

STATEMENT OF

RAFAEL ANTONIO PEREZ,

TAKEN AT THE MTA BUILDING, ONE GATEWAY PLAZA, LOS ANGELES,
CALIFORNIA 90012.

IN RE: CASE NO. BA109900
People vs. Rafael Antonio Perez

APPEARANCES BY:

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00-004

LOS ANGELES, CALIFORNIA, THURSDAY, JANUARY 13, 2000, 10:00 A.M.

MR. ROSENTHAL: Okay. Today's date is January 13th, year 2000. These are the continuing interviews of Rafael Perez. This is the first one of the new year. It is 10:25 in the morning. We're over at the MTA Building.

Present are Rafael Perez; his attorney Kevin

McKesson; Sgt. Justice, Detective Burditt; Sgt Gibson; and Sgt. Mallory.

I'm Richard Rosenthal, Deputy District Attorney. Before we begin, let's put you under oath. So, if you'll raise your right hand.

"Do you swear to tell the truth and nothing but the truth -- do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

MR. ROSENTHAL: Okay. Thank you.

RAFAEL ANTONIO PEREZ,

duly sworn and called as a witness, testified as follows:

EXAMINATION BY MR. ROSENTHAL:

Q All right. Uh, Mr. Perez, we're just gonna start, first of all, with a question relating to the wiretap that we did on your line back in August of '98. There was, uh, one call in particular that seems suspicious where a caller was asking about guns. And can you tell us what that call would have been about?

A Actually, I don't think the call came in.

Q It was a message.

A It was a message that I listened to.

Q Yes.

A That's my voice mail. What it is is a [CI#18] [**CI#18*] that I was using, that goes by the name of [*CI#18] [CI#18] was relaying some information to me from [**CI**]

[CI*], who was also a person that I arrested who was also gonna work for me as an informant.

[CI#18] had a male -- if I remember correctly -- a Peruvian male, who was into selling automatic weapons. And [**] was supposed to get that information for me and was setting up a deal as though I was going to buy some weapons, and we were gonna, obviously, arrest these people. And [CI18] was leaving me that. [CI18] would contact me through my pager - my voice mail -and leave me messages. And that way I would check them whatever I had the time.

Q So, this was definitely during the course and scope of your employment?

A Yes.

Q Nothing illegal that you were intending to do with this information?

A Nothing. It was all just informant information.

Q All right. Let's start with --

MR. MCKESSON: Let me just say this for the record. You used the term "course and scope" and that's gonna become relevant in a civil case. I just want to -- I just want to say that's term of art. And Officer Perez has not admitted he was ever acting outside the course and scope of his job.

MR. ROSENTHAL: All right. I'm using it within the criminal context, not the civil. Okay. Let's start with the first case.

Q We received a complaint with respect to a prosecution

against Armando Carrillo, C-a-r-r-i-l-l-o, and Jesus Lozano, L-o-z-a-n-o. Case Number is BA150162. D.R. Number is 97-02-18029. We've not discussed this case before. I have shown Officer Perez -- I'm sorry, former Officer Perez, the police report. I have shown you a police report as well as a portion of a civil suit which -- in which the defendant's statements are summarized.

A Yes, sir.

Q Having looked at the police report and the allegations made by Jesus Lozano and Armando Carrillo, does that -- apparently, whose true name is Steve Garcia. Uh, can you tell us was there any problem with this arrest?

A There is. Uhm, firstly, I'll tell you that this information was given to me, again, by an informant. The same informant that I've used in that area many times - [CI5]. We've talked about [CI5] many times. [CI5] had given me some information that this location, 430 North Alvarado, was being used to sell narcotics, uh, heavily.

On the first -- second page of the arrest report under "Source of Activity" it talks about us conducting a observation point, an O.P., uh, just east of the location -- or just west of the location looking east. That's fabricated. We didn't actually do that.

What we did do is just we went straight in and just hit the place. There was many people in there. Uh, a bunch of parolees, different users. The place was packed with people.

Uhm, further down on the second page of the arrest report under "Observations", it talks about, "I observed Defendant No. 1 drop some bindles to the ground." I don't remember that.

Q Okay. When you say you "don't remember that" it didn't happen, or --

A I don't remember. I don't know if he did it, you know, that he dropped a bindle and I just -- it was just so nonchalant. 'Cause this is a high narco area. I've made several arrests there. I'm just trying to be honest. I don't remember whether I did something wrong or didn't do something wrong.

Now, on this guy here, the second defendant, uh, that sounds like that actually did happen. I think, actually, Durden recovered them. It says on the -- under "Observations" that my partner recovered the items dropped. I think that is actually -- that actually did happen.

The reason that I think we took Mr. Carrillo, and we tied him in that way, was 'cause he was the person living there. And we had already gotten information that he is the -- or was the dealer there. He's the guy that owns or lives in the house. And people come in there. All these users come in there and buy from him.

What actually happened, I believe is Mr. Lozano came in there to buy and when we -- when we jammed the place, he dropped those rocks. But we just tied them to Mr. Carrillo.

Uh, what may have happened is we actually found the bindle, but I may have not seen Mr. Carrillo drop it. But I guess I just figured he's -- he's the owner of the house, or he lives in the house, so I'm -- he's going. But I don't remember actually seeing him drop it.

On the report, it says that I watched him drop this bindle. I don't remember that.

Q Okay.

A Uhm, but the second guy, I think that was legitimate.

Q Okay. So, I'm looking at my own summary, since you've got the report. And it says that you saw Defendant Carrillo open a bindle, hand small white objects from the bindle to Lozano.

A That's all fabricated.

Q And that's fabricated?

A Yes, sir.

Q Then you approached and Carrillo dropped the bindle. And you're saying you don't recall whether or not he dropped the bindle or not.

Uh, so, in this case, it sounds like what you're saying is this would not be a case where you would plant the narcotics?

A Oh, definitely not.

Q The narcotics was there?

A Yes, sir.

Q It was just a matter of putting it to the defendants?

A Yes, sir.

Q Okay. Having read the circumstances indicated, in fact, let me just go through and see what's true and what's not on this. It says in the civil suit, uh, Garcia, also with Carrillo.

A This one's Garcia? That's the first one?

Q Yes. Let me make sure. Yes, uh, it states that he witnessed you take an object out of the back pocket of another occupant of the house, which was a rock of cocaine. That you showed the object to -- and we'll use the arrestee's name on the report -- Carrillo, and asked, "What are you doing with this?"

Did that happen in this case?

A That inconsistent with anything that I would do. Why would I pull something and go, "Hey, what are you doing with this?" It's pretty obvious. That -- that's fabricated. I think further in that complaint it says that I kicked him twice in the groin area.

Q Well, we'll get to that. Let me --

A Okay. That -- that's inconsistent.

Q Okay.

A That's not true.

Q Would you -- would you ever -- if you found dope on a particular person, is there any reason why you would put that dope on someone else in the house, that you can think of?

A No, not when I find it directly on one person, and

just say well, it's not on you. It's going to be on him today. I -- I don't think I've done that. I mean, if I wanted to -- if I had this person with the narcotics, and I just want to arrest you --

Q Mmnh-mmnh.

A -- I'll just take narcotics and split it and give it to you. You know, I'm just saying, if for some reason I for some reason wanted to take this person, --

Q Mmnh-mmnh.

A -- I wouldn't just take it from one guy and put it on another guy. I don't see that. I haven't seen that. I don't remember doing that.

Q Okay. Uh, he, then, says -- Carrillo says that after seeing the object was not his, that you responded by calling him a troublemaker, and you jammed your knee into his groin area two times.

A That's inconsistent.

Q So, that did not happen?

A No.

Q But the other defendant, Lozano --

A Yes, sir.

Q -- one of the things they do say is that, uh, the officers burst into the residence and began handcuffing the occupants in the house, informing them to kneel on the ground.

A That's true.

Q It mentions David Mack was in on that scene.

A David Mack was not there.

Q So, it was you and Durden and other officers in C.R.A.S.H.?

A Yes, sir.

Q According to Lozano, he says he was handcuffed, kneeling on the ground. He says no weapons or contraband were found on him -- on his person. Okay, that would be true as far as you can recall?

A On Mr. Lozano?

Q Yes.

A That's correct.

Q He says that you asked him -- Lozano -- if he had purchased drugs from another occupant of the house, Mr. Carrillo. And that he said he had not. Uh, then, you told him he was going to jail. And when he asked why, you said, "For rock cocaine."

A Let me back up. I'm thinking Mr. Lozano's the first defendant. Mr. Lozano's the second defendant.

Q Yes.

A I -- that's the one that, uh, Durden recovered the narcotics; is that right? I believe that is actual --

Q Yes.

A -- that is actually correct.

Q Okay.

A What we did was, because --

Q BY MR. MCKESSON: What's actually correct?

A That he -- the narcotics was recovered on him by Durden.

Q So, you're saying it was -- excuse me. So, you're saying what's in the police report is actually correct?

A As far as that small part, yes. As to Mr. Lozano, the narcotics.

Q BY MR. ROSENTHAL: So, according to the report, I think it says that Lozano dropped several rocks, which were recovered by Durden.

A "My partner, Officer Durden recovered the items dropped by Defendant No. 2", yes.

Q And you think -- so, you do think that Lozano did drop cocaine and that it was recovered by, uh, Durden?

A Yes, sir.

Q So, basically, the false information in the report is one, the probable cause to enter?

A Exactly.

Q And, No. 2, you did not actually see Carrillo open a bindle and hand any objects from the bindle to Lozano?

A That's correct.

Q And, so, as far as Lozano -- uh, Carrillo is concerned, it sounds like their -- other than the fact that he the owner on the house and there were users and cocaine in the house, there is nothing else that would have given you cause to actually arrest him?

A That's correct.

Q But Lozano was, in fact, in essence, guilty as charged?

A Yes, sir.

Q Okay.

MR. MCKESSON: May I see that?

MR. ROSENTHAL: Sure.

MR. MCKESSON: Richard, we haven't spoken about this case before, have we?

MR. ROSENTHAL: No, we've not. This is a new case which came as a referral from a civil lawyer.

MR. MCKESSON: And that's Mr. Gregory Yates?

MR. ROSENTHAL: Yes.

Okay. We'll conclude our discussion on that case. And we'll go to the next case, which is one that we have discussed before. It's Margo Lopez and Luis Flores. Case number is BA154398. The D.R. number is 97-02-27293. Let me check and make sure. The handwriting on the file is a little messy. So, yes, 27293.

MR. MCKESSON: Richard?

MR. ROSENTHAL: Uhm, you want to go off the record for a moment?

MR. MCKESSON: Just for one second.

MR. ROSENTHAL: Off the record.

(Off the record for momentary discussion.)

MR. ROSENTHAL: All right.

Q All right. Uh, the reason why we're bringing this

case up again, you have previously told us involving in this -
- involving this case, that the police report included false
observations relating to the P.C. to enter.

A Yes, sir.

Q And that a gun, that was supposedly recovered in the
defendant's pants pocket --

A Yes, sir.

Q -- of Mr. Flores, was actually recovered, uhm --

A Under the mattress.

Q -- under the mattress. So, that would have in the
bedroom?

A Yes, sir.

Q I believe -- that's it. This is a case where it was
you, Durden, and Sutherland.

A Yes, sir.

Q And you weren't sure. You didn't know whether or not
Sutherland read the report, so, you did not know whether
Sutherland knew that the observations in the report were false
or not?

A That's correct.

Q Now, we have had an opportunity to interview both of
the defendants. And I want to go over their statements with
you. First, Margo Lopez. And Margo Lopez, can you describe
her? Do you recall?

A Female Hispanic. Sorry. I think she was a little -
- maybe mid-fifties.

Q Okay. Yes.

A Maybe a little over, uh, -- a little heavysset, uhm, black hair.

Q That's consistent with the description.

A Nothing -- nothing that stands out.

Q Okay. Now, she says that -- you actually mentioned in your prior statement that when you approached the location, the door was part -- was a little bit ajar. And she, in fact, corroborates that. She said the front door of the apartment was ajar approximately five inches. She says that the -- that a thin-built male Black, dressed in postal attire, pushed open the door, entered the apartment, and said, "I have something for you," to sign here.

A That's true.

Q Okay. Who would that have been?

A That's Durden.

Q Okay. He was dressed in postal attire?

A He, uh -- Durden -- not only did he buy a postal shirt, he also bought a postal hat. That's absolutely true. I didn't even remember that. That's -- that's true.

Q Okay. So, this refreshes your memory as --

A Yeah.

Q -- as to that?

A That is absolutely true. Yeah, we were having a problem figuring out -- because it's such a long walkway in, because the door is right in front. How are we going to get in

there without them realizing, you know, that we're there?

So, that's what we decided to do. He threw on a postal shirt, postal hat. And, in fact, he even had a box like he was about to deliver something. And once the door -- we knew the door was open, we just rushed in.

Q Why didn't you put that in the report?

A I don't know. It was probably -- it was probably illegal, number one. And, uhm, I -- it's not probably something I wanted to put down. I mean, we've actually done that a couple of times -- done the postal thing.

Q All right. So --

A I think he bought -- by the way, he bought that postal thing down on Olympic and Normandie. There's a little uniform shop there.

Q Okay.

A I mean, I just -- just I remembered it just now.

Q Okay. Did, uhm -- where were you? Where were the other officers when he was walking -- and he'd be walking up this long --

A We were in a plain car, uh, real nearby, probably like right off the alley or right off the driveway there waiting. What we were gonna do was, once he got in and the person opened the door and acted like they were about to sign something --

Q Mmnh-mmnh.

A He even had a clipboard -- uhm, we were just gonna

move right in and just, you know, --

Q So, just --

A -- go in.

Q Just rush in and secure the location?

A Yes, sir.

Q Okay. Uh, she says that she did ask numerous times to see a search warrant --

A That's true.

Q -- and she was ignored.

A Yes.

Q And, uh, she found -- she said the undercover officer wearing the postal uniform found a bag containing two smaller bags. One with an ounce of cocaine, and another with marijuana. And they were recovered from inside a drawer in the nightstand next to her bed. Does that sound familiar?

A Is that the same narcotics that was recovered from the hamper? Or is that additional narcotics?

Q It looks like it would be additional, or --

A Okay.

Q -- it was additional narcotics. It would be the first narcotics found.

A Oh.

Q At least according to her.

A And it was a small amount.

Q Right.

A Okay. Yes, I think that's correct. And, then,

eventually, she led us. We couldn't find any additional large quantities of narcotics. And we knew there had to be something there. Uh, and eventually, she leads -- she tells us, "Okay. Fine. It's in the hamper up under some clothing." I don't know if she corroborates that. But, --

Q Yes.

A -- that's how I remember.

Q Yes. Uhm, she did say that, at one point, uh, apparently, while the place was being searched, she said that you began to interrogate, uh -- interrogate her. And you promised her that if she showed you where the rest of the narcotics was hidden, you would let her son go free.

Does that sound familiar? She says that's why she directed you to the hamper.

A It doesn't particularly stand out. But it's probably something I promised. It's something I would -- it would be something consistent with what I've done.

Q Okay. She also said -- she says that you showed -- after the pistol was recovered, that you showed her the pistol and she acknowledged it belonged to her. She said that she purchased it for \$40 and used it for protection. But you refused to believe her and said the gun belonged to her son. Does that sound familiar?

A I have a problem with that part of the statement, simply because I remember Durden handling the whole gun thing. I never -- Durden, I believe, found the gun. He decided where

it's going to be, which was in the guy's pants. So, I really never had handle of the gun. You know, I wasn't like talking to her, oh, I found this gun, you know. But --

Q So, any conversation with the gun probably would have occurred with Durden as opposed to with you?

A Most likely. And I just don't remember having a conversation with her about the gun. I remember hearing about it was purchased for \$40 and for protection and all that. But I don't think I was the one asking the questions.

Q Uh, she also said that you insisted you wanted to find the main player -- her supplier.

A Yes.

Q And that she called her ex-husband, who was not the main supplier, but asked him to bring her something. And you removed the handcuffs from her, and told her that, as soon as the supplier approached, she was to exit the apartment and greet him.

A That's true.

Q And twenty minutes later, she says, her ex-husband drove up the alley. Uhm, he had his two-year old daughter with him. He was taken in custody, initially. His car was searched. No narcotics were found. And, eventually, he was allowed to go free.

A We screwed that up.

Q How so?

A We had some other undercover officers waiting in the

alleyway or in the driveway. When he showed up, he actually did have narcotics. When -- and, again, the problem with the long driveway, when the defendant saw the officers coming up the long driveway, he, I guess, nonchalantly tossed a -- a little carton. You know, those toilet cartons. Uh, once you finished the toilet paper, the little spindle whatever you want to call it. MR. MCKESSON: Cardboard roll.

THE WITNESS: The empty roll with narcotics in it. He tossed it. And we knew he showed up to deliver narcotics. And we could not find it.

Q BY MR. ROSENTHAL: Mmnh-mmnh.

A So, we were stuck, you know, no narcotics. We let him go. Right as we're about to leave, we find the -- the bundle. And, at that point, you know, we lost him. He's gone.

Q Why -- why did you believe that, uh, he was delivering narcotics, as opposed to her statement here, that, you know, he was just there with his two-year old daughter, and came because she asked him to bring her something?

A No. We had her do a call-out. We set up. We -- she described the vehicle, everything. I mean, it was -- it was a call-up. What I didn't know, it was her ex-husband or whoever she says.

Q Okay.

A We had a -- we made a call-up and like we do all the time in narcotics.

Q BY MR. MCKESSON: Why don't you explain what a "call-

up" is?

A You know, we receive the information. Get a phone number, page, or whatever. We place a call. I'll overhear a conversation -- a narcotics conversation. I need, uh 150, \$200 worth of rock cocaine. We hear that conversation. We set up a meeting, and a location, which would be her house, on this particular occasion.

Q Right.

A We get a time frame. You know, an estimated time of arrival. He indicates it. We set up. I have some officers inside. And I also have some officers -- undercover officers -- outside the location.

When the vehicle shows up, the outside officers will let me know, okay, we got a vehicle showing up that matches the description of the vehicle we're waiting for.

And that's exactly how it happened. The vehicle showed up. He -- the outside officers just got a little too eager and out of their vehicles a little too early, and started running towards him down the long driveway instead of letting him at least walk to the door. And he had time to toss it.

And he probably just tossed it right behind him. It's cause the driveway is a little busy area, and that's where we found it, right in the grass area. Uh, so, --

Q So, you heard -- you heard her actually asking him to bring cocaine?

A Oh, yeah. It was a call-out. That's why we were

sitting there waiting. I mean, we -- we had it all set up.

Q Okay. She says after she was arrested, you took her to Rampart's break-room and demanded that she sign a piece of paper, that you told her that if she signed the piece of paper, you would let her son go free. And the piece of paper, in essence, she is claiming, was the consent to search form.

She says that she's illiterate and wouldn't have known what it said.

A It seems to me, we've had, now, two discussions about letting her son go. And I'm really having a problem remembering that, uhm, although, it's not something unusual. I just don't remember having that conversation.

Q Okay.

A And, normally, I would have her sign the consent right there at her house.

Q He's already had an opportunity to take a look at the transcript of his prior statement.

A I don't remember. I really don't remember that.

Q Okay.

A And I'll say that.

Q Is it possible? Or I know anything's possible. But --

A Sure. Uh, you know, that's one of the tactics we used to get people to sign consents to search, especially when we searched without a consent.

Q Right.

A And, then, we want to come back and, hey, look, we're gonna give you a break. And we're gonna do this for you. You know, sign the consent. And they usually do. Uh, I just don't remember. It doesn't stand out.

Q And I'm -- I'm looking at the consent to search -- uh, consent form in the D.A. file. And it does just, uh -- it is in Spanish. Uh, but, it appears that there's just one spot where she would sign. And she wouldn't have written anything else.

A Did she happen -- did she happen to place the -- the date and time on there, or just the date?

Q Let me show you the copy and you tell me.

A Uhm, she signs it with her name. And I sign it. I date it. And I put the time of 6:30. Then, again, she may not have been there when I filled that part out. I don't know.

Q Okay. Now, she also says that after, or while she was in custody, uh, that before you -- or she was transported to Rampart, she was told to take off her jewelry -- both her and her son. And they had about a thousand dollars in jewelry on consisting of five gold chains, five gold bracelets. And that when they got back to their house, they found that it had been ransacked and jewelry and about \$500 hidden by her son had been taken.

A If that happened, I definitely have no knowledge of that.

Q Okay.

A It's possible that we may have told her take your little, you know, jewelry off. So, that when we book her, we don't have all that extra property.

Q Right.

A But, as far as going back, ransacking it, or taking \$500 -- in fact, I don't remember any money being taken in this -- on this particular case, by me, that I remember, or jewelry.

Again, I've said it before, I was not into any jewelry or anything like that. So, I definitely don't remember any jewelry being taken, or at least not in my presence.

Q Okay. Now, I'm just going through. That was Margo Lopez' statement. Uhm, Luis Flores also talks about the undercover officer in the postal uniform.

A Mmnh-mmnh.

Q And corroborates. He says he did not have a gun in his pants. He says that he watched the male Black -- and by that, it appears to be he's speaking about Durden -- uh, go into the closet in the living room and find the handgun on the floor of the closet under shoe boxes and a pile of clothes.

A I don't know where he gets that from. I remember -- 'cause I remember we were all -- when you walk into the apartment, the bed's right in front of you. I don't know if you've been to the location or not.

Q No.

A But it's a small place. It's more like a little studio. And the bed's right there. And I remember Durden

finding it right by the bed. Unless he went from the closet to the bed and -- and I don't know why he would do that. But, --

Q Was it by the bed or was it under the mattress?

A It was under the mattress.

Q Okay. That seems to be a typical place for guns to be hidden.

A Yes. Especially when you have it for protection. I mean --

Q Right.

A -- you don't have to go to a closet under a bunch of shoes to find it.

Q Okay. That pretty much covers it with respect to this case. So, now, what we're going to do is -- which officer is going to take the lead on this?

SGT. GIBSON: I am.

MR. ROSENTHAL: So, Sgt. Gibson is now going to be going through some of the case that have been previously discussed.

SGT. GIBSON: Okay. Uh, let's go off tape. I'd like to give, uh, Ray time, to take and review his, uh, transcript of -- of what I'm gonna be dealing with. Is that okay?

MR. ROSENTHAL: All right. We'll go off the record. It is 10:51.

(Off the record at 10:51 a.m.)

(Back on the record at 10:59 a.m.)

SGT. GIBSON: We're on tape. Okay. This is a tape recorded interview of an Internal Affairs Investigation No. 99-4645.

Today's date is January 13th, year 2000. And the time is 10:59 hours. The location of the interview is the MTA Building. I don't know an address. Does somebody have an address here?

THE REPORTER: One Gateway.

