

STATEMENT OF

RAFAEL ANTONIO PEREZ,

TAKEN AT THE CENTURY DETENTION CENTER, 11701 ALAMEDA STREET,
LYNWOOD, CALIFORNIA.

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

APPEARANCES BY:

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REPORTED BY:

Sara A. Mahan
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Los Angeles County District Attorney's Office
C.S.R. No. 10647

99-036

LYNWOOD, CALIFORNIA, MONDAY, NOVEMBER 22, 1999; 5:56 P.M.

(Oath was given by reporter.)

THE WITNESS: I do.

RAFAEL ANTONIO PEREZ,

duly sworn and called as a witness testified as follows:

EXAMINATION BY SGT. COOK:

Q Okay. Today's date is November 22nd, 1999. The time now is 1156 hours -- correction, 1756 hours. We're on Tape No.

222652, Side A. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 25- -- 23251. Uh, we're here with Rafael Perez. He's being represented by his attorney Kevin McKesson. And the court reports is Sara Mahan.

Okay. Uh, the first thing that we're gonna talk to you about is -- you discussed with us, or you mentioned the fact that Dennis O'Sullivan, 3+1, --

A Yes.

Q -- at Rampart?

A Yes.

Q He came into Rampart Station requesting something from you?

A Yes.

Q Can you talk about that?

A I am still as lost, as far as the date goes, and the arrest, as I was before. But I know he was in uniform. He was a senior lead, at the time. He would -- he would make many arrests of the gang members out there. You know, in his particular area. Any chance he got, he would arrest a gang member.

But I remember on this occasion, he, uh, -- he came by and asked me if I had any narcotics, 'cause he wanted to arrest somebody. And I provided him with some.

Q Now, was this at the beginning of your shift?

A When he asked me for the narcotics?

Q Yes.

A You know, I couldn't -- I'd be guessing if I told what time of day it was.

Q Well, what about a year?

A If I would have to guess at the year, it would '97. Sometime in early '97.

Q Early '97. Now, did this occur more than once?

A With me, no. But I know he got along real well with all the C.R.A.S.H. guys. And he's one of those that was not in the C.R.A.S.H., but was definitely in the, uh -- in the loop. You know, he, uh, associated a lot with all the -- all the guys.

Q Now, when you gave him narcotics, what type were they?

A Rock cocaine.

Q And do you remember the quantity?

A It was -- it was numerous rocks. I don't remember how many. But it was numerous.

Q And where did you get the rock cocaine from?

A I don't remember where I got it from.

Q Was anyone present when you gave the rocks to him?

A I don't think so.

Q Your partner?

A No.

Q Do you know who you may have been working with at that particular time?

A I think I was working with Durden.

Q Durden?

A Yes, sir.

Q And do you know if he witnessed it?

A I don't think he witnessed it. He may have. I may have said something to him about it. But I don't think he witnessed it. I know I -- I remember him asking. And I said, "Hold on." I went and got it. And I just brought it right to him. It was really -- uh, for us it was not that big of a deal. I just went and got whatever he wanted and gave it to him.

Q Now, when he -- do you remember his verbiage as to how he requested it?

A His exact words, no. Geez. All I can tell you is he was, you know, he wanted to know if I had some stuff. But he -- I don't think he ever said the quantity, how much he wanted. I think just if I had some. And I brought it to him. His exact wording, I -- I couldn't tell you.

Q Okay. So, when you say the word "stuff" is that your word?

A No, I'm using my words here.

Q Okay.

A But I couldn't tell you he said do you got rock cocaine or, you know -- you know, you got some -- you know, you got some rock or got some stuff. I don't remember what words he used. I know that his -- his message that I got from him was -- or the understanding that I got was that if I had some narcotics, rock cocaine. And I went and got it for him. And he received it.

Q Do you know if he was working with a partner?

A I don't know who he was with. When he came to me, he was by himself.

Q Okay. And pretty much O'Sullivan worked by himself?

A Most times. I think so. Well, from what I remember last, what they were doing was having like probationers sometimes ride with the slows because they had to put the slows drive the street or patrol the streets, the slow workers they were on patrol.

Q And when he made this declaration, was it to you in private, or were there other people within earshot?

A Well, there was probably people in earshot. But I think he just told me quietly.

Q Quietly?

A Yeah.

Q So, he didn't make a declaration to everyone?

A No.

Q Okay.

Q BY SGT. THOMPSON: Ray, you said that O'Sullivan indicated to you that he wanted to arrest somebody. Did he have a suspect in custody?

A I don't know.

Q Do you know?

A I don't know. You know, if I -- I remember correctly, thinking about it, and the more I talk about it, I was downstairs, around the, uh, booking -- you know, where the Rampart's roll call room is? I was somewhere downstairs when

he asked me for it. I was downstairs. So, I don't remember if he had a body upstairs in the bench, or he had a body somewhere. But I -- for some reason, I remember being downstairs, uh, close to the roll call room.

Q Maybe you can clarify something for me on a related type of thing. You said you were downstairs by the roll call rooms, which indicates to me, the old Rampart Station --

A Yes.

Q -- as opposed to Detectives. When did C.R.A.S.H., if you could remember, move from one facility into the other?

A Early '98.

Q Okay. And --

A I want to say February. Maybe February of '98.

Q O'Sullivan, was he in the loop?

A Yes.

Q Okay. Was it well known amongst the other C.R.A.S.H. officers that O'Sullivan was in the loop?

A Definitely.

Q He could be trusted?

A Yes.

Q Did he have knowledge of other activity, gun plants, narco plants that were --

A He's well aware of all that. He's the one that you can actually talk to about that. You know, you could trust him. He's just known within the C.R.A.S.H. unit.

Q Do you recall, specifically, talking to him regarding

specific incidents where you confided to him about?

A I mean, we've -- we've talked about stuff. But there's no one particular incident that stands out that I've -- that, you know, confided in him to talk about, you know.

But he's not -- he's someone that I would not have a problem talking to about anything.

Q Okay. This is my last question. You said that you went and got it from -- for him.

A Yes.

Q The dope. Where did you get it from? I mean, where did you store it at that particular time, or in that incident?

A I'd be guessing. I don't know where I went and retrieved it from. But I did go and retrieve it. I didn't have it on my body. I had it somewhere. I went and retrieved it.

Q Okay. And do you know if, ultimately, O'Sullivan used that particular narcotics that day, or at some other point in time?

A I, uh -- I don't know if he arrested somebody with that narcotics or not. I -- I didn't follow-up on it. I didn't go see who he had upstairs, who he was gonna arrest or -- I don't know.

Q Okay. That's it. That's all I have.

Q BY SGT. COOK: You said that you were aware of another instance where O'Sullivan got narcotics from someone else?

A O'Sullivan probably has gotten narcotics several

times from people. From me, he got this time, or that particular occasion. But O'Sullivan is one that could come to the office, or come to our roll call, and hit somebody up for something. And they'll give it him. You know, and keep walking. I mean, it ain't like broadcasted. But, you know, when he's walking in or he comes to the C.R.A.S.H. office and says, you know, hey, da, da, da, da, you know, secretly talking to him.

And then, the guy gets up and goes to find something. You know, what it is. If you guys -- if you made a -- I mean, I don't have his recap. But if -- if you were to check his arrests, he probably makes a lot of narcotics arrests.

Q But do you have specific knowledge of him getting -- I mean, from someone else or perhaps someone told you that he got it from someone else?

A I can't think of anybody right now.

Q Okay. But you're saying that O'Sullivan would come to the C.R.A.S.H. and ask for narcotics?

A Yes.

Q You just don't have specific knowledge?

A No.

Q Anything you want to add?

A No.

SGT. COOK: Okay. That concludes the interview. The time now is 1806 hours.

(Off the record at 6:06 p.m.)

(Back on the record at 6:07 p.m.)

SGT. COOK: Today is November 22nd, 1999. The time now is 1807 hours. We're on Tape No. 222653, Side A. I'm Sgt. John Cook, 25353. My partner is Mark Thompson. Sgt. Mark Thompson, 23251. We are interviewing Rafael Perez. He's being represented by his attorney Kevin McKesson. And we have a court report Sara Mahan present. And we are at the Lynwood --

SGT. THOMPSON: Century.

SGT. COOK: Century Facility.

THE WITNESS: Detention Facility.

Q BY SGT. COOK: What is it, Century or Lynwood?

A Century Regional Detention Facility. CRDF in Lynwood.

Q Century or Central Regional?

A Century.

Q Okay. You wanted to talk, or clarify, some issues regarding --

A Zavala. Zavala, Danny.

Q Danny Zavala.

A I think we discussed it on Wednesday. And after --

Q Wednesday would have been, uh, the 17th -- November 17th.

A That's correct.

Q Okay.

A After the meeting we had on that day, and after returning, uh, back here, I realized that I may have answered

Mr. Rosenthal's question a little bit too quickly, without thinking about it.

He asked me a question regarding an officer-involved shooting with myself and Officer Tovar. He asked me, uhm, whether -- we had discussed some of the things about Tovar's shooting -- his part of the shooting. And towards the end, I think he asked me whether -- or he asked me that there was nothing -- anything else wrong. And I said no.

Uh, I wanted to clarify that.

Q Okay.

A I think I answered the question based on my belief, based on my assumption, and based on my understanding of everything that occurred. What happened in this incident, we had a male running up some stairs on the north side of the freeway on Alvarado. And when he got to the top of the stairs, it was very dark up there. He stops running.

In my mind, uh, I believed that, at that point, he had stopped and was probably turning around. But I couldn't see him. And I couldn't see the gun. It was too dark. But, uh, when I talked to the officer-involved shooting team, and what -- well, I don't know if it was the officer-involved shooting team, there was some detectives that came and interviewed me.

Uhm, I am sure I said that, yeah, I saw him point the gun at me, uh, and I fired my weapon. I think a lot of that came into play, or my belief came into play, when Mr. Zavala

was detained by some officers. And he quickly said, "Well, I wasn't gonna shoot Perez. I know him. I wasn't gonna shoot him."

So, in my mind, it justified what I was thinking, or -- or assumed happened after he got to the top of the stairs and he turned -- he turned around. Although, it was too dark for me to really even see him. All I could see was his figure, uh, on the freeway. It's just real dark up on the freeways. It's pitch black.

Q There was his silhouette?

A Yeah, his silhouette. All I could see is his silhouette. Uh, so, I -- I definitely can't see the gun. And I can't tell whether he's stopped and turned around to look at me, or he stopped and turned -- you know, stopped and then continued running, or what he did.

The same -- still -- everything else is still the same, that when Tovar got there, the guy was already long gone. And when Tovar showed up, and started firing. Everything's still the same. What I wanted to clarify was that -- and I think I answered, yes, I definitely saw him, uh, pointing a gun at me. Uh, that's not true.

Q It was too dark?

A It was too dark.

Q It was too dark for you to see a -- see a gun?

A Right.

Q All you saw was a silhouette on top of the freeway?

Or at the top of the stairs?

A At the very top. It's the top of the stairs. But it leads onto the freeway. Uh, and another reason I think I answered too quickly was 'cause he wasn't prosecuted for Assault on a Police Officer. He was prosecuted for just Brandishing. In other words, just exposing the gun in front of a police officer. So, I think I might have just -- I went ahead of myself when I -- when I answered his question.

His prosecution for Brandishing a Police Officer was righteous. I mean, he did pull out a gun. He ran. All of that is correct. But, uh, I just wanted to clarify the actual officer-involved shooting, what my perception was of what I saw.

Q So, just go over then, if you didn't see a gun, why did you shoot him?

A No, no. I saw a gun when I'm chasing him.

Q I know. But if you didn't see the gun being pointed at you, --

A It was my assumption that he was. He had it.

Q And that's what you had? You had an assumption?

A Right. That's what I'm saying. My assumption and my belief other than what actual factual basis were.

Q You believe that he was pointing the gun at you?

A Yes.

Q You didn't see it?

A No.

Q Was there any --

A I mean, to this day, I believe he did point it at me when he -- based on what he told the officers that he wasn't gonna shoot me. He wasn't gonna kill me. He knew me, or something like that. That -- statements about me. But I want to make it real clear, you know. I don't want to, uh, omit anything. I did not see him pointing the gun at me. It was too dark for me to see anything.

Q So, were you interviewed by the O.I.S. team?

A I don't think they were an O.I.S. team. I think they were some detectives. I don't know where they were from. They were just regular detectives. They weren't, you know, O.I.S.

Q And did you tell them you saw a gun?

A Yes.

Q BY SGT. THOMPSON: Let me ask you one question, Ray. Uh, Zavala, this conversation that you had with these other officers, do you know any of those officers?

A I'm sure it's documented somewhere. You know, the officer-involved shooting. 'Cause they're the ones that arrested him. And he made that statement to them while he was getting arrested. Uh, but I don't know their names. They were patrol guys. They weren't like C.R.A.S.H. guys or anything like that.

