, had been a part of approximately five or six classes, including confrontations. With this current academy class, it was second day teaching this academy class.

was at defensive tactics on April 22, 2020, from approximately 08:00 to approximately 13:00 when testing finished. After testing, left because of training.

Det. asked if he heard or saw anything that may have been seen as sexual misconduct. stated he did not.

Det. asked if, at any point, he observed Nuno touching someone in an inappropriate manner or anything that may have been overly friendly. did not see anything and had not heard of any rumors. had never been a part of a scenario that included hiding items on a person.

#### **SUMMARY OF INTERVIEW WITH DEPUTY**

Det. interviewed Dep. The following is a summary of the interview with Dep.

Deputy

He was currently assigned to patrol A day shift. His specialty assignments consisted of K9 since 2015, support with prior negotiator experience since 2016, and arrest/control/defensive tactics since 2016. went to the basic school to be able to teach defensive tactics in 2016 or 2017.

Det. explained to that he was a witness in the case, and she was investigating some allegations of possible sexual misconduct with a defensive tactics instructor on April 22, 2020.

was at defensive tactics training on April 22, 2020, from approximately 07:00 to 12:00 when he went back to patrol. He did not see any behavior or touching that may have been seen as possibly inappropriate. did not hear of any behavior and did not see any of the female recruits upset.

As an instructor, had been a part of scenarios that included searching. Det. asked if he had ever been a part of placing items on a recruit. explained that he would never put items on a recruit, and that wasn't how he was trained. One of the ways they accomplish this is by telling the recruit to hide the items in certain places or telling the recruits to pick a spot to hide the items.

#### **SUMMARY OF INTERVIEW WITH CHIEF MARCELINO NUNO:**

Sgt. and I interviewed Chief Nuno. The following is a summary of the interview with Chief Nuno. The questions and topics might not be documented in the exact order they were asked or talked about; this was done to aid the clarity of the report. For exact documentation, please refer to the audio recorded interview.

On June 3, 2020, at approximately 1:51 pm, Sgt. and I interviewed Chief Nuno. Chief Nuno was represented by his attorney of (Atty.

The interview was conducted in the Investigations "soft interview room" at the Stanislaus County Sheriff's Department. The interview was audio recorded.

At the start of the interview, I advised Chief Nuno of his administrative admonishments. I read the admonishments verbatim from the Administrative Admonishments form. Chief Nuno followed along with a copy of the form. Chief Nuno understood his Miranda rights and did not want to speak with me. Chief Nuno understood his Lybarger admonishment and would discuss this matter administratively with me. Chief Nuno understood his Weingarten admonishment and indicated there was no reason why this interview could not continue. Chief Nuno and Atty signed the form.

An updated Notice of Investigation was emailed to Atty. on May 28, 2020. During this interview, I confirmed that Atty received the updated notice and reviewed it with Chief Nuno. Chief Nuno signed the updated notice. Chief Nuno also confirmed he had enough time to meet with his representative to prepare for this interview.

Chief Nuno is currently the Chief of Police in the contract city of Patterson, CA. His collateral assignments include Peer Support commander, MAIT Commander, and instructor at the academy. He has been a law enforcement officer for approximately 27 years. Chief Nuno started his law enforcement career in the city of Waterford in 1993 as a reserve officer. In 1995 he became a full-time officer and, in 1998, was hired as a sheriff's deputy with the Stanislaus County Sheriff's Department during the absorption of the police department by the Sheriff's Department. In 2009 Chief Nuno was promoted to Sergeant and in 2016 to Lieutenant. During his time as a law enforcement officer, Chief Nuno has held various assignments to include; Field Training Officer, Academy Instructor, School Resource Officer, SWAT Operator, Homicide Detective, General Crimes Detective Sergeant, and Sergeant and Lieutenant of the Civil Division. Regarding defensive tactics, Chief Nuno has received specialized training in Arrest and Control and AICC. As a supervisor, Chief Nuno attended and completed a two-week supervisor course, a three-week manager course, and the FBI LEEDA course.

In regards to his history as an academy instructor, Chief Nuno has taught at the regional academy since 2000 (approximately 20 years). He has received the "Outstanding Instructor Award" on three different occasions. The learning domains he teaches at the academy are; Defensive Tactics, ABC Laws, Crimes Against Persons, Crimes Against Children, Domestic Violence, Weapons Violations, and Arrest and Control. As a defensive tactics instructor, Chief

Nuno teaches ground fighting, weapon retention, searches, and takedowns. He also has had personal training in Kenpo, Aikido, and Jujitsu.

I asked Chief Nuno if he had completed sexual harassment training. Chief Nuno said he had attended four to five sexual harassment training. He said the format for the classes has been in a classroom setting and was unsure if he also completed the training online.

Chief Nuno said he was instructing at the academy on Wednesday, April 22, 2020. He was assisting Det. [REDACTED] who is transitioning as the lead defensive tactics instructor. Chief Nuno said his responsibility and role as an instructor is to make sure the recruits are performing correctly and being safe. He said on this training day, the first half of the day, the class worked on searches that included visual, cursory, and felony prone arrest searches. The class tested before lunch on searches. Chief Nuno said he remembers teaching with Det. [REDACTED] and Dep. [REDACTED]. He does not remember who the other instructors were.

Chief Nuno said this was the first time he had taught Class 184. He started the day at approximately 8:00 am and does not remember when he officially introduced himself to the class. Chief Nuno believes he introduced himself either before lunch or in the afternoon. When he did introduce himself, Chief Nuno told the class he was a chief of police or Lieutenant for the sheriff's department and currently worked in Patterson. Chief Nuno told the class about his law enforcement career, which included being a part of Peer Support, MAIT, and a SWAT officer. He told the class he was very passionate about defensive tactics and training.

