

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:

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C.S.R. No. 10647

99-033

LYNWOOD, CALIFORNIA, WEDNESDAY, NOVEMBER 3, 1999; 2:45 P.M.

RAFAEL ANTONIO PEREZ,

called as a witness testified as follows:

EXAMINATION BY DET. CASTILLO:

Q We are now on tape. And it is the, uh, 3rd of November, 1999. It is 1445 hours -- 2:45 in the afternoon. Uh, present is, uh -- I'm the, uh, primary interviewer. My name is Detective Jesse Castillo. Uh, Rafael Perez is here. His lawyer Winston K. McKesson is here. Uh, my partner John

Cook -- my partner John Cook, Serial No. 25358. And also present is, uh, District Attorney Court Reporter Sara Mahan. I think I said that right, Sara.

Uh, this interview is tape recorded on a Maxell tape. I'm gonna get a -- I'm gonna a serial number as soon as I can.

Uh, Rafael, back in November 16th, '99, at the, uh, Century station -- '99 last Saturday, about nine o'clock, uh, Sgt. John Cook and Sgt. -- uh, Det. -- I'm sorry -- Stan Nalywaiko, N-a-l-y-w-a-i-k-o, met with you for the purpose of reviewing some -- some reports.

A I think we got the date wrong. You said November of '99.

Q I'm sorry.

SGT. COOK: October.

Q BY DET. CASTILLO: October 16th of '99, on a Saturday. And, uh, Det. Nalywaiko made some -- made a -- represented some, uh, arrest reports. And the name Victor Perez -- Victor Perez came up being in a taxi cab. Uhm, Rafael Perez stated that before reviewing the report that the incident with Victor Perez involved three people.

Uh, the three people, Rafael, was that Victor and two other people?

A Yes, sir.

Q For the total of three. One was a woman. And, uh, Rafael reviewed the arrest report and stated that Victor Perez was in the back -- was in the back seat of the taxi when him

and Durden stopped the taxi. Durden planted dope on Victor Perez. Does that make sense to you, Rafael?

A Yes, sir. Yes, sir.

Q I'm in charge of Victor Perez case. And I'm also going to talk to you about [*** CI #5 description redacted ***
*****]]. I don't

have [CI#5]'s stuff with me.

A [** CI #5 description redacted **].

Q [*CI#5 description redacted*]. Yeah, you're right.

A [** CI #5 description redacted **].

SGT. COOK: [** CI #5 description redacted **].

Q BY DET. CASTILLO: I'm in charge of the investigation on Victor Perez. And that's what we're going to concentrate first. Rafael, real quickly -- and you've looked at them -- but, uh, we're going to get right into the investigation.

On June 4th, 1997, were you working a C.R.A.S.H. unit at Rampart. And I'm showing you a daily worksheet with a regular line-up. And you were 2-C.R.A.S.H.-17?

A That's correct.

Q And there's nothing wrong with that?

A No, sir.

Q Okay. So, let me get through these real quick. One of the reports that you and your partner, uh, Nino Durden, have to fill out is a daily field activity report, a DFAR. And I've got that one. And it's dated June 4th, 1997. Durden on the

top and, uh, -- and, uh, your name is on the bottom.

A That's correct.

Q What does that say?

A This is our, uh, field, uh, activity report for that day, November, uh -- or June 4th, 1997.

Q Okay. And --

A Durden -- uh, Durden's name on top of the case, 'cause he filled out this, uh, -- this log.

Q And you were in Shop No.?

A Shop No. 80184.

Q And does -- do you remember that being a Taurus -- a blue Taurus type of thing -- kind of a dual police car?

A Yes, sir, it's a blue Ford, uh, Taurus.

Q Uh, for the most part, is this thing, uh, accurate or being as far as the Shop number and everything else?

A Uh --

Q I -- I highlighted the one o'clock, uh, incident, involving, uh, what would turn out to be Victor Perez.

A Yes, primarily, I believe it's correct. The Shop number, the date, and everything appears to be about correct.

Q Okay. And you made it in a, uh, narco investigation at one o'clock at 3rd and Grand, arrested one, uh, for 11350 H&S. And over here on the far right, you've got Perez and a booking number of 5267293?

A Yes.

Q Which turns out to be Victor Perez.

A That's correct.