Q Okay. So, they were the original arresting officers that evening?

A That night? Yes.

Q Okay.

A Yeah. Also, -- well, we need to get into that. I was gonna say, they also -- they also got information from him that -- he admitted that he threw the gun on the south side of the freeway. But he actually threw it on the north side of the freeway.

Q BY MR. MCKESSON: Why is that significant?

A Just because this is information that those patrol officers got from him. You know, like this is statements that he made right when he first got detained.

Q BY SGT. COOK: And then, Tovar came after you. How quickly did he come behind you?

A I would have to say about four seconds after I've already fired. Then, he showed up and fired some rounds.

Q And was the silhouette or the suspect long gone?

A Long gone.

Q Now, did he make any statement to you, Tovar, about why he fired his gun?

A We -- we laughed about it. Some of the -- I think we went drinking. Or we did something the next night or so. Or that night. And, you know, I -- I had brought it up to the guys what had happened. And we sort of made a joke out of it.

Q So, you told the other officers about Tovar did?

A Yes.

Q And who those officers?

A I couldn't tell you. Whoever was working that night.

I know we went drinking. And there were a lot of the guys there.

Q And where did you go drinking at?

A The Short Stop.

Q And, so, you told --

A I think we went to the Short Stop. But I think we went somewhere afterward. And I'm not sure where. What we would do sometimes is we'd go either to the benches or we'd go to another place just a little bit east of the Short Stop there, on top of a building.

Q Going to the benches?

A At the Academy.

Q Oh, okay. So, where -- so, where did you tell the guys from C.R.A.S.H.? Did you tell them at the Short Stop, or at the benches?

A The same thing that I relayed to you that --

Q No, no. I mean, where did you tell them --

A Oh, I'm sorry.

Q -- about the incident?

Q BY MR. MCKESSON: Where were you?

Q BY SGT. COOK: Where were you?

A Oh, I'm sorry.

Q BY SGT. COOK: If you remember.

A At one of those three locations. I -- I -- we probably brought it up right when we were at the Short Stop and it just continued over as a joke wherever we went after that.

'Cause we, you know, we -- we talked about it several times that night. But it was just a -- sort of a -- we were carrying it as a joke, you know, that he had startled me right when I was about to broadcast, he came from nowhere and just starts capping rounds.

Q And was Tovar there?

A Yes.

Q Did he offer any explanation why he shot to anybody?

A No. He just laughed.

Q Okay. Is there anything else that we should know about the Zavala case?

A That's about it.

Q Okay. That concludes the interview. The time is 1816 hours.

(Off the record at 6:16 p.m.)

(Back on the record at 6:18 p.m.)

SGT. COOK: Today's date is November 22nd, 1999. The time now is 11:00 -- the time is 1818 hours. We're on Tape No. 222654, Side A. I'm Sgt. John Cook, 25353. And my partner is Mark Thompson, Serial No. 23251. We're interviewing Rafael Perez. His attorney is Kevin McKesson. And the court reporter is Sara Mahan.

Q Okay. Let's about the incident regarding Cohan and holding a suspect upside down. What was that all about?

A I don't know the exact address. I know it was one particular evening. You could probably narrow the date down

somewhere right around the first or second week that Officer Cohan joined the unit.

If I remember correctly, it was somewhere around 11th or 12th and Lake area. We had several people detained, uh, downstairs. And there was also one person detained inside the building on the second floor.

Cohan asked me to come inside the building while some other people were being detained outside. And he was trying to explain to me that they were trying to recover a gun that they think one of these gangsters might have had there. But they ran, so, they don't know where the gun is.

So, he was, uh, telling me that he was gonna -- he was trying to squeeze this particular person that he had detained. So, I told him, "Yeah, go -- go ahead and keep at it, you know. See what you can get out of him."

Uh, so, he kind of roughed him up a little bit trying to, you know, get him to talk. The guy was just saying, "No, I don't know. I don't know nothing." He's a little gang member. Uh, I would say he was probably maybe 15 years old. Uh, after a little while Cohan and Brehm escorted him to the fire escape, as a -- uh, if I remember correctly, it's a front fire escape to an apartment building.

In other words --

Q Cohan and who? Excuse me.

A And Brehm.

Q Okay. The fire escape is in the front of the house.

Or in front of the building, not the house. In the back of the building. This -- this fire escape is in the front.

Anyway, they take him out there. They tell the guy to talk to him. That's what they were gonna do. They were gonna hold him upside down, uh, from the fire escape. He was telling them that he didn't know anything. At that point, they picked him up and put him upside down from the fire escape. And he still doesn't say anything.

Q They held him by the ankles?

A By the ankles, yes.

Q Now, did he hang him -- hold him over the --

A Over the rail.

Q Over the rail?

A -- of the -- yeah.

Q What did they do after that?

A The guy still wasn't talking. And after a little while, they brought him back over. Uh, it appeared that nothing was had there. No weapons recovered, nothing. Nothing was done. And I think everybody was eventually kicked loose. I, actually -- I left before everybody was kicked loose.

Q Besides yourself and Cohan and -- and Brehm, who else was there, officers?

A There was several other officers there. I couldn't tell you who they were.

Q As a matter of fact, I don't even remember who my partner was.

Q BY SGT. THOMPSON: It wasn't Durden?

A Uh, I'm assuming it was Durden, but I -- I -- I think he might have stayed downstairs. And I went upstairs. That's why I can't remember who was, you know, with me. But I'm almost -- I'm assuming it's Durden. He was my partner most of the time. But I'm not a hundred percent sure.

Q BY SGT. COOK: Well, did this kid belong to a set, a gang?

A An 18th Street Gang member.

Q 18th Street?

A Yes.

Q A moniker you can remember?

A No. I know he was young. Probably 14, 15.

Q Any witnesses that you can remember?

A There could be, yeah. There should be at least one or two other, uh, gang members.

Q Did the kid live there at that apartment building?

A I don't know where he lived.

Q This was an apartment building?

A This was an apartment building, yes. In front of the apartment building.

Q Uh, was the apartment building on 12th or Lake?

A Lake.

Q It was on Lake?

A Yes.

Q And, uh, was it on the, uh, -- Lake is running, uh,

north -- north and south.

A I want to say it was on the east side of the street.

Q Okay. And how many stories?

A The building?

Q Mmnh-mmnh.

A I want to say about four.

Q Four stories. So, would this be north or south of 12th?

MR. MCKESSON: Which side?

Q BY SGT. COOK: Would it be -- would the apartment building be north or south of 12th Street?

A I believe it's south of 12th.

Q Okay. Anything else?

Q BY SGT. THOMPSON: How about the -- the color of this apartment building might have been?

A It's one of this brick buildings. Uh, a light-colored brick, uh, facing building. But, you know what, sometimes they paint these buildings, you know, yellow. And then, they paint them white. And then, they -- so, who knows what it is now?

Q Could you say what time of day it was, Ray?

A This was like late evening.

Q Late evening?

A Yes, sir.

Q So, about --

A You know --

Q BY MR. MCKESSON: Dark?

A Yeah, it was dark out.

Q BY SGT. THOMPSON: That's what I was gonna --

A But it was late -- a little bit later than just dark. I remember it being late. I remember it being late in the day. Late in day meaning our day, evening time.

Q So, Cohan was fairly new to the unit, at that time?

A I would say he had probably no more than two weeks in the unit. Somewhere around there. He was really new.

Q Was Brehm his partner, at this time? Or was he -- another officer just happened to be there?

A Yeah, Brehm, I believe was his partner.

Q Okay. And what floor were they on when they held this person over the fire escape?

A I believe we were on the second floor.

Q And were you there at the fire escape with them? Or were you at a different location looking at it?

A No, I was at the fire escape with them.

Q What was the suspect doing, at this time, while this is occurring?

MR. MCKESSON: You mean, while he's hanging there?

SGT. THOMPSON: Yeah.

THE WITNESS: Uh, begging and pleading. I mean -- I mean, what you would expect when somebody's hanging upside down from a fire escape.

MR. MCKESSON: I mean was he moving his body?

THE WITNESS: Anything that you can expect someone that's

dangling. I mean, he's trying to squirm his way back up. And, you know, he's telling them he doesn't know anything. Nobody has nothing, uh, that type of thing.

Q BY SGT. THOMPSON: You said the -- the suspect was about 15 years old?

A 14, 15. He -- he looked young. He appeared young, and was young.

Q Can you describe him for us?

A Male Hispanic, shaved head.

Q How about his stature?

A He -- he appeared to be -- I mean, back then, he appeared young -- 14, 15 years old. He's probably about 18 now, I guess, so.

Q Okay.

A So, he was, you know, just -- he was, uh, slim. He wasn't husky or anything like that. He was a slim guy.

Q Okay.

Q BY SGT. COOK: You mentioned earlier that Cohan tuned him up. What do you mean by tuned him up?

A Well, he just -- you know, Cohan's, you know, thing is, you know, grab him by the neck and just, you know, you know something, tell me. You know, or, you know, just kind of punch him in the stomach a little bit. You know, that type of thing.

Q Is that what you saw?

A Yeah, that's what he was doing. And he was talking to him.

Q Grabbed him by the neck and punched him in the stomach?

A Yeah.

Q Did Brehm do that, too?

A No, it was Cohan.

Q Was Brehm there with him when Cohan did that?

A Yes.

Q BY SGT. THOMPSON: How long did they hold this person upside down over the fire escape?

A I'd say probably no more than -- probably no more than, fifteen seconds. Well, let's say about fifteen seconds. Somewhere around -- no. How about I say this? No more than thirty seconds.

Q Okay. And this was all because they were looking for a gun?

A I guess when they had showed up the -- the group started dispersing. And a couple ran. And I guess they caught one in the building. And I guess they were trying to convince -- or they were convinced that one of them must have hide a gun somewhere. And they were trying to get the information out of him.

Q So, how many suspects did they detain in all?

A There were a couple up front. I don't remember exactly how many. 'Cause like I say, I went upstairs. There -- if I remember, there was at least a couple in front of the building that was being detained.

Q By other officers?

A Yes.

Q And you don't recall who those officers were?

A No. I know whoever my partner was stayed downstairs. I went upstairs with Cohan and Brehm. They all -- they were up there. And they called me up. I went up, you know, to -- to talk to them and see what they had.

Q This fire escape, was this one that you would have to access like a hallway or through a window, or how would that work? Or how did that work this time?

A You access it off of a hallway. Uh, you know, it's one of those outdoor steel fire escapes that you -- I mean, if you're in the hallway of a building, you walk right into -- into it -- the fire escape.

Q Okay.

SGT. COOK: Okay. That concludes the interview. The time now is 1827 hours.

(Off the record at 6:27 p.m.)

(Back on the record at 6:35 p.m.)

SGT. COOK: Okay. Today's date is November 22nd, 1999. The time now is 1835 hours. We're on Tape No. 222655, Side A. I'm Sgt. John Cook, 25353. And my partner is Sgt. Mark Thompson, 23251. Interviewing Rafael Perez. He's being represented by his attorney Kevin McKesson. And court reporter Sara Mahan is present.

Q Okay. You brought to our attention an incident that

occurred when you were at Rampart. It was a cup party. Can you tell us about it?

A Yes.

Q BY MR. MCKESSON: Do you want to tell us what a cup party is, for the record?

A A cup party is a ceremony that's had by Rampart C.R.A.S.H., uh, celebrating the departure of a person is in Rampart C.R.A.S.H. We normally do them if the person was in Rampart C.R.A.S.H. a little bit over, you know, three or four months. I mean, if they were two months, and leave, we're really not gonna have a mug party.

But, anyway, it's a celebration, you know, drinking for someone who has been in Rampart C.R.A.S.H. and is leaving. Uhm, I mentioned a particular incident that occurred sometime in, uh, I believe early March 1998. At the time, Sgt. Chacon and Sgt. Sanchez were the supervisors in Rampart C.R.A.S.H.

There was a mug party scheduled on a particular day. I believe it was for the departure of Officer Richardson, and one -- and I believe another officer. I think we had just combined them.

At any rate, the day before the mug party, we had -- you know, we brought it up to our supervisors that, hey, tomorrow's the mug party. Uh, are we gonna adjust? What are we gonna do? You know, are we just gonna come in early, you know, and do some admin work, and then, go to the cup party?

And they made it clear that, no, we're not coming in

early. In fact, we're gonna come in at our normal time. We're gonna go run a PFQ, which is a physical fitness test -- uh, a Metro fitness test. The one that's conducted by Metro, so, you can go work Metro.

And that, uh, we were gonna work after that. And, supposedly, he said that maybe if a couple of people asked to take an early out, he may grant a couple of early outs.

At any rate, uhm, you know, I -- I was trying to make it clear to them that we normally adjust -- you know, we can take a PFQ early, if he wants. But what we normally do for a mug party is come in early, uh, do some admin work, or do whatever you want to do. And, you know, get out of there early. And he, still, was against it.