I asked Chief Nuno to tell me about his knowledge of the surveillance system at the academy. He said he knows there are cameras in the gym and monitors in the RTO's office. He has seen the monitors in the RTO's office. I asked him if he has seen any monitors at other locations, and he said no. I asked him if he knew where the plain sight cameras were, and he again said in the corners of the gym. I asked him if he knew where the covert cameras were, and he said he did not. I asked him if he knew if the cameras had audio, and he said he did not know.

I asked Chief Nuno what the training day consisted of. Chief Nuno said the training day included searches and testing in the morning. In the afternoon, they would be covering ground

fighting techniques such as "shrimping." I asked him about the scenario conducted on this day. Chief Nuno explained the scenario was as follows;

*A female was at a park and exposing herself to the public. A citizen reported this to the police. The police respond and ultimately arrest the female for indecent exposure. During the search incident to arrest, several weapons and contraband are found on the female. He said the recruit participating in the scenario was expected to make the arrest and find the weapons and contraband.*

Chief Nuno acted as the victim and caller. He also was in charge of the suspect role-player, which initially was a female recruit. He said Det.                      asked Chief Nuno to help with the suspect role player and with the training props. Chief Nuno said Det.                      chose the role player. It was later determined Recruit                      was the suspect role player. Chief Nuno positively identified Recruit                      from an academy photo I showed him. Chief Nuno did not know Recruit                      before this academy. He said before the scenario; he remembers teaching Recruit                      the felony prone technique because she had questions regarding it. Chief Nuno said Recruit                      was picked as the role player because she had been through this part of the academy before. I asked Chief Nuno who suggested the role player be a female, and he said it was Det.                      idea. I informed Chief Nuno, that Det.                      said it was Chief Nuno's idea to have a female role player. Chief Nuno said he does not recall this, and he could have suggested it.

I asked Chief Nuno what his responsibility as being in charge of a role player was. Chief Nuno said his responsibility was to inform the recruit of what the purpose of the scenario is and what is expected of the role player. He said he provided instruction to the role player.

Before the scenario started, the recruits and staff were in the gym. Det.                      asked Recruit                      to look for the props, and they couldn't find them. Chief Nuno went into the supply room and found the bag of props.                      told Recruit                      to change into civilian clothes. Chief Nuno is not sure if he or                      told her to meet in the weight room. I asked Chief Nuno to describe the weight room; he said it was connected to the gym and to the right when you first walk in. I asked him if it was an independent room from the gym, and he said it was. Chief Nuno said because people were still in the gym, he went into the weight room, and                      was

already in there. No one else was in the weight room. I showed Chief Nuno pictures (Det. took the photos of the props) of the training props, and he positively identified them. He said the props were in a small black bag.

Chief Nuno said as he walked into the weight room, he noticed [redacted] was still wearing an academy shirt. The shirt was covering her waist area, and she was wearing blue jeans and boots. When he saw her pants, he noticed they were tight around the leg area. He said his first thought was if she was going to be able to hide anything because of how tight the jeans were. Chief Nuno thought you would be able to see silhouettes of the props on her. Chief Nuno told [redacted] he thought the jeans were going to be too tight on her, and they would not be able to hide props. [redacted] commented, they are actually pretty loose, and she lifted her shirt and pulled her jeans out quite away. Chief Nuno noticed her jeans were real loose. This conversation was happening as Chief Nuno was walking into the weight room. [redacted] continued to have her pants out quite a way, and Chief Nuno asked [redacted] what type of underwear she was wearing, and she responded by saying black or blue. Chief Nuno started laughing and said, "not what color, what type" because he wanted to make sure they would be able to put the prop in the underwear area so that it holds, and it doesn't fall into her pants. Chief Nuno said, "because I had this happen to role players before." [redacted] said, "oh no, they are normal." [redacted] was still holding her pants out as Chief Nuno was walking up to her, and he was able to see into her waist area. Chief Nuno asked [redacted] if they will hold, and she said, "oh yeah." Chief Nuno said he did not ask [redacted] if she was wearing a thong. I asked Chief Nuno where [redacted] was standing when this transpired. He said she was towards the back of the room near the mirror, deep into the room. He believed she was facing the east wall.

Chief Nuno said he placed the bag of props down on a bench. Chief Nuno said he did not recall which prop was introduced first because she was used for two scenarios. He took the gun out, the marijuana pipe, a couple of the blades, and the pepper spray; in total, they had eight props. He told her to put them on herself and told her; he did not know how she wanted to put them in her bra. [redacted] told him she was not wearing a bra that she was wearing a sports bra. [redacted] lifted her shirt and started putting the props into her sports bra area. I asked Chief Nuno if she was facing him, he said he recalls standing to her right side.



I asked him what props he placed on her. He said he put the marijuana pipe in her front pocket. He told her to make sure the top of the pipe was exposed. He also placed a handgun in her right rear pocket. He also remembers putting a knife either during the first scenario or second in her rear waistband. She put all the other props on herself.

I explained to Chief Nuno that Recruit            said he pulled out the front of her pants, and he placed a small knife with the back of his hand towards her body between her underwear and her pants. Chief Nuno said he never did that. Chief Nuno said he remembers            placing a prop in the front of her underwear, and Chief Nuno told her if she did that to make sure its high enough for the recruits to reach it. I asked him if he grabbed her at that time and manipulated the knife, and he said yes, he did. He said he did, to the outside of her pants, he did the pinch and roll technique (the pinch and roll technique is taught in defensive tactics) to show her how the recruits were going to search her in that area. He told her the knife was perfect where it was and for it to stay there. He said he could not emphasize enough that he did not place the knife there, Recruit            did. I asked Chief Nuno if he could see what color underwear she was wearing, and he said he could; they were dark, either blue or black.