SGT. GIBSON: I'm sorry. What? One Gateway?

THE REPORTER: One Gateway Plaza.

SGT. GIBSON: One Gateway Plaza. Present to be interviewed is Mr. Rafael Perez. And the interview is being recorded on Tape No. 223331, Side A. It's being conducted by myself, Sgt. Dallas Gibson, Serial No. 16036; and my partner, Sgt. Joel Justice, Serial No. 24871.

Present from Internal Affairs also is Sgt. Scott Mallory, Serial No. 27518, and Detective Mike Burditt, B-u-r-d-i-t-t, Serial No. 24454.

Present from the District Attorney's Office is Mr. Richard Rosenthal. And Mr. Perez' attorney, Kevin McKesson; is that correct?

MR. MCKESSON: Yes.

Q BY SGT. GIBSON: Okay. Mr. Perez, prior to going on tape, I showed you your transcribed statement from November 5th, 1999, that you made, I believe, to Sgt. Cook; is that correct?

A Yes, sir.

Q Okay. Did that help you refresh your memory about this case?

A Yes.

Q Okay. On February 25th, of 1997, you were involved in the arrest of Andrade Paz, P-a-z, and Omar Lizama, for possession of sales; is that correct?

A Yes, sir.

Q And after reviewing your previous statement there concerning that arrest, uhm, is that still your recollection of the incident those two individuals were arrested?

A Yes.

Q Okay. What I need you to do is, to begin, is to walk me through the arrest as you recall it. What led up to it and the actual arrest itself.

A I was using a [**** CI # 18 Information Redacted **] [****], as an informant. [*** CI # 18 Information Redacted **], [** CI # 18 Info Redacted **]. And [CI18] was giving me information, uh, working as an informant, unsigned undocumented informant.

Q Okay.

A [***** CI # 18 Information Redacted *****]
[***** CI # 18 Information Redacted *****] [***** CI # 18 Information Redacted *****] [*** CI # 18 **] And that's how it would go on this occasion. Uhm, I had gotten all that information from [CI18]. I, uh, had several units helping me on this, uh, staged around the location to work as chase units. Uhm, we placed the call. We had the narcotics talk. We had the delivery time, the location, and

all that set up. At that point, we set up.

Uhm, right around the time of -- the time that the narcotics was supposed to be delivered, a vehicle shows up, the vehicle that is described by [CI # 18] to us.

A male comes out of the -- out of the vehicle, which is Defendant No. 2. And the way we set it up, is we're going to allow him to walk up the stairs, [**** CI # 18 Info Redacted **] [**** CI # 18 ****]. And, then, as he's on his way back down, we're gonna move in, detain him, detain the vehicle, and arrest everybody -- uhm, which is what we did.

However, when we detained him, uh, we could not find the narcotics. And we knew he was there with narcotics because this is, you know, a -- a delivery. Uhm, and we couldn't find it for quite sometime. Uh, we had the entire -- well, all the people that were in the C.R.A.S.H. unit that was involved in this arrest with me. We were out there looking for the narcotics. We couldn't find it.

And, after about an hour or so -- 45 minutes to an hour -- eventually, somebody finds it in the bushes right as you are coming down the stairs. To the right of the stairs there's some bushes there.

On the report, I believe it says that as he was coming down, we observed him take the bundle and toss it. And we recovered it. And that was it. But that was all fabricated.

What we actually -- what actually happened is what I just said, that we didn't see him toss it. You know, after

searching for close to an hour, eventually, it was recovered. And, on the report, we just put that we just recovered it as he came down, or we saw him drop it.

Q Okay. The arrest -- how many people were arrested, do you recall?

A I believe there was two or three people detained. But I believe only two were arrested. I don't have the report in front of me.

Q Okay.

A But I believe two were arrested.

Q All right.

A Three were detained. Two were arrested, I believe.

Q Now, the other -- the other individual in the car, were you present when --

A I'm sorry. Go ahead.

Q Okay. The defendant that came down the steps and dropped the narcotics. And he was arrested, obviously. The other defendant that was in the vehicle itself, did you have any contact with him?

A Yes.

Q And what did you do with him?

A The one that I arrested?

Q Yes.

A The other one? Uhm, I arrested him. I don't know exactly what you mean by contact. I mean, something specific?

Q Did you speak with him at the -- at the scene? Did

you have conversation with him at the scene?

A I spoke with him. I believe I had him, uh -- I wanted him to turn over his supplier. I knew he's the main supplier. The guy that walked up the stairs is just the mule, or the delivery guy.

Uh, so, I knew that this guy sitting in the car is actually the guy who is making all the profit. He's the middleman -- or the head guy.

Q Okay.

A So, I believe I might have discussed with him trying to, you know, turn over his supplier, trying to work with us.

Q Do you recall going to an address on La Salle -- 425 South La Salle -- which was his residence?

A That is correct.

Q Okay. And what -- what did you do there?

A We entered the location, I believe, from the rear. I believe from the rear, uh, with his keys, I think we entered the location. In fact, I think we recovered more narcotics there.

Q Okay. I'll get into that when I give you the report.

A Okay.

Q I'll ask that question. Okay. Uh, [* CI # 18 *], and you've stated previously that [CI18] was a - an informant on other cases for you also?

A Yes, sir.

Q [***** CI # 18 Information Redacted *****]

[*****]
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[*****]
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MR. MCKESSON: [***** CI # 18 Information Redacted ****]

[*****]
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[*****]
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SGT. GIBSON: [***** CI # 18 Information Redacted ****]

[*****]
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MR. MCKESSON: Yeah. No -- no, I have no problem with what you are trying to get at. But, I mean -- but the way you asked it is asking him to speculate [**** CI # 18 Info Redacted ****]

Q BY SGT. GIBSON: Okay. All right. And all I need you to do is tell me what you have personal knowledge of [*****] [***** CI # 18 Information Redacted *****]

A [CI18] knows, obviously, that we were gonna be making an arrest. Or we made the call-out. [***** CI # 18 *****]
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Q Okay.

A [***** CI # 18 Information Redacted

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Q Okay. That day, do you recall if you were working in uniform or plain clothes?

A I believe I was working in uniform.

Q Okay. If you were in uniform, was probably the entire C.R.A.S.H. unit in uniform, also?

A Yes, sir.

Q Uhm, would there have been anybody in plain clothes?

A You know, sometimes what happens is we'll come to work in uniform that day, but because, let's say, I'm working the closest O.P., we'll switch up and go put some soft clothes on.

Q Okay.

A And, now -- as soon as you started saying that, I don't remember if we switched-up to plain clothes or not.

Q If you did switch-up, would it have been just a few of you, or would the entire unit have probably switched-up?

A Just a couple of us.

Q Just a couple of you?

A Yes. Just the ones that are gonna be working the point.

Q Okay.

A Uh, in other words, the ones that are closest, you know, watching the house and watching if any vehicles show up. I'm sorry. But I just cannot remember whether we switched-up clothing or not.

Q Okay. And, on that day, do you recall who would have been in direct contact with you and your partner that day?

A Officer Durden.

Q Okay.

A He was my partner.

Q Okay. When most of the things you were doing or saying, he would have been privy to, also, then?

A Absolutely.

Q Okay. And do you recall how many officers were there? And I -- you know what -- and I will show you a work sheet for that day. And you'll find that it's highlighted right here on the 25th of February, 1997. And that will tell you who was working that day.

If you can just tell -- uh, looking at that, if it jogs your memory at all as to the officers that may have been there? Including supervision, of course.

A Mmnh-mmnh. I know that definitely Sgt. Peters was there.

Q Okay. Was he there from the start? Did you call him there?

A He supervised the whole thing.

Q Okay.

A In other words, the whole operation. In other words, once I knew that I was going to do a call-out, I needed C.R.A.S.H. units to back me up as chase officers. So, I met up with the sergeant and several other units to -- it wasn't the whole C.R.A.S.H. unit, but several other units to come and help me out in this operation.

Q Okay.

A So, I know that Sgt. Peters was definitely there. I debriefed him. He knew everything that was going on.

Q Okay.

A Actually, I think it's pretty close to everybody that's on here. Uhm, --

Q You believe you were probably using the entire unit?

A I -- I believe so. I don't remember -- and I see that it says here "training". But I don't remember Richardson. I thought I remembered Ng being there. But I definitely don't remember Richardson being there.

Q Okay.

A So, they may not have been there. I -- and it says "training". So, I don't really recall. But, everybody else that I'm -- that I'm looking at, most of them were there. I think pretty much the whole unit must have been there.

Q Was that because of the lay-out of the -- of the, uh, location itself, as far as what you needed to use for O.P.'s and for, uh, security, etcetera?

A As well as, we're gonna have one defendant coming out of the vehicle, and one still in the vehicle. We don't if the vehicle takes off. We've got one on foot. There was a lot of manpower needed, because there was gonna be sort -- sort of two separate arrest locations. Although they were close in proximity, we didn't want to go detain one and the guy takes off in the car.

So, I mean, from -- from looking at these names, they all look pretty familiar as to being there.

Q What I'm going to do is now, is -- is, basically, deal with a lot of specific officers' names that I have, and what you can recall -- your independent recollection of what you recall them doing and what them being, uh -- what they were privy to. Okay?

We'll start with Officer Durden. Uh, during this operation, how was he involved?

A He was -- he was my partner.

Q Mmnh-mmnh.

A Uhm, he had knowledge to everything that was going on. He had not only visual, but he knew everything that was going on. He saw everything that was going on. He was in position to see everything that was going on.

So, I mean, everything that I saw or can write, or wrote, uh, he -- he had knowledge of it.

Q Okay.

MR. MCKESSON: He was in a position to have knowledge.

THE WITNESS: Or he was in a position to have knowledge.

Q BY SGT. GIBSON: Okay. That issue, or -- the issue here, obviously, is the, uh, -- uh, when the narcotics was located, where it was located, and the way you found it. What other officers would have, again, on your independent recollection, would have direct knowledge of how the narcotics was located, and where it was located, and who found it?

A Everyone who was there at the scene, uh, and pretty much it was everybody in the unit. 'Cause there was only one senior that was right there in front of the house, and knew that we couldn't find the narcotics.

Q Okay.

A Because everybody was searching. I mean, we had everybody looking all over the place. 'Cause we knew there was definitely narcotics. We just couldn't find it. Uh, so, everyone -- I mean, -- I mean, everyone knew that narcotics was missing. Kulin Patel eventually found it. So, him -- and he, definitely, you know.

Q When you say -- I'm sorry. When you say Kulin, are you talking about --

A Patel?

Q I have a spelling here C-o-h-a-n. Is that who we're talking about?

A Yeah, that's Kulin.

Q Okay.

A I don't know how it's written. But I know how it's

pronounced.

Q Okay.

A It's pronounced Kulin, uh, Patel. He actually found the narcotics. Uh, you know, it was, hey. You know, one of those things. "Found it." You know, after about 45 minutes to an hour, uh, he found it. But, I mean, everyone there was searching. I mean, including the sergeant. We were all, I mean, it's sort of like -- I don't know if you've been to the location. There's a grassy area in front of the building and some stairs that lead upstairs, some bushes along the side. And we were searching up and down that place, I mean, for a good 45 minutes.

So, everyone knew that we couldn't find the narcotics. And everyone knew when, uh, Kulin found it, 'cause we were all like, "Yeah." Kulin is known for being real tenacious as far as searching. He will keep searching and searching. He's really good at searching. Uh, if you have a search to be done, you want Kulin there because that's one of the things he does very well. He will keep digging and looking. You know, he'll do a real methodical search for you. And he just happens to find -- to find it, uh, on this occasion. Uhm, and everyone knew that. I mean, everybody was like, "Hey, good job, Kulin." You know, one of those things. I mean, we all knew that he got it -- you know, found it.

Q Okay.

A So --

Q Is that an actual apartment complex? [** CI # 18 **]
[***** CI # 18 Information Redacted *****]
[***** CI # 18 Information Redacted *****]

A Uhm, I believe it's actually a duplex -- an upstairs and downstairs.

Q Okay.

A [***** CI # 18 Information Redacted *****]
[*****]
] [***** CI # 18 Information Redacted *****]. And I believe it's a duplex. Maybe a four-plex.

Uhm, your question before that was? Was there another question before that?

Q I'm sorry. Do I have a -- did I have one that wasn't answered?

(Reporter read back.)

THE WITNESS: No, I believe that's right.

Q BY SGT. GIBSON: Okay?

A I think I answered your question.

Q Officer Stepp. What's his first name?

MR. ROSENTHAL: Doyle.

SGT. GIBSON: Doyle Stepp.

Q Okay. What did -- what did Officer Stepp do that day that you recall, that you saw him do? And what would he have had knowledge of?

A He would have had knowledge as to, you know, doing the searching for the narcotics. He would have been there when

the narcotics was recovered. He would have been there to detain the vehicle. He would have been -- would have knowledge to us arresting the two people -- the two males.

Q Do you recall -- yourself and Durden are listed on the report -- did you complete that report? And, at this point, I don't mind if you want to review the report itself. What I need is who else assisted you in completing this report, if anybody.

A I write the -- all right. I'm pretty sure I wrote this report, and I -- I mean, unless there's some kind of different or strange circumstances. No one helps me write this report.

Q Okay.

A I write it completely on my own, other than, you know, maybe, uh, the booking recommendations or the P.C.D. or property report. P.C.D., probable cause declaration and the property report.

As far as the body of the report, I usually write that on my own. I don't need any help with that.

Q Then, you put your name and Durden's down there, is that correct?

A Right. I would put my name first as the author of the report.

Q Okay. Now, this is -- uh, shows Sgt. Peters as signing the report. Did Sgt. Peters sign this report?

A No, sir. I wrote -- I signed the report.

Q Okay. You want to read through that or -- you know, go ahead and read through it. And --

A And what am I looking for?

Q Really just any -- any discrepancies in what you've already told me, or any clarification.

A I mean, there's gonna be a bunch of them. I mean, uh --

Q No. No, I've got -- I've got a bunch more people that I want to discuss with you.

A Okay. You don't want me to get into, you know, the -- the probable cause, or --

Q No, not really. The probable cause isn't an issue with our investigation. We're going to go off tape at, uhm, 1118 hours.

(Off the record at 11:18 a.m.)

(Back on the record at 11:45 a.m.)

SGT. GIBSON: We're back on tape. And the time is 1145 hours. And I'm Sgt. Gibson. We're still concerning C.F. No. 99-4645. And the same people are present.

Q Uh, Mr. Perez, we left off with the report itself, and the fact that you had completed it and that you had signed yourself and Durden's name. And you had also signed Sgt. Peters name; is that correct?

A That's correct.

Q Okay. We were dealing with Officer Stepp. And you said he had knowledge of everything that occurred at the

location. Do you recall, or do you have personal knowledge of Officer Stepp ever reviewing that report or having knowledge of how the report was completed?

A I do not.

Q Stepp's partner that night was Officer Buchanon. Do you recall what Officer Buchanon did that night, if he assisted in any way with the locating the narcotics, the arrest report, anything?

MR. MCKESSON: When you say "assisting in locating narcotics" I just want to make it clear. Because he had said everybody was looking for it.

Q BY SGT. GIBSON: Right. Okay. I'm sorry. I take that back in assisting. Did -- was he present when the narcotics was located?

A Yes, he was present. As far as any other involvement, let me make one thing clear. When we moved in, -- myself, my partner, and maybe a supervisor or someone else went with us to the stairs where the one male coming down was. And then, behind us, where the vehicle is parked, the other units took them down.

So, I can say I know that they took him down. But I -- in a way, I can say I didn't see it because they're behind me.

Q Okay.

A Although, if I turn around I can see them doing it. I -- I know they're doing it, because we're all moving in at the same time. So, which part did Buchanon or Stepp take

exactly in removing the people out of the vehicle? I can't say. I can tell you they were there up against the wall and they were detaining them. How exactly, what the procedure was to get them out of the car, or who ordered it? I don't know.

I know we detained the one male coming down the stairs. But Buchanon would have had knowledge as to us searching for the narcotics, uh, taking a long time to look for it, and eventually finding it. And, you know, a couple males being arrested, uh, narcotics being recovered.

[***** CI # 18 Information Redacted ***]

[*****]. I mean, that was covered in the briefing.

Q Okay.

A So, he would have knowledge of that.

Q Did Officer Buchanon ever review this report? Did he have knowledge of what was in the report?

A I do not know.

Q Okay. Officer Patel, you stated previously that he's the officer that located the narcotics?

A Yes, sir.

Q When he located these narcotics, where were you?

A In the little grassy area there still looking. We're all still searching. I was probably somewhere in the middle of the field. 'Cause I remember -- for some reason, I remember him being to my left. So, where he was by the bushes, by the stairs, I was to his right.

Q Okay.

A His right like if you're facing the building, I was to his right. Because I remember him finding it and looking over and him holding it up in the air.

Q Did you go take that narcotics from him, at that time?

A Yes, I took it from him.

Q Did you -- did he show you where he located it?

A Yes.

Q And when you wrote to -- Officer Patel located the narcotics. You were -- went over and took it from him. He showed you where he had located it. When you wrote the report, is that what you put in the report that you had located it at that location?

A Yes.

Q Okay. Did Officer Patel have knowledge of what you were going to put in that arrest report? Did he ever review the report?

A Yes. Now, that's a different question. Did he ever review the report? I don't know.

Q Did he ever review the report?

A I don't know if he ever reviewed the report. I know that we told him I'm just gonna put me down. In fact, we told the supervisor, too. We had -- we agreed on that I actually recovered the narcotics, instead of having four different, five different officers in the report, I -- we did everything. This was -- by the way, you know, this is done -- I mean, this is a common thing. I mean, what we decided was I recovered it, not

Patel.

Q Okay. And Officer Patel knew that that's what you were going to go put in the police report, that you had recovered the narcotics?

A Yes, from the same spot that he actually recovered it from.

Q Officer Rico, do you recall any part that he played in this?

A Not specifically, no.

Q Do you have any personal knowledge that he would have knowledge of what was written in the arrest report?

A I don't know if he reviewed the report or not.

Q I understand there was one female officer there. Who was that?

A That would be Officer Diaz. Lucy Diaz.

MR. MCKESSON: You sound like you had a question in that response.

THE WITNESS: No, I'm just trying to remember. What I was about to say is I don't know if she -- again, I don't know if you were about to ask me if she read the report, or -- I don't remember her reading the report either.

Q BY SGT. GIBSON: Actually, my question is do you recall what she did that night?

A Not specifically. Not what she would have done, no.

Q And, again, my next question, as a follow-up would be, does she have any knowledge of what was written in that

arrest report? Do you have any personal knowledge that she does?

A I do not.

Q In your previous transcript, you had, at one time, mentioned that Sgt. Ortiz was there. And then, Sgt. Guerrero and then, Sgt. Peters. Who -- what supervisors were there that night?

A Peters. Sgt. Peters.

Q Was he the only one that was there that night?

A Yes. I think the question was, who was working that night? And I think Guerrero and Peters were both working.

Q Okay.

A And Peters was the one at the scene with us handling the situation.

Q And he went to the location with you?

A He staged it with us, everything. He was there when we moved in. He was with us. He was there the whole time.

Q Okay. Now, Sgt. Peters, uh, during this search, what is he doing?

A Helping us search.

Q Okay. After you located the narcotics, now, you stated previously that you met in a group and discussed how you were going to write this report; is that correct?

A After Kulin Patel found the narcotics?

Q I'm sorry. Yeah.

A Exactly. Yes. I remember Sgt. Peters and several

other officers. And, again, you know, if there's an officer behind me, I'm not looking back, you know, to see who he was. But, everyone knew we found it. And everybody was like congratulating Kulin for finding it. "Hey, good job." You know, that type of thing.

And I don't think everyone was there for when we decided I'm gonna -- I'm gonna put me down as recovering it. I know Sgt. Peters was there. I was there. Durden was there. I just don't remember who -- somebody else was there. Kulin was there. Uhm, I don't remember who else was there.

Q Was Patel there?

A There were some -- I'm sorry. Kulin Patel. That's -- that's Patel.

Q Okay.

A For some reason, I remember seeing somebody else's face there. But I just don't remember who it was. I don't -- can't say for sure who it was. But I know the ones that I mentioned were definitely there. But, those are the only ones that I remember.

Q Okay. Going back to [* CI # 18 *]. [** CI # 18 **]
[***** CI # 18 Information Redacted *****]
[*****]

A I don't think so. [* CI # 18 Information Redacted **]
[*****]
[*****]. The car had parked on the east side of the street. The males that were detained inside the

vehicle, were taken out of the vehicle. And they were facing the wall there.

[***** CI # 18 Information Redacted *****]

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[*****]

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[***** CI # 18 Information Redacted *****]

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[*****]

[*****]

Q Okay.

A [***** CI # 18 Information Redacted *****]

Q Okay. With Sgt. Peters, do you have any personal knowledge that he reviewed that arrest report after you had completed it?

A I have personal knowledge that I made a copy of the report and left it on his desk. He gets a copy of every report that we write. That's how he fills out his Sergeant's log. He needs a copy of the report with the booking numbers and stuff like that -- name of the defendants.

So, I gave him a whole copy of the report. And that night he does the Sergeant's log.

Q He wasn't present when you left it at that desk?

A I don't -- no, I don't remember that.

Q Did you ever see him read that report?

A I did not. I know I would have gotten his okay to sign his name. I would always get the okay from the supervisor to sign his name.

Q Okay. So, he had, at some point, told you to Go ahead and sign the report for me"?

A Yeah.

Q Okay. I have interviewed Mr. Arevalo, this individual right here.

A Yes, sir.

Q So, obviously, I have his --

A Arevalo?

Q Yeah, that's his --

A Or Paz?

Q I'm sorry, his real name is Arevalo. He's going by Paz here.

A Okay.

Q And that's -- he's Defendant No. 2 actually, is that correct?

A Number 1.

Q Okay. He was the one that was still in the car?

A No. 1, right?

Q Right.

A Yeah, he's the one that was still in the car.

Q Okay. And Mr. --

A -- Lizama?

Q -- Limaza -- Lizama is the one who went up to Dillan street address?

A Yes, sir.

Q Okay. I've interviewed this individual here. Mr. - - we'll say Paz. And his story varies somewhat from yours. Now, I'd like to take and address those inconsistencies and see if you can clear them up, at all.

A Sure.

Q Uhm, he is stating that he saw you walking from in front of the Dillan address with Mr. Paz -- I'm sorry, Mr. Lizama, approximately ten to fifteen minutes after he was taken out of the car.

And, at that time, you had the narcotics in your hand. Uh, a time difference.

A He's -- Mr. Paz states that he saw me and Mr. Lizama fifteen minutes before he was detained?

A No, fifteen minutes after he was detained in the vehicle, he was up against the wall, like you said. And he was looking back over his shoulder. And he saw you walking from in front of 637 Dillan with Mr. Lizama in your custody with the narcotics in your hand.