Uh, so, he said --

Q BY SGT. THOMPSON: You say he?

A Sgt. Chacon.

Q Okay. To verify who "he" was, Sgt. Chacon?

A I'm sorry. Sgt. Chacon. So, I, then, asked for the rest of group, well, how about the ones -- how about can some of us just take T.O.'s then, for tomorrow. And -- T.O.'s, time off. Uh, compensation time.

And he said, "No. No T.O.'s" So, I said, "Okay." Uh, the next day, I, uh, called in and told him -- I told somebody, whoever answered the phone, that I wasn't coming in, uh, because I'm going to that mug party. I mean, it was Rampart tradition. It's been a long-standing tradition. And I wasn't

gonna let a sergeant who just decided that he's just gonna do away with, uh, tradition in Rampart C.R.A.S.H., uh, just dictate, that, you know -- you know, we're not going to this mug party. So, I took it upon myself to call and say, "I'm not coming into work today. I'm -- you know, I'm sure, you know, if you decided to go up there, you may see up there. And you can yell at me or do whatever, but I'm gonna be at that mug party."

Uhm, I believe I was the only -- there may have been one other officer who took -- took time off, or took a day off and showed up. Uhm, but, sometime into the, uh, late, or middle evening, while we're having the mug party, about six to eight officers showed up in uniform.

Uhm, and after they showed up is when we decided to go ahead and, uh, commence with the -- the mug ceremony, which consists of filling up a big -- I believe they're 32 ounce mugs -- uh, full of beer. And then, uh, some whisky inside of it -- Jack Daniels. Uh, and it's always Jack Daniels. That's why it's Jack Daniels. Uhm, and we -- we pass that mug around. And we -- we form a big circle. And we pass the mug around. And each person, you know, tells a story.

You know, if you really didn't know the person, or you didn't get a chance to work with him, then, you just said, you know, I appreciate you just being in the unit and making it the unit what it was. And you just give a little small speech. But, most of the guys, have been there a long time have one

story or another. You know, remember when we did this, or remember when we did that. You know, that's when I knew you were gonna be -- you're a solid guy.

That's when I knew you were gonna be -- you were gonna make this unit better. And, you know, all -- that's the kind of things that happened. Anyway, uh, those -- those six to eight guys that showed up did drink. Uh, you know, they, uh, made their toasts, and also drank from the beer.

Later, they had told me that they had asked, uh, for early outs to go -- to go, you know, to the mug party. And the supervisor told them no. So, they couldn't even get an early out to, uh, attend the mug party.

Uh, the next day, uh, when we went back to work, is when I really had it out with Sgt. Chacon. Uh, you know, everybody was talking about it. I guess, I was the mouthpiece for everybody, at that point. I was one of the senior guys in the unit. And so, I was trying to bring it up to them in a nice way. I was trying to explain to them that there was some traditions in Rampart that we just don't deviate from. And the mug party is paying our respects for someone who's been in the unit for a long time.

His response was, "I don't care." So, my response was, "That's why none of us care about you. And that's why we don't want you here. Uh, that's why nobody likes you. And that's why you're not good for this unit."

Uh, he said some other things. And he said, uh, --

he said that, uh, we don't have to like him. And some other things. And -- and I said, "Well, you're -- you're right. We don't have to like you." He said something, "Well, yeah, well, I'm running the unit." I said, "Well, long after you leave this unit, we will still be here. And Rampart tradition -- Rampart C.R.A.S.H. tradition will still be here."

Uh, and so, he -- he didn't have much to say to that. Uh, he told me, "You know what? Everybody leave the roll call room." And everybody said, "No. All of this is concerning us, not just Perez. We feel the same way he feels. Uh, we're not leaving. You know, we're gonna sit here and talk about this. 'Cause what he, uh -- what he's indicating, or what he's saying is exactly how we feel." So, no one left the room. 'Cause he wanted the whole roll call room to -- to empty so that me and him can talk, you know, face-to-face, or whatever he wanted to say.

So, we all talked about it. And, you know, we had our say. And he, all of a sudden caught -- cut the roll call short. He goes, "Okay. That's it for roll call." And when everybody disperses, he tells me, "Uh, Perez, uh, go upstairs to the, uh, the Captain's office. And, uh, you just wait for us up there."

I'm sorry. It didn't happen that way. I left and went to go get my car. And then, I got a call on the radio, "Respond to -- to the Captain's office."

I went to the Captain's office. He and Sgt. Sanchez

were there in the Captain's office. And they told me, uh, a bunch of stuff. Uh, you know, uh, you -- you have the influence of the whole unit. And it seems like they're following you. And we can't have that. And a bunch of stuff. And he told me that, uh, he was throwing me out of Rampart C.R.A.S.H. and to go over to report to Lt. Polen's, uh, roll call tomorrow, you know, morning watch. And I told him, "No."

I told him, you know, "I've been in this unit way too long for you to just come here and throw me out because I'm telling you something that is correct. And it's something you may not agree with. But it's something that's correct, and you're just gonna come to this unit and change it. And just make changes that are not correct changes. You can make whatever -- you want to make, uh, work changes, or work schedule changes, that's fine. But you can't just tell us that we're not gonna have mug parties or attend mug parties."

And I -- I tried to tell him. I was trying to explain it to him. And he wasn't going for it. So, he said I was fired from the unit. And I told him, no. And he says, "Just report to, you know, morning watch."

Uh, the next day, mid-day, uhm, before I came to work, I got a call from Sgt. Byrnes. He -- someone -- a couple of -- I guess, a couple of the officers had kind of relayed to him what happened. He told me, "You report to roll call as scheduled, per me. I'm -- I'm coming to that unit. He's -- he's out. Don't worry about it. He's out of there."

Uh, so, I showed up to roll call the next day. And, of course, everybody's like, oh, boy. You know, 'cause everybody had heard that he was trying to get rid of me. Well, what had happened, too, was that night we met. And everybody said that if he tried to fire me, or tried to get rid me, everybody was gonna request to leave the unit, because of him.

So, it didn't get to that. I told them, "Don't do it, 'cause, you know, I'm sure Sgt. Byrnes is going to take care of it, anyway."

So, I guess, maybe a couple of days after that, he was told he was going to Jail Division. He was out of the unit. And he was going to Jail Division. And then, I believe, shortly after that, they had told him that Sgt. Sanchez was going to stay in the unit. But, Sgt. Paul Byrnes thought that he wasn't solid either. So, he told them, you know, I don't need his help. And he -- he can leave, too. And he got rid of Sgt. Sanchez, as well.

Q BY SGT. COOK: So, this occurred on the next transfer or did it occur in the next few days that they left?

A I believe, uh, Sanchez, basically, was on the next transfer. But, uh, right from that day, he was filling in at patrol. So, he really wasn't even working with us.

Q What about Chacon?

A He left immediately. Maybe a couple of days after this incident.

Q So, he didn't wait for a transfer?

A No, he was gone right -- I mean, I don't remember him being back, you know. He was gone pretty quickly.

Q Now, the six or eight officers that went in uniform --

A Yes, sir.

Q -- did they -- did all six to eight of them, physically drink from this mug?

A For some reason I want to say one guy didn't. I think one particular guy doesn't drink at all. And I can't remember which one it is. But, for some reason, I remember one guy who, any time we had a mug party, never drank. And I think he just doesn't drink. Oh, it's, uh, Patel. I think it's Patel. Patel doesn't drink.

Uh, he doesn't drink any alcohol at all. He never has. So, but I think everybody else did drink.

Q And, uh, this 32-ounce mug had beer and Jack Daniels in it?

A Yes, sir.

Q And, what, one drink, one swallow? How -- how does this work?

A Uh, with the person drinking?

Q Yeah.

A It depends on how much you, uh, really care for the guy. In other words, your -- your gulp represents how much you think this guy is solid. In other words, if you just take a little sip, okay, you know, thanks. And if you take a, you

know, a good chug, you know, you really thinks this guy a solid guy.

Q So, what did these guys to?

A I -- I don't -- I can't tell you how much they swallowed. I know, you know, that everybody made their little toast in uniform. And we thanked them for showing up in uniform, or at least having the guts to come.

Q Where was this held at?

A At the, uhm, -- okay. Now, you know where the tennis courts is at the Academy?

Q Yeah.

A You know those benches, or the benches that are on top of that?

Q Yeah.

A The picnic area. Up there.

Q The picnic area?

A Yeah.

Q North of the -- of the, uh, tennis courts?

A North?

Q Or would that be west?

A I think that's -- boy, you got me there. 'Cause that's all turned around up in there.

Q Okay. On top of the tennis courts?

A It's -- it would be the ones that are up above the tennis courts. Not the ones that are out by the track.

Q Okay. The officers, can you remember?

A I want to see Messina, Gomez, Lass- -- uh, Lassak. Lassak, I'm sorry. Several others. Several others.

Q Would a log be helpful to you?

A A log would definitely help, yeah.

Q Okay. We'll look at that at another time. Mark?

Q BY SGT. THOMPSON: What -- what time of day does this -- this party take place?

A Evening.

Q Evening. So, these officers, obviously, were still on duty; correct?

A Yes.

Q Okay. Besides yourself, were there other officers that called in and took a T.O.?

A I think one other, uh, person did call in and -- and took a T.O., too. 'Cause I remember talking to him about it. 'Cause he was there, uh, you know, when I was there in plain clothes and out of uniform.

Q Besides this officers that you just named, Messina, Gomez, Lassak, those were the uniformed officers, or some of the uniformed officers that you were speaking about?

A Yes, sir.

Q What other officers, besides those, uh, that were not in uniform, possibly not on duty, at that time, do you recall being there?

A From Rampart -- Rampart C.R.A.S.H.?

Q Anybody.

A Boy, there's a lot. I mean, we're talking about a lot of like older guys that were in Rampart before, uh, you know, supervisors, sergeants.

Q How about some of the supervisors, do you recall who?

A Hoopes, Byrnes, Ortiz. Uh, you know who didn't show up? Wait a minute.

Q BY SGT. COOK: This particular one, Hoopes, Byrnes, and Ortiz, was there?

A Yeah.

Q For this particular cup party all three of them were there?

A Yeah. Let me -- let me -- let me clear something in my mind here. Yeah, they were there. What -- if I remember correctly, one thing that we were a little bit upset about was that Sgt. Guerrero -- I guess there was a party at the -- uh, the club that's in the Academy. Sgt. Guerrero was seen walking over to the Academy. And didn't, at least, have the respect to come over to the mug party and say his, you know, thanks for being in the unit type of thing.

And we were a little bit upset about that. Uh, so, for some reason, that jumped in my mind.

Q He was out the loop, though; wasn't he?

A Yeah, but as a supervisor, you still come, at least, and, you know, thank your, you know, the senior guys in the unit for, you know -- 'cause he was working the unit. And you got to remember, these guys are, you know -- whatever we do

makes him look good. And it makes him look good in front of the captain. And then, whatever else. So --

Q If he was -- if he was out of -- I'm sorry. I didn't mean to cut you off. But if he was out of the loop, and they got officers in uniform drinking off duty, why would you want him there?

A Well, he went -- even if he's out of the loop, and he shows up, and there's guys in uniform, he ain't gonna say nothing. That -- I mean, you can be in the loop, or out of the loop, and -- and you still let some things go. I mean, don't -- I'm not saying when someone's out of the loop, they were saints, or, you know, they would never tolerate anything wrong.

Believe me, if, uh, -- if, uh, Guerrero showed up and six guys were there, they're gonna drink in front of him. And he ain't gonna say nothing. It was more of a matter of, you know, paying the guy a little bit of respect, you know, for being in the unit so long or whatever. At least come by and, uh, thank him, you know, for being in the unit while he was there.

Q BY SGT. THOMPSON: Besides Hoopes, Byrnes, and Ortiz being present, were they present when these uniformed officers were drinking out of the cup? Did they have knowledge, personal knowledge by observation that that occurred?

A Yes. I mean, we -- we -- because we all sit in a big circle. And, you know, once it starts, you know, everybody's there, you know, everybody makes their little speech.

Q But, I mean, it's also possible, too, that they could have walked away, gone to the bathroom. I'm asking you, do they know --

A Yeah, that's true.

Q -- did they have personal knowledge that this occurred?

A Yes. Uh, at least, you know, uh, I -- I have to say, yes. I would have to say, yeah, you know, they -- they saw them. I mean, they saw them there. They saw -- they were there while we were, you know, making our toasts.

One thing we do is make sure everybody's there once we start our toasting, you know. You know, we'll say, "Is everybody here?" Okay. Let's start our -- you know, making our toasts and stuff like that.

Q BY MR. MCKESSON: Ray, are you saying they were in a position to see, but, obviously, you can't say, well, they had?

A Yes.

Q BY SGT. THOMPSON: And how long did these uniformed officers stay at this particular, you know, at this party?

A I'd say probably an hour.