I asked Chief Nuno if            had her shirt up when he walked in, and he said no. I asked him when did she lift her shirt, and he said when he told her to place the props. Chief Nuno said she began putting the props in between her breast area and one on her right side. He said he specifically remembers the right side prop because when she lowered her shirt, you could see the prop. He said he did manipulate it a bit and showed her how they were going to search her. I asked Chief Nuno if he grabbed            bra and pulled it forward to place a prop inside her bra, and he said no. I asked him if he felt the bottom of her breast, and he said no, only during the search. I asked him if he placed a weapon on the side of her bra, and he said no. He said he just adjust the weapon that was on the right side. I asked Chief Nuno if he remembers the color of her sports bra, and he said from what he remembers, it was light-colored. I asked Chief Nuno what            demeanor was while this was occurring. Chief Nuno said at no time did she say anything, reacted, or make any gestures indicating "you're crossing the line" because he did not feel he was doing anything inappropriate.

I asked Chief Nuno if he felt this interaction with a recruit was inappropriate. I went on to explain that the recruit lifted her shirt while in the weight room and no one else around. Chief Nuno said he didn't put too much emphasis on it because he did not want to make it bigger than it was, he thought "well it's a sports bra, whatever, this is the job we are getting into, people are going to do weird things around us." Chief Nuno continued and said, "Iv done this job for so long that Iv had different things come up in my career that happens out in the street and the fact that it's a recruit or whatever, to me my mindset is training, and I could care less that she was doing that unless she crossed the line in some way shape or form like she started getting naked, I would have been like hey uhuh, but the fact she felt well it's a sports bra, so I'm gonna put these things there I didn't think anything of it."

I asked Chief Nuno if he has done this with other female recruits in other academy classes, and he said yes, both male and female recruits. I asked Chief Nuno if he was taught this in his instructor class. He said he was taught not to place the items on the recruit, but once they are on them to make sure they are concealed in such a way to make it a little bit more difficult for people to find. He said the way he was taught whether they put them on themselves or you're putting them on them to conceal them, they are still going to be expected for the cadets to pat them down and retrieve those weapons.

I asked Chief Nuno if he has been trained in placing training weapons on a recruit of the opposite sex, to assist them in placing the props on their person and doing this in a one on one scenario. Chief Nuno said it depends on where the props are going. If it's going in their back pocket or their boots, "yeah, I was taught this at our academy." I confirmed that they taught him that he could place props on the recruit. Chief Nuno said, "not like put it in their bra or whatever, but you can adjust it. To facilitate the technique." Chief Nuno said, "you are not making it perverted or sexual in nature, this is your training, this is a life and death situation, this is what you are getting into their mindset."

I asked Chief Nuno if he had interaction with \_\_\_\_\_ afterward. He said he did. He said Lt. \_\_\_\_\_ took over as the role player. Chief Nuno told \_\_\_\_\_ Lt. \_\_\_\_\_ would now be the role player, and \_\_\_\_\_ seemed disappointed. Chief Nuno told \_\_\_\_\_ he appreciated her helping out, and thanks for being a role player, and she said not a problem. Chief Nuno asked \_\_\_\_\_ if she

collected challenge coins, and she said yes.            said she did so Chief Nuno had her come to his car, and he gave her some challenge coins. I asked him how many challenge coins he gave her, and he said he believes five. I told him six, and he said maybe. I asked him why he gave her the challenge coins, and he said because he appreciated her being a role player and as a thank you. I asked him if he has provided challenge coins to recruits in the past, and he said yes. He said he has when they do a good job or something standouts about them. He said he gives them a challenge coin or two, depending on what he has.

I again asked if he thought the interaction he had with            in the weight room was inappropriate, and he said no. He said his intent was never sexual in nature and never inappropriate. It was training.

I asked Chief Nuno how long the interaction between him and            was in the weight room, and he said about two to three minutes.

I asked him about the second time they went into the weight room and how that went. He said what he already explained happened in the weight room could have occurred either the first time they went in or the second time.

I told him            reported that the second time they went into the weight room that Chief Nuno placed a knife that went in between her butt cheeks. He said he did put the knife in her waist area, and he pushed it down. He said if that is where it ended up, that was not his intention. He said he could not see down the back of her pants.

I asked him why they went back to the weight room a second time, and he said he does not know, probably because that's where they started. He said the first time they went into the weight room because people were still in the gym, but the second time he does not know why. He acknowledged there was no one in the gym the second time, but they still went into the weight room, probably muscle memory. He said when he was helping Lt.            they went into the gym.

I asked him to have his sexual harassment classes in mind and supervisor classes in mind if he felt it was inappropriate, and if he felt uncomfortable with what occurred in the weight room with recruit            Chief Nuno said, "absolutely not." He never intended it to be sexual in nature. It was training.

I asked Chief Nuno if he did not think it was inappropriate for the trainee to have her pants pulled out, and he was able to see her underwear. Chief Nuno said he didn't read into it and just ignored it and just kept moving on. He said he "didn't want to put a light on it; I didn't want to bring more attention to it so that we could stick to what we were doing, my whole thought process was training."

Sgt.            asked Chief Nuno if asking what type of underwear            was wearing was inappropriate. Chief Nuno said the question alone might seem inappropriate, however, with what was going on, it was not. Chief Nuno explained he has had recruits in the past hide weapons before and have the weapons fall because the males were going "commando" and the females because of the type of underwear they were wearing.

I asked Chief Nuno about Lt            being the role player. Chief Nuno said he assisted Lt.            with placing props on her person. He put pepper spray in one of her pockets and a gun in her shoe area and a gun in her back waistband. He said Lt.            placed the props in her bra, and Chief Nuno searched her to see if he could feel them and identify the item. This occurred in the gym because no one was there.