A No. They were both taken down simultaneously. We all moved in. We can't take him into custody, without taking him into custody. 'Cause he's parked on the street. And he's walking up the stairs. And they can see each other perfectly. A clear view. Uhm, they were both taken into custody. There

may have been a fifteen-minute delay from taking him across the street and putting him up against the wall next to him. Uh, because of the fact we were probably looking for the narcotics, first, you know, and detaining him, searching him, looking for narcotics for fifteen minutes, talked to him, telling us -- tell us where the narcotics is. He ain't telling us.

At that point, maybe we might have taken him back to the wall and came back to search. But, I definitely have the narcotics in custody, uh, fifteen minutes after he was -- he was taken into custody or -- or either one of them.

Q Okay. Now, unfortunately, Mr. Perez, I'm going to have to address each one of these officers here on this list that was working that day, and just ask you, specifically, if you have recall them having -- or if you knowledge of them viewing this report after it's written, and having knowledge of what was in that report. Okay?

A Okay.

Q Uh, and I'm going to start with the people that were working that night. Is -- Sgt. Peters, you've already addressed. Uh, Sgt. Guerrero, did he have knowledge of what was in that report?

A I have no idea.

Q Was he present at the scene?

A No.

Q Uhm, Officer Lujan, did he have any knowledge? Was he at the scene, do you recall?

A I believe he was.

Q Does he have any knowledge of what was in that report?

A No, not to my knowledge, he doesn't know -- uh, I don't know if he read the report. How about I state that?

Q Yeah. And that's what I'm looking for is your --

A Okay.

Q -- your personal knowledge.

A I do not know if he read the report.

Q BY MR. ROSENTHAL: And do you know of anyone -- or -- who would have read the report?

A Besides my partner, I don't know if somebody else picked up this report or not. I didn't take it to anybody else. So, I have no idea, other than my partner.

MR. MCKESSON: And Sgt. Peters.

THE WITNESS: And Sgt. Peters, because I gave him a copy. Uh, I don't have any knowledge of anybody else reading it. I don't even know why they would read it. I mean, they're -- the whole purpose of like saying, uh, that I recovered it, is so that I don't have to put any other officers' names. So, they don't have a need to -- to review it.

Q BY SGT. GIBSON: How about Officer Durden?

A Officer Durden would have read the report.

Q He would have read the report?

A I always have my partner check it in cause I've made a real blunder. I mean, something obvious, you know. I always have him read it, uh, you know, check it. You know, just read

my report real quick.

Q Okay. So, for -- for the purpose of this investigation, the only people that you are sure, uh, review this report are yourself and Officer Durden. And the fact that you left a copy for Sgt. Peters, at some point?

A Right.

MR. MCKESSON: Also, he said Sgt. Peters authorized him to sign his name.

SGT. GIBSON: Right.

THE WITNESS: Right. Now, you're talking about as far as knowledge as to this report. We're not talking about knowledge --

SGT. GIBSON: The contents of the report.

THE WITNESS: Right. We're not talking about knowledge as to what actually happened out there.

SGT. GIBSON: Correct.

THE WITNESS: Okay. Yes, that's correct.

Q BY SGT. GIBSON: Okay. Okay, from -- from this location, there was a -- you took these two individuals back to Rampart Station; is that correct?

A I believe we took all three.

Q Mr. Hernandez, that's another thing I need to address. A Okay.

Q There was a Mr. Hernandez in the back of that vehicle. And that's all I have is a Mr. Hernandez. Do you recall completing any F.I.'s on this individual, in any of your

officers' notebooks may -- might you have, uh, put more information on this individual?

A If there was, it wouldn't have been filled out by me. It would have been filled out by one of the officers that was there. Uhm, although, once they would have completed it, they would have handed it to me, or my partner. But I just don't remember seeing an F.I.

Q Were you in the habit of turning in F.I.'s? Or did you keep them for your own personal information?

A I usually wrote the reports. I don't know if you know this, but I wrote most of the reports. My partner was in charge of keeping logs, uh, doing the F.I.'s, things like that. That was the thing he would do. I know it's been brought up that he had a tendency not to turn them in, which is true. You know, I'd do the same thing. Sometimes I'd forget to turn them in. I'd leave them in my pocket. But he also had that problem of forgetting to turn in some F.I.'s and stuff like that.

Q Okay.

A Yes.

Q So, if he didn't turn it in, it wouldn't be for any specific reason? It just may have been oversight?

A Oversight.

Q He forgot to turn it in?

A Yes.

Q Okay. So, all three of them are taken to Rampart Station?

A Yes.

Q You -- as you recall?

A Yes.

Q And, at -- then, at some point in time, you take some keys from Mr. Paz and you do a follow-up to 4205 South Dillan -- I'm sorry, South La Salle; is that correct?

A That's -- actually, I think we took them with us. He went with us. And a supervisor went with us. That's correct.

Q Right. Do you recall who that supervisor was?

A Sgt. Peters.

Q Sgt. Peters?

A Yes.

Q Okay.

A Yeah, Sgt. Peters.

Q Uh, was there any male Hispanic, 50-year old sergeants, that may have went -- gone with you?

A Oh, wait a minute. I think you're right. Give me a second here. You know what? I think that Sgt. Guerrero did go. You know why I'm thinking that? Because we went through the rear of the location. And he's real tactically inclined. And I remember him having us -- telling us, "Go in there tactically." In other words, in one of our tactical modes. You know, like if searching a -- a building. I think it was Sgt. Guerrero not Sgt. Peters that might have went with us to the follow-up.

Q Okay.

A I think so.

Q And, at the follow-up, what occurred?

A Uhm, again, we went in through the rear of the house. And I don't know why we went through the rear of the house. And there was like a -- a steel door or something. And we opened it and went in and did the search.

After we searched, you know, as far as for suspects, everybody else came in. We brought the defendant in. He -- he led us to where he had additional narcotics. Because we told him, "Look. Tell us where this additional narcotics is. We won't search the whole house," or whatever. And he did. He took us to where his additional narcotics was.

Q And that was where?

A He had it in some kind of case in the dining room area. It was like a dining room between the kitchen and the living room. To the left, if you're coming from the rear of the house, on the right-hand side, there's like shelves or something. And right in there, he had some type of case. Little leather case where he had the narcotics at.

Q What officers went with you to that location on La Salle, that you recall?

A Not too many. Uhm, myself and Durden, uh, Sgt. Guerrero, the defendant. And I believe there was another unit. I just can't remember who.

Q Okay.

A It may be in the report. I don't know. It's not in

the report?

Q Okay.

A Okay.

Q The narcotics that you located, that was at his direction?

A He told us exactly where it was at.

Q Okay. And that narcotics was booked; is that correct?

A Yes.

Q Okay. I'm going to show you now -- and this is dealing specifically with Sgt. Peters. This statement, the transcribed that I showed you first is dated November 5th, 1999. On September 22nd, 1999, with Mr. Rosenthal and Sgt. Peters there, you gave another statement. And I'm going to you read that real quick. Well, let's go off tape.

I'm sorry. This was made to Sgt. Cook. Sgt. Cook was present, I believe. And I'm -- can we go off tape, off record for a minute here and let you read this?

A Mmnh-mmnh.

Q And the time is 12:03 p.m.

(Off the record at 12:03 p.m.)

(Back on the record at 12:10 p.m.)

MR. GIBSON: Okay. We're back on tape. The time is 1210 hours. All the same people are here. And for the record, we're going to correct, uh -- we believe this interview was done on September 24th, 1999.

Q And, Mr. Perez, you've reviewed this. And what I'm

looking at, and you said you'd clarify this, is, at this time, you stated that Sgt. Peters was not in the loop?

A That's correct.

Q But you -- would you like to take and have this in front of you while you tell me?

A Okay.

Q Go ahead and describe what you believe his, uh, perception of what was going on was.

MR. MCKESSON: I'm sorry. I'm not clear what you mean.

SGT. GIBSON: He has -- in this he states that Sgt. Peters was aware something was going on, but wasn't sure what it was.

Q I'd like a clarification of what his personal knowledge of --

MR. MCKESSON: What he meant?

SGT. GIBSON: Exactly.

THE WITNESS: Sgt. Peters knew that there was arrests being made that were fraudulent arrests. In other words, narcotics was planted, guns were planted. He knew that. I think he felt out-of-place when there was other supervisors there, because he knew people would go to those supervisors about arrests. But they wouldn't go to him about the arrest. Uh, they would go to him and talk. See, Sgt. Peters, I would categorize him as someone that you do whatever you did, whatever the arrest was. Then, you call him and tell him what happened -- or whatever you're gonna write. There's other supervisors you can call and say, "Hey, I just -- I'm gonna have to plant some dope on this

guy, 'cause, uhm, we thumped him pretty bad." Or whatever. But we're gonna put a gun on this. And that supervisor would be like, "Fine. You know, that's fine." He's not one of those supervisors.

It is my opinion that he knew what was going on, based on some of the statements that he's made, such as "Don't think that I know -- uh, I don't know what's goes on here. Okay. And, you know, you guys can go to jail for some of the things that you guys do."

Q What was that in response to? That exact statement, because I have read that in there.

A He said that to -- uh, he was chewing out -- he was chewing out an officer. He was chewing out -- boy, I don't know why I want to say Stepp. But, he wanted to -- he was chewing somebody out.

In other words, he was having an ass-chewing session with him. And -- and that statement came out. And that officer came to me and told me that he made that statement. Uh, you know, just to confirm, you know, don't trust him. You know, that type of thing.

But, like I said, Peters is someone that I would put that knew what was going on. Uh, knew what was going on in C.R.A.S.H. Uh, wasn't involved in it. And you ask me. Well, he knew that this actually -- this person actually found the narcotics and not him. But this is no big deal. And I don't know how to put it to you more bluntly.

But this is nothing. I mean, this is just -- you know, this is a righteous arrest. It's just a matter of which officer found it, and a matter of convenience who's gonna, you know, for test- -- testimony purposes, who is gonna, you know, be on the report.

And I'm sure that in Sgt. Peters' eyes, this was no big deal. And in our eyes, this was no big deal. I mean, it wasn't like we planted narcotics on someone and we told him, "Hey, sarg, you okay with that?" It wasn't something like that.

MR. MCKESSON: Uh, the statement -- let me -- I always want to say for the record, uh, Sergeant, that statement -- that general statement with respect to Sgt. Peters, was made prior to Rafael Perez being given the recap book where he was able to go through each and every arrest and say this arrest, this arrest, and pull this file.

So, this was a general statement he made before being shown anything to pull this individual filing. So, I don't know whether he even had this situation in mind when he made this general statement.

SGT. GIBSON: Okay. Uhm, my next question -- I'm sorry?

MR. ROSENTHAL: I'm sorry. The statement of Sgt. Peters saying "You guys can go to jail for this stuff," I have a faint recollection that that might have been to steroid use.

THE WITNESS: That's a whole 'nother -- uh, a whole 'nother -- that was Sgt. -- uhm, -- what's his name? The Hispanic officer. Uhm, the one that tried to, uh -- uh, Chacon. He's

the one that said -- he's the one that tried to kick me out of the unit. Or he actually attempted and Paul Byrnes said, "You show up to roll call tomorrow And you tell him permanently you're gonna be there."

MR. ROSENTHAL: Right.

THE WITNESS: That was a whole 'nother conversation by another supervisor. That was in roll call, actually.

MR. ROSENTHAL: Okay.

THE WITNESS: Uh, and part of the conversation was, uhm, steroid use, yeah. That was a whole 'nother one.

Q BY SGT. GIBSON: Okay. Other than this issue on 637 North Dillan Street, I mean, you have an opinion that you knew he knew what was going on, but you don't have anything -- do you have anything specific that he -- that you could relate he knew this went on, that went on, -- or is it just you had a perception that he knew what was going on because of some statements he made?

A Statements. And I have reviewed -- I think I've reviewed just about every report that C.R.A.S.H. has had. And I've worked with Sgt. Peters for months. Uhm, and I know he reads the reports. Uhm, anybody can read a report.

I mean, in retrospect, I mean, now, people going, oh, yeah. But if I read some of the reports that were written by some of the officers, you know there's something really wrong.

You just know. I mean, you can read it. And if you've got any years on the job, you know that this is a bogus

report. And we've discussed this before with other, uh, interviewers. Uh, maybe someone wasn't really too worried about it. But I've worked with Sgt. Peters.

I know that he knows that things were going on in C.R.A.S.H. Oh, absolutely. I mean --

Q Okay.

A -- that's beyond -- I mean, I'm as sure of that as I am, you know, of certain things. I'm very confident with that. I mean, -- I mean, the same way that, uhm, Graham definitely knew that things were going on. But Graham would not get involved in, you know, planting narcotics or planting dope or guns. It just wasn't his thing.

It's that, you know, in C.R.A.S.H. Rampart, if you come to Rampart to work, I mean, you come in to work. Uhm, but some people want to do it a certain way. And some people do it another way. Uh, if you come to Rampart C.R.A.S.H. to work as a C.R.A.S.H. officer, you best believe you're gonna know what's going on, especially as a supervisor.

Believe me, he knew what was going on. Uh, he didn't want to get involved with it. You know, he would laugh and giggle at certain reports. You know, I can't tell you which report it was. You know, people could come in, you know, injured. And, you know, the officer would tell him the explanation. "Well, he fell down the stairs as we were chasing him." And he's like, "Yeah." That type of thing.

That went on all the time. I couldn't tell you which

case that was or which report that was. It's impossible for me to tell you that. But if you're asking me my opinion, did Sgt. Peters know what was going on in C.R.A.S.H.? Absolutely.

Q Okay. I'm, at this time, going to turn the questioning over to Sgt. Justice who has been keeping copious notes during the interview.

Q BY SGT. JUSTICE: Just start from the beginning.

MR. MCKESSON: Same case?

SGT. JUSTICE: Same case, yeah.

Q You said that [* CI # 18 *] was your informant. Had [CI18] ever been tested? Was [CI18] a reliable informant?

A Not in the Department's eye where, you know, a C.R.I., where you sign [CI18] up and all that, no. [**** CI # 18 ****]

[***** CI # 18 Information Redacted
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[***** CI # 18
Information Redacted *****]

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So, I had confidence in the information [CI18] was giving me.

Q [***** CI # 18 Information Redacted *****]

A [***** CI # 18 Information Redacted *****]

Q [***** CI # 18 Information Redacted *****]

A [***** CI # 18 Information Redacted *****]

Q Okay. Now, who did you say went with you to La Salle?

A Officer Durden, Sgt. Guerrero, the defendant Mr. Paz. And I believe another unit went. But I didn't put it on the report. So, it's almost impossible for me to remember. But I believe there was another unit there. Another two-man unit.

Q Do you -- okay. Do you recall if you had consent to search that La Salle location?

A Yes, we did.

Q Did you have a signed form?

A Yes, we had a consent to search.

Q Did you have a signed consent form?

A A signed -- yes.

Q Okay. And did you guys coerce them into signing that consent, or did he just do that freely and voluntarily?

A No. Yeah, he just did it pretty much voluntarily. In fact, he was very cooperative.

Q Okay.

Q BY SGT. GIBSON: Can I tailgate on that real quick, Joel? I'm sorry.

SGT. JUSTICE: Yeah. No, go ahead.

Q BY SGT. GIBSON: Uh, in interviewing him -- his -- he has limited English ability.

A Mmnh-mmnh.

Q Are you a Spanish-speaker?

A I'm a fluent Spanish-speaker, yes.

Q Uh, do you recall if you did that in English or Spanish?

A Probably mostly in Spanish.

Q Okay.

Q BY SGT. JUSTICE: You -- you made a statement that
[***** CI # 18 Information Redacted *****]

A [***** CI # 18 Information Redacted *****]

Q [***** CI # 18 Information Redacted *****]

A [***** CI # 18 Information Redacted *****]

Q [***** CI # 18 Information Redacted *****]

A Because we couldn't find it. No, when everything went down, when we detained the male, and everything, we looked immediately, you know, on the floor, somewhere on his body -- we couldn't find it.

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Q Okay. How far away from where you guys were searching was the narcotics recovered?

A Okay. Again, the stairs from Mrs. Campos' apartment come straight down facing in a easterly direction coming -- descending. On the right-hand side of those stairs, along the stairs are bushes. That's where the actual narcotics was, inside there. What happened was he walked out and put his hand right in the bushes. He didn't like just throw it. He stuck his hand in the bushes. So, it -- the narcotics was inside the bush itself.

Q Was it on the ground or it was in the bush?

A No, suspended within the bush.

Q Okay. So --

A So, we're looking everywhere and looking for it, you know, just to be laying on top. We're looking on the floor. We couldn't find it. That's why, you know -- that's why we couldn't find it. It was inside the bush itself.

Q Okay.

A That's where the bushy area is.

Q Okay. Now, you said prior to doing this operation, you briefed Sgt. Peters?

A Yes.

Q Do you recall what he was told?

MR. MCKESSON: When you say "this operation", are you talking about -- what are you talking about?

SGT. JUSTICE: This -- this incident where this arrest was made.

Q You said you had a tactical operation.

SGT. GIBSON: I'm not as fast as her. We've changed sides. We're now on Side B of this tape. The time is 1220 hours. We've changed sides. We're back on tape. The time is 1220 hours. And the same people are present.

Q BY SGT. JUSTICE: Okay. You had stated that this was a pre-planned operation.

A Yes.

Q Right?

A Mmnh-mmnh.

Q And that you briefed Sgt. Peters on it?

A I briefed everyone on it.

Q Okay. Do you recall what you said to these -- these officers and the sergeant during the briefing?

A Not -- not specifically. I'm -- you know, I can assume. I'm pretty sure I told them that we had an informant in the location. That we ordered some narcotics. That we

suspect that a male in a particular vehicle is gonna show up.

Actually, I think -- I believe we knew that two people -- at least two people were gonna show up. Because that's what [* CI#18 *] always told us, that two of them always show up. We talked about how we're going to take them down, who is going to approach the male at the stairs, and who is going to approach the people in the vehicle.

I'm pretty sure that's what was discussed.

Q Okay. Now, do you recall who approached the male on the stairs?

A Uh, myself, Officer Durden, and a couple other officers behind me. I believe Sgt. Peters was one of them.

Q Okay. Do you recall who approached the defendant inside the car?

A The rest of the officers that were there working with us that day. Like I said, they were behind me now, so --

Q So, you couldn't see them?

A Right.

Q Okay. You had mentioned that, when you went down the list of the people that were working that day, that Richardson was not there?

A I just don't remember. I just don't remember him there. But I do remember Ng. But they both show up as training.

Q You remember Ng being there?

A For some reason, I remember Ng's face. And, but --

and I think Richardson was his partner. But I don't remember Richardson. I mean, he may have been there. He may have been with the vehicle. I just don't -- I don't remember. He doesn't stand out.

Q Okay. You recall Ng being there. Do you recall what Ng did during this incident?

A No.

Q Okay.

A He's the Asian -- the other Asian officer, right?

Q Yes.

A I don't -- I don't remember what he did.

Q His first name, I believe, is Howard?

A Howard?

SGT. GIBSON: And, again, on this, Joel, uh, both of those officers show on training that day.

SGT. JUSTICE: Okay.

Q Okay. You said that Durden had knowledge of everything that went on that day?

A Mmh-mmh. Yes.

Q Now, how do you know? How do you know? I mean, did you discuss this with him?

A Which part did I discuss?

Q The -- the arrest, the writing of the report.

A Yes. He's right there. Uh, as far as the report, he's right there as -- I did the report on the computer. So, he's there with me. Uh, after I print out the -- the pages of

the body of the report, I have him review it always, because sometimes you just, you know, read the thing over and over and don't see big mistakes.

Q Right.

A You know, uhm, and plus, you want your partner on the same page as you. In other words, whatever you wrote, you want to make sure that he's on the same wavelength.

So, that when a supervisor comes in asking him a question, you know, we just -- that's something we always do. Have your partner read the report. But he was there when the people are detained. He was there when the narcotics was recovered by Patel. He was there when we said, I'm gonna write it as though I found it. I mean, he was there for everything.

Q Okay. Now, you said he always reads your report. Do you specifically recall him reading it on this date? Or are you just saying that because he always read the report?

A It's, uh -- no, I don't specifically remember. But it's our practice that he would always read my reports.

Q Okay. Now, you also said that Doyle Stepp had knowledge of everything.

A Stepp? Yes.

Q Okay.

A Actually, I think what I said was everyone that was out there, would pretty much have knowledge of what went on at the scene. I mean, the fact that several people were arrested, the fact that [CI#18] was an informant, the fact that narcotics

was gonna be delivered, the fact that we could not find the narcotics. All the people that were out on the scene would definitely have that knowledge that we couldn't find. Even knowledge that Patel recovered the narcotics. 'Cause it was like a -- you know, -- you know, when you're looking for something for 45 minutes, and you can't find it, and you're really getting discouraged. And then, all of a sudden, here comes Kulin, "Found it." And everybody is like, "Hey, good job." You know, whoosh, that type of thing.

So, everyone knew that Kulin found it. Now, did they have knowledge as far as reading the report? I don't think so. Other than my partner and maybe Sgt. Peters, I don't think everyone else came by looking for this report, let's see what you wrote. I don't believe that happened.

As far as knowledge at the scene as to what happened there at the scene, I think just about everyone that was there would have knowledge, unless they were just brain-dead and didn't look what was going on in front of them, they had knowledge.

Q Okay. Did they have knowledge that you were gonna put in the report that you recovered it, rather than Kulin?

A Other than the five or so people that I talked about that were privy to the little meeting that we had, I -- no, they wouldn't know that -- uh, what I wrote in the report.

Q Okay. Where -- where did you have that little meeting with this group of five?

A Right there at the scene. Right after Patel recovered it, I walked over to him. Sgt. Peters walked over to him. I took the narcotics. We were asking him where he found it. And I think that's when we said, uhm, -- the sergeant was there -- Sgt. Peters. And we decide I'm just going to put me down as recovering. Uh, and we decided, I'm just put me down as recovering it. I'm the recovering officer.

So, it happened right there at, uh, 637 Dillan.

Q Okay. You mentioned three people were there. You, Kulin, and the sergeant -- Sgt. Peters.

A Durden.

Q Durden.

A Myself. Did you say myself?

Q Yeah.

A Me, uh, Patel, uh, Sgt. Peters, Durden. Who was the other person I said?

Q BY SGT. JUSTICE: Kulin?

A I said Patel. Right?

Q Yeah, you said Patel. And Kulin?

A Kulin is the same guy.

MR. ROSENTHAL: Kulin Patel.

THE WITNESS: So, I think those are about the -- the ones that would definitely know that he recovered it, but I'm writing that I recovered it --

Q BY SGT. JUSTICE: Okay. Now --

A -- as far as on paper.