Q BY SGT. COOK: Was this --

Q BY SGT. THOMPSON: Do you know -- if you know, that after these officers left, where they went? Did they go end of watch? Did they go back and resume, uhm, their C.R.A.S.H. duties? Do you know?

A I think they went back and resumed some duties. And

then, later, met us at the Short Stop. What we -- uh, what we normally do is, after a mug party, we go back to the Short Stop. Uh, the officer that was leaving, would put, uh, 150 to 200, 250 bucks on the tap, uh, at the Short Stop. And then, all the officers would just drink off duty.

Q Now, I'm assuming -- maybe I shouldn't do this. But besides this 32-ounce mug of Jack Daniels and beer, I'm assuming that there's other beer there, or other liquor is being consumed; correct?

A Plenty.

Q Besides these uniformed officers drinking from this mug, did you see them drinking any additional alcohol -- beer, liquor, anything other than what was in this mug?

A No.

Q BY SGT. COOK: Okay. So, you say Patel --

MR. MCKESSON: You got a question?

SGT. THOMPSON: No, I'll let John go. I just have one --

SGT. COOK: No. Go -- go ahead.

Q BY SGT. THOMPSON: I just have question on Byrnes. He seems like he was a heavy player in this whole Rampart thing. And he's -- where was he assigned to, at this time, when this incident with Chacon took place? Was he on patrol?

A I think he was on patrol. I think he was working -- I believe, he was assigned to patrol.

Q Okay.

A He was at Rampart, uh, I believe. He sort of --

sometimes you -- you don't know where he was working. He was just around. But I'm -- I'm assuming he was working on patrol day watch. 'Cause he was around during the day a lot.

Q BY SGT. COOK: Other than Patel, you specifically saw these six to eight officers drink, other than Patel?

A I -- I'm pretty clear. The reason I'm pretty clear is -- to, you know, that they drank is because I -- you know, I can't say that I absolutely saw each and every one of them drink. Some -- the only thing that really stands out in my mind is that Patel didn't drink.

So, I'm assuming that everybody else did. But I can't say absolutely positively that's what each and every one of them drank. But I know that if they were there and they made a speech, they were drinking. 'Cause, you know, these -- you look at the person while he's making the speech.

Uh, so, I'm pretty clear that I remember seeing most of them drink. But I can't be a hundred percent sure that I saw every last one of them drinking. But I -- I'm confident with the statement that I -- I believe I saw them drinking. But I'm just not a hundred percent sure.

Q The ceremony involves an officer drinking?

A Yes.

Q And the only officer that you didn't see drink was Patel?

A That's correct.

Q Because he doesn't drink?

A That's correct.

Q But the officers who were involved in the ceremony, without specific recollection, the officers drank?

A Some I have specific recollection. Like, uh, I think Messina, I, specifically, for some reason, remember him drinking. And I remember seeing that. I don't remember if it was his speech that stood out, or whatever it was. But some I specifically remember seeing. And others, it just doesn't stand out as much.

Q Messina is the only one?

A That I remember specifically, for some reason, I want to say that I remember Gomez drinking. The guys that were there drank. If I saw a log, I can give a more accurate, uh, -- I could probably give a little bit more names as to who was there. But -- and like I said, the one thing I do remember is that Patel didn't drink. But I -- you know, it would stand out if someone didn't. You know, if they just took the mug and passed it on without drinking.

Q BY SGT. THOMPSON: Let me ask you a question, Ray.

A Mmnh-mmnh.

Q Going to identifying the officers that were there. You made a point of saying that Sgt. Guerrero saw -- was observed walking into the lounge. That's -- that got in your memory because it showed disrespect to whatever officer was being honored that night. Was there any C.R.A.S.H. officer that you recall that was not there that, you know, later came

up. And, hey, you didn't show up to the C.R.A.S.H. party. What's up with that?

A There was several, yes. But it was because, uh, the sergeant didn't let them off. And, I guess, they didn't feel like they should come up, you know, while on duty. Or maybe they weren't talked to that they were gonna go up. You know, I mean, it may have been that these four units just said, hey, if you're not gonna let them go up, they weren't gonna go up either.

Or let's leave at, uh, you know, at 1800 or 1900, and we'll meet you guys up there. And they might have just been left behind. 'Cause there were several. You know, they were voicing their -- you know, how upset they were that they didn't get to go.

Q And do you recall who "they" were?

A No.

Q BY SGT. COOK: Okay. Not to belabor this. Just one more question. Do you know what time in the shift that the officers went up there? Did they go up there together?

A They all showed up at the same time, yes.

Q Okay. Do you know what time in the shift? The middle of shift? Beginning of shift? End of shift?

A It was probably, uh, during their middle of their shift?

Q Middle of the shift, all units showed up together?

A Yes. 'Cause, uh, our shift normally would start

around 4:00. They probably got up there around eight o'clock, or so.

Q Eight o'clock?

A Yes.

Q Okay. That concludes the interview. The time now is 1859 hours.

(Off the record at 6:59 p.m.)

(Back on the record at 7:01 p.m.)

SGT. COOK: Okay. It's November 22nd, 1999. The time now is 1901 hours. We're on Tape No. 222656, Side A. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251. We're interviewing Rafael Perez. He is being represented by his attorney Kevin McKesson. And we have a court reporter, Sara Mahan, present.

Q Ray, we're gonna talk about admin days. Please explain that to us.

A Uhm, I can just say that during my time in Rampart C.R.A.S.H., we had probably while every supervisor has been there, that I can remember, I'm sure we've had at least, you know, a couple, uh, admin days. But, specifically, I think, uh, more frequently where -- when Sgt. Byrnes was there.

What would happen is, let's say Sgt. Byrnes had some personal business to take care of on Tuesday -- Tuesday afternoon, uh, whether his grandfather was in the hospital, or whatever, what he would do is he would call me, he would call Jeff Graham, -- he would call, uh, some of the senior guys in

the unit.

And he would entask (sic) -- he would give us the task of getting a hold of these next five guys and let them know not to show up at work, don't show their faces at work, uhm, just, uhm, stay out of trouble. Uh, make sure they don't show up. Don't show up there at the Short Stop before end of watch -- what would normally be end of watch.

And, uhm, we're just gonna make it an admin day. So, the next day, when we arrived at work, we would all fill up a log -- or fill in a -- uh, a log with some, you know, either had a work-out, and then, uh, did some admin work at, uh, Detectives, fill out I-cards, whatever. We would do something like that. A few times we would come to work, that I remember, and he might have gotten a call that he, you know, he had -- he needed to leave.

So, what he would do is, we would have roll call. And he would say, "Okay. Here's what we're gonna do today. Everybody fill in a, uh, T.O. slip. Give me a T.O. slip. Put it under my blotter. Uh, everybody take off. Do not get in any trouble." Again, do an admin -- do an admin, uh, log tomorrow. Uh, and then, when we came back the next day, we'd just take that T.O. slip and rip it up and throw it away.

So, that way -- the reason you'd fill out a T.O. slip, just in case you got in some kind of trouble -- got in a car accident, something -- and you had that T.O. slip ready to go signed already, uh, saying that you left early. Uh, but a lot

of times, what we would do is we would fill it out, but we'd never turn it in.

Q Okay.

A Uhm, we would have, you know, -- we've had other instances where we've had, uh, admin days where we went and just did other things. Went to the benches where, like I said, we had, uhm, a mug party, or a ceremony to go to up at the benches, a steak fry that we were gonna do. We would come in early.

Basically, our work day would be, you know, you go pick up all the steaks over at the one place. You go pick up, uh, all the cases of beer. And you go pick up the -- the, uh -- the mug over at Things Remembered at the mall. That's where we would get them all the time. A place called Things Remembered. They would do all our mugs.

You go pick up the plaque over here. So, that was the first maybe two hours or three hours of the day. And then, he would say, okay, at one o'clock, let's all meet up at the benches and things like that.

Of course, our logs would show us having a full work day, a lot of admin stuff. But, really what we did was prepare for the party -- for the party -- picking up things that we needed, the beer, the food, things like that.

Q BY SGT. COOK: On this -- this admin explanation on the, uh, log, would it be an involved explanation, or just "Admin day"?

A Uh, we put it as generic as possible, "Admin day." You know, sometimes we would put on there, uh, filled out I-cards at Detectives. You know, uh, ran seventeen I-cards for warrants. You know, just something generic just to, uh, take a block of time, uh, in your log.

Q Now, when you specifically talk about Byrnes, can you -- can you talk about a time frame, a period?

A Most of these, I really remember it being really heavy, uh, towards the end of March and, uh, the month of April.

Q Of what year?

A Of 1998. 1998.

Q 1998?

A Yes, sir.

Q Okay. When we go back and look at the logs, if we see the entire unit with admin days, this is what you're referring to?

A Yes.

Q Okay. And if we bring these files back to you, that would jog your memory a little bit?

A As to the dates that it occurred?

Q Yeah.

A Yes.

Q Okay. Any other supervisors involved other than Byrnes?

A I think, at one point or another, we've done it with just about every supervisor we had, except maybe Sgt. Chacon

and Sgt. Sanchez, yes.

Q Well, give me a specific recollection of a supervisor. You gave us one of Byrnes. Now, with Byrnes, this is more than once?

A With Byrnes this is more than once. Uhm, it seems to me that just about every supervisor we would -- with just about every supervisor, we've always had -- you know, we've had -- we always have at least one mug party a month, 'cause someone's always leaving, or coming and going.

Q Okay. Just -- I know this may be tedious, but go ahead and tell us what your specific recollection is regarding supervisors. Basically, just tell me if a particular supervisor did this?

A All right. Let me make it a little bit easier for myself. I'm gonna start from the beginning. Sgt. Byrnes and Sgt. Roller, in Rampart C.R.A.S.H. 1995, I know for a fact that we had several mug parties for people that left the unit. And they were the supervisors. Both of them. This is back in '95.

I know for a fact that, uh, on several of those occasions, -- on several of those occasions, we did what we -- what I just said. We went and picked up things that we needed. And then, showed up, you know, mid-day or mid-day through our work schedule to have the party. But our logs are gonna reflect that we had a full work day, as though, you know, we, you know -- whatever we filled in, whatever admin duty, did this, did that. But it was all bogus. It was all just fill-in your log,

you know, as much as you can with things.

Uh, supervisors after that, I know with Sgt. --

Q Uh, I'm sorry.

A I'm trying to go down the list.

Q 1995, what month, if you can remember? Or you're just saying 1995?

A Oh, no, no, no. That would be like, uh, August, September, October.

Q Okay.

A With Sgt. Ortiz, how many times we did it? Numerous. I mean, uh, Sgt. Ortiz was the supervisor after that. I mean, it's every -- every mug party we do that. Every mug party, it's an admin thing. We're -- depending on who's leaving. And right of the top of my head, I can't -- I mean, you know, I've been to dozens of mug parties. But I can't think like of a specific one. But I know that with Sgt. Ortiz that was always -- that -- that was our protocol. That was our SOP. We're gonna come in early. We're gonna adjust. We're gonna, you know, put on our logs, you know, "Admin duties here and there."

In the meantime, we're actually still in civilian clothes handling, you know, what we need to go pick up, you know, the meat, the -- the chips. Everything you need you go to the supermarket and buy the chips, and cookies, or whatever, or getting the beer and all that. And then, we're meeting up at the benches.

Uh, with Sgt. Ortiz, that was numerous times.

Q Did he do it for any other reason, other than mug parties?

A Uhm, with Sgt. Ortiz, you mean?

Q Yes.

MR. MCKESSON: You mean falsifying information on the logs?

SGT. COOK: No. Allowing -- going through the procedure of calling the senior officers and telling everybody to stay home. Uhm, is this something that Ortiz did, or just Byrnes would do? Because it seems like there's two types of activities here. Byrnes would do it for personal reasons, where everybody would stay home. You're talking about Sgt. Byrnes on one occasion or several occasions and Sgt. Roller for mug parties. Saying you guys go ahead and get all the things for the party and then, go have the party during watch.

Now, with Sgt. Ortiz, you also talk about being involved in mug parties.

A Yes.

Q Did he do anything for personal reasons?

A I'm trying to think if there was any reason that we did a admin day with Sgt. Ortiz, other than for a mug party.

Q I -- I don't want to interrupt your chain or thought, my next question would be, how often do you have a mug party where this would occur?

A We would, at least, -- maybe I'm being a little bit overboard, but I -- I would say we probably at least one a month. Yeah, at least one a month. I really don't remember

any specific reason that Sgt. Ortiz may have had us take an admin day, other than the mug parties.

Obviously, you know, training days, sometimes we'd have training days. Let's say we were gonna go up and do some -- shot -- shooting up at Angeles Crest. That may have been -- only taken four hours. What were we gonna do the rest of the four hours, we'd -- that's one thing we did a lot. You know, we would -- let's say train for four hours. And the last four hours, -- or four hours and then some -- we'd sit there and drink, you know, up at Angeles Crest. Right at the exit where the gate is. We would sit up there and drink. Every time we had training, we always drank up there.