I asked Chief Nuno as a Lieutenant, and as an instructor, is it your responsibility to identify when something is inappropriate that is occurring with the recruit. Chief Nuno said absolutely. I asked him, "with your experience and training, you are telling me, that interaction was not inappropriate at all." Chief Nuno said he did not see it as inappropriate he did not read into it because his whole intent was training; there was no sexual connotation behind it.

Chief Nuno said            retrieved the weapons the recruits did not find on her own. To the best of his knowledge, none of the weapons were unretrievable. He does remember that            retrieved the item that was in her back waistline, and as she was handing it to him, she said

"this one went kind of low you might not want to touch it," and he said he did not care and grabbed it.

The other cadets started laughing, and Chief Nuno said, "since you hurt my feelings, I'm gonna make you guys do ten push-ups. Are you guys good with that?" A cadet in the back said, "Yeah, that's good," and Chief Nuno left it like that. When they came back to the gym, Chief Nuno made them do ten push-ups in seven different ways. Chief Nuno believes he told the class the reason for the push-ups was because of        hurt his feelings. Chief Nuno said everyone knew he was just using her as an excuse. After that, he doesn't remember if he hugged her, but he remembers telling her, "are we good? You were just the scapegoat. Don't take it personally. Are we good," and she said, "yeah, we are good." I informed Chief Nuno that she

### **SUMMARY OF INTERVIEW WITH LIEUTENANT**

Sgt. [redacted] and I interviewed Lieutenant [redacted] (Lt [redacted]). The following is a summary of the interview with Lt [redacted]. The questions and topics might not be documented in the exact order they were asked or talked about; this was done to aid the clarity of the report. For precise documentation, please refer to the audio recorded interview.

On June 2, 2020, at approximately 9:54 am, Sgt. [redacted] and I interviewed Lieutenant [redacted]. The interview was conducted in the Administrative Lieutenants Office at the Stanislaus County Sheriff's Department. The interview was audio recorded.

At the start of the interview, I advised Lt [redacted] he was a witness in this administrative investigation. He was provided with a witness order form, which he signed and acknowledged. He was provided with a copy of the form.

Lt [redacted] is a lieutenant [redacted]. His collateral assignments include supervising the K9 and mounted units. He is also an Arrest and Control Instructor. He has been a law enforcement officer for approximately 24 years. He started with the Stanislaus County Sheriff's Department in 1996, promoted to sergeant in 2003, and promoted to lieutenant [redacted].

in 2014. He was the director of the Stanislaus County Sheriff's Department Regional Training Center between 2014-2018.

In regards to Defensive Tactics, Lt [REDACTED] has been a law enforcement instructor for approximately 22 years. Lt [REDACTED] has also trained in Judo and Jujitsu since 1993. In 1998 he attended an 80-hour Defensive Tactics Course, and in 2000 he attended a 40 hours Advanced Detact Instructor Course. He also attended an Expandable Baton Course and an Academy Instructor Certification Course (AICC) twice. In regards to supervisory courses, he has attended an FTO management course, a two-week supervisor course, and a three-week management course.

Lt [REDACTED] as taught defensive tactics at Delta Community college, Merced Community college, Modesto Junior College (Ray Simon Criminal Justice Training Center), The Alameda Regional Training Facility Academy and the Stanislaus County Sheriff's Department Regional Training Center. Lt [REDACTED] has also been an instructor for "in-service" training for the Stanislaus County Sheriff's Department.

Lt [REDACTED] estimated to have taught during approximately 20 to 25 academy classes. The topics he has taught to the various academy classes include; crimes against persons, use of force, lifetime fitness, and defensive tactics to include arrest and control.

Lt [REDACTED] has attended approximately ten sexual harassment courses. The format for these courses has been in person and online.

Lt [REDACTED] was not teaching at the academy (class 184) on Wednesday, April 22, 2020. The first time he taught class 184 was on Friday, May 29, 2020. He said he instructed the carotid restraint domain on this day.

I asked Lt [REDACTED] what responsibilities do instructors have when they are teaching at the academy. Lt. [REDACTED] said the instructors make sure the class is lined up, quality control, and assist the recruits. The instructors are expected to abide by the Lexipol department policy and the POST safety guidelines.

As the coordinator of the academy, Lt [redacted] is familiar with the scenarios used for instruction. He said searching is required and important. He indicated there is a scenario that emphasizes searching by way of hiding yellow props or inert weapons on recruits. He said the training weapons are placed on the recruits for other recruits to conduct the search and find them. I explained the scenario that was done on April 22, 2020, which was;

*A female was at a park and exposing herself to the public. A citizen reported this to the police. The police respond and ultimately arrest the female for indecent exposure. During the search incident to arrest, several weapons and contraband are found on the female. The recruit participating in the scenario was expected to make the arrest and find the weapons and contraband.*

Lt [redacted] said this sounded familiar. He explained other scenarios that were similar that had been used. I asked Lt [redacted] how the items are placed or hidden on the recruit. Lt [redacted] said as an instructor, you advise the student to hide the item in an appropriate area where the other recruit could reasonably find the item. Lt [redacted] has been the instructor that has assisted in hiding the weapons. I asked him how he assisted. Lt [redacted] said he would place the items on the ground and tell them to put the items on themselves. I asked Lt [redacted] if he has been an instructor assisting a female recruit, and he said yes. He would advise them the same way. I asked Lt [redacted] if it would be appropriate for the instructor to place inert weapons on the recruit.



Lt [redacted] said, "ideally not, but if it's an appropriate area like a side pocket that may not be an issue, but it's not best practice, but it's not something I would want to ever do or would want someone to do."