Q Okay. This was the arrest report and related reports and the property report. And it's a one, two, three, four, five, six, seven -- it's, uh, -- it's an arrest report of Victor P -- uh, Victor Perez. And I think you reviewed it before with, uh, -- again, with, uh, Sgt. Cook and Sgt. Nalywaiko.

A Okay.

Q And here's a -- and let's just go right into this. Here's a picture of Victor. Does this guy look familiar to you?

A That is Victor Perez. This is the arrest report for Victor Perez, yes.

Q What can you tell me about that report?

A I can just, by looking at the report, and going into the Sources of Activity, the second paragraph on the second page of the report --

Q There's two Sources of Activity. Okay.

A Oh, I'm sorry. What would normally be the Source of Activity, and then, on the second paragraph, it would normally be the Observations.

Q Observations.

A Apparently, uh, there's a mistake. And it says Source of Activity. It should be Observations. The second paragraph on the second page.

Q And trust me, it's one, two, three, four, five, six, seven, eight, nine lines long.

A Okay.

Q Can you --

A Nine lines long. Uh, reading that paragraph, uh, it talks about us traveling northbound on Rampart from 3rd Street. And we observed three male Hispanics standing on the east side of the street. And that is incorrect.

Q Okay. What's incorrect about it?

A Uh, there were -- they were not standing. Uhm, there was a female, if I remember correctly. There was a female. We were waiting on this cab already. We knew this cab was gonna show up. This --

Q Okay. Here -- here to make it easier for you.

A Okay.

Q That's incorrect. Is -- is there any other part incorrect?

A Well, most of this is going to be incorrect. If I read further into this, uh, paragraph, uh, says "The females were standing next to a yellow, uh, Chevy Caprice that was double-parked."

Q Can I ask you if that's correct or not?

A Uhm, no, that's not correct. They were not standing.

Q Okay. Keep going.

A Uhm, "As we approached the three males, we observed Deft. Perez drop a white tissue bundle to the ground."

Q So, that's in- --

A That's incorrect.

Q That's incorrect.

A He was sitting in the back seat passenger's -- driver -- driver's side back seat of the vehicle.

Q Okay. So, those whole nine lines is, basically, incorrect?

A Most of it, yeah. All of this was incorrect. Uh, "My partner Officer Durden recovered that tissue and noticed it contained several, uh, a couple of flat off-white rocks."

That is incorrect. Uh --

Q Okay. And then you booked them?

A Right. "The vehicle, uh, was parked illegally at the scene." That's incorrect. The vehicle was taken to Rampart, uh, station.

Q Okay. You're right. That's incorrect, too?

A That's -- yeah. This whole paragraph is incorrect.

Q Okay. Uh, well, let me just go over it. Who signed this report, Rafael?

A Uh, it looks like Durden signed, uh, Sgt. Guerrero's name.

Q How do you -- how do you know that?

A Because that's Durden's handwriting. And right above it, it says, "N.D."

Q You're right. I -- I didn't pick that up, initially, when I first interviewed somebody else. But the "N.D." is right there on the supervisor?

A Right above the supervisor's, uh, name, uh, is "N.D."

for Nino Durden.

Q And on the -- and, uh, can I ask you to turn over to the booking report, the booking recommendation?

A Okay.

Q Who -- who signed that?

A Again, Nino Durden signed it. And, again, he put, uh, "N.D." above it.

Q "N.D." And that's pretty -- pretty, uh -- pretty visible there.

A Yes, sir.

Q I have no problem with that. Why was that done, Rafael?

A Why was --

Q And, uh, but why would you put down a sergeant's name and then -- and then, the "N.D."?

A I've never -- I've never done it. I -- I guess, Nino does it, or Officer Durden does it. I never did it.

Q Okay.

A Uhm, and I'm assuming that the sergeant -- this was close to -- probably close to end of watch. And the sergeant probably already had left, or something like that. Or, you know, talked -- called him and told him what he had. And he said, yeah, go ahead and sign the booking.

Q On the last page, Rafael, uh, that last sheet, that's the, uh, copy of the analyzed evidence package.

A It is.

Q Do you remember who filled that out?

A Yes.

Q Who did that?

A Officer Durden.

Q Okay. So, that's his writing?

A Yes, sir.

Q And did he -- then, he -- then, he booked the little 2.8 gross grams of rock cocaine. And I guess that would be on the -- on the face sheet, or --

A 0.28 grams, yes, sir.