Q Well, let's talk about that in a separate --

A Okay.

Q Make it a separate issue.

A I really -- uh, other than for training, or, uh, for a mug party, I don't remember Sgt. Ortiz doing what Sgt. Byrnes used to do, as far as business that he needed to take care of, uh, and calling us and saying, "Stay home. Don't show your face around the station."

Q You named four supervisors here. You've named Roller for perhaps a first time. Uh, any other supervisors that would be involved in these admin days?

A Just about all of them.

Q Well, see, it's not -- we need -- we can't do that.

A Let me -- uh, I'm trying. That's why I was trying to

run the --

Q Okay.

A -- the thing here. We've done it for Sgt. Chacon. Not -- not Sgt. Chacon -- Sgt. Guerrero. Uh, Sgt. Guerrero has done it before, too, as far as taking an admin day, you know, to do the mug thing.

I know for a fact that for every sergeant that's been there, we've at least had one or two mug parties. The only one that never did it was Sgt. Sanchez and Sgt. Guerrero.

Uhm --

Q Wait a minute. You're confusing yourself now. Think about it.

A Not Sgt. Guerrero. Sgt. Chacon. I'm sorry.

Q Okay.

A They look just alike.

Q BY MR. MCKESSON: Do you think it would be helpful if he had a log on this?

A You know, all I need is a log of the sergeants and I could say, yeah, you know, he was there. I know we had several mug parties -- but I'm having trouble even remembering names. So, uhm, --

Q Okay. And we will, at a later date, bring in the logs. But just right off the top of my head, uh, Sgt. Hoopes --

A Oh, well, actually Sgt. Hoopes didn't, uh -- Sgt. Hoopes was always involved in the unit, but I never really

worked for Sgt. Hoopes directly.

Q Okay.

A But Sgt. Hoopes is always at just about every mug party. In fact, he's in charge of making the plaques.

Q Okay. But we're talking about this admin time.

A Correct.

Q We eliminated Chacon, uh, Guerrero, uh, Sanchez, uh, Sgt. Torsney?

A Yes.

Q You have a specific recollection of Sgt. Torsney?

A Yes, I remember Sgt. Torsney being there.

Q Now --

A Well, when I say being at the mug party, it's doing it the same way we also did it. We make it an admin day, come in, have everything prepared and, then, we started -- and usually, you know, we -- we start our, uh -- our mug parties like around 6:00 or 7:00. That way we do everything we do at the mug party, start getting, you know, inebriated. And then, head to the Short Stop. And somebody puts some money in the box, and we drink from there.

Q So, this is at beginning of watch?

MR. MCKESSON: No, at beginning of watch, they get all the stuff together.

SGT. COOK: Right.

THE WITNESS: Let's say, uh, -- let's say on a Friday we're gonna have a mug party. Let's say we come in at start of watch

at three o'clock. When we get in at three o'clock, we don't change into our clothing -- our uniforms rather. At three o'clock, when we show up, one person goes -- goes to pick up what -- what I indicated earlier. Someone picks up the meat. One person picks up the beer, chips, whatever. Everybody gets a little job to do.

By six o'clock, everyone should be at the benches, you know, with the ice and, you know, with the beer and all sitting on ice, and everything ready to go, uh, by six o'clock.

And, you know, and then, we continue our party at six o'clock. Of course, our logs would show, -- you know, what we would do is we'd show it that we started let's say at one o'clock -- or eleven o'clock until six o'clock when we went end of watch.

Do you understand?

SGT. COOK: Okay.

THE WITNESS: We would adjust it.

Q BY SGT. COOK: So, Sgt. Torsney participated in this, too?

A Yes.

Q Uh, Sgt. Peters?

A Yes.

Q Are you certain?

A Yes.

Q Give me a specific recollection of Sgt. Peters.

A I remember him being there. I remember him -- when

he first got there, we weren't too keen on him. And we remember him giving a particular type of speech. And we were like, kind of making, you know, little groans in the background. Uh, but he was there. And we actually appreciated that he didn't, you know -- at least he showed up. You know, and he was, you know, trying to be one of the guys.

But I remember him -- I remember him being there on several of them, you know, that -- that we had.

Q Okay. So, that I understand you correctly, you're saying that Sgt. Torsney and Sgt. Peters had knowledge and gave you approval -- gave the unit approval to get all the things for the party at the beginning of watch -- you were still in civilian clothes -- to allow you to go to the party and participate in a party -- themselves participating in the party?

A We called it "adjusting".

Q Okay.

A Yes.

Q This was your regular work day?

A Yes.

Q And then, not only participate, but the following day, these two supervisors would allow you come back the following day and to explain the -- the previous day -- the previous work day as an administrative day?

A Right.

Q You are certain we're talking about Sgt. Peters?

A I know Sgt. Peters well, yes.

Q And you're certain about Sgt. Torsney?

A Yes, he was my very last supervisor. Yes.

Q Am I missing any other supervisors here?

A Yes, you are. But I can't -- uh, Pat Barrons, as well. He's -- he's been to several mug parties.

Q BY SGT. THOMPSON: What was that name?

A Barrons.

Q BY SGT. COOK: Was he with C.R.A.S.H.?

A Yes, he was in the C.R.A.S.H. unit.

Q I'll have to remember that.

A He's got a round face. You had his picture. You showed me his picture before.

Q Okay. I don't recognize the name. I don't remember the name.

A And we're still forgetting a couple, as well.

Q Okay. We're gonna come back to this.

Q BY SGT. THOMPSON: Can I just ask you a couple of questions here? Uhm, you said it became more frequent March, April of 1998?

A Yes, sir.

Q Who was the other supervisor at that particular time Byrnes was in the unit? I'm assuming he was the O.I.C.?

A Right. Byrnes was -- Byrnes, for the first two months, was by himself. And then, he got Torsney -- maybe three months and then, he got Torsney. Eventually, they gave him Torsney.

But the first -- March, April, I believe he was by himself. I mean, Sgt. Torsney and Sanchez was still there. But he was mostly filling in in patrol. He wasn't really working with us. But Sgt. Paul Byrnes was working by himself those two months.

Q You talked about, initially, that Byrnes would call you, Graham, and some of the other senior officers in the unit, at home?

A Yes.

Q And direct you to contact the other officers, correct?

A Right.

Q And just tell them ?

A Right, for that day.

Q For that day.

A Yeah, exactly.

Q And this was because Byrnes needed to take care of some personal business?

A Right.

Q So, if you were previously scheduled to work, you just wouldn't show up. And that was at the direction of Byrnes?

A Yes. You know who would have some knowledge, to this, too, is Detective Wessel and Detective Senna, because they became very upset for about a two, three-week period there.

We were hardly even showing up in uniform. They were very upset about it. And they sort of brought it up to our --

one of our roll calls that, you know, no arrests were being made, uh, we were -- we're hardly at work, you know, either doing training or admin days.

So, I think if you discussed it with them, they would remember clearly what was going on back then.

Q So, you guys would call the other officers, don't show up. We're on an admin day today?

A Yes, sir.

Q Whatever day we're talking about?

A Yes.

Q And, then, the following day, the logs would be completed to reflect that bogus admin day?

A Yes.

Q So, what we're basically talking about is theft from the city; correct?

A Yes. Falsifying documents, and I guess, yeah.

Q Basically getting paid for something that you didn't do?

A Yes.

Q And this involved all members of the C.R.A.S.H. unit?

A We have done it this way, in Rampart C.R.A.S.H., since -- and the only time -- the one time that it didn't happen that way, that we did not adjust -- you know, adjust our schedule, was with Sgt. Sanchez and Sgt. Chacon.

Q But again, like John pointed out, we're talking about two different types of adjustment here. One for mug parties

where you would take care of getting the party together, as opposed to this particular incident where -- or incidents as the case may be -- where officers just basically didn't show up to work at all?

A Right.

Q There aren't -- supposed to be a scheduled working day and at the direction of Byrnes, relayed through you and other officers, they just don't come to work?

A That's true.

MR. MCKESSON: Excuse me. I'm probably out of line. But I don't understand the difference.

SGT. COOK: There is a difference.

MR. MCKESSON: What's the difference?

SGT. COOK: The difference --

SGT. THOMPSON: Well, one, I guess, it could argued that the officers are at work, okay. They're physically at work, whether they're running errands or doing whatever.

MR. MCKESSON: But they're still lying about their schedule.

SGT. THOMPSON: Well, I agree. But I think there is a distinction when you have somebody at a work facility site as opposed to somebody at home 20, 25, 30, 40 miles away, whatever the case may be. And I was trying to make -- yeah, you're right. There's not a distinction. They're, basically, getting paid for something they're not doing. But on some instances, they're not even close to being at work.

THE WITNESS: And I understand your question. You're saying there are two different types of admin and training days. From what my recollection is, those admin days or those -- rather the training days that we had, where we just wouldn't show up at work at all, most of the time, that was with Sgt. Byrnes.

Now, with all the other supervisors, yes, we definitely adjusted watch, came in at 4:00, did errands we needed to run, start the party, and came back the next day and made our -- our log reflect that we started at 11:00 to end of watch at 7:00.

Q BY SGT. THOMPSON: Because on those days, conceivably, an officer could show up, stay in his soft clothes, maybe do a little admin work, possibly?

A It's possible, sure.

Q Doesn't sound likely, but possible.

A Not likely.

Q But, on this particular day, we're talking about -- or how many times did that occur with Byrnes where people are called, hey, we're on admin day today, or tomorrow, or whatever. Don't bother showing up. How many times did that occur with Byrnes?

A Numerous. If I had to put a number on it, I'd be guessing. But it's happened enough times.

Q And was that what Wessel and Senna were complaining about, as opposed to guys just going to mug parties?

A He was more upset we were taking too many training days and admin days and not showing up to work at all. Uh, them not being able to relay information to us and people -- about people who were wanted, or, you know, just our normal exchange of information with detectives, you know. We went a while there where we weren't even communicating, because we weren't there.

Q Did Wessel and/or Senna have knowledge that, okay, besides, training days, which I guess you could -- could be explained away, and admin days, which could be explained away, were they aware that people just weren't showing up to work at all and saying that they were on an admin day?

A Yes, they -- they knew. That's why they were upset. Because I mean, they just thought, you know, there's no work getting done. For whatever reason, it was -- it was understood that Paul Byrnes had something going on. But they were still -- you know, it doesn't matter. I mean, stuff aren't getting -- getting done, you know.

Q Was there anyone else in the chain of command, other than Wessel, who was a D-3, was there a lieutenant and/or captain aware that this was going on?

A I wasn't privy to whatever went -- Paul Byrnes went up and talked to the lieutenant, I'm not privy to that conversation. I don't know what he told them or how he explained it to them. But, you know, I know they knew we weren't there, or we weren't showing up to work. But what he told them, I don't know.

Q If you know, and this probably maybe something that you won't be aware of either, do you know how that might have been reflected, these particular days and how that was reflected in the time book? Would you be aware of that?

A Probably just a regular work day.

Q BY MR. MCKESSON: You say "probably". Are you just assuming?

A I'm assuming. I definitely wasn't taken as a T.O. day or vacation day or anything like that. We would be showing working, you know, a regular work day for us. I know that because we did a log. So, our log would reflect a work day.

Q BY SGT. COOK: So, other than Paul Byrnes, no other supervisor, that you know of, took a -- told you to stay home for personal reasons?

A Not that I can remember.

Q Okay.

A Nope.

Q Okay.

Q BY SGT. THOMPSON: Do you want to conclude this one and then break?

SGT. COOK: Okay. Thank you. The time now is 1926 hours.

(Off the record at 7:26 p.m.)

(Back on the record at 7:41 p.m.)

SGT. COOK: Today's date is November 22nd, 1999. The time now is 1941 hours. We're on Tape No. 222657, Side A. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251.

We're interviewing Rafael Perez. He's being represented by his attorney Kevin McKesson. And we have Court Reporter Sara Mahan present.

Q Ray, we're going to talk about training day at your house. Please tell us about that.

A I believe it was sometime around early to mid-April of 1998. We arrived at work. And this was one of the instances where Sgt. Byrnes needed to leave. He had showed up to work, I guess received a call, and needed to take off.

So, he directed me to have a training day. And he told me, let him know what the training day is gonna be.

So, after a few minutes thinking about it, I couldn't really think of, you know, just how to -- you know, impromptu, just do a training day. I couldn't think of anything. So, I told him what I was gonna do was have the entire unit respond to my house, after we've picked up a couple cases of beer, respond to my house and watch the movie "Tombstone."

So, what we did was we had everybody line up on Benton Way there, right next to the station. And we all caravanned to -- towards my house. We stopped at Rodeo and La Brea, the supermarket there. And we bought, I don't know how many cases, but several cases of beer. And then, we continued on to my house. And I had purchased -- already had the movie Tombstone.