Q Okay.

A He knew that.

Q Uhm, where were you? Where was this little group in relation to everybody else? What was everybody else doing, at that time?

A They were behind us still with the other defendant. Again, this is coming -- when he found it, it was right by the stairs, the very last step, or if you're going up the stairs, the very first step to the left of the stairs right in the bushes. That's where Kulin found it.

And we walked over to him. So, the people that are still detained, the other two defendants in the vehicle, [**
***** CI # 18 Information Redacted *****]
[*****] They're searching the vehicle, doing whatever they need to do.

Q Okay. Now, how far away were they when you had this meeting, in -- in -- in feet, would you say?

A Phew, seventy feet maybe.

Q Seventy feet?

A And I'm guesstimating.

Q Right. Do you think the officers that were possibly seventy feet away, detaining these other two, would be able to overhear this conversation with the group?

A Oh, no. The conversation that we're having over here by the stairs?

Q Yes.

A The guys are seventy feet away? No.

Q Okay.

A Yeah.

Q Do you think they had knowledge that you were gonna recover the dope, rather than what actually occurred?

A I don't have no specific knowledge to that.

Q Now, how do you know -- well, let me ask you -- scratch that. Is there -- is there any possibility that somebody in that group meeting did not hear you say, "I'm gonna recover, rather than Kulin?" I mean, is there any other side conversation going on?

A I have no knowledge of that. I would have to be there. I mean, you're asking me after we had the conversation, did someone go up and tell the same conversation we had with somebody else?

Q No, I'm asking, the group that you mentioned that were talking about you recovering.

A Me, Durden, and Patel, and the -- the sergeant.

Q Right. Is there any chance that any one of you four, or you're -- you're talking, so you know what's going on.

A Right.

Q But, is there a chance that any of the other three didn't hear what you said?

A No, no, no. Well, this was a whole conversation, I mean, that, "Kulin, I know you found it. But we're gonna put us down as recovering it for the report purposes." And the

sergeant is right there. He knows. And, especially, I'm gonna clear it through Sgt. Peters. 'Cause, again, we talked about him not being in the loop. But I want to -- I want to make things real clear to him. Sarg, we're gonna put, uh, me down as recovering it. 'Cause he's gonna look at this report. I don't want to write something and it's totally against to what -- to what actually happened. And, then, he's gonna go to me, "What the hell is going on?" I'm sorry. "What's going on?" You know, without passing it through him first.

So, I definitely, you know, let him know, "Hey, Kulin found it." He knows Kulin found it. "But I'm gonna put myself down as, uh, the recovering officer." "Yeah, okay. No problem."

Q Is there any chance that he mis- -- that he could have misinterpreted that as, uh, "I'm gonna put my name on the report as recovering", or that you actually recovered the evidence?

A Oh, no. We were all very clear that Kulin just recovered it. I mean, it's one of those things. Again, he finds it in the bush. And he goes, "Hey, I found it." And we're like, phew, "Good job, Kulin." You know, one of those things.

So, it's very clear that Kulin found the narcotics. There's no question about that.

Uh, is there any question about, uh, the discussion about I recovered it, or Kulin recovered it, or that I'm gonna

write it on paper that I recovered it? That's very clear as well. "I'm gonna put on paper that I recovered the narcotics." That was clear with Kulin. That was clear with my partner, as well as, uh, Sgt. Peters.

Q Do you recall, by any chance, Sgt. Peters practicing any act of listening like agreeing, shaking his head, or saying, "Yeah, okay?" Or --

A Well, I wouldn't have done it unless I got an acknowledgement from it. Do I have a specific recollection of his acknowledging it? No. But I'm sure I discussed it with him, the same way that I'm sure I discussed it with him, uh, - - uh, signing his name. I wouldn't do it without him, uh, let -- telling me to do so.

Uh, the same way that I don't trust him enough to chance something that actually occurred, without asking him first. Uh, in other words, if he had told me, "No, I want Kulin as the recovering officer" that's what I would have written. I wouldn't have changed it on my own, 'cause I don't trust him.

Well, at the time, I didn't trust him just to, you know, uh, fabricate something on a report. I wouldn't trust him with that. So, I would have definitely -- I mean, I know that I discussed it with him. Do I have a absolutely clear recollection of it? No. I have a recollection of the meeting and telling him I'm gonna put it down as me recovering it. But do I have the exact words that I said? No. Or that he acknowledged it? No.

Q I don't have a lot left.

MR. ROSENTHAL: Let's finish this up. And we'll take a break for lunch.

Q BY SGT. JUSTICE: Do you recall Sgt. Peters stepping in and disagreeing with you?

A No. No.

Q Did the defendant admit that he placed the narcotics in the bush?

A I think eventually he acknowledged that he had the narcotics, yes. In fact, he, at one point, or another, when I told him he's going to jail, I think he had said something like, uhm, "Why do I have to go to jail? You know, the other guy is the boss. I'm just, you know -- I'm just -- you know, I'm working for him." Something -- that sort of thing. You know, "Why do I have to go to jail?"

Q Okay.

A Which was true. I mean, this -- this guy here was just, I mean, nobody. He was just doing what he was told by this guy. So, but, you know, he was wondering why he had to go to jail. I told him, "You still had the narcotics. So, you're going."

Q Okay. How long after the narcotics was found did you guys have this meeting?

A Immediately.

Q Within seconds?

A Yeah. As soon as he found it, we walked over to him.

We were gonna wrap it up, and let's get out of here. You know, we've been here long enough. And it was -- we had the meeting.

Q Okay. Now, in relation to where Patel found the narcotics, where was Sgt. Peters?

A Sgt. Peters was also in the front courtyard area.

Q Did he have visual on there? Was he facing the area?

A He was right, you know -- again, here's the stairs. Here's the building. Here's the stairs. Here's the front courtyard area. We're all standing out front. Everybody is sort of, you know -- this is after several, you know, -- after a long period of time searching not finding it. People are kind of, "Darn it. You know, where could it be?" But certainly Kulin's still searching. Some other people are still searching. But we were still standing there. When Kulin, uh, made us aware that he found it, Sgt. Peters, myself, we walked right over to him.

Uh, my partner, I remember -- I remember us walking over to him.

Q Okay. You said you had Sgt. Peters' permission to sign his name to the report?

A Yes, I would definitely get his permission, because he's not one of those officers where just like Sgt. Ortiz, or, you know, other sergeants where they tell you, you know, "Just go ahead and sign my name."

Sgt. Peters is someone I would ask first. Again, he's not one of those guys that I -- I would say that he's in

the loop and I could just sign his name on any report. I wouldn't do it with him.

Q In this instance, do you specifically recall asking him? Or you just know you would do that because of who he was?

A I know I would do that because of who he was.

Q Okay. So, you don't have specific knowledge of that?

A No.

Q BY SGT. GIBSON: Tailgating again, what would be the reason that you would sign that? Was he still there? Or were you completing this report after he had gone home? Or --

A No, he probably -- he probably was either -- he was either going -- what -- what would -- a lot of times what would happen was I would start writing the report. And we would start booking the evidence and everything else.

And, let's say this arrest was already 4:00 or 5:00. I don't know what time it was. Let's say it came pretty close to midnight. He would go back to, you know, the locker room, getting ready to change. We'd get him on the air and say, "Look. We're done. Uhm, we're getting ready to transfer the bodies over to Jail Division. Can I sign your name to the report so we can book the property?" "Yeah, sure. Go ahead."

We would sign his name.

Q You don't recall it specifically on this instance, but that was like the normal situation?

A Exactly. I don't remember that specifically to this case.

Q BY SGT. JUSTICE: Now, looking at the arrest report, I see Sgt. Peters' signature on there. Is that your writing?

A That's my writing, yes.

Q Okay. So, you acknowledge that that was your writing?

A Yes.

Q [***** CI # 18 Information Redacted *****]
[*****]
*]

A [***** CI # 18 Information Redacted *****]

Q [***** CI # 18 Information Redacted *****]

A [***** CI # 18 Information Redacted *****]
[*****]
]

Q Do you know if any of these other guys would have been able to identify this Hernandez for us?

A I have no idea. I mean, they -- they were together. In fact, you know what I do remember about him? He was dressed in paint clothing. Uh, he -- uhm, his clothing had paint all over it. He looked like he was working some kind of construction or something. They knew each other. So, obviously -- I mean, I don't know if you can ask him, "Do you know that guy?" He may.

But what I -- just struck my mind was that the guy was wearing his -- what he was wearing, he had paint on his hands. It looked like he was painting somewhere. His clothes had paint all over them. Uh, so, I don't know if that means he

works construction somewhere or what. But it looked like he was working construction somewhere.

And I don't know if he was just getting a lift from these guys on this particular occasion.

Q Okay. You said somebody else would have done an F.I. on this and would have given it to you?

A Me or my partner.

Q You or your partner. Do you specifically recall that? Or that's just usually what occurred?

A That's what would usually occur.

Q Okay. You don't recall who went down to La Salle with you and conducted the search there?

A Other than the people that I've talked about already, no.

Q Okay. You said everyone else came in when you conducted the search at La Salle. You said first you guys went in and searched. And everybody else came in.

A Everyone else meaning the defendant and Sgt. Guerrero.

Q Okay.

A We went in and did like a tactical search just in case there are other defendants in there. And that's what reminded me it was Sgt. Guerrero. Because he's more tactical than Sgt. Peters. But who the other officers were, I have no recollection.

Q Okay. Was Sgt. Peters down at La Salle?

A No, it was Sgt. Guerrero.

Q Okay. When this comment was made by Peters, "Don't think I don't know what's going on here," uh, were you present during that?

A No.

Q So, this was relayed to you?

A Yes, by the officer that got --

Q Chewed out?

A -- this officer that got chewed out. Right. I want to say that it was Stepp. But I just don't remember.

Q Okay. Do you know --

A For some reason, I want to say it's Stepp.

Q Do you know if anybody else was present when you were told this?

A No. But when I was told that, I'm sure I talked about it with my partner. I'm sure I did.

Q You're sure you talked about this with Durden?

A I'm sure I would have. I mean, someone wouldn't just tell me this, and I'd go, "Okay." I'm sure I would have talked to my partner at least. I'm sure -- actually, I'm sure that comment circulated within the unit. I'm positive of that.

Uhm, did I relay it to my partner? Or did someone else relay it to him, before I did? I don't know. But I'm sure I would have talked to my partner about it.

Q Okay. That's all I have.

Q BY SGT. GIBSON: Sir --

MR. MCKESSON: No, I thought Sara wanted to break after that.

Q BY SGT. GIBSON: Okay. Mr. Perez, anything else concerning this arrest that you think I may have missed or that I may not have brought up that you think would be pertinent to our investigation?

A Did Mr. Paz every say that I met him on another occasion?

Q In court only.

A In court only? He never said that I met him at another location, another building somewhere?

Q I'm sorry? Now, Mr. Paz is this individual right here?

A Right.

Q No, he never did.

A No?

Q He knows you from court, and from this arrest. And that's the only time he says he ever met you.

A I don't know if you're gonna interview him again.

Q I can.

A I believe I detained -- Mr. Paz after this arrest, was he out on bail or something like that?

Q I don't have that information right now.

A I believe that I detained Mr. Paz, again, uh, involved in narcotics again. But I gave him a break, because he had promised to give me some information. Uhm, and I never heard

from him again.

Q Do you recall a time, a place? Approximate time or approximate place?

A Sometime after this arrest. I -- there's another male named Paz as well. And I believe it's either his older brother. Or it's a family member of his. That person was arrested. I told him I would give him a break. I'm not gonna book him. I'm only gonna book him. You help me out, I'll make sure I help him out. He never helped me out. And this person went to jail. And I don't know whatever happened to the case.

But I don't know if you're gonna talk to him again, and I don't know what relevance it has, actually, but I gave him a break.

In other words, I went to a location, another apartment building. We went in. There was drugs in the apartment. Okay. He could have went to jail. I didn't take him to jail because he promised to help me out.

Q Was that, again, as you recall, in -- in Rampart area?

A Yes, sir.

Q Okay. Okay. If there is no other questions from anybody, at this time, that will conclude this interview. And the time is going to be 12:40 hours.

MR. ROSENTHAL: Okay. We're off the record.

(Off the record at 12:40 p.m.)

(Back on the record at 1:03 p.m.)

SGT. GIBSON: We're on tape. This is a tape-recorded

interview Internal Affairs Investigation 99-4629. Today's date is January 13, the year 2000. The time is 1303 hours.

Location of the interview is the MTA Building. And you said that was what address?

THE REPORTER: One Gateway Plaza.

SGT. GIBSON: One Gateway Plaza. Present to be interviewed is Rafael Perez. Interview is being recorded on Tape No. 223332, Side A, and is being conducted by myself, Sgt. Dallas Gibson, Serial No. 16036; and my partner, Sgt. Joel Justice, Serial No. 24871.

Also present is Detective Mike Burditt, B-u-r-d-i-t-t, Serial No. 24454, and Mr. Perez' attorney, uh, Kevin McKesson, and Richard Rosenthal from the District Attorney's Office.

Q Okay. This deals with a case, uh, Mr. Perez, that you made a multi-two arrest and completed a report on -- I'm sorry. Let me get a date here for you. On June 4th of 1996. And it occurred at Burns and Virgil. It involved two juveniles, a Mr. Chavez and a Mr. Salcedo.

Do you have an independent recollection of this case?

A Yes, I do.

Q Could you tell me what your independent recollection is, at this time?

A I recall driving southbound on Virgil towards Burns.

Q Mmnh-mmnh.

A I was about to make a westbound turn on Burns from

Virgil, when we observed a -- two juv- -- two juveniles. Uh, one on a handlebar of a bicycle. And one actually driving or riding the bicycle.

As they were about to come off the sidewalk and onto the street to continue their -- their travels southbound, as well, uh, they fell. They both fell off the bicycle. Uh, as they were getting back up, I noticed that they looked like they could be gang members. And I didn't recognize them as La Mirada Gang members. Uhm, which told me, they're not from this area.

At that point, I decided that we're going to talk to them. We asked them to get up against the wall. We started talking to them.

I -- at that time, I start patting him down. As I'm patting him down, I'm going towards the waistband. I just moved up -- moved his, uh, -- you know, how you grab the belt loop and just kind of lift his pants up to see if anything falls down. I heard like a metal striking the cement. Kunk. You know, it just fell and hit the cement. And, uhm, it turns out that he had a shotgun in his, uh, leg, uh, -- uh, you know, inside his pants, going down his leg.

Q When you say "he" are we speaking of Mr. Salcedo there, which is the individual that you stated had the gun?

A Yes, sir.

Q Uhm, who was your partners that day?

A I believe it was Officer Duarte and Officer Tovar.

Q Correct. Officer Duarte, what's that officer's first

name?

A Raquel.

Q Okay. Describe her to me.

A Female. A little bit difficult. I think she's maybe mixed. I think she's Hispanic. Kind of reddish short hair. Uhm, light skin. I think she's married now and goes by a different last name. I don't remember the last name.

MR. ROSENTHAL: Argomones.

THE WITNESS: Argomones. Uhm, she worked Rampart C.R.A.S.H. only a couple of months.

Q BY SGT. GIBSON: Could she have been mistaken for a male officer?

A Raquel is attractive. I don't know how she -- you would find her to be a male.

Q I just -- both of these juveniles insist there was three male officers there that night.

A I wouldn't -- I wouldn't, uh, think that she's a female. But, --

Q A male?

A I mean, I wouldn't think that she's a male.

Q Okay.

A But I don't know.

Q Okay. So, you completed the search on this incident; is that correct?

A Yes, sir.

Q And what were the -- Officer Duarte and Officer Tovar

doing, at this time?

A Uh, they were probably searching the other male. And Officer Tovar was probably just standing by. Or, I'm sorry. Officer Duarte was probably standing by. There was two people being searched. I searched the one that actually had the weapon.

Q Okay. And -- and when you stopped these individuals, you were unaware that they had a weapon?

A I had no clue.

Q Okay. I'm gonna give you the arrest report. And I'm gonna ask you to review that.

A And let me add this. I was working Rampart C.R.A.S.H., at the time. And Rampart C.R.A.S.H. is a very tactical unit. Had we seen these people earlier up the street, exchanging weapons, believe me, we wouldn't have approached them like, "Hey, what's going on guys? Get up against the wall."

Believe me, we would have came out with guns out, uh, prepared. Uh, you know, we would have taken a whole different approach than just to walk up on them, "Hey, what's going on guys? Get up against the wall. You guys ain't from this area." I mean, I don't know if you asked them, but, if you would have asked them, "Did these guys come out with their guns out?" I'm sure they would have said, "No."

Because -- and -- and believe me, that's very contradictory to saying that we actually saw them earlier

exchanging weapons. Because, believe me, I'm not gonna approach somebody that I know has a weapon, without my weapon out.

Now, I'm reviewing this report --

Q Okay.

A -- for which purpose? Or what purpose?

SGT. GIBSON: Doc, did you hear the question?

SGT. JUSTICE: No, I'm sorry. I didn't.

SGT. GIBSON: He asked for what purpose is he reading the report.

SGT. JUSTICE: Oh, I'm sorry. Uh, just -- the way that you have written here that you arrested these individuals, that you had developed an O.P. and watched them trading the gun back and forth, which was from Mr. Chavez to Mr. Salcedo. And you, then, followed them after they begin riding on the bicycle, and made the arrest. You don't have anything in there about them crashing on the bicycle; is that correct?

A That's correct.

Q There is nothing on there about them falling off the bicycle.

Q So, when these individuals pull out in front of you, with their bicycle, that was the first time that you seen them that night?

A First time.

Q And is this the first time you've seen both of these two individuals? You don't recognize them from any prior stops at all?

A I never met them before.

Q And, now, they belong to a gang called the TSS, which was -- that stood for Terrorists? And this was La Mirada area?

A This is La Mirada area.

Q Do you now have knowledge that both those individuals lived in that immediate area?

A I believe I had knowledge then. I mean, I think he told me that he lived around there.

Q Okay.

A Yes.

Q Did Mr. Chavez' mother show up at that location? Do you recall anything about that?

A You know, I do want to say somebody did show up. But I don't remember whose mother it was or anything like that.

Q You recall what happened to the bicycle that night?

A We may have released it to whoever came by and was talking to us, that she knew this person, or he knew this person. I don't remember.

Q Time of arrest is at what time?

A 2115, which is 9:15 p.m.

Q So, obviously, it's hours of darkness. Do you recall what the lighting is in that area that you made the arrest?

A Where exactly they were actually arrested?

Q Yes.

A There's an intersection. I'm sure there's light posts. I can't tell you exactly where they're at.

Q Okay.

A I mean --

Q Do you recall the illumination that night? Were you using just your flashlights or were you able to use the overhead lights?

A Uh, I'm sure all available sources that was there, that was, you know, illuminated the area, including flashlights.

Q In reviewing that report, what parts of it are true and what parts of it are untrue?

A The only part that's true is when I searched the male and the weapon came out. Everything else is fabricated.

Q Okay. When you fabricated -- go ahead.

A The observations, we seen them exchange weapons, how we deployed, how we made a way of deploying on them, all of that is fabricated. If these guys don't happen to fall off the bicycle as they're coming up the sidewalk, we would have never stopped them. We wouldn't have paid any attention to them.

And, like I said, the fact that the shotgun was loaded with a shell, that's -- that's true. Everything else is not true. None of that is true.

Q Did you complete this report?

A Yes.

Q Uh, did you have assistance in completing that report?

A No.

Q Were Officer Tovar or Officer Duarte -- and/or

Officer Duarte, your regular partners, at this time?

A June. Officer Duarte had just became my partner, at this point. I was training. Actually, I had just finished off training Officer Tovar. I had him from, I believe, February 'til about June. Duarte came in. I started training her. And I hadn't gotten a partner for Tovar yet. So, he was still riding three-deep with me.

Q Okay. Did Officer Tovar and/or Officer Duarte assist you in writing this report?

A In writing the report? No. I wrote the report myself.

Q What was their knowledge of what was going in this report?

A Everything that's -- everything that's in it. We discussed it.

Q When you say you discussed it, how did you discuss it?

A We discussed what was gonna be written, how we were gonna tie both males in.

In other words, before we get to the station, okay, here's what happened. Da, da, da, da. We saw them exchanging weapons. They were -- we were doing an O.P. And we watched them. And that's what we're gonna tell the sergeant if he asks.

And, that way, we won't -- by the time we get to the station, we don't want the sergeant asking us one thing or another thing -- we want to be on the same wavelength, on the

same page. And that's how, usually, we handle it.

I'm not gonna just write it like this, or write something totally fabricated and not tell my partners about it.

Q Okay.

A Because I have to have them knowing, you know, what -- what actually happened, or what we're going to write that happened.

Q Okay. Did you discuss this at the scene in the vehicle on the way back to the station?

A I believe we discussed it at the scene.

Q At the scene?

A Yes, sir.

Q When you say you discussed it, were all of the three of you standing in close proximity to each other and discussing it?

A I believe so. I believe the males were in the vehicle. And I think we discussed how we're gonna write this one.

Q Do you recall any dispute from either Officer Tovar or Officer Duarte?

A No, none.

Q After the report was written, did either Officer Tovar or Officer Duarte review this report?

A I don't have no specific recollection. I believe they did. But I don't have a specific recollection. But I believe they did.

Q Did either officer indicate any concern over the way -- what was written? The fact that it didn't, uh -- it wasn't the way it had occurred?

A No. Again, we had discussed it before it was even written. I had -- we had discussed exactly how it was gonna be written before I even wrote it.

Q According to the arrest report, Officer Tovar admonished Chavez and, then, had him sign a statement, uh, form. Was that in your presence?

A I don't believe -- I don't believe so.

Q Okay.

A I haven't seen the statement. Is it in here, or --

Q I believe it was.

A Oh, yeah, there is a statement. That's Chavez. Right. I -- I don't believe I was present when he wrote the statement.

Q Okay. Once they were arrested, did either one of these guys complain about being falsely arrested, saying, you know, the gun was on him, or anything?

A No.

Q Do you recall any conversation about that at all?

A No.

Q And, Ray, where did you transport these juveniles to?

A I believe they went to Eastlake. I believe they might have been on probation for maybe robbery or something, or GTA. They were on probation for something. So, I think we were

detaining them. And I'm pretty sure we transported them to Eastlake.

Q What supervisor do you show signing that report?

A Sgt. Ortiz. It's my signature. But it's Sgt. Ortiz' name.

Q Do you recall getting booking approval on these individuals from Sgt. Ortiz?

A Yes.

Q Okay. Did you speak to him directly or telephonically?

A I think I talked to him directly. When we brought the bodies in, we talked to him.

Q Was he aware that the, uh, report was falsified?

A No.

Q Did he ever read a copy of this report after it was written?