Q Okay. So, uh, what -- he did all that.

A Yes, sir.

Q Okay.

A All of this is in his handwriting. This does not show the seals on the envelope.

Q Sure.

A But I'm assuming he also signed the seals.

Q Okay. So, he signed the seals. Okay. Going back to the arrest report. What do you recall about that incident?

A Well, I won't even have to look at the, uh, report. Because, obviously, the report is fabricated. Uhm, the -- we had received some information from [CI#5]. And I don't remember [CI#5] 's last name. I think you said it.

Q [** CI #5 info redacted **].

A I believe that's [CI#5]'s name. [*****
***** CI #5 description redacted *****

*****]. Uhm, homeless. [*** CI #5 info redacted *****
*****]. Uhm, [CI#5] had given us some information
that there were several cab drivers that were delivering
narcotics. And [CI#5] had told us one that they called
Zero/Zero.

Q Zero/Zero?

A Zero/Zero. Which is cab call sign. Which is this
person here, Victor Perez.

Q So, that's Victor Perez?

A Yes. Uhm, when -- when we talked to [CI#5], [CI#5],
uh, -- [CI#5] gave us all the information. [*****
** CI#5 info redacted **]. Basically, what you do is call and
say I need to speak to Zero/Zero.

And they'll get Zero/Zero on a c.b. Zero/Zero will
say, yeah, who, uh -- who wants me? When? Where at ? [*****

** ***** CI #5 information redacted
*****].

[*****
***** CI #5 information redacted *****
*****].

Q Okay.

A [**** CI #5 info redacted ****].

Q Okay.

A He had pulled into just north of 3rd on Rampart on
the east side of the street.

Q Okay. That's correct.

A There's a small little driveway that I think that goes into a -- an underground structure parking spaces.

Q Let me -- let me -- uh, hold you right there. Uh, let's go there. This is my poor excuse of a diagram. Uh, me and, uh, my partner, uh, basically, uh, just hand drew that. I've also got aerials. Uh, a photograph aerials. And really, I'll just let you look at the first one.

If you're looking northbound, on Rampart Street. And I've got North view. You're looking up Rampart Street. And this is 3rd across here. And if you look south it's just the opposite of -- and I think I know where you're gonna go with this. But, he pulled it up. Where did he pull up into?

A The -- okay. This is the north view?

Q Right.

A This is 3rd?

Q Right.

A And this is Rampart?

Q Right.

A And there's a little --

Q There's a little, uh, shopping, uh, center. Like a -- like a strip mall. Here's a, uh, --

A He pulled in somewhere right about in here.

Q Okay. So, you're pointing now.

A Is that right? Let me look at it a little bit closer because I want to be right.

Q Okay.

MR. MCKESSON: Excuse me. Just make sure, Ray, 'cause, uh, it's very difficult to look at aerials.

THE WITNESS: Yeah, I know. That's why I'm --

DET. CASTILLO: We should have -- we should have blown up, yeah.

THE WITNESS: Is there a --

MR. MCKESSON: Aerials are difficult.

THE WITNESS: That's difficult. That almost looks like it's going into an alley there.

Q BY DET. CASTILLO: Yeah. You see 3rd Street. There's a -- like a golden, or a -- uh, lock. And then, there's a check-cashing place. And then, there's a plaza. And then, there's a driveway right in here.

A Okay. But that's not -- that's -- that's not an alley there, is it?

Q No.

A That's a driveway?

Q That's a driveway.

A I think that's where he pulled it in.

Q That's where he pulled in?

A Yes, sir.

Q BY MR. MCKESSON: Oh, so, he pulled in the driveway, not an alley?

A Not an alley.

Q So, that's a driveway? That's where he pulled in?

A Yes.

Q And the alley is not where he pulled in?

A That's correct.

Q BY SGT. COOK: On Rampart Street?

A On, uh -- on Rampart on the east side of the street, north of 3rd. North of the, uh, little shopping mall area there. The small shopping area, which would be somewhere up in here.

Q Right. Ray, would you mind making an "X" on that? And then, just, uh --

A I'm going to put like a little --

Q Put two lines.

A Like a -- right. Uh, I'm gonna write "Driveway" here.

Q Okay.

A And then, I'm gonna put my initials right here.

Q And then, just, uh, date it, please.

A Today being the --

Q The 3rd.

A Okay.