So, that was our training day. We watched a movie, drank beers, ordered some pizzas and played pool.

Q Now, did this -- was this the only incident where you

had a training day such as this involving Sgt. Byrnes?

A Training day where we just came to work and decided, hey, we needed a training day, we've got to do something, because he needs to leave?

Q Yeah.

A No, I think there was a few others.

Q Involving Sgt. Byrnes?

A Yes.

Q Can you tell us how many others?

A Just a few. I can't think of, you know, an exact number. I know we -- I know there's a few.

Q Okay. Can you recollect specific training days, as you have this one? And we're talking about Byrnes.

A Sgt. Byrnes, yes.

MR. MCKESSON: Excuse me, John. You want it on that tape?

Q BY SGT. COOK: Yeah, we're talking about Sgt. Byrnes. We'll do it on this tape.

A We're still talking about Sgt. Byrnes, right?

Q Yeah.

A And you want to know of any other instances that --

Q Similar incidents where he would come -- you would come to roll call and beginning of your shift, and he would give you an impromptu training day. And what did you do?

A Okay. Let me clarify. On this particular occasion, he told me to run roll call -- or the training day. Or, you know, find out, -- you know, do something. After I figured out

what we were gonna do, I told him, "Hey, we're just gonna go to my house and watch the movie." "Okay. Fine. Make sure no one goes to the Short Stop, or anything. Stay out of view. Stay out of the way. Stay away from the station." And that's what we did.

Did he specifically give me any others like that? No. Did we have others? Yeah. But that was just a specific one that I was in charge of. And that's, specifically, what we did. Did we have other training days where, you know, we're supposed to -- we're supposed to come to work and, uh, -- and come to work and we end up, well, we need training, what are we gonna do? Uh, let's -- let's all go shoot bonus today. We'd go shoot bonus or whatever. You know, find something to do and disappear. As long as we're not -- stay away from the station, that type of thing.

Yeah, we've had other days like that. But if you're asking another specific day like that, where he told me, do a training day, and I told everybody what to do, no, that's the one I remember.

Q The only one?

A Yes.

Q Okay.

Q BY SGT. THOMPSON: This particular training day, the Tombstone training day, was there any other supervisor that was assigned to Rampart C.R.A.S.H. at that particular time?

A I believe, I'm not a hundred percent sure, but I

believe Sgt. Sanchez was assigned to the unit. But I don't believe he was really working with us. Like I said, during his last week or two, he was, basically, put back on loan. Even though he was assigned to our unit, he was put back on loan to patrol. So, he was, basically, just, uh, filling in in the patrol.

Q Was there any officer in the C.R.A.S.H. unit who did not participate in this particular training day?

A I believe --

Q For whatever reason?

A I believe there was one or two that did not go to my house. Out of the entire C.R.A.S.H. unit, I believe maybe two didn't go, if I remember correctly.

Q And do you recall who that -- who they were?

A No. I just remember saying, you know, that there was only two that wasn't here, or that, you know, wasn't at the -- at my house.

Q Do you know what those two officers did?

A No. I think they -- no.

Q Do you know if they stayed at work or --

A Yeah, I was gonna say something like that. I remember something going on. And I'm not sure if it was this particular day where two officers had something going on. And they wanted to do something. They wanted to work with detectives on something. And, so, they wanted to stay behind and do it. But I can't remember.

I want to say Wilbur and Harper. But I'm not a hundred percent sure on that. It might have been -- might have been Liddy and his partner. But I can't remember. I'm not sure who it was.

For some reason, I remember somebody wanting to stay back and get some work done. They wanted to do something.

Q So, when you said that -- okay, so, now, you told Byrnes, okay, we're gonna to go to my house. We're gonna watch Tombstone.

A Mmnh-mmnh.

Q And I think when you said that -- I might be wrong -- but you said, I'm gonna get some beer and watch Tombstone." Did he -- did he know about the beer being bought and consumed?

A Yeah.

Q Was that a part of the conversation?

A I told him exactly what we were gonna do. I told him we were gonna do it. I, basically, told him, look, I'm gonna keep them out of the street. What I'm gonna do is we're gonna pick up a couple of cases, then, go to my house. We're gonna order pizza. We're gonna watch Tombstone, and shoot some pool, and just hang out there until, you know, 'til late in the evening. And they will all take off and go home.

Q He didn't have a problem with that?

A No.

Q And then, you said that you had the unit lined up on Benton Way?

A Yes. We all caravanned. We all followed each other.

MR. MCKESSON: Excuse me for a second.

Q BY SGT. THOMPSON: When the unit caravanned to your residence, was that in personal cars or in city vehicles?

A Personal cars.

Q How much -- you said -- you said a couple of cases of beer. Was that --

A Several cases of beer.

Q Okay. Can you give us a number?

A Of how many cases of beer?

Q Yes.

A I don't know why, but for some reason, I remember like 40-something dollars being collected. What happened was, when we parked in front of the market -- or the supermarket, I, myself, -- a couple of us ran to each car saying, you know, give us up some money towards the beer. Give up some money towards the beer. And everything was donated. And, for some reason, -- I don't know why -- I remember like 40-something dollars being collected. I don't know why I remember that. Because I -- uh, I'm sure that we bought however many we -- however much beer we could for that amount of money.

Q Besides the officers that were at your house, was there anybody else that was present?

A My wife showed up. After we had been there for a while, my wife showed up. I think she got home from work. You know, she didn't know what was going on. What she did, she

just went straight to the bedroom and just stayed there.

Q And the beer that was consumed, did -- was there anybody that stands out in your memory, that, you know, had a little bit too much and couldn't safely drive home?

A No. No, we all drank and kept drinking. I mean, were they so inebriated they couldn't drive? I don't know. I mean, we were drinking throughout the night. I mean, could they drive? I don't know. I can't make that statement.

Q BY SGT. COOK: You all drank? Everybody drank?

A Yeah.

Q Okay. You were in City cars?

A No, our private vehicles.

Q Private vehicles. With the training day, private vehicles?

A Yes, our personal cars.

Q Okay. Had this ever occurred where you've invited, on a training day, C.R.A.S.H. officers to your house? Was this an unusual occurrence?

A Yes. It was just -- I couldn't -- it was so, you know, out of the blue. You know, we need to do something. You know, I want you to give a training day. I couldn't think of anything. You know, it was short notice. I mean, I couldn't take the whole unit and go up to the Academy and do a, you know, let's say, let's shoot shotguns today. Everybody bring their shotguns and we're gonna, you know, go fire some rounds off. You know, it was just too short of a notice.

So, I decided. You know, I told him, hey, listen, this is what I'm thinking about doing. Is this cool? Yeah, that's great. Cool.

Q This is in the middle of the week?

A I believe so.

Q Okay. My point is you have Sunday, Monday, off; right?

A We have Sunday, Monday, right.

Q Sunday, Monday off. And if I went to your neighborhood and asked your neighbors, did you see a large influx of cars, this would be something that's abnormal, that would catch somebody's attention?

A Yes.

Q Because this did not occur all the time?

A And a couple of neighbors did come out. They were like -- because I live in a corner house. And, I mean, the guys parked their cars in my driveway, on the sidewalk, in front of my house. And where I live, very rarely are there cars parked in the street. So, there was like 15 cars, you know, all of a sudden, just converged on my house. And a bunch of guys that looked like officers are stepping out and walking towards my house.

So, -- and it was daylight still when we got there. So, there was some neighbors out.

Q Can you recall the neighbors specifically that we can talk to?

A I don't know my own neighbors. I mean, I know that they live there. But I don't know their names. I don't know their, you know --

Q Okay.

Q BY SGT. THOMPSON: Ray, if you were to look at some logs, would that refresh your memory as to who was there, as opposed to --

A At my house?

Q The training day, the officers that went to that particular training day at your house?

A Yeah, it would help to associate that, you know, who was working that day and I can tell you, yeah, he was there. Yeah, he was there. 'Cause I can attribute certain comments that they made. And some were -- or you know, they're playing pool. You know, that liked my pool table. Others were looking at some sport memorabilia stuff that I have on my walls. They were making comments. Yeah, it would definitely help.

SGT. COOK: Okay. We're going to come back with logs. Do you have anything else?

SGT. THOMPSON: No.

SGT. COOK: Okay. That concludes the interview for the time being. The time now is 1953 hours.

(Off the record at 7:53 hours.)

(Back on the record at 7:58 hours.)

SGT. COOK: Today's date is November 22nd, 1999. The time now is 1958 hours. We're on Tape No. 222658, Side A. I'm Sgt.

John Cook, 25353. My partner is Sgt. Mark Thompson, 23251. We're interviewing Rafael Perez with his attorney Kevin McKesson. Present is Court Reporter Sara Mahan.

Q Ray, we're going to talk about a training day involving Camp Pendleton.

A Yes, sir.

Q Could you explain that to us?

A Again, I would have a little problem as to the date --as far as a month and date. But, I want to say, -- actually, I could narrow it down, because Raquel Duarte was in the unit, at the time. Sgt. Ortiz was the supervisor. So, it would had to be either between May and August of 1996.

We received an okay from the civilian sergeant down in Camp Pendleton to use their little sim village. It's a little live fire city that they use up there to do live fire.

So, we received the okay to use it. So, we decided we're gonna have a training day down there. The incident that you want me to talk about is one where we went down there, had our training day. And by the way, we went down there in police vehicles. We went down there, after we concluded the training day, we drove across over to the recreational area over by the beach, by Camp Pendleton.

We brought meat with us. We brought chips. And we brought a lot of beer. And we sat there and we drank. We, you know, we drank our beer and did our little steak fry.

After we were done, we drove those police cars back

up to Rampart Division.

Q Now, did you -- that going through the sim village, did that take the entire shift, the entire eight hours?

A No, it probably took -- actually, it took about six hours.

Q Six hours?

A Yeah.

Q Okay. And, so, you had your lunch break, your Code 7?

A We didn't have a particular Code 7. Well --

Q Well, you would allow for Code 7?

A Right.

Q Okay. So, that would account for seven hours?

A Okay.

Q And then, traveling time, is what two hours down there?

A Yes.

Q And two hours back?

A Right.

Q Did you put in over time for those -- for the traveling time?

A No, we didn't put in -- from what I recall, we didn't put in any over time for that day.

Q You didn't put in over time for that day?

A Not that I remember.

Q When you had your steak fry, how long were you there

approximately?

A We were there a good while.

Q And if we allow six hours for actual training, that you participated in, what time did you get back?

A It was -- when we were traveling back, it was already getting dark. It was starting to get -- starting to be dawn.

Q Starting to be dawn?

A Starting to get dark. Sunset. Sunset occurring.

Q Sunset. So, if we're looking at between May and August, so, the nights -- or the days are longer.

A Yes. We probably headed back somewhere around I'd say seven o'clock or maybe 6:30 when we decided to leave and head back.

Q And, if you can recall, on this particular incident, what time did you get to Camp Pendleton?

A We left early. I mean, we left early and got there early. We probably got there at 8:30 in the morning, 8:00 in the morning. We left early.

Q So, from 8:30, six hours later, that would be 1430?

A Yes, sir.

Q So, from 1430 to 1900 you had your steak fry?

A Yes.

Q In the course of that steak fry, you're drinking beer?

A Yes.

Q And everybody in the unit's drinking beer?

A That I recall, yes.

Q With the exception of Kulin Patel, if he was there?

A Exactly.

Q Okay. And how many vehicles did you have, approximately?

A That was probably, I want to say two officers brought their own vehicles. Because they lived south of Rampart about 45 minutes, so, it made no sense to drive up and then drive back down. So, I think there was a couple of civilian cars. But there was probably at least five or six police cars.

Q Did you have designated drivers?

A No, not that I know of.

Q Those who didn't drink beer?

A No. No.

Q Was, in your opinion, with your time and experience, and training as a police officer, was anyone unable to operate a vehicle? Let me ask this question again. With your training and experience, did you observe anyone consume alcohol or consume beer that it would affect their ability to operate a motor vehicle?

A I remember we did a lot of drinking. In fact, I remember some of the guys decided they were going to jump in the ocean. Some of the guys started to pick people up and throw them in the ocean. So, we were pretty -- pretty inebriated. Again, it's real difficult for me to say that, in my opinion, you're at least a .12 or something like that. You know, some people handle their -- their liquor a little differently.

But I know, I told someone, whoever I was driving with, "I'm not driving. You know, you drive." Not because I was drunk. I know I was somewhat drunk. But I didn't want to drive. You know, I was tired already. I didn't want to do that drive all the way back.

If there was -- if you're asking me was there some people there that were probably above the drinking limit, and drove, I'll have to say probably, yes. There probably was.

Q Did you see specific people drink beer?

A Did I what?

Q Did you observe specific officers drink beer?

A Yes. I mean, from what I recall, we were all drinking beer. In fact, I have a picture of all of us holding a beer up. That doesn't necessarily mean they're drinking that beer. But, you know, there's pictures of us, you know, throughout the -- the steak fry and people, you know, talking and holding beers up, you know, and drinking. I remember all of us drinking.