A I know I left him a copy. I would have -- standard practice would have been for me to leave him a copy on his desk. And he has to have a copy in order to do his Sergeant's log. Did he read it? I'm assuming he did. I can't tell you that he definitely read through every page. But, I definitely would make him a copy. If not, he would remind me the next day, "Why don't I have a copy of the report on my desk?"

Q Okay. Okay. Uhm, I need some clarification now. I've interviewed both of these juveniles. One in jail, and the other at his residence. And in interviewing both of these

juveniles, they, uh, substantiate your arrest report as it is written, uh, completely.

Officer -- or Mr. Chavez says that he had the gun in his -- the front of his pants, in front of his residence. And from your O.P. that you stated you had, you would have a direct line of sight to his residence.

From that location, he says that he's standing out front. He's gonna go inside and get some money from his mom. He doesn't want his mom to know he has a gun. So, he takes the gun out of his pants and hands it to Mr. Salcedo.

He says that, uh, he hands it to Mr. Salcedo. Mr. Salcedo, then, puts it down in the front of his pants. Mr. Chavez goes inside to his residence. Fifteen minutes later, he comes back out.

Uhm, Mr. Salcedo gets on the bicycle. He's riding the bicycle while Mr. Chavez is sitting on the center bar. They are going down -- and, now, you're going to have to help me here. Is it Virgil?

A Southbound Virgil.

Q Southbound Virgil. At --

A Towards Burns.

Q And a little -- a little bit of a hill?

A On Virgil?

Q I think so.

A It's pretty flat.

Q Okay. So, they're -- they're driving -- riding down

Virgil. And you pull out of an alleyway with your vehicle.

A (No audible response.)

Q No?

Q No.

A It's Burns and Virgil. I mean, it's an intersection. There's no alley. It's just straight out. In fact, I don't think there's any alleys there.

Q Okay.

A There is no alleys.

Q Do you recall blinding them with a spotlight?

A We were parallel to them. We're going south. They're going south.

Q Okay.

A As I'm waiting to turn west on Burns, they go off the sidewalk and fall.

In other words, if I make my turn I'm gonna run them over. That's the only reason they caught -- they caught our attention.

Q Did they fall because of the proximity to your vehicle?

A I think they might have recognized who we were and got real nervous, and was trying to get off that sidewalk and across as quickly as they can. And that's what caused them to fall.

Q Okay. And that was the first time you saw these two individuals?

A That's the first time we ever saw them. Again, like I said -- I know -- I'm sorry. Go ahead.

Q Okay. Did yourself or either of the other officers pick these individuals up and place them in a headlock and punch them in the face several times?

A No.

Q Do you recall -- could you see what your partners were doing?

A Yes.

Q Do you recall you searched Mr. Salcedo, is that correct?

A Is this the one with the weapon?

Q Yeah. That's the one with the weapon, yes.

A Yes.

Q Do you know who searched Mr. Chavez?

A I believe Officer Tovar did.

Q How far away from Officer Tovar were you?

A They were right next to each other. Or I was right next to him.

Q Okay.

A Uh, the two defendants were right next to each other. I was right next to Tovar.

Q So, if he had been slapping or hitting this individual, you would have seen it?

A Absolutely.

Q And you didn't see it?

A Never. Never did Officer Tovar slap any of these two defendants.

Q Did you have any future contact with this Mr. Chavez or Mr. Salcedo?

MR. ROSENTHAL: Future contact?

SGT. GIBSON: Future contact? I'm sorry.

THE WITNESS: Or any other contact other than this?

SGT. GIBSON: Yes.

THE WITNESS: Future meaning tomorrow. But --

Q BY SGT. GIBSON: No, I'm sorry.

A You mean --

Q After this.

A -- further contact after that? I don't know. I mean, people see me. I mean, I'll be at locations and the scenes and they may see me. I see them, but I don't remember them. But, they'll go, "Yeah, I remember seeing Perez." But I don't -- I don't know if I did -- I mean, did I arrest them again? I don't think I ever arrested them again. Did I ever see them out on the street? I don't know.

Q Mr. Salcedo lives on Normal Avenue in a little duplex area. Do you recall ever going to his residence and kicking his door in and going inside and searching his backpack?

A Oh, I do remember that. That's -- that's the same guy? I never knew that was the same guy. Uhm, but this is the one -- is it on the south side of the street?

Q Mmnh-mmnh.

A Uh, a couple of males ran from us.

Q Yes.

A And when we chased them. And we knocked on the door. And told them to open the door. And he said no. And we kicked it down. I do remember that, yes.

Q Okay.

A Yes. That's the -- if it's the same guy, yeah.

Q Can you explain at all why these two young individuals would give the same exact stories as in your arrest report?

A Because it's probably what we assumed had actually happened. I mean, we -- we're assuming this is probably what happened. You know, 'cause the one guy is riding the bicycle, and he lives here. He probably went into his house, got the gun, and gave it to this guy. This guy is riding the bike. We assumed that this probably what happened.

But, like I said -- and I said this earlier, no way, no how would I approach anyone who I knew had a gun, without having my gun out. And I don't know if you asked these questions of, uh, these defen- -- or, these, uh, witnesses, you know, when we got out of our car, was our weapons out? But, I can assure that they would say, no. Because we did not have our weapons out. And I -- I can tell you this as, you know, as positive as I am about anything else, uh, I would never approach anyone who I knew had a gun, you know, based on my observations that I saw one guy handing the shotgun to another guy, would I ever approached him without having my gun out, or at least

having some kind of tactical -- you know, pruned him out -- a felony prone out, or something like that.

There was no way I would just walk up to them and say, you know, "Stand over here. I'm gonna search you." Especially, knowing that they have a weapon. No way.

QO Okay. While you and Officer Tovar were searching these individuals, and while you were finding the gun, do you recall what Officer Duarte was doing, where she was standing?

A Not really, no. No clear recollection, no.

SGT. GIBSON: Joel?

Q BY SGT. JUSTICE: Do you know if Tovar or Duarte drew their guns?

A I don't remember them drawing, seeing them with their guns out.

SGT. GIBSON: Okay.

(Off the record to change paper.)

(Back on the record.)

SGT. GIBSON: Okay. We're back on tape. And the time is 1324 hours. I'm sorry, Joel. Go ahead.

Q BY SGT. JUSTICE: Okay. You said that you -- Tovar didn't slap this individual, didn't get him in a headlock and slap him?

A Absolutely not.

Q Is it possible that it happened and you didn't see it?

A I don't think so.

Q Could Duarte have put this person in a headlock?

A I don't think so.

Q Could she have slapped him?

A I did not -- this is an open intersection. I mean, just imagine a typical intersection. There's nothing confusing or concealing about it. This is an open view -- an intersection. I assure you. I mean, there's a lot of things involved here. But I have never seen just Tovar or Duarte just slap someone in the middle of an intersection for no reason.

That -- this is not where things that were happening. The -- I mean, people may say that or someone may want to throw that in. But I'm telling you that did not happen. He did not get slapped by Duarte or Tovar or myself. At no time did he get slapped.

Q Okay.

A Especially -- his mother -- I believe some of his family members showed up at the scene. I mean, soon after they were detained.

Q Okay. Did you and, uh -- you said you searched one person and Tovar searched the other?

A I believe so.

Q Did that happen simultaneously?

A Simultaneously.

Q And you don't know where Duarte was, at that time?

A I'm assuming she's just acting as covering officer. She's behind us somewhere just standing there. But I can't be

certain of that. I mean, I know she wasn't in the car eating a bag of chips, or something like that. I know she's out of the car and standing somewhere behind us, you know, looking on.

Q Okay. Now, uhm, why was this report fabricated?

A We wanted to tie both defendants in. We wanted not just to book one, we wanted to book both of them.

Q Okay.

A Because we knew that if the one lived up here, he's probably getting the shotgun out of his house. He probably went and got it. Probably handed it to the other guy. You know, hide it. You know, I'm -- we're gonna ride down the street. We guess at what they were probably doing or what had been doing. Or had done. And that's how we wrote it up.

'Cause we wanted to tie both of them. We wanted to arrest both of them.

Q Okay. Now, you said you discussed this with Duarte and Tovar --

A Yes.

Q -- what was gonna go in the report?

A Yes, sir.

Q Where was this discussion? At the scene?

A At the scene, yes.

Q Where were the defendants, at that time?

A In the car probably.

Q Where was their family? Was their family there?

A I'm sure they were gone by then.

Q So, the family had already come and gone before you discussed this?

A I believe so.

Q Okay. And there was no resistance from either one of them?

A Not that I can recall. You mean like resistance that warranted a headlock and a slap?

Q No, I'm sorry --

A Absolutely not.

Q -- from, uh, -- was there any resistance from Duarte and Tovar about --

A Oh.

Q -- fabricating the story?

A No, sir.

Q Would this have been your suggestion? Would you tell them, "This is the way it's going to be?"

A Well, with them -- with Tovar, I was a little bit more confident. With Duarte, you got to remember, this is -- she had just started. And with Duarte, you -- with anybody that comes into the C.R.A.S.H. unit and you're training them, you have to feel them out.

You know, you give them a scenario. Well, you know, we can do one of two things. We can just book one, and let the other one go. Or, you know, we can always just say that we were parked over here. We were just patrolling. We parked here and we decided to look at these guys. And we saw them

exchanging weapons and then drive down the street. And then, we deployed on them. And, if they go along with it -- if they says, "Yeah, that sounds good" then, that's what I'm gonna write.

And, you know, they're gonna go along with it, then fine. If Duarte was to say, "Well, that's not what happened. I'm not gonna go do that," believe me, I'm not gonna write this. I have to feel her out. I have to know if I can trust her, uhm, how far I can trust her, thing like that.

Q BY SGT. GIBSON: Now, that's --

A With Tovar, I was a little more comfortable. With Duarte, she had just gotten there. I had to feel her out.

Q That's just -- that's not exactly what happened that night? That's just the -- you're using that as an example; is that correct?

A No. This is what would have probably happened. I mean, like I said, with Duarte, this was -- she was just getting there. So, for me to have written -- uh, written this, this way, -- for me to have written this report this way, I would have absolutely made sure that they were both fine with it, especially Raquel Duarte, since she had just gotten to the unit. And I'm sure that's what I would have done.

In other words, I wouldn't have just gone and said, "Okay. Here's how we're gonna write it." Boom. Boom. Boom. "This is what we're gonna do." I mean, if I was with Durden, yeah, I would do that. But with Duarte, I had to be -- you've

got to be a little bit more, uh, cautious.

I mean, she's -- and I'm talking as though, you know what I'm talking about, how things go in C.R.A.S.H. And you haven't been in some of the meetings. But you sort of feel people out, and you test them. You know, you sort of acclimate them to the situation that's going on in C.R.A.S.H.

And, so, this was her sort of acclimation period. And something like was something to see if we can trust her or not. So, I mean, I'm sure I made it clear, you know, is this how you want to do? Or, you know, any way you guys want to do it, you know. I mean, I know that may sound like a big thing now. But, at the time, this is not a big -- big deal.

I mean, this is just another -- I could care less if we book one or two. You know, we want the numbers, of course. You know, they're on probation. They're robbing people. Let's book them. You know, I'm sure they were probably out tonight going out to rob somebody. I don't know.

But that's probably what's happening. They're both on probation for robbery. But, it was -- in the big scheme of things, to us -- or to me -- it was no big deal.

SGT. GIBSON: Okay. Joel, I'm sorry.

Q BY SGT. JUSTICE: Is it possible what the defendant said occurred, you know, the exchanging of the weapon, that it actually happened prior to them being arrested?

A Absolutely. Sure. It doesn't surprise me at all. I mean, we took a pretty educated guess as to what happened. I

mean, we had an idea. Wait a minute, you live around the corner. And this is your bicycle. And this is your buddy that lives somewhere else. You know.

Q BY MR. ROSENTHAL: You gave your buddy the gun?

A You gave your buddy the gun. You went in your house. Got your gun. Gave it to your buddy. Your buddy put it down his pants. And the guys rode down the street. And we just happened to run into you. I mean, that's -- it's pretty clear if you just ask two or three questions.

But, yeah, it's absolutely very probable that that's exactly how it happened.

SGT. JUSTICE: Okay.

MR. ROSENTHAL: Are we almost done with this one?

SGT. JUSTICE: I'm done with this.

SGT. GIBSON: Mike, anything else?

DET. BURDITT: No, because, actually, I'm not supposed to interview.

SGT. GIBSON: Anything, sir?

MR. ROSENTHAL: No.

Q BY SGT. GIBSON: Okay. On this case here, having read the report and realizing where we're going with the investigation, is there anything that I have forgotten here or anything that you could say that could assist us with it?

A No, sir.

Q And the -- the only people who were knowledgeable of this incident, besides yourself, were Officer Tovar and Officer

Duarte?

A Those are the only officers.

Q Sgt. Ortiz had no knowledge that this report had been fabricated?

A None.

Q No other officers were present or ever learned about it at a later time?

A Unless Officer Tovar or Officer Duarte told them.

Q BY SGT. JUSTICE: I do have one last question. Do you specifically recall discussing what was gonna go in the report with them? Or are you assuming that's what happened, 'cause that's what you generally did?

A Actually, I remember discussing this, because as I've discussed here, that we figured out what probably happened. We talked about that.

Q Okay.

A And I'm pretty sure that we talked about, okay, this guy lives up the street, you know, on Lockwood or whatever. And we sort of -- you know, deduction, we figured out what probably happened. And we discussed that.

And I'm pretty sure we said, oh, well, that's how we're gonna write it. That's -- that's the way it went. I remember some of that conversation.

Q So, it's possible that your fabricated scenario just happened to be extremely close?

A No, it's not possible. It's actually what happened.

It's our scenario what we figured out probably happened is exactly what happened. We just didn't see it. But we wrote it. MR. ROSENTHAL: That's what I was --

THE WITNESS: Yeah. That's exactly. 'Cause we -- I can assure you, again, I would never ever -- I would draw my gun first even if I thought someone had a gun. I would never approach someone who I know has a shotgun and just approach without no gun out or nothing. Impossible.

MR. ROSENTHAL: You've said that four times already.

THE WITNESS: Okay. I just want to make that clear.

Q BY SGT. GIBSON: Okay. If there is nothing else, at this time, we're going to conclude this interview. And the time is 1333 hours.

(Off the record at 1:33 p.m.)

(Back on the record at 2:25 p.m.)

SGT. STRENK: This is a tape-recorded interview of Personnel Complaint No. 99-4643. Today is the 13th of January, the year 2000. The time is 1425 hours. The location of interview is at One Gateway Plaza, the MTA Building.

Q And present to be interviewed, Rafael -- Ray Perez. Do you want to go by Rafael or Ray? What -- what's your pleasure?

A Either one is fine. Ray's fine.

Q Interview is being recorded on Tape No. 223334, Side A. Being conducted by Sgt. Greg Strenk, Serial No. 24702; and Sgt. Ted Matthews, Serial No. 224822, Internal Affairs Group.

Also present is Detective Mike Burditt, Serial No. 24454, Internal Affairs Group, as well. Also present in the room is Attorney Winston McKesson, Deputy District Attorney Richard Rosenthal. And the interview is being transcribed by Stenographer Sara Mahan.

MR. MCKESSON: Did you get Mr. Burditt?

MR. ROSENTHAL: Mr. Perez, let me remind you, you are still under oath.

THE WITNESS: Yes, sir.

MR. ROSENTHAL: Detective, if you could just tell me the name of the arrestees in this case that you're going to review.

SGT. STRENK: This case is not pertaining to any arrest. It is solely administrative.

MR. ROSENTHAL: So there's no D.R. number to be concerned about?

SGT. STRENK: Correct.

MR. ROSENTHAL: All right.

Q BY SGT. STRENK: This interview today is in regards to some issues that Ray brought up in an initial debriefing in September, I believe, of this past year, in regards to a Sgt. Tim Torsney who was a C.R.A.S.H. supervisor, at the time -- part of the time that Ray was in Rampart C.R.A.S.H.

Prior to going on tape, I gave you a copy of your transcribed statement from that first initial interview; is that correct?

A Yes, sir.

Q And you've had an -- an opportunity to review that?

A I have.

Q And you're comfortable and familiar with the topic we're going to talk about now?

A Yes, sir.

Q Okay. When were you assigned to C.R.A.S.H.?

A August -- beginning of August of 1995.

Q Through August of '98?

A Yes, sir.

Q And, during that time, you also had loans to FES as well?

A I had a loan from June of '97 to December of '97 to Rampart FES.

Q During -- or the time of August 1998, do you know who the C.R.A.S.H. supervisor was?

A August 1998 would have been Sgt. Torsney.

Q Do you know when Torsney became a supervisor in the unit?

A I believe it was early 1998. But I'm not a hundred percent sure of the date.

Q Do you know what Torsney's assignment was prior to being assigned to C.R.A.S.H.?

A No.

Q In reviewing the transcribed statement from your prior interview, you mentioned some issues that Sgt. Torsney made you privy to, uh, part of the investigation that was being

conducted on you?

A Yes.

Q Can you relay to us what caused you to bring that forward to the Department, and what issues Torsney relayed to you?

A I believe in these transcripts -- and what I had mentioned earlier -- was that we were talking about whether Sgt. Torsney was in the loop. And that's when we had just categorized it as being in the know. And I had said, no, however, he was aware things were going on.

And I think I had mentioned that Sgt. Torsney was the one who had told me early on that RHD had called down and wanted copies of my logs for handwriting exemplars. And then, on another occasion, he told me that they had called down and wanted to know, uh, was I going on vacation any time soon. And he had relayed to me that if I do go on vacation, be careful where I go, watch out what I'm doing, because I'm being followed, and things like that.

Initially, he had said that he thought maybe it's because of the David Mack bank robbery. Maybe they want your handwriting for something. But, you know, we don't know.

I mean, of course, in my mind, other things are -- other wheels are spinning. But, uh, everybody was sort of talking about it as though it has to be about the bank robbery thing.

But, I think those are the two things that I mentioned

in that first interview.

Q BY MR. ROSENTHAL: At that point, did it ever occur that you -- it might be watched over the narcotics thefts?

A I thought about it. I just wasn't sure. Everybody was paying so much attention to the bank robbery thing, I really thought maybe it was the bank robbery thing, as well.

'Cause that's what everybody would talk about, you know, this bank robbery, you know.

MR. ROSENTHAL: Okay.

Q BY SGT. STRENK: When did you first believe -- and I stress the word "believe" -- you were being investigated by any entity?

A Well, I was told by the FBI that they were gonna follow me.

Q Okay.

A That was after the bank robbery.

Q Do you recall a ballpark time frame when the FBI told you about that?

A December of '97. December of '97. You know, they said, you know, you're one of David Mack's good friends. We don't believe that you're involved, but that's not to say that a month from now he's gonna call you and tell you, "Hey, the money is sitting here. Go get it for me."

I said, "Well, you can follow me all you want. I mean, there's, you know, nothing you're going to find, you know, as far as I'm concerned." Uhm, later -- there's still a pending

question.

Uh, later on, I learned that -- uh, Officer Espinoza came to me and told me that he was down in Communications. I'm sorry, down at Property Division, and there was a big scandal. Internal Affairs was there. And some kilos of cocaine were missing. And that my name came up.

I don't know how he got all that information by just walking down there. But he told me that -- he came to me and asked me, "Do you know anything about that?" And I told him, "No." But he had asked me.

So, I knew sometime around maybe the end of April that something was going on, that there was an investigation going on.

I also -- when I was in Vegas, uhm, I'm with a buddy of mine, and we're walking around Vegas. And I was told, "Hey, be careful." Another officer, that I don't know, said, "Be careful. I just talked to one of my buddies who works the -- the something, you know, surveillance team is here. And they're following somebody."

And, so, that kind of tipped me off that they're probably following me. I believe this is right around the Baker to Vegas time.

Q Which is usually about April?

A Yeah, maybe April 15th, or somewhere around there.

Q The conversation you had with Officer Espinoza, where he told you that something was going on at Property Division,

where did that conversation take place?

A It took place downstairs, uh, in Rampart Station, -- uh, Rampart Station downstairs by the roll call room.

Q Anyone else that you observed that heard that conversation?

A Just me and him. He, you know, -- he told me, "Be careful." Uh, you know, he told me, "I know you're gonna tell me you're not involved in anything. But, be careful." Something like that.

Q When was the first time Torsney discussed issues with you in regards to you being under investigation?

A The very first time, was -- not specifically being investigated, but being followed. That was the first -- that was the first time that he had mentioned anything. He had received some word that I was being followed.

And it was sort of -- it was actually discussed in roll call, a couple of times. But the very first time that he actually said something about an actual investigation was when he had told me that they were asking for my logs to get the handwriting exemplars.

Q Okay. Let's go back to the being followed. How was it discussed in roll call, and what do you mean by that?

A It was actually discussed several different times. We had discussed as "Listen, there's been rumors that Perez is being followed. And, apparently, that's a good rumor, he's being followed."

That was one discussion with Sgt. Torsney. And the whole roll call -- uh, everybody in C.R.A.S.H. at roll call. Another one, it was, I guess, Sgt. Hoopes told Officer Miyakawa. Miyakawa came to roll call and said, "Listen, it's not a rumor. It is definitely confirmed. Perez is being followed. So, let's be careful out there." We don't know -- they didn't know what it was about.

They thought maybe it was a beef or -- or something. You know, we're -- in C.R.A.S.H., we're always suspicious. We always feel like somebody's following us. I mean, at least Rampart C.R.A.S.H. So, we -- we always communicated. If we think someone's following us, or if we see someone set up in a van, and we see a little red light, we want to let everybody know something's up.

So, this was talked about in roll call. Hey, Perez, this is no rumor. Perez is definitely being followed.

Q And those conversations were in front of you, or out of your presence?

A In front of me. No, in front of me.

Q Did you have any response to any of the people in roll call? Somebody stands up and says --

A Yeah.

Q -- hey, we believe Perez is being followed for reason x, y, and z?

A On -- on one particular day I started talking. And I was getting a little upset. And Sgt. Dickerson interrupted

me. He goes, "Look. Perez is pretty smart. If Perez is doing something wrong, Perez is -- I'm assuming Perez is not doing whatever he was doing wrong before, he isn't doing it now. So, just go out there and, you know, do your jobs. Be careful. You know, keep an eye open for anybody that you may see following you or any vans and stuff like that."

Q Do you recall Torsney specifically ever telling you that he had a belief, or you were being -- or specifically telling you that you were being followed?

A Well, he -- we talked about that once in roll call. I don't know if I made it clear. I'm sorry. One of the times we talked about it in roll call was with Sgt. Torsney. And then, the other time it was Officer Miyakawa that brought it up. And he had gotten the information from Sgt. Hoopes.

Q So, the time that you referred to, in your original transcribed statement that Torsney said you're being followed, is that what you are referring to in this roll call conversation?

A Yes.