I asked Lt [redacted] if it was appropriate for an instructor to pull a recruit's pants out and place an inert weapon inside the front of her pants. He said, "no, it wouldn't." I asked him if it would be appropriate for an instructor to pull a recruit's bra out and place an inert weapon inside the bra, and he said, "no, it wouldn't." I asked if it would be appropriate for an instructor to lift the shirt of a recruit. Lt [redacted] said, "for an instructor to do that, absolutely not." I asked him if it was appropriate for an instructor to place an inert weapon in the back of her pants, and the weapon goes in between her butt crack, he said: "for the instructor to do that, no." I asked him if there would be any reason why an instructor would ask a female recruit what kind of underwear she was wearing or if she was wearing a thong. Lt [redacted] said, "absolutely not, serves no purpose at all, no safety reason behind it."

I asked Lt [redacted] if instructors know where the cameras are at the academy. He said anyone who has been there knows they are there, they are apparent, in plain view. I asked him if he was placing items on a recruit, would he want to be in an area that has cameras. Lt [redacted] said yes, absolutely. He said he would also want a witness with them; that way, you don't have anything taken out of context. Sgt. [redacted] asked if Lt [redacted] thought it was appropriate to have a male instructor bring a female recruit to an isolated location to place items on her. Lt [redacted] said absolutely not, for the reasons discussed. Lt [redacted] was asked if as the academy director if he would have allowed this. Lt [redacted] said this was not appropriate, "you don't want anything to jeopardize the credibility of the program. It's not appropriate."

Lt [redacted] was asked if Chief Nuno taught while he was the director of the academy. He said he did, and he never had any complaints from recruits or other instructors about Chief Nuno.

Sgt. [redacted] asked Lt [redacted] that as the director of the academy, what was expected of our instructors. Lt [redacted] said the expectation was always to be professional, and your responsibility is more so as a supervisor. Sgt. [redacted] asked if instructors have a "position of advantage"

over the recruits. Lt        said the recruits look up to instructors. It is even more so if the instructor has rank.

Lt        was asked if this would negatively impact our department and also impact other agencies from sending recruits to our academy. Lt        said yes it would because you lose credibility.

#### **SUMMARY OF INTERVIEW WITH SERGEANT**

Sgt.        and I interviewed Sergeant        (Sgt        The following is a summary of the interview with Sgt        The questions and topics might not be documented in the exact order they were asked or talked about; this was done to aid the clarity of the report. For precise documentation, please refer to the audio recorded interview.

On June 2, 2020, at approximately 3:41 pm, Sgt.        and I interviewed Sgt        The interview was conducted in the Administrative Lieutenants Office at the Stanislaus County Sheriff's Department. The interview was audio recorded.

At the start of the interview, I advised Sgt        he was a witness in this administrative investigation. He was provided with a witness order form, which he signed and acknowledged. He was provided with a copy of the form.

Sgt        is currently a sergeant assigned to patrol operations. His collateral assignments include;

; he developed lesson plans and training outlines. He also led

the Advanced Officer Training program. Sgt [REDACTED] has been a law enforcement officer for approximately 25 years. He began his law enforcement career in Adult Detention with the Stanislaus County Sheriffs Department in 1996. In 2000, he transferred to Patrol Operations with the Stanislaus County Sheriff's Department. In 2007 he was promoted to Sergeant however was demoted in 2009 due to the economic downturn and the Reduction In Force implementation. Two years later, Sgt [REDACTED] was re-promoted to Sergeant.

Sgt [REDACTED] is a Use of Force expert and instructor. He has taught Arrest and Control, Defensive Tactics, since 1997. Sgt [REDACTED] has attended the Arrest and Control 1070 course and several updates since. Sgt [REDACTED] was the director at the academy for several years. He developed training, policies, and procedures regarding Defensive Tactics with POST. He also attended the Academy Instructor Certification Course as well as other use of force classes. Sgt [REDACTED] teaches at Delta Community College, Alameda Sheriffs Department Academy, and has done training for outside agencies for defensive tactics. Sgt [REDACTED] has also trained instructors and developed the course for the academy learning domain (LD) 37, which is defensive tactics, arrest, and control. This LD 37 encompasses arrest and control, searches, defensive tactics, and all other hands-on type skills. This LD address searches for people of the opposite sex.

Sgt [REDACTED] has attended several sexual harassment training. The topic of sexual harassment has been covered in the supervisor courses he has attended. Sgt [REDACTED] attended the basic supervisor course and SLI leadership course.

Sgt [REDACTED] did not teach at the academy on Wednesday, April 22, 2020. Sgt [REDACTED] explained the role of the lead instructor is to make sure the training adheres to the safety guide lines, proper attire, gear is worn by the students and staff. The lead instructor informs the recruits and staff of what the training will consist of. The staff to student ratio is also monitored. He said as an instructor at the academy, you are expected to follow department policy and procedures, which includes Lexipol and POST guidelines.

I asked Sgt [redacted] about searching scenarios at the academy. Sgt [redacted] said for searching; he used drills instead of scenarios. I explained the scenario that was conducted at the academy on the day in question, and Sgt [redacted] said it sounded familiar. I asked him as an instructor how you would have a recruit hide the weapons. Sgt [redacted] said you would simply tell the recruit to conceal the weapons where they think the other recruits won't find them. I explained to Sgt. [redacted] a suspect recruit, and an instructor in preparing for this scenario went into the weight room by themselves. Sgt [redacted] said he would not do that. I asked if an instructor pulls the recruit's pants out and places a training weapon inside the front of her pants then manipulates the hidden weapon, if this is something Sgt [redacted] has taught or done. Sgt [redacted] said no, absolutely not.