MR. MCKESSON: And could you -- just so it's clear, Detective, this diagram is not drawn to scale.

DET. CASTILLO: Absolutely. That was my poor -- that's my poor crummy drawing. That's why I never worked Traffic. Uh, that's a drawing where, you're right, I just oriented myself when I talked to Victor. 'Cause I didn't have these, uh -- I didn't have these aerials, at the time.

Q So, uh, on the, uh, southwest corner, there's an apartment building. On the -- on the southeast corner is that Mexican restaurant.

And then, uh, you're talking about the northeast corner, right up in here.

A It would be the northeast quadrant, yes.

Q Okay.

A North of it.

Q The first -- around there?

A Yes, sir.

Q That's good enough. And we'll back off. You guys have nicer digs.

Uh, Ray, I'm showing you a picture of a lady. And I'm showing you a picture of a man. Do these pictures look familiar to you?

A She looks familiar. He --

MR. MCKESSON: Now, make sure when say she -- 'cause there's a picture of a lady on both sides.

THE WITNESS: It's the same.

DET. CASTILLO: Yeah, well, you know, that's actually her. But this is a -- the, uh -- let -- let me show you a folder. And let me I. -- I.D. this folder. There's a, uh, folder with two pictures on each side. The person is the same one. One was taken in -- in '98. And the picture's got a female Hispanic with long hair. And then, it's -- and then, on the reverse side, uh, this is what she appears to now. It was taken in

'99. Q For the purposes of this interview, this is what she looked like in '98, with the long hair.

A Mmnh-mmnh.

Q Does she look familiar to you from this, Ray?

A Yes.

Q Who is she?

A She was the driver of that cab.

Q Okay. I'm sorry I interrupted you. Uh, --

A Uh, he looks -- uhm, you've got another photo here. A DMV printout, uh, photocopy of a driver's license. And this male, in this photo, looks vaguely familiar. I -- I remember --

Q Vaguely familiar?

A -- her very clearly.

Q Okay.

A Him I remember vaguely.

Q Okay. That's fine. And we'll leave it at that. Uh, our investigation shows that these were the other two people there. So, let me -- let me just put it that way. What do you remember about her?

As she -- as the cab pulls into the driveway, what happens then?

A We pulled up -- we pulled up behind them. Uh, she's sitting there, uh, in the driver's, uh, -- the driver's seat.

Q Mmnh-mmnh.

A And, uh, we just, uh -- we get them out of the car.

Q Mmnh-mmnh.

A Uh, nothing -- nothing particular, right now, stands out, in my mind.

Q Okay. Who -- who was taken out of the car first?

A I believe -- I believe her and another male that was in the front seat were taken out first.

Q Okay.

A And then, I believe, we saw, uh, Victor Perez slouched down in the back seat. And then, we took him out.

Q Okay. Uh, do you remember the statement being said, "Are you the ones that have been calling me?" Or, "We got him. We got him."

A "We got him. We got him?"

Q "We got him. We got him."

MR. MCKESSON: Two different statements, right?

Q BY DET. CASTILLO: Two different statements. You're right. Uh, maybe a police officer was -- said -- said, "We finally got him. We finally got him." You don't remember that?

A I don't remember. A -- a police officer saying, "We finally got them. We got them"?

Q Yeah. Okay, you or Durden said, "We got you. We got you. Come out of the cab." Or something like that.

A I don't remember that. I'm sorry.

Q And do you remember Victor saying, "Are you the ones that have been calling me all night?"

A He may have said it to my partner. I really don't

remember that.

Q Okay. Let's go back to the detention. When you, uh -- uh, she's driving the car. He's in the back seat. Victor was in the back seat. And Leslie's driving the cab.

A Yes, sir.

Q Who walked up on the cab?

A Both me and my partner.

Q Do you remember the incident?

A Do I remember the incident?

Q I mean -- I mean, do you remember who walked up on the driver's side, and who walked up on the passenger side? Or -- or did you both walk up together?

A We pulled up behind them and we both pulled up on the driver's side. On the driver's side.

Q Uh, who did most of the talking?

A We both did. I mean, --

Q What was the purpose? I mean, you -- you -- you've, uh, -- [CI#5]'s given you some information. [CI#5]'s -- [CI#5] -- what did [CI#5] tell you?

A That this was the cab driver who was selling narcotics and supplying -- uh, [CI#5] was a narcotics user [****].