Q Okay.

Q BY SGT. THOMPSON: You said Sgt. Ortiz was at this training day?

A Yes. You know, for some reason, I don't know why, I think it was just his experience, Officer Nayakawa was invited to attend this training day.

Q Were there any other supervisors besides Ortiz that were there?

A Not that I can recall.

Q Who actually set the training day up? I mean, who had the connection for this?

A I think Officer Richardson was familiar with someone who was in the Marine Corps. In fact, someone who was in the Marine Corps. had come down a couple of times wanting to do a ride-along. That's what it was. Somebody who was in the Marine Corps. wanted to come down and do a ride-along with Rampart C.R.A.S.H. We allowed him. Sure, come along. He drove with some of the guys. They, you know, showed him around, you know, showed him some police work. And he had relayed this information that, hey, you know, I work down there where we have this sim -- sim village, if you guys want to use it, just let me know what day and maybe we can, you know, schedule you guys in. You know, kind of like on a quiet day down low, we can get you in there to use it.

I think that's how that came about.

Q Do you recall -- obviously, this was a training day for the entire unit. Was there anybody that you recall that was not there, for whatever reason couldn't make this training day?

A No. I mean, there would have to be a very good reason. Because this would be one of those training day where everybody would be there.

Q During the steak fry, were there any other people besides C.R.A.S.H. officers that were there? Did you invite any of the Marines or anybody from the training facility to

join you?

A No.

Q So, it was strictly C.R.A.S.H.?

A Yes, sir.

Q BY SGT. COOK: These police vehicles, were they black-and-whites?

A Yes, a couple of them were black-and-whites. For some reason, I want to say one was a hybrid police vehicle.

Q No dual-purpose cars?

A Nope.

Q BY SGT. THOMPSON: Was this a situation where you caravanned to and from the location?

A Yes, we caravanned when we left from Detectives. You know, we -- we lined up and just caravanned and just followed each other down.

Q Okay.

Q BY SGT. COOK: Could you recall the number of cases of beer? I'm assuming you drank cases.

A A lot. I can't tell you how many numbers of cases. I mean, there was several cases of beer. Plenty of beer.

Q BY SGT. THOMPSON: Let me ask you a question regarding that, Ray. Was the beer pre-bought, or did you have to buy it, or did somebody buy it down there near Pendleton?

A We already had it on ice.

Q So, it was --

A We took it down there with us.

Q You took it down there with you?

A Yes.

Q And was Sgt. Ortiz aware of that prior to the steak fry actually occurring? Did he have knowledge of that?

A Before we actually had the training day, we talked about who is going to pick up what. We talked about this in roll call. You know, and we had a thing where we called a "Kitty". And we paid the Kitty every pay day. We had to pay I think it was about \$5 every pay day -- everybody.

And we would discuss how much money we have in the Kitty and what we could buy with that, you know, how many cases could we get, what else do we need, you know, to buy some meat, okay. Who is going to pick up the meat? So, we -- all of that always gets discussed beforehand at roll call meeting.

Q And no exceptions for this training day?

A No.

SGT. COOK: Okay. That concludes the interview. The time now is 2010 hours.

(Off the record at 8:10 p.m.)

(Back on the record at 8:13 p.m.)

SGT. COOK: Okay. It's November 22nd, 1999. The time now is 2013 hours. We're on Tape No. 222659, Side A. We're interviewing Rafael Perez. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251. Rafael Perez is being represented by his attorney Kevin McKesson. And Court Reporter Sara Mahan is present.

Q We're going to talk about an incident involving an O.I.S. that took place.

A Yes.

Q Could you tell us about that?

A I was not present when this occurred. I don't know what occurred. I don't know what this circumstances was. I remember being at a mug party up at the benches. And I remember some of the officers that were there were discussing a pursuit that Tippett and his partner were involved in.

And they were talking about how they were chasing these guys and they ended up somewhere around Kenmore and 3rd, somewhere in that area -- 18th Street Gang neighborhood. And that the guys bailed out and they were running away from the officers. And the officers shot at them. And a particular officer shot with a shotgun and hit the suspect in the butt as he was running away.

And that's really all I really remember about the conversation. In fact, I don't even remember who it was that was talking about this. Or I was listening, but I don't even recall who was talking about it.

Q And what was the exact words, do you recall?

A The exact words, I don't recall. I can tell you what -- what was relayed and what I remember. But he's talking about the story about what happened that they were in pursuit of somebody. I don't know if it was a stolen car. But they were in pursuit of this car. The car led them to the area of 3rd

and Kenmore, an 18th Street Gang neighborhood.

The guys bailed out of the car. They were running away. And the officers start shooting at them as they're running away. And for some reason, I remember that they said somebody got shot in the butt, or got hit in the back or the butt area.

Q And who was the officer shooting?

A Tippett. That's who was involved in the shooting.

Q With the shotgun?

A Yes. And I want to say that -- I could be wrong -- but I think the other name I heard was Ramos. But I'm not sure. And --

Q And can you give us a time frame when you heard this?

A When I heard this, this was sometime in '95 when I heard this.

Q Now, you started C.R.A.S.H. August '95?

A Yes. Sometime after that. Probably I'd say maybe September, October, November time. I had been in the unit only a few months -- a couple of months.

Q You've made a distinction between the benches. Is this above the -- above the tennis courts, or down below?

A Down below.

Q Down below?

A We didn't start using the one above it until later on.

Q Mark?

Q BY SGT. THOMPSON: I'm gathering, from what you're

saying, Ray, that this O.I.S. occurred before you got to C.R.A.S.H.?

A Yes.

Q Because you weren't aware of a O.I.S. involving Tippett while you were in the C.R.A.S.H. unit?

A That's correct.

Q Okay. Besides what you heard about this officer using the shotgun and shooting the suspect as he's running away, and hitting him in the rear, was there anything that led you to believe this O.I.S. was improper or that it was covered up in any way?

A No, other than, you know, it was sort of like as it was being told, people were, you know, it's sort of in a joking manner. And the only thing that made me, you know, think that something was wrong, the fact that the guy is running away. Obviously, he's running away, he has his back turned to the officers, and the officers are just shooting at them as they're running away.

Q So, there's nothing that you overheard or was told about this particular O.I.S., other than that the suspect was shot as he was running away?

A That's correct.

Q Do you hear anything about any other possible misconduct that might have occurred in regards to this O.I.S.?

A No, sir.

Q Okay. So, it was more of a manner in which you heard

about this O.I.S., as opposed to --

A Way it was being said. I don't know particularly what was said that, you know, as -- as the suspect was running away, he turned around and pointed. I don't know any of that. The way they were saying it, and the way they were joking about it, it sounded as though when these guys bailed out and started running, the officers just began shooting at them. What was recovered or found later, I don't know.

Q Okay.

SGT. COOK: Okay. That concludes the interview. The time now is 2018 hours.

(Off the record at 8:18 p.m.)

(Back on the record at 8:20 p.m.)

SGT. COOK: It's November 22nd, 1999. The time now is 2020 hours. Tape No. 221475, Side A. We're interviewing Rafael Perez. He is here with his attorney Kevin McKesson. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251. And we have Court Reporter Sara Mahan present.

Q We're going to talk about steroids. What can you tell us about steroids?

A There is only one instance that I can talk -- well, actually, there's two. But I think the one that you want to talk about is something that I brought to your attention about an Officer Ruggiero.

Sometime in late -- I'm sorry, middle to late -- or middle -- early to middle 1998, I was having a discussion with

Officer Ruggiero at Rampart Detectives. While we're sitting in the Detectives area, or sitting at whoever those desks belong to, whoever detectives, we were sitting there. And he was talking to me about, you know, the use of steroids.

And then, he began talking to me about how he used to sell steroids to a lot of the guys at the gym that he worked out at. And then, he began to tell me a story about how, I guess, he was working somewhere up in the Valley. And this is before he came to Rampart. And that he, somehow, some beef or something had come up about him possibly using or being involved in steroids.

So, he felt like, you know, something was going to happen. And he had told me about how he went home and disposed of a large quantity of steroids that he had in his garage that were a bunch of different vials and that he destroyed it all.

Let's see. I think that's about it. He told me he'd been using it for quite some time. The other -- the only other instance that I can talk about, as far as steroids go, is in roll call -- that we had a roll call meeting. And Sgt. Chacon began having a discussion with us about some of us getting into trouble. Some of us are eventually gonna get into trouble for steroid use and for other illegal things.

He was trying to relay to us that -- that we should be careful or something to that effect. But, any way, when he said steroids, he looked at a couple of particular officers. He looked at Officer Brehm. I don't know if he just felt that

-- he felt that Brehm had been using steroids or not, but he stared at Brehm when he started talking about steroids.

Q To your knowledge, does anybody else use steroids other than Ruggiero?

A The only one that I know in the unit was Ruggiero that was using.

Q In an earlier conversation about this, when you brought it to our attention, you named two other officers.

A The only other knowledge that I know of -- specific knowledge that I know -- is Ruggiero.

Q Okay.

A Do I have my suspicions about other -- two others? Yes. But I don't -- I've never heard of them talking about it. I've never seen them using it.

Q Okay. Direct knowledge Ruggiero?

A Yes. Well, indirect knowledge. The only direct knowledge is he told me he was using it. I've never seen him using it. You know, I've always had my suspicions about Cohan and Brehm. They were really getting big. You know, were they using it? I mean, you know, they talked about working out with Ruggiero. So, I know they talked about working out or they were talking about what type of steroids to use. I don't know. It was never discussed in front of me.

Q Okay.

Q BY SGT. THOMPSON: Who was Ruggiero's partner, at this particular time; do you know?

A Most of the time, it was Buchanon.

Q Buchanon? This -- this conversation took place at Rampart Detectives?

A Detectives. In Detectives outside the C.R.A.S.H. office in Detectives. We were sitting down at a couple of the Detectives tables.

Q Do you know where Ruggiero, Cohan, and Brehm, you said they worked out together. Do you know where that --

A We worked out a lot. You know, our -- our roll calls, three times a week, we would work out on duty for the first two hours. They were the ones that were into the heavy working out. Also, I think they had talked about -- I think they had met some -- a couple of times where I think they were working out down in Hermosa Beach or Manhattan Beach or something like that. I think they had worked out together.

But I wasn't into that kind of, you know, thing. Working out, I could care less about that conversation. But I remember them talking about working out.

Q And you talked about Chacon, during this roll call discussion, where he was talking about officers getting in trouble for using steroids and other illegal activities?

A Yes.

Q What was he --

A In fact, he even mentioned that some of us maybe going to jail.

Q And -- and did he --

A That upset a lot of people in the unit, too.

Q Did he get specific as to what he was talking about?

A No. No, I -- it was our impression that he was talking about maybe planting evidence and things like that, which was one of the reasons we definitely didn't trust him. But that was our belief that he was talking about, you know, reports that were coming in and he was reading about some -- certain people going to jail. And he probably felt that this was, you know, a set-up for something like that.

Q That was the impression that he gave, as opposed to --

A What he actually said?

Q What he actually said.

A That's correct.

Q When he had this discussion about this illegal activity, was it -- what -- how did he deliver it? Was it in a serious tone, or was it in a tone where, you know, you could make -- trying to make light of something, you know, to justify something?

A No, this was a very serious tone in roll call meeting. And it came across to us as our warning from him, that, you know, -- you know, he doesn't want to deal with any of that or, you know, that he doesn't play that, you know.

You know, he was making it -- you know, he would always let us know that he has worked on I.A. and he knows a lot -- a lot things that they go on. And that, you know, his

words were "Some of you are gonna go to jail, you know. And some of you are going to continue on with this, you know, steroid use." And that's when he looked at Brehm a little bit extra longer than we thought he should have and, uh, -- and made his comments about steroids. And then, continued on.

But it was very serious. It wasn't, you know, something half-heartedly or half-jokingly. You know, it was very serious. We, you know, we -- we got his message real clear.

Q Was there an event that might have taken place that precipitated this discussion, you know, something having to do with steroids that came to his attention that you're aware of, where he felt compelled to bring this up?

A Not that I'm aware of. I don't know exactly. There may have been something that came up or that he heard or overheard. But I don't know. I don't know.

Q So, he sort of focused on Brehm?

A When he said those words. And I -- I think in the unit there was a little -- sure there was, you know, some feeling that Brehm might have been using steroids. But how he got that information, I don't know.

Q Okay. And I don't know Brehm. But was that feeling because of the way he looked?

A Yeah, he was getting pretty big. Yeah.

Q Was Ruggiero in the unit, at this particular time, when this conversation with Chacon took place at roll call?

A Yes.

Q And do you recall what -- in what relationship that roll call discussion was in regards to your personal discussion with Ruggiero regarding his steroid use?

A After that. After that roll call training, it was months afterward.