I asked if the recruit has her shirt up and the instructor hides weapons inside the bra of the recruit and hide a weapon in the back of the pants of the recruit and the weapon goes in between the butt crack, is this something you train your instructors to do. Sgt [redacted] said an instructor should be smart enough not to go into a room by themselves with an opposite-sex recruit especially if you are going to be hiding weapons; if there was a scenario that called for strategically hiding a weapon like that, we have [redacted] ( [redacted] is Deputy [redacted] who is an instructor and assigned to the academy) I would have [redacted] talk to them (recruits) about it. We have a female instructor; I would have the female instructor speak to the female recruits about it. Sgt [redacted] said it is common sense not to be in a room by yourself (with a recruit). Sgt [redacted] said he has never pulled a single person to the side by himself in a separate room to hide a weapon. Sgt [redacted] said, "I have never done that." He said he's not saying its wrong, but he would never do that, especially with a female. Sgt [redacted] said, "as far as would I place a weapon while the recruit had her shirt up, I can't answer that because I would never have a female have her shirt up, to begin with." Sgt [redacted] said he would ask why the shirt was up and does not feel having the shirt up is appropriate. Sgt [redacted] said it is not appropriate for an

instructor to have a recruit lift her shirt; it is not appropriate for an instructor to placing anything between skin or underwear of a recruit. Sgt                      went on to say that those hiding places are legit, and students can learn from it, but Sgt                      indicated the recruit should place the weapons themselves. Sgt                      recalled an incident where a male recruit began to unbutton the recruit's pants and Sgt                      but a stop to that because it was not appropriate. I asked Sgt                      if there would be any reason for an instructor to ask what type of underwear she was wearing and if it was a thong. Sgt                      said absolutely not. Sgt                      said to be in a room by themselves to place weapons is unwise and would discourage instructors from doing that.

Sgt                      said everyone knows there are cameras in the gym. He said there are no cameras in the weight room.

Sgt                      indicated instructors need to be a positive influence on recruits. The instructors also represent the academy and our department.

Sgt                      indicated the recruits know the chain of command. He also indicated it would be difficult for a recruit to report or stop something inappropriate an instructor was doing, especially if it is a chief/ lieutenant. Sgt                      indicated it was even hard for Det                      recently when Chief Nuno recommended a drill in which a recruit was hurt. Sgt                      said Det                      should have stopped the drill; however, Chief Nuno had suggested the drill.

Sgt                      asked Sgt                      if it would be appropriate for an instructor to hug a recruit, grab a recruit's ear or face. Sgt                      said it depends on the level of familiarity they have. Instructors should not fraternize with the recruits. Sgt                      said it should not be in a sexual manner. He said he had flicked the ear of a recruit he knew or has joked around to try and keep the training "light."

Sgt                      asked Sgt                      about an instructor giving a recruit a gift. Sgt                      said there is an award that is given at the end of the academy to the top detact recruit. He said he has had drills in the past and has awarded the winner with challenge coins in front of the whole class. He indicated as far as pulling a recruit aside and only giving the one recruit challenge

coins is wrong. He said, especially if it's the recruit the instructor had in the weight room and hid the weapons on her. Sgt                      indicated this sounded more like the instructor was giving the gift, so the recruit would not report what occurred.

Sgt                      indicated he had had concerns about Chief Nuno in the past because Chief Nuno was always around the opposite sex; however, no one ever officially complained. Sgt                      said Chief Nuno did not often teach when Sgt                      was the director. Sgt                      feels Chief Nuno did not teach while Sgt                      was there because Sgt                      would have addressed the issue.

Sgt                      indicated after all the questions we posed, if they are true, he would not allow the instructor in question to teach at the academy.

### **CHIEF NUNO RELEVANT TRAINING**

On May 4, 2020, I requested the dates Chief Nuno attended Sexual Harassment training while employed as a supervisor with the Stanislaus County Sheriff's Department. Human Resources Supervisor                      provided me with the following information;

Chief Nuno attended sexual harassment training on the following dates;

- 01/22/09 Sheriff's – Sexual Harassment Training
- 01/27/10 Outside – Sexual Harassment Training
- 09/19/12 Mandatory Sexual Harassment Training
- 06/19/14 Mandatory Sexual Harassment
- 06/25/15 Mandatory Sexual Harassment
- 02/10/17 Mandatory Sexual Harassment
- 02/10/17 Slate Online Harassment Training

- 01/03/19 Slate Online Harassment Training

I also received Chief Nunos Individual Training Activity that confirms he attended a POST-Management Course, a supervisory course, POST Academy Instructor Certification, and Defensive Tactics Instructor Certification. His training record also shows Chief Nuno attended several “update” classes for defensive tactics.

Chief Nuno acknowledged reading and understanding the Stanislaus County Sheriff’s Department’s Policy by signing the Certificate of Receipt and Acknowledgement of Responsibility on July 16, 1998. By signing this form, he acknowledged receiving a copy of the Stanislaus County Sheriff’s Department Policy Manual and his responsibility for the continued maintenance of that manual, to include any revisions, additions, or deletions distributed by Administration. Additionally, he agreed if he did not understand any portion of that manual, or updates to the manual, he would seek guidance from a supervisor.

### **FINDINGS/CONCLUSIONS:**

Based on this investigation, these are my findings and conclusions regarding this incident;

Chief Marcelino Nuno is currently the Chief of Police in Patterson, CA, and has been a supervisor with the Stanislaus County Sheriff’s Department since 2009. Chief Nuno has attended at least eight Sexual Harassment/Harassment courses since 2009. Chief Nuno has also attended a basic supervisor course and management course. Chief Nuno has been an Arrest and Control/Defensive Tactics Instructor since 2000 and has attended Defensive Tactics Instructor Courses, Academy Instructor Certification Courses and several other Defensive Tactics type courses.