Q Can you give me a time frame of when that would have been?

A I mean, I can maybe narrow it down to a few months. But it would probably have to be sometime around April, May, maybe June. Sometime around there.

Q And he makes the statement in front of the rest of the C.R.A.S.H. unit that you're being followed?

A Yes.

Q Does he tell you where he gets that information from?

A No.

Q Does he tell you why he believes that at all?

A No. He also never told me exactly who it was that was requesting my DFAR's and I think it was overtime slips or something. But they had requested some stuff. But he didn't tell me Internal Affairs. He never said who it was that requested it. All he told me was, uh, "They requested all your stuff."

In fact, both him and Sgt. Byrnes came to me about it. In fact, Sgt. Byrnes said, "You know what? Let me be the one to pull those logs." Uh, that just reminded me of something. They discussed -- they both discussed it. But Sgt. Byrnes said, "Let me, uh, be the one to pull those logs for them."

And I guess Sgt. Byrnes handled that part. He did tell me, again, "Be careful whenever you go on vacation. 'Cause they were wanting to know when you're leaving on vacation."

'Cause when I was arrested, a few days later I was supposed to be going on vacation. And I guess they wanted to arrest me before I went on vacation. I don't know how it was working. But, anyway, they were real specific about calling down there asking "When is he leaving on vacation?" And he made sure that I knew that.

Q BY MR. ROSENTHAL: After you were first made aware

that you were being followed, had you stolen any dope after that, or were all the dope thefts before that?

A After March 2nd, I never -- I never did anything after that. Not planting, not -- nothing after March 2nd. This way --

Q 1998 to the date you were arrested in August?

A Right. Never. In fact, if you look at the C.R.A.S.H. book and the recaps of everything that was going on, everything went downhill. There was hardly any arrests being made. Some of the other guys were still doing some things. I totally stopped.

I mean, if I made an arrest, I mean, yeah, I'm not gonna put my word on it. I'm pretty sure that I -- I wasn't involved in hardly anything. Uh, very few arrests that I made. It had to be -- in fact, I was working with Graham for a while. And with him everything is straight.

So, from March 2nd on, never was there any other narcotics stolen, anything sold, anything stolen. Nothing. Not after March 2nd.

Q As far as you can think, uh, no gun plants or dope plants during that period either?

A Not by me.

Q By you?

A No.

Q Okay.

Q BY SGT. STRENK: After Torsney, in front of the roll

call, says that you're being followed, do you question him at all?

A No, because like I said before, the whole time everybody is assuming it's about the bank robbery. You got to remember, I had just been interviewed by the FBI over a buddy of mine doing a bank robbery. None of the money is recovered. Two people, supposedly, were involved. Me and Sammy Martin are his buddies. Everybody's, you know, assuming.

So, you know, a lot of people were thinking that that's what it was. Of course, in my mind, you know, I'm not gonna ask Sgt. Torsney, hey, they didn't say nothing about narcotics or anything like that; did they?

Q Yeah.

A Of course, I'm not gonna do that. But, you know, we're all assuming it has to do about the bank robbery. So, it was never, you know, a question of, well, what's going on?

Q Would it be fair to say that the C.R.A.S.H. unit -- it was common knowledge to the C.R.A.S.H. unit that you were being looked at or insinuated that you might have some kind of involvement with the Mack 211?

A Very much so. Yes.

Q And that was common knowledge. And, so, it wasn't unusual for roll call discussions to occur where following topics came up?

A Absolutely.

Q Now, let's jump to the handwriting exemplars. And

you're are -- uh, do you recall a time frame when that would have occurred where Torsney and -- Byrnes you say?

A Sgt. Byrnes.

Q Tell me about that conversation.

A Uhm, Sgt. Byrnes had just left the C.R.A.S.H. unit. I want to say April, May, maybe June. This actually occurred probably sometime around May, maybe June. Somebody, -- uh, they called down and talked to Sgt. Torsney. They wanted my handwriting exemplars on some DFAR's and overtime slips.

Sgt. Torsney talks about it to Sgt. Byrnes. Because, at the time, the DFAR's that they want, Sgt. Byrnes was my supervisor. So, Sgt. Byrnes tells them, "I'll let Perez know and I'll pull those logs."

Sgt. Byrnes told me about it. And, then, also Sgt. Torsney told me about it. So, they both actually told me about it. Sgt. Byrnes, I believe, was the one that actually pulled the logs to give to RHD. Or, at least, he told me he pulled them.

Q So, Byrnes is your immediate supervisor? Is Torsney in C.R.A.S.H. yet? Or is this prior to him coming into C.R.A.S.H.?

A Sgt. Byrnes was my immediate supervisor during the time the logs that they were requesting. At the time when I was told, Sgt. Torsney was my supervisor.

Q Okay. And where did this conversation take place?

A Rampart Detectives.

Q Do you have a time frame when that would have occurred, other than --

A Sometime around May, June.

Q BY MR. ROSENTHAL: I've got a question on this. How open were these guys about telling you? Were they just telling you one-on-one? Or were they, uh, -- the fact that these documents were being pulled?

A I'm sorry. Uh, these things were told to me one-on-one. I get the feeling that -- see, like, for example, before that, something came up. I took like two days off T.O. time. And I overheard -- someone told me -- and I forgot who it was -- that there's a lieutenant that worked Rampart Station. He worked -- he worked, uh, -- I can't remember his name.

But, anyway, he had called down to Sgt. Byrnes and wanted to know why was I off for a couple of days?

And from what I gathered, this is what happened. The task force, or whoever, was gonna follow me on duty on a particular day. I took some days off. No one let the task force know that I was going to be off. The task force, apparently called -- Lt. Nichols is his name. Uh, Lt. Nichols called down to the supervisors', Torsney and Byrnes, and "Where's Perez?"

They came back and told me, "Hey, Lt. Nichols was wanting to know where you were today. What's going on?" That type of thing. From what I have gathered, and little things that have come out subsequent to everything -- you know,

everything coming out, uh, apparently, the task force or somebody was supposed to be following on me that day. And everything went haywire because I didn't come to work. So --

Q The one -- the thing that I'm particularly interested in is, obviously, when we pulled your DFAR's for handwriting analysis, that was supposed to be confidential, and that was not something you were supposed to find out about.

But what you're saying is that the sergeant, both sergeants, that were both -- to both sergeants. And it's Byrnes and Hoopes?

A Well, Byrnes, Hoopes, and Torsney.

Q And Torsney, I'm sorry.

A Yeah.

Q All three of them told you that your DFAR's were being pulled?

A No. As far as the DFAR's, that was Torsney and Byrnes.

Q Okay.

A Where Hoopes came in, was when, I guess, somebody had called down to Nichols. He was working for Sgt. Nichols -- Lt. Nichols. I'm sorry. Sgt. Hoopes learned that there was no question. I was definitely being followed. So, he gave that word to Miyakawa. And Miyakawa gave it to us in roll call.

Q All right. Now, obviously, him telling you that Lt. Nichols wanted to know where you were, that in and of itself doesn't necessarily seem improper. But, you're saying that he

went one step further and told you you were definitely being followed. He told Miyakawa that, who then told you that?

A Yes. Yeah.

Q BY SGT. STRENK: The conversation where Torsney discusses that the task force is pulling DFAR's and overtime slips, you say occurs in Rampart?

A He never -- I'm sorry. He never told me that it was the task force pulling them.

Q What did he tell you specifically?

A All he tells me is that they are requesting your logs and overtime slips for handwriting exemplars. But he never said a task force. At that point, I know -- we know nothing about a task force, other than, you know, people calling down wanting different things and asking about me.

So, at that time, we didn't know it was called a task force or anything else.

Q Understood. And this occurs at Rampart Detectives?

A Rampart Detectives. And, again, I can only --

Q Anyone else present?

A No.

Q Anyone that -- does it occur just in the general area of Rampart Detectives? Does he pull you aside to a private room?

A I think I just happened to be walking. And he just kind of leaned over to me and started talking to me, and told me about it. And I -- I told him that Paul had already told me

about it, too. And Paul said he was going to pull the logs himself.

Q And you say "Paul", that's Sgt. Byrnes?

A Sgt. Byrnes. I'm sorry.

Q And when he tells about the logs and the overtime slips, is that the same conversation where he talks to you about you going on vacation?

A No.

Q So, another conversation?

A Yes.

Q Tell us about that conversation about the vacation.

A It actually was two, maybe even three small conversations about the vacation. He tells me one day, "Listen. Uhm, some investigators called down here wanting to know when you're going on vacation." He asked me, "Are you still going on vacation on these days?" And I tell him, "Yeah." And he goes, "Okay. Well, just so that you know, they're calling down here about when are you going on vacation." "Okay."

I think maybe a few days or maybe a week goes by. And he asked me, again, "Are you still going on that vacation? You still taking it?" I tell him, "Yeah." He goes, "Be careful. They're calling down here wanting to know when you're leaving or when you're going on this vacation."

And, again, I think he might have said it one other time. In fact, I think it was just days before I actually got arrested, he told me about, you know, be careful, they --

they're looking at you. And, you know, be careful on your vacation.

In fact, he said, "Whatever you're doing on your vacation, be careful what you do on your vacation."

Q BY DET. BURDITT: Rafael, what -- what date were you arrested?

A Uh, the 6th -- actually, well, not from when I was arrested. From the search warrant. August 6th was the search warrant. I said arrested. I'm sorry. From the day that I was detained and the search warrant was done. I wasn't arrested until August 25th.

Q BY MR. ROSENTHAL: But you were taken off-duty on August 6th, the day of the search warrant?

A Exactly. That's the day I'm talking about. In fact, Sgt. Torsney's exact comments to me on August 6th, I had just came back from Taco Bell. And don't ask me why I remember this, I'll remember it for the rest of my life. I had just come back from Taco Bell and had just taken a bite of a burrito. And Sgt. Torsney leans over to me and says, "It's time."

So, I get the feeling he probably knew a little bit more of what's going on than what he had told me. But he said, "It's time." I go, "What are you talking about?" He goes, "They're here. We need to go upstairs and see the captain." And I, you know, -- I felt something was about to happen.

And, so, we walked upstairs. He walked upstairs with me. And we're go into the Captain's office. That's when they

take me down.

Q Did, uh, you ever think of fleeing?

A I'm sorry?

Q Did you ever think of fleeing, of taking off?

A Me? No.

SGT. GIBSON: Stop reading my questions.

(Laughing heard.)

THE WITNESS: Fleeing because of all this?

MR. ROSENTHAL: Yeah.

THE WITNESS: Oh, no.

MR. MCKESSON: Off the record.

THE WITNESS: If I thought about anything was actually leaving the job. And I'll let you wait until you ask me the question before I start answering it.

SGT. STRENK: I understand.

Q So, when Torsney's going to -- going to August 6th, say just a couple of days prior to that Torsney has the conversation and re-emphasizes to be careful if you're still going on vacation. You say shortly before then, he questions it again, "You still going on vacation?"

A Yes.

Q And before then, he tells you that investigators are calling wanting to know your vacation, and verified, basically, the day you were going on vacation?

A Yes.

Q Those three conversations, what's the time frame of

those three conversations occurring?

A Those conversations probably all took place probably in the month of July. Probably all of them. They were all probably within, you know, two or three weeks of each other. It was about a month before I went on vacation. I always take vacation in August. It's my birthday and wife's birthday.

So, I always take my vacation in August. So, obviously, I had, you know, vacation for August. So, this had to happen sometime around July that they were calling about my vacation.

Q And you were relieved on August 6th?

A August 6th.

Q Saying just prior? We're saying, narrowing this down, end of July, beginning of August?

A Probably end of July. Beginning of August. Yes, sir.

Q And these conversations they had with you, if you can recall where they took place.

A They all took place at Rampart Detectives. All of them.

Q All of them were --

A No. I'm sorry. A couple -- one was right before roll call. The other two was late in the evening.

Q BY DET. BURDITT: Just for my own clarification, Rampart C.R.A.S.H. roll call at Detectives is not at Rampart Station?

A That's correct.

Q BY SGT. STRENK: When you say one before roll call and others that were late in the evening, can you specifically pinpoint the three conversations to which took place in those time frames?

A I believe the very first one was early in the day right before roll call. Well, while roll call is starting. The other two were late in the evening. Uh, I don't know what time. But it was late in the evening that the last two, or the last two times that he mentioned vacation.

Q And going to the conversation on August 6th, where he talks to you and tells you, "It's time. They're here. And you need to go to the captain. See the captain."

A Mmnh-mmnh.

Q In your mind, what are you thinking? What are you thinking is going to occur?

A Something bad.

Q Then, my question would be, as Mr. Rosenthal asked you, at that point, in time, it's just yourself and Torsney? Is that right?

A Well, no, there's other people in the room. But he -- he leans over to me and -- and tells me. You know, everybody that -- the whole C.R.A.S.H. is there. And we're about to start roll call.

And, uh, in fact, they called us in early. It's probably -- I don't know if this is true or not -- it's -- I don't know if this why they called us in early to make the

arrest that day, or the search warrant and everything. I'm sure that's probably what happened.

We had gotten called in. And they said, uh, "We need everybody to come in early today. We got something going on. We need to start early. At 12:00." We, normally, start like at 5:00. And I think we were told to come in like at 12:00, which is -- now, I'm figuring it all out, they probably did the search warrant at my house and didn't want me there. That's why they did that. But, yeah.

Q And as Mr. Rosenthal asked you, did -- at that point in time, do you have a pretty good idea of what's gonna happen? Did it cross your mind to split?

A No.

Q And why not?

A Where am I gonna go? I mean, what take my family and just run? That's never -- a lot of other things have come into my mind. But never run. Be a fugitive? No. It's -- what -- you know, what am I gonna do? Hide in a hole for the rest of my life? It's impossible.

I mean, never did I think about running or escaping or fleeing or anything like that.

Q I think we actually discussed this once before. But when Commander Shotz initially, uh, put you on leave --

A Mmh-mmh.

Q I take it the Commander was there?

A Mmh-mmh.

Q In the Captain's office?

A Mmnh-mmnh.

Q You said that you still thought it was over the bank robbery. In fact, you even asked him.

A The first thing I said, "Is this about the bank robbery?"

Q So, when was the first time that you realized it was actually over narcotics theft -- the three kilos?

A Well, I knew. I mean, I felt I thought I knew, you know. I was hoping it's about the bank robbery, you know, because then I know I have no worries. Well, I mean, I'm not worried about the bank robbery at all, you know.

Of course, when Detective Hohan and Tyndall sit down with me and say, "We have talked to your girlfriend." Well, actually, Commander Shotz had mentioned this is about narcotics theft. That's right. He -- he did say it. So, I knew.

And, of course, when Hohan and Tyndall sat down with me and said, uh, "We've talked to your girlfriend and her brother," I knew exactly what all of this was about.

MR. ROSENTHAL: Okay.

Q BY SGT. STRENK: Prior to September when that first transcribed statement -- that you provided that statement then, did you tell anyone, prior to that date, that Torsney had provided information to you?

A No. Wait a minute. Uh, as far as the handwriting thing?

Q Yes.

A A few people do know. I think I did. I talked to, uh, Sammy Martin about it. I talked to Nino Durden about it. I talked to -- I don't know. I know I definitely talked to those two people about it. I don't know if I might have talked to anybody else.

Q Were those at separate times or at the same time?

A I think separate times. Well, I'm sure it's separate times.

Q Do you recall what you specifically told them?

A No, I mean, other than the general conversation that they were requesting my, uh, logs for handwriting exemplars.

Q Did you tell them how you knew about that?

A I don't know if I did or didn't. I don't see why I wouldn't -- I don't see why I wouldn't have. But I don't really recall if I actually said "Sgt. Torsney told me."

Q BY MR. ROSENTHAL: When they tell you that they're looking through your logs for handwriting sam- -- uh, analysis, what do you think it's for?

A I actually thought -- because see, I don't know how the bank robbery occurred. I thought maybe there was a note written by somebody in the bank robbery, and they wanted to match my handwriting. Well, at least, this is what I was hoping.

Q Right.

A You know, of course, I'm -- I know, I mean, in my

heart, or in my mind, I know it could be about this other thing. Uhm, but I'm thinking also because, everybody -- this is so -- you know, the bank robbery thing was so -- everybody knew about it. Everybody was talking about it. They -- you know, they knew.

So, we were actually thinking, okay, they're -- they're looking to see if whoever did this bank robbery, there was a note left or something. I don't know how. All I know, there was a bank robbery.

I don't know how exactly it went down, uh, whether it was a note. I really don't know how it all went down. So, I was hoping that it was -- they were trying to examine my handwriting, compared to a note in the bank or something.

Q BY SGT. STRENK: When Torsney provided you information about you being followed, did you take any kind of action based on the information he provided to you?

A When I was being told that I was being followed, I already knew I was being followed. I've seen them following me. I've seen -- I've seen units following me several times from my house. I knew that there was units set up in the church across the street from my house. They were sitting up on the roof.

I mean, I knew I was being following. I didn't know who exactly was following me. I feel that different units were alternating. You know, uh, Jeopardy, uh, FBI, the task force. I believe SIS or whatever they're being called now. Uhm,

different units were following me.

Uhm, my daughter went to the private school at the church across the street. My wife goes to take my daughter to school. One of the teachers knows me, knows I'm a police officer. She tells my wife, "Oh, some of your LAPD guys are, uhm, up at the roof. They're looking at the house behind yours."

The people that live behind me are -- it's an old folks, you know. I don't live in L.A. neighborhood. I live outside of L.A. area. So, I know I'm being looked at.

Of course, I knew. So, when I'm being told by, oh, uh -- you know, by Sgt. Torsney or whoever else, "Hey, you're being followed" that's nothing new. I mean, many times I was going down La Cienega. Not La Cienega. Uh, going down La Brea, down the hill from Ladera Heights, and, you know, a blue, you know, Chevy Caprice is all tinted out. You know, with a December of '90-whatever, uh, sticker tags -- registration. You know, they're behind me.

So, I slam on my brakes and they got to go around me now. And, now, I'm following them. And they don't want me to catch up to them. And this is a simple counter-surveillance. I mean, they did a good job. 'Cause a lot of times I didn't know where they were.

Uh, like, now, I talk about it afterwards when the phone taps were being done, I remember seeing the, uh, -- uh, a van out in front of the house by the big, uh, telephone thing,

you know, where the telephone things are at. And I always wondered why is this guy always parked there?

Of course, you know, little things started registering. But you start going, nah, they ain't gonna put no phone taps? Of course, I was wrong.

Q BY DET. BURDITT: Ray, I had a question for you. When -- during these conversations you had with Torsney --

A Yes.

Q -- did he ever preface it by, "I shouldn't be telling you this?"

A No.

Q Anything like that?

A Nothing like that. There was some -- he told it to me, "Hey, listen. This is between us." That type of thing. But not, "I shouldn't be telling you this" nothing like that. No.

Q BY SGT. STRENK: So, would it be fair to say that when Torsney tells you that you're being followed, that just confirms your belief and your knowledge that you believe you're being followed?

A Yeah. And you got to remember, whatever Sgt. Torsney is telling me, he doesn't know what I already know.

Q Correct.

A So, when he's telling me I'm being followed, and he's so secretive and, you know, I'm going, "Oh, really?" But I -- I suspected that I was being followed, of course.

Q When Torsney tells you about logs and the, -- and, uh, overtime slips being pulled, do you take any kind of action based on that information?

A There was nothing I could do. There's nothing. What am I gonna do? Don't give them give my logs?

Q Mmnh-mmnh.

A Uh, at that point, there was nothing I could do, as far as this entire investigation. In fact, I never did anything, as far as trying to sabotage it or change it, or throw a wrench in it -- in the whole thing. There was nothing I could do. I never talked to anybody involved. You know, the Romeros or Quesada. I never had any conversation with any of them again.

Q Do you know why Torsney would tell you these things?

A Again, Sgt. Torsney, in my view, was not in the loop. He wasn't a guy that I would go to and say, hey, Sarg, uh, I just thumped this guy. He's got to go, so, I'm gonna book him 11350. "Yeah, okay."

He wasn't one of those. I would tell him, "Hey, this guy had dope. We had him. He ran. We thumped him. And that's what we're doing." However, he was in one of those positions where he knew something was going on. He knew things were going on. He knew Paul Byrnes was well-liked. Paul Byrnes could run Rampart Division. I mean, he was -- Paul Byrnes was looked at, you know, as, you know, someone who is really, uh, on top of things.

Uh, but he knew how Paul Byrnes worked. So, in certain instances, he wanted to fit in. Sgt. Torsney did. So, if he came to us and said, "Hey, listen, a beef just came down. Uh, this guy's saying this and that. Get your guys' story together," of course, yeah, he would do that. Try and, you know, cover somewhat as -- as best as he could.

Was he gonna put himself on the line for us? No. He would give us some hints, or some things that were going on. But he ain't gonna perjure himself or -- or really put himself out there, uh, just to protect us. No, he wasn't gonna do that. Or, at least we didn't trust him to do that.

Q What was your relationship with Torsney? Can you categorize it?

A Uh, professional. Just work.

Q So, it wasn't like he had a special bond with you?

A No.

Q Then, my question is re-emphasized. You have just a sergeant who you work for.

A Mmnh-mmnh.

Q You have no relationship with, no personal bond with,
--

A Mmnh-mmnh.

Q -- he's made aware that you're being investigated by
--

A I'm sorry?

Q -- different entities of the Department.

A When you say "personal bond" you got to remember now, we're working Rampart C.R.A.S.H. And that may not mean a whole lot to some people. But to us, it meant a whole lot. You know, if you, as a sergeant, come to Rampart C.R.A.S.H. to work, you best know -- and you -- you have to know that you're gonna be put in some position that, you know, you may have to look the other way, or read this report and go, "Wooch, listen, take this part out. Or add another line here. You know, it's just not good."

"You know, you say you -- you threw him to the ground and his left side of his face, uh, hit the ground and he got a little scar. But he's got two black eyes, a broken nose." Uh, you know, yeah. He -- he knows that.

So, it was no, you know, no far thing for him to, "Listen, you know, we're in this unit. You know, we -- we're tight. You know, we -- we take care of each other." That was fine for him. He wasn't going any further than that. But for him to, uh, come to me and say, "Listen, they're following you." That wasn't that big of a deal. It wasn't.

Not because he was my buddy. Or not because we had a closer than just, uh, subordinate/supervisor relationship. Because we didn't. That was our relationship. But, the relationship we had, within C.R.A.S.H., is a little bit tighter than just working Patrol and he's just a sergeant. You know, no.

And you got to remember this is my supervisor every

day. We work together every day.

Q Did he have -- as far as you knew -- did he have anything to gain by providing you with this information?

A None. No one else even knew he -- you know, well, I'm assuming, unless he told someone else -- no one else would even know that he told me. So, he had nothing to gain from it.