Q Okay.

SGT. COOK: Okay. That concludes the interview. The time now is 2029 hours. Why don't we call it a night? Let's go off.

(Off the record at 8:29 p.m.)

(Back on the record 8:37 p.m.)

SGT. COOK: Okay. This is November 22nd, 1999. The time now is 2037 hours. We're on Tape No. 221476, Side A. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251. We're interviewing Rafael Perez. He's being represented by his attorney Kevin McKesson. And we have Court Reporter Sara Mahan present.

Q Ray, we're going to talk about the Academy where Durden was at the Academy and there was an accidental discharge?

A No, it was not an accidental discharge. There was a discharge, but it was an intentional discharge. What it was is there was a -- it was one of those parties up at the Academy at the -- I don't know the name of the Academy club is. The club there.

Q The lounge -- Academy lounge?

A Is that what it's called? Academy Lounge? Anyway, we were there.

Towards the late evening -- late evening, people started leaving. And Durden, Stepp, and a couple other officers decided to go over by the benches. I was involved in something else.

Anyway, Durden talked to me about -- he was laughing about how they were at the benches and him and Stepp were wrestling and horsing around. And that Durden said he took his gun out and capped a round.

For some reason, I want to say that he capped a round towards Stepp's foot. But I'm not real a hundred percent sure on that. But I know he said --

Q He was shooting at Stepp?

A Yeah, he was -- well, he shot in the ground. But he was shooting it towards Stepp, when they were horsing around. I mean, it's -- he -- he capped a round, probably on the ground, somewhere towards Stepp's feet.

Q You don't know the officers, the other officers other than Durden and Stepp?

A That's correct.

Q Did you witness this? Was this --

A No, other than what -- the only reason I know about it is Durden told me about it.

Q Do you recall what year or month this was?

A I believe this was sometime in early 1997.

Q And the nature of the party -- were you familiar with the party?

A Yeah, it wasn't nothing that we threw. It was just probably pay day Wednesday or something. But we decided we're gonna go there. I don't know why.

Q Okay. Were you there at the Academy when this happened and Durden told you about it?

A Yes. Yes.

Q Did you hear a gunshot?

A I didn't hear it.

Q When they are horsing -- am I using the right term?

A Horsing around.

Q Horsing around?

A Yes.

Q When they were horsing around, were you in close proximity, or were you doing something else?

A I was involved in something else.

Q But you weren't at the benches?

A No.

Q Mark?

Q BY SGT. THOMPSON: When Durden told you about his incident, how many days after the event did that conversation take place?

A Probably the next day we saw each other.

Q And clarify. I know there has been a lot of talk about benches, but on this particular incident, clarify for us

where the benches are.

A If you -- if you drove into the Academy and drove up the hill and made a left into the tracks and make another left going to the back of the tracks, at the very end, next to a trailer, on the left-hand side, there's -- on the other side of the fence, there's a couple of openings that lead into some benches that are sitting there in a little dirt area.

I believe there's a big, uh, barbecue, uh, a big -- a big barbecue area.

Q It's a picnic area?

A It's a picnic area. That's what I'm calling the benches.

Q That's -- okay, that's where this took place?

A Yes.

Q And you talked about other officers being present. But you could not recall who they were?

A Yes.

Q Do you -- do you know if they were Rampart officers -- C.R.A.S.H. officers?

A I believe they were Rampart C.R.A.S.H. guys, yes.

Q And do you know -- did Durden say if anybody -- and I speak of anybody -- there's security officers that work up at the Academy. Did he tell you if they became aware of this incident?

A No.

Q That's about it.

SGT. COOK: That's all I have. Okay. That concludes the interview. The time now is 2042 hours.

(Off the record at 8:42 p.m.)

(Back on the record at 8:44 p.m.)

SGT. COOK: Okay. Today's date is November 22nd, 1999. The time now is 14 -- correction, 2044 hours. We're on Tape No. 221477, A. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251. We're interviewing Rafael Perez. He's being represented by his attorney Kevin McKesson. The court reporter is Sara Mahan.

Q We're going to talk to you about -- we've already talked about it, I believe -- Walter Rivas.

A We haven't in -- you can enlighten me a little bit.

Q Okay. Detective Shaw and Mahoney, I believe you met Mahoney one time, interviewed Walter Rivas at Pleasant Valley State Prison on 11/05/99 -- November 5th. Rivas said one week prior to his arrest on March 21st, 1998, his homey Gayo, or Rooster, had been arrested for Sales of dope inside a laundry at 6th Street and Rampart Boulevard. Rivas' other homey, Vago, had made the sale. But the officer said Gayo had handed the dope to Vago. Vago had made the sale. And Gayo was not involved at all.

MR. MCKESSON: John, you're confusing me. I mean, as far as who is --

SGT. COOK: I'm just reading what I got here.

MR. MCKESSON: No, no, no. Hold on. No, I believe you.

But I'm lost.

SGT. COOK: I'm just gonna -- I'm just gonna read this and I'll ask you some questions. But both Gayo and Vago were arrested.

THE WITNESS: By me?

Q BY SGT. COOK: Well, Gayo had just been playing video games in the laundry. The question that they -- that they wanted to know was do you recognize the monikers Gayo and Vago? Does that ring a bell?

A One thing you have to remember is a lot of these gang members will use one moniker with us, but among themselves, they -- they know their true monikers. So, I may know them by face, I mean, you know, like associate them with someone I had in my face, but by this -- these two monikers, I can't - they don't stand out. That is not to say that I don't know who these people are or never met them.

MR. MCKESSON: Can I ask you, John, who did they make the report to?

SGT. COOK: The officers went to interview Walter Rivas on November 5th. Walter Rivas is one of the officers that --

MR. MCKESSON: One of the officers?

SGT. COOK: I mean, one of the defendants that was in custody; isn't that right?

SGT. THOMPSON: Right.

THE WITNESS: In custody for habeas or --

SGT. COOK: Habeas Corpus.

MR. MCKESSON: He's one of the guys who is about to get sprung because of this whole thing?

SGT. COOK: Yeah.

THE WITNESS: Which incident?

SGT. COOK: Uhm, unfortunately, I don't have anything more than this.

SGT. THOMPSON: This might be one that we need to grab the arrest --

MR. MCKESSON: Rosenthal?

SGT. COOK: Rosenthal is interested. This isn't it.

SGT. THOMPSON: You know, I think he's aware of this. Because that's why detectives had to go out and find this guy and interview him in prison.

MR. MCKESSON: Yeah.

SGT. THOMPSON: This, apparently, is something that came up during the interview. And they wanted to get your input on it. Q Why don't we do this? Why don't we see if we can get a hold of the arrest report and bring it in tomorrow? And we can review that. Maybe it will ring a bell. Maybe it will connect all these names together.

A What part do you want to ring a bell? The specifics in the Rampart arrest, or when I arrested defendant?

Q BY SGT. COOK: Well, do you know a Jose Madrid?

A The name Madrid sounds really familiar. Well, I arrested a Madrid at 2208 West 8th Street.

Q Is that 2208 West 8th Street?

A That's Madrid the one -- that's the one with the Habeas Corpus? Madrid is the one that -- Madrid and his -- and another person is the one that we planted a gun and narcotics on at the William Penn Motel.

Q Okay. So, we've already gone over Jose Madrid. You know Jose Madrid?

A Right.

Q This is 2208 West 8th Street.

A Okay.

Q In relation to Jose Madrid, do you know a person by the name of Gayo or Rooster. Is this Gayo or Rooster the same person as Jose Madrid?

A Those could be the same person. But whatever moniker they gave us when we arrested them, it could be a total bogus moniker. You know what I mean. I didn't work Crazy Riders. We just happened to receive -- heard that radio call and we showed up there. But it could be the very same -- it could be -- they could be talking about the same two people that we actually arrested.

I guess the complaint is that they were arrested improperly or something or, they -- he was not involved in any sales or anything like that? Do you know?

Q BY SGT. THOMPSON: It does sort of sound like what -
-

A Right. I think we may be cross-referencing two people that we're already aware of.

Q Okay.

A If this guy Rivas -- and I'm not sure. Still I'm not real sure who this guy Walter Rivas is, by name. If you tell me the incident, what occurred, I might be able to help you. But it sounds like he's describing the Madrids. This happened at the William Penn. Madrid we're aware both people that were arrested were inappropriately arrested. They were both planted drugs and a weapon on them. They were both, -- I believe, one was -- they both had a case for dismissal. Habeas corpus to dismiss their cases or something.

So, I don't know if we're doing work that's already been covered or -- do you see what I'm saying?

Q BY SGT. COOK: Let me ask you this. Are you familiar with an arrest at 6th Street and Rampart Boulevard at a laundromat -- at a laundry?

A I do, yeah. I remember one. But I do remember one. But I thought it was a -- is it a marijuana case? A guy that threw a bag of marijuana inside of a store or something. He walked out and walked into a store. I think I remember. This is a hot spot. And, you know, many arrests happen there.

But just off the top of my mind, I do remember one where we were involved in, and there were a couple of gangsters run into a -- into a laundromat and video store and toss some drugs.

Q Okay. Well, that's all the information I have. I'm not -- I've heard the name Walter Rivas before. But I don't

recall the arrest. You know, this other person, Jose Madrid, maybe we can revisit when we have both arrest reports. The report here talking about his report.

I think what they wanted to know was did you recall an arrest at that location, and the arrest of anyone with those monikers -- Gayo or Rooster, and Vago.

A You know, I've heard those monikers before. But I can't just, you know, there's -- sometimes there's two or three guys in the same gang with the same moniker. And then, again, there's, you know, ten gangs and each of them have two or three Roosters.

Q BY SGT. THOMPSON: And I think what you said is right, John. They go to talk to this Walter Rivas, who was a guy that you identified as one of the investigations we needed to look at. During the course of that interview with the detectives, he talks about a couple of his buddies that he had knowledge where it sounded like the arrest was bogus.

A Okay.

Q So, they wanted us to ask you about that.

A I would definitely like to get into it a little bit more. I need a little bit more to go on. Just monikers doesn't help me.

Q BY SGT. COOK: Unfortunately, this is -- may be all that we have.

A Okay.

Q Okay. I don't have a D.R. number or an arrest report.

A Mmnh-mmnh.

Q All I have is a location and perhaps even a time frame. Because, supposedly, this occurred before the arrest of Walter Rivas on March 21, 1998. It occurred a week prior to that. So, that's all we have. We have a location. Do we have the book?

A I can tell you right now, that a week prior to that, I personally was probably definitely not involved in anything where narcotics was planted on someone or anything like that. I have --

Q You're talking about mid-March of -- mid-March of 1998?

A I have a specific recollection because I know that I intentionally tried to stay away from everything during that time.

Q Okay. So, you don't recognize -- recognize the names? You're familiar with --

A I've heard you talk about the names Rooster and Gayo. I've heard those monikers before. I just can't place a face on them. I've heard the monikers in -- you know, in gangs, but I can't just place a face with those monikers.

Q When you're telling me in mid-March of 1998, you would not have been in any type of activity or making any arrests where you planted narcotics?

A That's correct.

Q And although you've heard the names, you can't

attribute this specific moniker to any person?

A That's correct.

SGT. COOK: That concludes the interview. The time now is 2053 hours.

(Off the record at 8:53 p.m.)

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Officer Mike Buchanon	1519

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Sgt. Chacon	1465-1466, 1468, 1471, 1477, 1484, 1488-1489, 1494, 1518, 1520, 1522
Officer Ethan Cohan	1457-1459, 1461-1464, 1519
Officer Raquel Duarte	1506
Officer Nino Durden	1445, 1459, 1522-1525
Officer Shawn Gomez	1445, 1451
Officer Jeffrey Graham	1481, 1492
Sgt. Alfonso Guerrero	1474, 1479, 1488-1489
Officer Paul Harper	1501
Sgt. Hoopes	1474-1475, 1488-1489
Officer Andrew Lassak	1473
Officer Brian Liddy	1501
Officer Camerino Messina	1473, 1579
Officer Nayakawa	1510
Sgt. Edwardo Ortiz	1474-1475, 1485-1487, 1506 1510-1511, 1513
Officer Dennis O'Sullivan	1444, 1446-1450
Officer Kulin Patel	1471, 1477-1478
Sgt. John Peters	1490-1491
Lt. Polen	1469
Officer Ivan Ramos	1515
Officer Mark Richardson	1465, 1511
Sgt. Douglas Roller	1484, 1486-1487

Officer Roger Ruggiero	1517-1519, 1522
Sgt. Sanchez	1465, 1469-1471, 1484, 1488-1489, 1492, 1494, 1500
Detective Senna	1493, 1496
Officer Doyle Stepp	1523
Officer Jonathan Tippet	1514-1515
Sgt. Timothy Torsney	1489-1490
Officer Humberto Tovar	1451-1452, 1455-1456
Detective Wessel	1493, 1496
Officer Mark Wilbur	1501