Chief Nuno acknowledged reading and understanding the Stanislaus County Sheriff’s Department’s Policy by signing the Certificate of Receipt and Acknowledgement of Responsibility on July 16, 1998. By signing this form, he acknowledged receiving a copy of the Stanislaus County Sheriff’s Department Policy Manual and his responsibility for the continued maintenance of that manual, to include any revisions, additions, or deletions distributed by

Administration. Additionally, he agreed if he did not understand any portion of that manual, or updates to the manual, he would seek guidance from a supervisor.

On Wednesday, April 22, 2020 (the training day), Chief Nuno was instructing at the Stanislaus County Sheriffs Department Regional Training Center. Chief Nuno was teaching Defensive Tactics to Academy Class 184. Class 184 was comprised of recruits from several law enforcement agencies.

Recruit        reported that during the training day, Chief Nuno called her into the weight room where they were alone. Once in the weight room, Chief Nuno pulled the front of her pants, which were loose, out, and placed a small pocket knife in between her zipper and underwear line. Chief Nuno did this by holding the knife in the palm of his hand, put his hand in her pants with the back of his hand toward her underwear. While doing this, he asked Recruit        what kind of underwear she was wearing. She was confused by this question and answered with "Black." Chief Nuno clarified, asking if she was wearing a thong. Recruit        explained she was not but was wearing "cheeky" underwear. She did not know if Chief Nuno was looking in her pants when this was done because she felt awkward and was looking straight forward. Once the small pocket knife was placed, he manipulated her zipper area multiple times to feel the knife. While he was doing this, Recruit        felt awkward. She explained that because of the zipper line, you could not see the bulge of the knife, and she felt as though it did not need to be patted down.

                    t-shirt then was lifted, but        could not remember if she lifted it or if Chief Nuno lifted it. Chief Nuno placed a knife in her left bra strap. He then opened the bottom portion of her bra and put a knife inside her bra. Another knife was placed under her right bra strap. Chief Nuno then manipulated the knife in her right bra strap lower on her strap. To feel the knife



under her left breast, Chief Nuno used the appropriate searching technique, which included the back of the hand and the thumb side of a bladed hand, to feel the knife under her clothing.

When Chief Nuno was feeling the right strap area, Recruit                stated he did touch a part of her breast on the side over her clothes.

Chief Nuno placed another knife in her back-right pocket and patted her buttocks. Recruit                was unsure if Chief Nuno patted her buttocks with the palm or back of his hand because she was facing forward. He also placed a handgun in her waistline in her back area. During the second placement, Recruit                shirt was lifted back up, and Recruit                placed an item below her left breast. Chief Nuno repositioned the item that was in her right bra strap. Chief Nuno put a mini pocket knife in her pants, between her underwear and her pants. This item was pushed down to the top of her butt cheeks.                did not feel Chief Nuno's hand on her butt. She did not recall if the skin was touched; she just remembered feeling the plastic on her buttocks. Chief Nuno patted the area to see if he could feel the knife but did not touch her buttocks. During this,                felt uncomfortable because she did not expect to feel Chief Nuno's hands down her pants.

                                 explained that she felt uncomfortable when Chief Nuno was placing the items on her but did not feel like a victim. Recruit                knew it was wrong, knew it was inappropriate and not okay, but did not know how to say "no" because Chief Nuno was of such a high rank, and she was beneath his rank.

Chief Nuno was questioned regarding his interaction with Recruit                Chief Nuno's account of what transpired inside the weight room differed from Recruit                account. Chief Nuno said as he walked into the weight room, he noticed                was still wearing an academy shirt. The shirt was covering her waist area, and she was wearing blue jeans and boots. When he saw her pants, he noticed they were tight around the leg area. He said his first thought was if she was going to be able to hide anything because of how tight the jeans were. Chief Nuno thought you would be able to see silhouettes of the props on her. Chief Nuno told                he thought the jeans were going to be too tight on her, and they would not be able to hide props.                commented, they are actually pretty loose, and she lifted her shirt and pulled her jeans out quite away. Chief Nuno noticed her jeans were real loose. This conversation was happening as Chief

Nuno was walking into the weight room. continued to have her pants out quite a way, and Chief Nuno asked what type of underwear she was wearing, and she responded by saying black or blue. Chief Nuno started laughing and said, "not what color, what type" because he wanted to make sure they would be able to put the prop in the underwear area so that it holds, and it doesn't fall into her pants. Chief Nuno said, "because I had this happen to role players before." said, "oh no, they are normal." was still holding her pants out as Chief Nuno was walking up to her, and he was able to see into her waist area. Chief Nuno asked if they will hold, and she said, "oh yeah." Chief Nuno said he did not ask if she was wearing a thong. I asked Chief Nuno where was standing when this transpired. He said she was towards the back of the room near the mirror, deep into the room. He believed she was facing the east wall.

Chief Nuno said he placed the bag of props down on a bench. Chief Nuno said he did not recall which prop was introduced first because she was used for two scenarios. He took the gun out, the marijuana pipe, a couple of the blades, and the pepper spray; in total, they had eight props. He told her to put them on herself and told her; he did not know how she wanted to put them in her bra. told him she was not wearing a bra that she was wearing a sports bra. lifted her shirt and started putting the props into her sports bra area. I asked Chief Nuno if she was facing him, he said he recalls standing to her right side.

I asked him what props he placed on her. He said he put the marijuana pipe in her front pocket. He told her to make sure the top of the pipe was exposed. He also placed a handgun in her right rear pocket. He also remembers putting a knife either during the first scenario or second in her rear waistband. She put all the other props on herself.