Q You had said that Torsney knew things were going on in the unit. Uhm, but he wasn't in the loop.

A Yes.

Q Can you be more specific about some of the things he knew that were going on in the unit?

A No, not really. He is a supervisor for Rampart C.R.A.S.H. He sees every report, every defendant, every person that we come in contact with -- he basically sees it.

He hears all our stories, you know, as to what happened to this guy, or how this guy was arrested. Uhm, again, we're right back to this -- my opinion. And this is all it is. If you're asking me my opinion, did Sgt. Torsney know what was going on? Absolutely. He knows a lot as to what was going on.

Uh, was he, uh, one of the those supervisors that were saying, "Yeah, go for it. You know, let's book this guy." Let's do this. Let's do that? No, he was not. But he knew what was going on. Absolutely.

Q When you said that he would come down and tell the guys a beef is coming down.

A Mmnh-mmnh.

Q Get your story straight. Can you relay to me any specifics as it relates to that topic?

A No. You know, we're -- we're talking about something that, in my life right now, back then, I mean, that was so minute that I couldn't -- I couldn't tell you my last beef. I couldn't tell you. I got too many things going on right now, to even be able to remember. I mean, if you came up to me and said, "Sgt. Torsney handled a beef where Lujan slapped a guy." Oh, well, yeah, I do remember that he had told him, "Hey, look."

You know, if we discussed it as a unit, yeah, I might be able to remember something like that. But, for me to spick-- -- uh, pick out a specific incident, very difficult. I'm sorry.

Q But if we threw a specific incident or specific personnel complaint that Torsney had investigated, or discussed with you, you might be able to recall that specific issue?

A I may, I may not. I mean, I don't know, you know.

Q Fair enough. You had talked about Nino Durden briefly. Uh, do you recall when his bachelor party was in Palm Desert or Palm Springs?

A His bachelor party was sometime in July. Or was it right before I got -- no, his bachelor party was probably the first week of, uh, August, right before the, uhm, -- the search warrant at my house. I think the weekend before whenever I got arrested -- or the search warrant.

Q BY MR. ROSENTHAL: I believe the wedding was the weekend after the search warrant; wasn't it?

A Right. So, the weekend before is when we did the bachelor party. Sorry. Because I didn't -- I didn't go to the, uh -- the wedding.

Q BY SGT. STRENK: That bachelor party, and, -- uh, disregard. Other than your memory and your word, do you have anything else substantive to show that Torsney was providing this information to you?

A The information as far as my --

Q That you were being followed. That they were taking handwriting exemplars.

A I would tell you to go ask the C.R.A.S.H. unit, and ask him himself. But I don't know how that would go.

Q I mean, what do you think?

A What do I think?

Q Basically, and to be up front with you, uh, I'm gonna have a supervisor most likely that's gonna deny. Right?

A Mmnh-mmnh.

Q I have you who says this occurred. It's my job to determine what happened. If it occurred or not. And I'm asking you, is there otherwise -- other besides Sammy Martin and -- and Nino Durden who, for all I know, won't talk to me. Is there anything else, besides those two people, that you can provide to me, that substantiates the conversations Torsney had with you?

A You have Sgt. Paul Byrnes and Sgt. Torsney. Have you told them that they're being investigated for this particular

act?

Q No.

A You take Sgt. Byrnes here. And, then, you take Sgt., uh, Torsney here. And you go to Sgt. Byrnes, and, Sgt. Byrnes, we want to interview you about something. Remember when the logs were being -- what I -- everything I just talked to you.

He's gonna go, "Yeah, I remember." Did you talk -- remember talking to Perez about it? Yeah, I remember. Do you remember talking to Torsney about talking to Perez about it? Yeah, I remember.

And you talk to Sgt. Torsney. And the same thing is gonna happen. He's gonna -- uh, well, I'm not gonna say anything. 'Cause I -- I said the same thing about Sgt. -- uh, Detective Lusby.

How -- how can I prove it? Or, uh, -- I don't know. You know, and I'm trying to be as honest and as clear as I can be. This, again, is no -- I -- I would think we have other things to investigate. But I know you guys have your job to do as well. I have no reason to make this up or to throw this in. I got enough things to worry about.

But, like I said, if you -- maybe if you talked to each supervisor separately -- 'cause I don't think this is something that stands out in their minds -- but, if you talk to Sgt. Byrnes as though, listen, uhm, we're looking into this. You know, Perez told us about when you talked to him about logs. He may not even think that it's no big deal. And he'll go,

"Yeah, I talked to him about it."

MR. MCKESSON: I doubt it.

THE WITNESS: Well, it ain't something that's so --

Q BY SGT. STRENK: In the big scheme of things, --

A Uh, I don't know --

Q -- in your life, this is very peddling. I understand that.

A I don't even know what we really did. You know, I'm just trying to be honest. Because there's so many other crimes and stuff going on. I know this is administrative. And administrative stuff needs to be done. But, I'm telling you as, you know, this doesn't mean anything to me. I mean, I have no need to embellish or add to this. 'Cause I've said Sgt. Torsney is not involved in any criminal activity that I can remember. I've said that.

You know, and I still believe that. He may have known what was going on. But he wasn't involved in any of it. So, I don't need to add one little thing about Sgt. Torsney. I don't need to. I mean, I know what -- what was -- you know, that he told me that they're looking through my logs. I -- if that's a big deal. Then, it's a big deal to you guys. It really isn't to me.

Q I mean, you got to understand the high profile that this whole thing is. You know that.

MR. ROSENTHAL: It's -- it's -- if I may, it's even more than that. Remember, uh, when we're investigating a police

officer for serious crimes, and we're trying to stop the police officer/suspect from knowing they're under investigation, so that we can do surveillances, and wire taps, and such, if other officers tip off the suspect, it, uh, in essence, destroys our ability to conduct a full investigation.

THE WITNESS: That will never happen here. And I don't -- I hate to tell you guys this. You cannot have an -- and, you know, you hear about it in the press. And I'm sorry to be, you know -- my opinion is probably way down here. You cannot have LAPD investigating LAPD. And I think, you know, if you really think about it, you can't.

You cannot investigate me, and then, call down to my division, and say, "Hey, look. You know, what's Perez doing today?" They're gonna tell me. Rampart's a close division. 77th, the same thing will happen. "Listen, I.A.'s calling down here about you." It happens all the time.

And I don't know if you guys work I.A., but any time I.A. calls down to a division, and asks about a officer, that supervisor or somebody -- somebody working the Complaint Unit is gonna come to you and go, "Listen. They're calling about this. You know, you guys got your story straight?" It happens all the time.

I'm not trying to add or embellish or anything. I am telling you, you will never be able to have LAPD investigating their own. Maybe for personnel complaints, you know, this guy slapped me. Okay. Fine. You know, you can try and do your

best. It ain't gonna work. I've only got ten years on the job -- or I had ten years on the job. But every complaint that I had, I was talked to beforehand. Before I, you know, got interviewed.

So, what kind of investigation was that? I knew what was coming. I knew what to say before. You know, I was told, this is what you need to say. So, you will never -- and, especially, criminal cases. How are you gonna have LAPD investigate? You know, it's like the -- the chicken -- or the -- the fox guarding the -- the henhouse.

Uh, I'll leave it alone.

MR. ROSENTHAL: But they did get you.

THE WITNESS: I was -- there was nothing I could do to reverse it. What could I have possibly done to reverse it? Nothing. What was done was done. There was nothing, uh, different that I could have done, or, you know, other than -- and let me add this.

Sgt. Ortiz told Officer -- was it Martin? An officer came to me. And maybe you want to ask the task force this. This is before the search -- uhm, before the search -- before the search warrant. He said, uh, "Perez, Sgt. Ortiz told this officer to tell me, 'Tell Perez to be careful'.

No, I'm sorry. This is after the search warrant. This is after the search warrant. I'm relieved of duty. But I'm at home. Not arrested yet. He says that they had a nickname for me up at the task force. And my nickname was "The

-- The Dope Dealer."

Now, I don't know if this phrase was being used for me or not, other than -- before -- besides using my name, that supposedly I'm being called "The Dope Dealer". Ortiz had, supposedly, talked to someone. And they were referring to me as "The Dope Dealer." I don't know if the task force actually called me "The Dope Dealer" while this was going on or not. I don't know. But this is what I was -- I was told.

And, now, this is Sgt. Ortiz getting it. And he telling another officer telling it to me. And I'm not saying that it's gonna always work, you know, just -- you know, absolutely, it's not gonna work. And that it's gonna always work. I'm just telling you it is real difficult for LAPD to investigate LAPD. There's too many relationships, too many friends, too many connections.

You have to have an independent -- you know, somebody on the side. And I'm only telling you this to be honest. Like I said, every personnel complaint I've ever had, I knew what was coming.

SGT. STRENK: Fair enough.

MR. MCKESSON: I just got a page. Hold on.

SGT. STRENK: Go off the record?

MR. MCKESSON: No. Go ahead.

SGT. STRENK: Okay.

Q After the day you were relieved, there was a meeting -- for lack of a better word -- a meeting at the Shortstop with

Torsney and a majority of the C.R.A.S.H. officers. Did you ever learn about that meeting?

A I got approximately six, seven pages of guys saying, "Hey, you want to stay at my house? You can come stay at my house." Apparently, they got word that a big scandal was opened up. Uh, that my wife knows about it. She's upset. Uh, you know, it was everywhere. I mean, they didn't know which way this was going.

But, uhm, you know, I got some calls saying, "You know, screw these guys. You know, we know you're not involved in anything. You, uh -- you need a place to stay, if you need anything, just give me a call." Uh, I think it was Cohan, uh, Barker. Just several different officers called me. Uhm, they had told me that something went on.

I told them, you know, "Guys don't worry about it. Don't, you know -- just stay clear of it all." I didn't want anybody involved in anything. I didn't want them getting in trouble.

Uhm, so, I had -- other than Officer Martin -- I had no contact with the rest of the guys. I just didn't want anybody else being involved.

Q Okay. But you didn't answer my question.

A I'm sorry. Did I know about the meeting?

Q Did you ever learn about that meeting?

A No. No, I -- I knew that they had talked. And they knew something was going on. You know, the big scandal. So,

they were all, you know, trying to, hey, if you need anything, you need a place to stay. I don't know what was actually said in the meeting. But, obviously, they knew something went on. I was arrested -- or the search warrant was done. And I'm about to get arrested.

I don't know what went on in the meeting, no.

Q Did you ever try to find out what was discussed in the meeting?

A No.

Q Did you ever ask anybody to try to find out for you?

A No, sir.

Q You had brought up -- since you brought up the wire tap, let me ask you about that specifically. We've become aware that a conversation that was grabbed from the wire tap --

A Mmnh-mmnh.

Q -- has you talking to a female asking her to inquire and find out what was discussed in this meeting. Do you recall that conversation?

A I talked to a female and asked her to find out what went on in the meeting?

Q Correct. In the Shortstop meeting the day after you were relieved.

A I'm really confused.

Q With the question? Or what I'm asking you?

A With the entire thing. I don't -- did -- a female officer? Or just a female?

Q Just a female. It's been -- she's been categorized as a girlfriend.

A Right. We're talking about, uhm, -- the one we just talked about.

Q BY MR. MCKESSON: Quesada?

A No. The Hispanic girl. Uhm, Jesus Christ. The one we just talked about when they went -- the week before that. Whenever it is. Two weeks ago.

Q BY DET. BURDITT: She was an informant?

A No.

SGT. STRENK: The name is not important.

SGT. MATTHEWS: Well, it may be.

THE WITNESS: Okay. But there's -- yeah, uhm, give me one -- just --

SGT. STRENK: Okay.

THE WITNESS: Just give me -- her name is Sadia. If we're talking about Sadia. Is this --

SGT. STRENK: Okay. I don't -- I don't know the name. That's why I'm saying the name is not important. You could tell me a name and it wouldn't --

THE WITNESS: How is -- how is Sadia gonna go to a Rampart C.R.A.S.H. meeting to find out?

SGT. STRENK: That's why I'm -- that's why I'm asking. And you have to understand, uh, a lot of times, during these investigations, one group of individuals are gonna be held way behind the curve than a whole group of other individuals. So,

you have to excuse me for that.

THE WITNESS: Uh-huh. Right. Uhm --

SGT. STRENK: But I've been told -- I know there was a meeting that occurred the day after you were relieved, at the Shortstop.

THE WITNESS: I have no idea about a meeting.

SGT. STRENK: I've also been told that, from the wire tap, you inquire with a female, who was labeled one of your girlfriends, uh, to try to find out what was discussed in the meeting. And it was referred or implied that this girlfriend knew some of the guys in the unit and could talk to them to find out information.

MR. MCKESSON: Before -- before -- let me -- let me talk to Rosenthal. And let me tell you why.

SGT. STRENK: Okay. Do you want to go off tape?

MR. MCKESSON: Yes.

SGT. STRENK: All right. We're going to go off tape. It's, uh, 1520 hours.

(Off the record at 3:20 p.m.)

(Back on the record at 3:35 p.m.)

SGT. STRENK: We're back on tape. It's, uh, 1535 hours. Just a couple, uh, other short questions.

Q Did you ever call Sgt. Torsney at his home residence?

A I don't think so.

Q Would there be any reason why you would call him at his residence?

A Uhm, if we were called in to come in early or something like that, and I wanted to confirm it or something. Or let's say he wanted me to call -- like let's say we needed to come in early. He would call me and say, "Listen. Uhm, call these six people. Make sure you get a hold of them to come in early. And let me know that you got a hold of them."

I might call him back on something like that. But just on a Wednesday night or a Saturday afternoon, or something like that, just to call him and talk to him? Never.

Q Did you ever call -- call him possibly at home for a T.O. or ask for a day off, or something like that?

A Yeah, that's possible. We have a phone list of, you know, uh, where you could get a hold of each other. That's possible also.

Q Did he ever call you at your residence?

A It's possible. Uh, but, not enough to where I remember them. And if there was, maybe once or twice.

Q Did he ever call you at your residence regarding the investigation that was occurring on you?

A No.

Q Did you ever call him at his residence in regards to the information that he was providing you regarding you being under investigation?

A No.

Q BY SGT. MATTHEWS: Again, just some clarification questions. Uhm, was it common in Rampart C.R.A.S.H. to bring

up, in a roll call setting, issues like you're under investigation?

A Absolutely. Uhm, complaints -- uhm, anything major within the unit, we will debrief it. We will take care of each other. We will back each other up. Whatever we have to do.

Q And the purpose of that meeting, you're telling me that --

A You take care of each other. And, you know, what we used to call it was, "Going to the box for this person." Uh, I'm being accused of beating the hell out of somebody. And five other officers were there. We're gonna make sure that everybody's on board. And they're gonna have the same -- the exact same story. And we'll talk about it.

Uh, you know, whatever one guy's -- one person's story is, all five of our stories are going to be exactly the same. We don't deviate from it. We don't change it. One of the things that we learn in C.R.A.S.H. is, once you told that story, you never ever, for whatever reason -- I don't care if you come and tell me, "Oh, by the way he said actually this." I don't care.

This is what actually happened. Whatever you guys agreed to, whatever the story was, that's what the story is.

Q So, if I -- if I hear what you're telling me, it would not have been just you. But the sergeant may say -- may say, Officer "X", we got this caper going down. Officer "Z" --

A Yeah, it's very possible. Now, Sgt. Torsney, when he

talked to me about, uh, them requesting my, uh, logs and vacation, only told me.

Do I feel that he might have went and told, you know, Miyakawa or Graham or some of the, uh, senior officers? I feel he probably did. 'Cause you could tell everybody was, uh -- you know, other than the fact that they knew I was being followed. And we had a feeling that it was the unit. You know, well, they had a feeling it was the unit. I knew it was me.

Uhm, there was still people kind of walking on eggshells, like something was going on more than just being followed because we're the C.R.A.S.H. unit.

So, I got the feeling he might have told some other people. But I don't know that, though. I can't say for sure.

Q You kind of inferred in your language that you may have been followed in other occasions. Not -- not what we're sitting around this table for. Is that -- is that true?

A Well, I felt that I was being followed for -- you got to remember, when all this went down, there was a home invasion robbery report done on me, Durden, and New. Uhm, it was -- it was not a home invasion robbery. But it looked very much like a home invasion robbery, as to what occurred.

Uh, the female over-reacted and made a report. Actually, she didn't over-react. She made the report to get us off her back. Uh, so, a big robbery report was done. Uh, I left her my voice mail with my name on it and everything. So, I was a little worried about that. Because, actually, the

things that she claimed was taken from her, were actually taken from her.

So, there was actually property taken. Also, the bank robbery. Again, talking about the bank robbery. I felt like they may follow me. They -- they told me they were gonna follow me. So, you know, I felt that different people at different times were following me for different reasons. I already -- and I always felt that a combination of everything, you know, complaints here, you know, a friend doing a bank robbery -- another police officer. There was too much of a connection and like too big of a coincidence to just leave it at that, you know.

Q Uh-huh. Let me ask you this. Do you ever recall making a statement, in a roll call setting, "I think I'm being followed. I think it's the FBI." Something to that effect?

A Oh, yeah. Certainly.

Q Was that a one-time occasion? Several occasions?

A No, I think it was several occasions. I definitely said that, "Yeah, I'm being followed." I think I talked about one of the incidents where they're following me and I slowed down. They went around me. And, now, I'm trying to follow them. And they, schwoo, are taking off. I think I've talked about that in the roll call.

Q Now, we --

A You know, things were mentioned in roll call. And, you know, you're expected to -- if you know a little something

-- let us all know. So, we're on the same page. So, that we know to be aware of whatever. So, I'm being followed and I see someone following me, I tell everybody in roll call.

"Listen, you know, I'm definitely being followed." You know, uh, this is going on. And this is going on. Uh, today, I was leaving my house and someone's following me. You know, so, that everyone is looking, you know, being aware, make sure that, you know, if they are being followed, they know it.

Q It was Torsney who came to you and told you, during your vacation to be careful?

A Before my vacation. Before I left for my vacation, he told me on several occasions.

Q Tell -- tell me what you were being careful of? What -- what --

A I don't know. I don't know. He just told me, "Whatever you're doing, be careful when you go on your vacation." I don't know why he told me while you're at your vacation, be careful whatever you do on your vacation. I don't know what he was thinking I might have been doing. But he, specifically, said, "When you -- when you're on your vacation, be careful whatever you're doing. They're looking at you," he said.

Q You don't know what he meant by "be careful"?

A No, I do not.

Q Other than Torsney and Byrnes --

A Mmnh-mmnh.

Q -- and Hoopes, who used Miyakawa as his agent to bring you information that various things were going on --

A Hoopes -- Hoopes is our source of information. Hoopes is in the -- Hoopes is working for the Lieutenant. In fact, the acting captain.

Q Right.

A Hoopes brings us -- everything that comes through the Captain and Lieutenant's office, Sgt. Hoopes provides the C.R.A.S.H. unit with that.

Q Okay. My question to you, though, is, other than those three supervisors, were there any other supervisors who were providing you with the information we've talked about or something similar to or --

A Uhm, I think Sgt. Ortiz was aware. Actually, Sgt. Ortiz was now, at that point, working Patrol in Rampart. Uh, and we were trying to convince him to come back to C.R.A.S.H. He knew something was going on. And he would tell me, you know, "Be careful."

Q If I can, and I know you don't have that information. But I have information that Torsney -- that Torsney came to the C.R.A.S.H. unit on June the 6th of '98.

A June 6? Okay.

Q And you were relieved of duty on August 6.

A Right.

Q So, we're talking almost three months to the day that he comes to the unit.

A Two months.

Q '98, August.

A That's two months, right?

Q June, July -- August, right.

A Two months?

Q Two months.

A Right.

Q And you said you have had no other contact as him being a supervisor, right?

A I don't even know where he came from. What division or if he was at Rampart Patrol, or -- I have no idea.

Q Clarify for me why he would befriend you and start providing you with some very confidential information when he's the new kid on the block, so to speak? I mean, I couldn't even remember everybody's name by the first two months, who I was working with. So, --

A He's the Rampart C.R.A.S.H. supervisor. I mean, that's all I can tell you. Uhm, you know, I don't know. I -- I really -- you know, we talked about it a little bit. And I -- other than, you know, he's trying to fit in, and just trying to do his part. You know, I'm sure he knew that, uh, Byrnes was gonna tell me the -- well, I don't even know if Byrnes knew about the vacation part. He told me that on his -- on his own.

And, like, again, I guess you guys just have to figure this out. Maybe you talked to RHD right now and ask them, did you guys call Torsney and ask him about his vacation? Yes.

How would I know that if Sgt. Torsney didn't tell me?

I have no reason -- I have no way of knowing this, number one, unless Sgt. Torsney told me. Unless, they, of course, asked several other different people. But I got it from Sgt. Torsney.

Uhm, Sgt. Torsney definitely knew that Sgt. Byrnes was also gonna tell me about the handwriting exemplar, 'cause he wanted to pull them himself. 'Cause he was my supervisor, at the time when these logs were done. So, did he tell me because Paul was gonna tell me anyway? I don't know. But he told me.

Q So, you're saying that he's doing this to fit in; am I correct?

A That's my own -- that's the only possible -- I mean, I don't know. I don't know what his motivation was.

MR. MCKESSON: Let me just say, only because I think he gave a long speech and response to the other questions, yes.

SGT. MATTHEWS: And I apologize. And I'm trying to stay away from going back over that same ground again.

THE WITNESS: I don't want to go into a long speech like that again. But why he did it, I can't tell you. Uh, I don't know. If you asked him, would he admit it? I don't know. I mean, there's only one way for me to find out that they were wondering about my vacation and when I'm going on vacation, and that's from Sgt. Torsney.

'Cause I'm -- I'm assuming he was my -- my only

supervisor, at the time. That's who they're gonna ask. That's the only way I would get it.

Q BY SGT. MATTHEWS: Uhm, and, again, I think you've already answered this. But correct me, was he doing this for other officers in the C.R.A.S.H. unit? Was he coming forward and talking to them about specific portions of -- maybe a personnel complaint they had?

A Yes, Sgt. -- yes, he would do that.

Q But, you -- I think you mentioned you did not or could not recall?

A A specific personnel complaint?

Q Yeah.

A I couldn't say. I know that Sgt. Torsney was good for -- uh, him, Sgt. Dickerson -- there were certain sergeants that were really good at handling like complaints and things that were coming down, and how to talk to captains and lieutenants. Sgt. Torsney was good at letting you know what's coming down, how you need to deal with it, how you need to handle it, and what you need to answer. You know, what your story should be. That type of thing. He was good for that.

Was he good for, you know, telling him, hey, uh, put dope on this guy? I would never tell Sgt. Torsney that. Would he come to us and tell us, hey, you got a -- you guys are gonna have to handle this beef and do this and do that? Yeah, he was good for that.

Q BY SGT. STRENK: The Shortstop.

A Mmnh-mmnh.

Q A common watering hole for the unit?

A Yes.

Q Common for -- for lack of a better word -- debriefs to occur at the Shortstop about incidents that occurred?

A There or the benches. The benches is probably the more common than the Shortstop.

SGT. STRENK: You want to go back?

MR. MCKESSON: Yeah. Why don't we talk in the other room.

SGT. STRENK: Sure. We can do that. We're gonna go off tape.

DET. BURDITT: Greg, can I just ask one question?

SGT. STRENK: Sure. Please.

DET. BURDITT: It's probably be asked before.

Q Ray, did you ever -- Greg was asking you about the Torsney issues and the information. Did you ever write any of this stuff down? Anything documented?

A No.

Q Okay.

Q BY SGT. STRENK: Not in a day planner? Not in a Franklin planner, or anything like that?

A Nothing like that.

Q Okay.

A I would never write any of this down.

Q All right.

A Can I use the bathroom?

Q We're going to go off tape.

SGT. MATTHEW: Yeah, I can arrange that.

SGT. STRENK: It's, uh, 1545 hours.

(Off the record at 3:45 p.m.)

(Back on the record at 3:48 p.m.)

SGT. STRENK: We're back on tape. It's 1548 hours. I've got nothing further in regards to this issue as it relates to Torsney and Torsney providing information to you. One issue that Mr. Rosenthal would like to clarify, if you will.

MR. ROSENTHAL: Sorry. I -- I wasn't in the room when this occurred. But, apparently, there was a statement made that there might have been a phone conversation caught on the wire tap between you and a girlfriend inquiring about a meeting at the Shortstop. And, uh, I was privy to all of the wire tap calls that were, uh, monitored. And there was no such call monitored, that I recall.

THE WITNESS: 'Cause I don't remember ever having one. So, I was a little thrown off.

MR. ROSENTHAL: Then, that would be consistent. All right.

SGT. STRENK: Understood. And we're gonna go off tape. Uh, we're done with this segment. It's, uh, 1548 hours.

(Off the record at 3:48 p.m.)

(Back on the record at 3:55 p.m.)

SGT. STRENK: This is a tape-recorded interview for Personnel Complaint No. 99-4646. Today is January 13th, in the

year 2000. The time is 1555 hours. The location of the interview is One Gateway Plaza, the MTA Building.

And present to be interviewed is Ray Perez. The interview is being recorded on Tape No. 223335, Side A. And is being conducted by Sgt. Greg Strenk, Serial No. 24702; and Sgt. Ted Matthews, Serial No. 22482, Internal Affairs Group.

Also present is Detective Mike Burditt, Serial No. 24454, Internal Affairs Group. Also present is Deputy District Attorney Richard Rosenthal, Attorney Winston McKesson, and Stenographer Sara Mahan.

We're here today to discuss an arrest that occurred on June 26th, 1998. Defendant's names are Everaldo Monteroso and a Juan Villeda. A D.R. number of 98-11-17442.

Prior to going on tape, uh, Ray, I provided you a transcribed copy of your statement that you provided on October 11th, 1999, and two photographs.

Q Uh, did you have an opportunity to review that transcribed statement?

A Yes.

Q And look at the two photographs?

A Yes.

Q And, are you familiar with the case we're going to be talking about now?

A Yes.

Q What can you tell me about, uh, this case?

A Uhm, it wasn't my case. I believe it was Mesina's

and Gomez' case. They requested our assistance, uh, to do a follow-up to the location where this arrest took place. And I also believe that Sgt. Torsney rode with us -- me and Officer Arujo

-- uh, to the location.

Uhm, we -- or Gomez and Mesina had information that these people were dealing narcotics at the location. They were fabricating narcotics. Uh, other than that, we had nothing else.

Uh, we get to the location, myself, Arujo, and Sgt. Torsney go to the front of the location. Mesina and Gomez go to the rear of the location. Uhm, we, basically, have no probable cause to get inside. So, what we do is, we just knock on the door. The guy opens. We, basically, just barge our way in.

Once inside, you know, there's, obviously, all kind of narcotics. Uh, you know, people are taken into custody. Narcotics recovered.

While inside, we're trying to figure out how this is gonna be written. Well, actually, Gomez and Mesina and the sergeant -- and myself -- were trying to figure it out. I mean, it wasn't my case. But we're trying to figure out how this is gonna be written.

Sgt. Torsney looks around. Uhm, he goes, uh, and looks out the window. And there's something either leaning on the building or on the fence. But, anyway, he tells Gomez, why

don't you just say that you -- that this -- this -- I don't even remember what it was. It was some kind of object that was leaning up against the house.

Or he said, "Why don't you just say it was leaning up against the house. You stepped on it. Looked into the window. And, in plain view, you saw the narcotics." And that's why we, you know, we went in and identified ourselves as police officers. And, then, went in.

Uhm, and that's what he ended up writing. Although, what actually happened was we went in there -- had no way of getting in. So, we just figured, all right, let's just knock and go in. You know, if we find something, we find something. If we don't, we don't.

Q Can you take me from the time you first became aware of this information on this case? How did you become aware that you were gonna go to this location? And do you recall where the location was?

A I believe it was actually somewhere up in Hollywood Division. Or maybe Northeast Division. I don't think it was in the Rampart -- I don't think it was a Rampart location.

Q Okay.

A I don't know, right off the top of my head, where it was, you know. But I remember it was a building. I remember the apartment was the lower apartment on the right-hand side, and at the very end of the location. Uhm --

Q Can you describe the building any further to me?

Single-story? Multi-story?

A I couldn't tell you if it was three or four stories. I just -- I remember going to the apartment. I remember in the back is -- to the back of the location and to the side of it -- right-hand side, there's some windows there. And, like I said, this wasn't my case. So, it doesn't really stand out.

Uhm, but I remember going there. I remember Sgt. Torsney riding with us -- with me and Arujo.

Q Do you recall how Torsney ended up being in your car? Was he riding with you that night?

A No. It's just when we met with Mesina and Gomez, uh, 'cause they needed some assistance to go and do this little caper, Sgt. -- you know, Sgt. Torsney was gonna go. And we just -- you know, he said, "I'll just ride with you guys." And he just jumped in the car with us.

Q And when you met with Mesina and Gomez, where did that meeting take place?

A I'm not a hundred percent sure. But I think it took place at Rampart, uh, Detectives.

Q When they briefed you on what they had, was this the only location that you responded to?

A I don't remember. I don't know if we went to another place first and then went to do another follow-up. I don't remember. I mean, this -- I mean, if you told me something that we went somewhere else, I would remember maybe. Maybe I would remember, maybe not.

Uhm, like I said, this wasn't my case. So, it really doesn't stand out for any particular reason.

Q I'm going to show you a series of photographs. They're marked 1, 2, and 3 and 4 in two separate sleeves. Do those photographs refresh your memory on -- as it relates to this incident that we're talking about?

A If you told me that those two windows right there, uhm, pertain to the apartment that these defendants, uhm, were in, or the -- where the arrest was made, then, I would say, yeah.

The building itself, the -- the back door, it really doesn't stand out. But it appears that this how the wall would be and the building. And I'm pointing at Picture No. 3 by the way.

Q Okay.

A There's a -- in the center of the photo, there's a long retaining wall going all the way back. On the left-hand side is the actual building -- three-story. There's two windows all the way at the very end on the first floor. That is my recollection of where the apartment would have been, uh, and, uh, where the arrest was made.

Q Okay. Did you ever -- you had referred that Torsney had looked out the window and saw some objects beneath the window or next to the window. Did you ever look out and see what Torsney was talking about?

A I don't think so. 'Cause I don't remember what it

was. I know it was something that he said just say that this was resting up against the wall and you stepped on it and looked in through the window.

But I don't -- I don't remember what it was. So, I -- I probably didn't look at it.

Q You had said that yourself, Torsney, and Arujo went to the front as Gomez and Mesina went to the rear.

A Yes.

Q Do you recall how Gomez and Mesina got to the rear?

A I'm assuming they walked back there.

Q Well, when you go to the front of this location, do you recall entering the building itself?

A I remember going in the building, yes.

Q Do you recall if everyone went into the building -- the front entrance?

A I remember myself going in the building. I don't remember how anybody else got in. I mean, I -- I really don't remember exactly how. I mean, I'm assuming, if I say, yeah, I remember everybody going in -- I really don't remember. I remember myself going in. I remember standing by the door. I remember hearing Gomez, "Yeah, we're set up at the rear." And us knocking. And the guy opening. And we went in.

Q You had --

A I don't --

Q In Photograph No. 3, you identified a -- a cinder block wall, uhm, that can be seen from the street.

A Yes, sir.

Q Do you have any independent recollection of whether Mesina and Gomez went down that walkway and hopped over that wall to get to the rear of the location?

A No.

Q Do you recall having any contact with -- are you okay? With, uhm, a gentleman who identified himself as the apartment manager prior to entering the apartment at this location?

A Me having contact with him?

Q Personally, yes.

A No.

Q Do you recall anyone having contact with the apartment manager prior to making entry into the location?

A No.

Q Is that that you don't recall? Or no, it didn't happen?

A I don't recall that.

Q Could that have happened and you just don't recall it?

A Sure, it could have happened. I mean, Mesina -- that's -- it was Mesina and Gomez' case. Again, I don't know if I said that earlier.

Q Yes.

A This is not my case. So, I really wouldn't have -- if somebody wanted to talk to the manager, they would have went and talked to him. And, then, maybe relayed whatever to us,

and we would have went and did it.

So, sure, it could have happened.

Q Okay. Do you speak Spanish?

A Yes.

Q Fluently?

A Yes.

Q Do you know if Arujo speaks Spanish?

A No. I don't think he speaks any Spanish.

Q Would it be fair to say then, if between your -- do you know if Mesina speaks Spanish?

A Yes.

Q Do you know if Gomez speaks Spanish?

A Yes.

Q BY MR. MCKESSON: That means, yes, you do know? Or, yes, they do?

A Yes, they do speak Spanish. And, yes, I do know that they speak it.

Q Okay.

SGT. STRENK: Thank you.

Q Do you recall if anyone approached? Do you know or do you recall if anyone approached a manager and attempted to get a key from him for the apartment?

A I don't recall that. I'm not saying it didn't happen. I just don't recall it.

Q If I were to say that I've talked to an apartment manager and he indicated that those things did occur, that he

was talked to by someone, that someone asked him for a key, uhm, and that he, basically, said he didn't want to get involved, and didn't give a key, could that have occurred?

A Sure.

Q Do you have any reason why to doubt that that could have occurred?

A No.

Q This conversation -- or let me show you some photographs. These are xerox copies of photographs. They're numbered 1 through 4. And those photographs were attached to the arrest report.

A Mmnh-mmnh.

Q Do you recall, uhm, those photographs being taken, at the time of the arrest?

A I remember the indoor one. I don't remember the outdoor one. The -- the one that's, uh, depicting it looks like some type of steel or metal grate, or something. I don't know what it is exactly.

Uh, the screen being pulled out. Actually, you know, something about the screen. Uh, when we knocked on the door and went in, I think somebody had said that a guy was trying to come out the back -- back window or something like that.

Q Okay. Tell me about that.

A Uhm, when we knocked and there was no -- and we're going in and somebody opened the door or something, after it was all said and done, and whenever this person was taken into

custody, uh, I think Mesina and Gomez said that someone actually was gonna try to come out the back window. And they saw them. And they went back in. And that's all I remember about it. I don't know how it was written, or whatever. But seeing the screen pulled out this way, just reminded me of that.

Q Okay.

A But I never saw, you know, this -- this picture -- uh, this -- this scene here. The grate and all this leaning up against the house.

Q Okay.

A I never saw that. I remember the table having dope on it. I remember all this other stuff here. Uh, I don't remember this.

Q Okay. Getting to that, someone telling you that they thought somebody stuck his head out, or tried to get out, where did you first hear that information?

A After we were already all inside. After, uh, Mesina and Gomez already had come back inside to meet us when we were already inside.

Q And how -- do you recall how many people were in that apartment when you gained entry?

A I want to say two or three people.

Q Okay. Do you recall what your -- once inside and the suspects are detained, do you recall what your specific responsibility was inside?

A Just to stand by.

Q Do you know where this conversation took place between Torsney, Mesina and Gomez? And you said you thought you were there as well. Where the issue of P.C. came up, do you remember -- recall where that conversation took place?

A Standing right next to this table right here.

Q Okay.

A That I remember because we were sort of discussing it quietly. Uh, I mean, think the -- the defendants were Spanish-speakers only, anyway. But we were talking about it quietly. And to be honest, uh, Mesina and Gomez and Torsney was mostly talking about it. I was mostly listening.

Q Okay.

A Uhm, but Torsney was the one that came up with the idea of why don't -- uh, I don't know if he looked first and then came back and said, "Look. Let's say that these things were resting up on it." Or, you know, I don't know if they were already resting here, or they were resting on this side and he told them to put it on this side and take a photo of it. I wasn't there when they did this picture here. I was inside for these. But I wasn't, uh, for this one.

MR. ROSENTHAL: Let me just point out, for the record, that the photographs, and there are four of them, appear to be Polaroid photographs which were attached to the arrest report, which is D.R. No. --

THE WITNESS: 98-11-17442.

Q BY MR. ROSENTHAL: And -- and, in fact, that D.R.

number is written on each of the photos?

A Yes. Uhm, so, that conversation took place mostly standing by this table here. Uhm, and the conversation was -- primarily, was Mesina, Gomez, and Sgt. Torsney.

Q BY SGT. STRENK: The narcotics that were recovered in the house, do you recall where they were and what the scene was in the house?

A A large portion of it was on this table here.

Q Mmnh-mmnh.

A Uhm, some of it was in the sink. Some of it was in the, uhm, -- on the stove cooking. Uhm, when we walked in, there was a lot of scrambling around. The guy started running. And dope fell on the floor. And, uhm, but, uhm, some of it -- in fact, you may be able to see some of it on the floor in the pictures.

Q Okay.

A Uhm, but, a lot of it was on this table. In fact, like this picture is taken, uh, I see like a bindle here, a bindle there.

Q Yes.

A There was more than that. And I don't know if it more dope that was taken from other places and put on the table. But there was more dope than this.

Q Okay.

A I mean, there was a lot of dope.

Q Do you know who took those photographs? The inside

ones?

A I'm assuming Mesina or Gomez or -- or maybe even Torsney. I don't know.

Q Let's go over this. You said somebody knocked on the door? Do you recall who, specifically, knocked on the door?

A I think I knocked on the door.

Q Did you announce yourself in any way?

A No.

Q Okay. When the door -- did someone respond to your knocking?

A Yes.

Q And how did they respond?

A They opened the door.

Q All the way? Partially?

A Partially.

Q Was there a chain on the door?

A No.

Q Okay. They partially opened the door. And then, what occurs?

A We pushed our way in, and further opened the door for them. And kind of walked my way in. We all walked our way in.

Q Okay. And as you walked in, what do you see?

A There's, uh, one -- I think there was -- was there a total, uhm -- I believe there was a total of three people. Because there was, obviously, the guy at the door. And I remember at least two other people inside. Uh, and I remember

when they saw us, people are standing up and moving around. Uhm, but we just -- they just stood there. I mean, nothing out of the ordinary happened, in other words.

Uh, they didn't run out the building or -- or anything. No foot pursuit or nothing like that. We just took them into custody. There was dope in the obvious places.

Q When -- do you know what Arujo was doing when this conversation was taking place between Torsney and Mesina and Gomez?

A No.

Q How far away were you when this conversation was taking place?

A From?

Q From Torsney, Gomez, and Mesina, when they're talking about probable cause?

A Oh, I'm standing next to them.

Q Is your attention directly to them? Or is it mixed between them, watching suspects?

A Exactly. I'm, you know, paying some attention to what they're saying. And then, I'm back and forth. You know, I'm -- really, it wasn't that -- I -- I understood the theory that, you know, Sgt. Torsney was using as far as, you know, you want to say that you saw, uh, narcotics in plain view, which gives us some P.C. to go in.

But, you know, like I've worked Narcotics and, uh, you know. And I think he had said that he's -- he's worked

some Narcotics, too. And, so, I -- it wasn't my case. So, I really didn't care whether it was going to be a filing or not, the way he was doing. So, --

Q Were you an active participant in that conversation? Or were you just overhearing it?

A I was mostly overhearing it.

Q Do you know, for a fact, whether Gomez or Mesina actually stood outside and looked in that window?

A My opinion -- well, no. I -- I'm --

Q For a fact, do you know if they did or not?

A I -- I am almost -- I know they didn't. 'Cause they would have told us. "There's dope everywhere." You know, we're in radio contact. They would have said, "Man, we see a bunch of dope in here. How are -- how are we gonna handle this?" You know what I mean?

Our thing was we don't know what's going on inside. We don't even know if there's somebody inside.

Q Okay.

A As C.R.A.S.H. officers, I certainly would chew out Mesina and Gomez if they climbed on this and stuck their head in this window, and there's suspects in there with possible guns and narcotics activity. I would chew their ass if they stuck their head in this window to see if there's something inside there.

That's tactically unsafe. And we wouldn't recommend it. You know, I'd tell them -- I certainly wouldn't tell them

to do it. I wouldn't do it. You know, I'm gonna climb on this? You know, these guys could be dope dealers cooking up all kind of dope. And here they think, uh, this guy -- they don't know who he is. All they see is his head and maybe coming in to rob them, and shoot him in the head.

You know what I mean? I wouldn't tell them to do that. I -- I very seriously doubt that they did that. I know they didn't do that. 'Cause once we're there, they're in the rear. And we're in the front. And we're like, mmnh, well, let's just door-knock it and see what happens. It was one of those things, if we don't door-knock, we have nothing. If we door-knock it, we may get something out of it.

So, I know they didn't see anything.

Q Okay.

A At least not the way the report says that they looked in and saw dope in plain view. They would have relayed that to us. And they would have at least had to say, hey, I see dope in plain view. Uh, it's on the table. Uh, there's two or three males inside. That's something you would want to share with us. And that was never relayed or nothing like that.

Q Tell me about the radio communications you had before you went in to that apartment? And that will be my last question, so, we can get you out of here.

A Uhm, --

Q Unless -- we're okay?

MR. MCKESSON: Yeah. We've still got five minutes.

SGT. STRENK: Okay.

THE WITNESS: There -- there's nothing, uhm, that stands out as far as radio communication. There was none. It was -- other than "Are you set up in the back?" "Yeah."

(Off the record to change paper.)

(Back on the record.)

Q BY SGT. STRENK: So, other than just telling them, or them telling you that they were set up in the rear, there was no other communication --

A I think --

Q -- over the radio?

A I think we, uh, -- we did them that we're gonna go ahead and door-knock it. And that's about the end of the conversation, as far as any radio communication.

Q Can you tell me the time frame between the time you knocked on the door and the time someone responded to the door?

A I'll be guessing. I mean, --

Q That's fine.

A -- just a matter of seconds. I mean, I don't know, maybe five, ten seconds.

Q And the comment that Gomez or Mesina made that you overheard, that they talked about someone possibly trying to get out the window, did they ever -- did you ever hear when that would have occurred?

A Uh, they -- they made that comment after they came back inside, after everybody inside was already in custody.

They had said that one guy stuck his head out the window, as though he was gonna -- gonna jump out the window -- out the back window, and saw them and, then, came back in. And we already had them in custody.

Q BY SGT. MATTHEWS: When you entered the apartment, did you see anyone attempting to destroy evidence at all?

A I didn't see anybody. I know there -- there was supposed dope in the, uh, sink. Uhm, well, he was standing by the sink. But, I didn't see him actually putting the dope in the sink. But he was standing by the sink.

Q And with your narcotics expertise with the dope in the sink, what does that make you believe?

A Of course, he was trying to destroy evidence. Uhm, I mean, you can see -- you can see it real clearly that they're trying to destroy evidence. I mean, you have your cooking pan on the -- on the stove itself. And I'm sure that all he did was take the pan and dump everything into the sink to try and get rid of it.

Q Do you recall any radio transmission from the officers who were in the rear, something to the effect that they were destroying narcotics, or putting it down the sink, or --

A No. No.

Q BY SGT. STRENK: Let me ask you about relationships with the officers involved. Arujo, uh, can you describe the relationship you have with Arujo?

A Strictly working relationship.

Q How long had you been partner with him?

A We were partners maybe two months, maybe three months. Two and-a-half months, maybe. From April to maybe June.

Q Was he ever involved in any other case with you where he was comfortable, basically, lying and conspiring to commit perjury?

A He was not voted into the unit. He was sponsored into the unit by, uh, Sgt. Byrnes himself. Sgt. Byrnes asked me, uh, the favor to work with him. And I did. Uh, but was I comfortable with him doing other things? Yes.

Have I ever planted or did anything with him? Yes.

Q And those issues have already been addressed in prior meetings?

A Yes.

Q BY MR. ROSENTHAL: Uh, let me just to make sure, according to my notes, uh, you indicated that Arujo was not an officer who was generally involved in criminal conduct on his own, but he would have been aware of other officers' conduct?

A Yes, sir.

Q Okay.

Q BY SGT. STRENK: How about Gomez? Same question. Your relationship with Gomez?

A Gomez is the same thing. See, now, within the C.R.A.S.H. unit, you actually still have your little cliques.

Q Absolutely.

A In other words, if I'm gonna do a caper, there's certain officers I definitely want with me. And others that I just don't want with me. Uh, so, Mesina and Gomez were one of those -- uh, two officers -- nothing wrong with them. They did their thing. But I just didn't work with them that -- very often.

Q Okay. Being in C.R.A.S.H. for over three years, did you -- were you privy -- did C.R.A.S.H. have meetings where they decided yeah or nah, people coming into the unit?

A We have meetings and voting. Votings and sponsors. And, yes.

Q Do you recall if you had to go through that same process when you came back into C.R.A.S.H. from FES?

A I -- I don't know.

Q Did you ever learn of such a meeting that was held on you prior to you returning from FES?

A I remember that there was an officer -- I believe it was Officer Liddy. It was -- somebody came to me -- several officers came to me, saying -- you know what, I think it was Liddy, that said, that, you know what? Perez has already worked, uh, FES, let him stay, you know, over at FES or something like that. Uh, something like that.

But a lot of the officers came to me and told me about it. But it didn't bother me, you know, neither way. I think Officer Liddy had a little complex because maybe, uh, the other

guys were tighter with me than with him. He wasn't very well liked.

Q Okay.

A Uh, so, that didn't bother me at all.

Q You ready?

MR. MCKESSON: Yeah.

SGT. STRENK: Okay. We're gonna have to continue at a future date. And, uh, so, we're gonna, due to appointment measures, go off tape, and be done for the day. It's, uh, 1620 hours.

(Off the record at 4:20 p.m.)

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