I explained to Chief Nuno that Recruit said he pulled out the front of her pants, and he placed a small knife with the back of his hand towards her body between her underwear and her pants. Chief Nuno said he never did that. Chief Nuno said he remembers placing a prop in the front of her underwear, and Chief Nuno told her if she did that to make sure its high enough for the recruits to reach it. I asked him if he grabbed her at that time and manipulated the knife, and he said yes, he did. He said he did, to the outside of her pants, he did the pinch and roll technique (the pinch and roll technique is taught in defensive tactics) to show her how the recruits were going to search her in that area. He told her the knife was perfect where it was

and for it to stay there. He said he could not emphasize enough that he did not place the knife there, Recruit            did. I asked Chief Nuno if he could see what color underwear she was wearing, and he said he could; they were dark, either blue or black.

I asked Chief Nuno if            had her shirt up when he walked in, and he said no. I asked him when did she lift her shirt, and he said when he told her to place the props. Chief Nuno said she began putting the props in between her breast area and one on her right side. He said he specifically remembers the right side prop because when she lowered her shirt, you could see the prop. He said he did manipulate it a bit and showed her how they were going to search her.

I asked Chief Nuno if he grabbed            bra and pulled it forward to place a prop inside her bra, and he said no. I asked him if he felt the bottom of her breast, and he said no, only during the search. I asked him if he placed a weapon on the side of her bra, and he said no. He said he just adjust the weapon that was on the right side. I asked Chief Nuno if he remembers the color of her sports bra, and he said from what he remembers, it was light-colored. I asked Chief Nuno what            demeanor was while this was occurring. Chief Nuno said at no time did she say anything, reacted, or make any gestures indicating "you're crossing the line" because he did not feel he was doing anything inappropriate.

I asked Chief Nuno if he felt this interaction with a recruit was inappropriate. I went on to explain that the recruit lifted her shirt while in the weight room and no one else around. Chief Nuno said he didn't put too much emphasis on it because he did not want to make it bigger than it was, he thought "well it's a sports bra, whatever, this is the job we are getting into, people are going to do weird things around us." Chief Nuno continued and said, "Iv done this job for so long that Iv had different things come up in my career that happens out in the street and the fact that it's a recruit or whatever, to me my mindset is training, and I could care less that she was doing that unless she crossed the line in some way shape or form like she started getting naked, I would have been like hey uhuh, but the fact she felt well it's a sports bra, so I'm gonna put these things there I didn't think anything of it."

Although the accounts from Recruit            and Chief Nuno differed, there were similarities. What I concluded from both accounts was that Recruit            was the role player for the scenario, and Chief Nuno assisted her in placing the training weapons. The placement of the

training weapons occurred inside the weight room where Recruit [REDACTED] and Chief Nuno were secluded from the rest of the class. During the placement of the training weapons, at one point, Recruit [REDACTED] had her shirt lifted, exposing her sports bra. Chief Nuno was able to see Recruit [REDACTED] sports bra. At one point, Recruit [REDACTED] had her pants pulled out, exposing her underwear. Chief Nuno could see Recruit [REDACTED] underwear. Chief Nuno did place some training props on Recruit [REDACTED]

Chief Nuno did not stop or feel this interaction was inappropriate. Chief Nuno has attended sexual harassment courses and supervisor courses, and he felt this interaction was not inappropriate and did not feel uncomfortable with what occurred in the weight room with recruit [REDACTED]. Chief Nuno indicated he never intended it to be sexual in nature; it was training.

Recruit [REDACTED] did not stop or confront Chief Nuno because of his rank and status.

Recruit [REDACTED] reported Chief Nuno made her uncomfortable throughout the training day by touching her and interacting with her unnecessarily.

[REDACTED] has known Lt. Nuno for several years. [REDACTED] explained that she knew Nuno through work and had met him at several work events.

When these allegations first surfaced, a criminal investigation was initiated. Detective \_\_\_\_\_ of the Stanislaus County Sheriffs Department was the lead investigator for the criminal investigation. After she completed her investigation, she forwarded the criminal report to the District Attorneys Office. She believed that Chief Nuno committed two criminal acts in violation of CA Penal Code 243.4 (e). The District Attorneys Office did not file charges against Chief Nuno.

Based on all the information gathered during this administrative investigation, it is alleged that Chief Marcelino Nuno violated the following department policies and procedures. It is also alleged he violated the following Stanislaus County policy and procedures which in part say;

**Stanislaus County Sheriff's Department**

**Stanislaus CO SD CA Policy Manual- Lexipol January 24, 2020**

**340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE**

*The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:*

**(k)** *Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.*

**(m)** *Engaging in on-duty sexual relations including, but not limited to, sexual intercourse,*

*excessive displays of public affection or other sexual contact.*

**(n)** *Criminal, dishonest or disgraceful conduct, whether on- or off- duty, that adversely affects the member's relationship with this department.*

### **340.3.5 PERFORMANCE**

**(f)** *The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.*

**(o)** *Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.*

**(ab)** *Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.*

**(af)** *Any act on- or off-duty that brings discredit to this department.*

### **340.3.9 RELATIONSHIPS**

**(b)** *Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.*

## **STANISLAUS COUNTY PERSONNEL MANUAL**

### **HARASSMENT AND DISCRIMINATION**

*Discrimination and harassment behavior is a form of misconduct that violates this policy and in some cases may constitute discrimination that is in violation of federal and state law. When evaluating complaints of hostile, offensive or abusive conduct the County will consider both*

*current legal standards and County Policy Examples of harassment, discrimination, and prohibited unlawful behavior include, but are not limited to:*

- *Harassment behavior of any kind that is verbal, physical, visual, or electronically communicated based upon a protected classification. Examples of prohibited unlawful behavior include but is not limited to, the following:*

*Physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement when directed at an individual on the basis of a protected classification. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied on-the-job threats or promises in return for submission to physical acts.*

- *Sexual harassment is illegal and is a form of sex discrimination forbidden by federal and state law. The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as: o Unwelcome sexual advances, requests for sexual favors, and other acts of a sexual nature when such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;*

**PRIOR RELATED CONDUCT:**

N/A