Q Sure.

A And, uh, this is one of [CI#5]'s suppliers. You know, if [CI#5] needed a dime rock, all [CI#5] had to do was call and ask for Zero/Zero.

Q Okay.

A And he would come by, meet [CI#5] wherever. Just on whatever corner. And [CI#5]'d buy it and move on.

Q Had you tried to -- had you tried to contact Zero/Zero or Victor that night? And how many times?

A I think -- you know, that -- that -- you're starting to, uh, -- I think we did. Something was going on. I know we've had several contacts with him.

Q Is this your first one, though? Is this your first?

A I think this was -- I think was the first one where we -- you know, we get him or whatever. But I think we had -- we had tried calling him several times. See, I'm a little confused, --

Q That's fine.

A -- only because [CI#5] gave us several cab drivers.

Q Sure.

A [CI#5] had given us another cab driver that we arrested like on, uh, Hoover and Temple, or something like that.

Q Yeah.

A But, yeah, we had attempted to call him several times. In fact, I remember that clearly now. We had tried to call him through the dispatch center several times, asking for Zero/Zero.

Q [***** CI #5 information redacted *****]?

A [*** CI #5 info redacted ***].

Q [***** CI #5 info redacted *****]?

A [***** CI #5 info redacted *****
*****] .

Q There on Temple Street?

A On Temple Street, yeah.

Q And then, you said you tried to call him?

A Yes, I tried.

Q Were you -- were you trying -- were you using -- what phone were you using then?

A I have no idea what phone I was using. But I would call, trying to speak Spanish, and trying to act like I'm a user or something.

Q Well, could you have been using your phone?

A My cell phone?

Q Yeah.

A It's possible.

Q It's possible?

A Yeah, 'cause I would carry my cell phone with me on -- on duty and use it for whatever. Yeah, it's possible.

Q So, you -- you -- you remember that you get the -- Leslie and that approximately that other male first. What happened then?

A And then, we see, uh -- uh, Victor Perez. He's kind of like trying to slouch down in the back, uh, seat.

Q Mmh-mmh.

A And we see him. And we say, "Okay. You know, get out." You know, or something like that.

Q Sure.

A And we got him out of the car and detain him. Uh, that was about it. It was very -- nothing eventful really happened, other than the detention. There was really nothing, that I can think of, that stands out.

Q Had you and Officer Durden discussed what you were gonna do with this guy?

A Not at that point.

Q No? Uh, did you search him? Or do you remember searching him?

A Uh, he was searching --

Q Searching Victor?

A Durden searched him.

Q Okay. Uh, do you remember searching Leslie and, uh, this other person, uh, the third male?

A Somebody else would, absolutely, search the female.

Q Yeah.

A Uh, I might have searched the -- the other male.

Q Do you remember asking her for a driver's license or something? What do you recall about this incident?

A I remember we transported her to the -- the station, I think. We, uh -- we wanted her searched. And we also wanted to run them.

Q Okay.

A Uh, so, I'm trying to think if somebody else transported for us. Somebody had to transport for us. You

know why? Because we drove the -- the car to, uh, -- wait a minute. We drove the car to Rampart station upper level.

Q Yes.

A We parked it at the Rampart upper level station.

Q Okay.

A And, uhm, what did we do? How did we transport those people? I'm not a hundred percent sure if we called another unit to come and transport for us. Or -- or, uh, we just drove the car and then followed behind me or something.

Q But did you conduct any kind of search or investigation there?

A At the scene?

Q At the scene at 3rd and Rampart.

A Oh, sure. We searched, you know, preliminary searches, yeah. We searched the car a little bit more thoroughly at, uh, Rampart.

Q Is that the purpose why you took them to Rampart to -- to search them better, and then to search the car? And you have a -- you have a -- it's more secured and you got better lighting there.

A Right.

Q Okay. Uh, 3rd and Rampart, and Temple and, uh, -- Temple Street and, uh, Benton Way. It's only about half a mile. A short distance.

A Yeah, about that.

Q So, you -- how long do you think you were at the

scene?

A A short while.

Q Okay. That --

A A very short while.

Q Okay. That's right. What if I was to say one officer drove three people and the other person, and another officer took the taxi?

A That's -- that's pretty possible.

Q Okay. What do you think happened next? Or who do you think drove the -- the three -- the three in the -- in the, uh, Taurus? And I know it's a long time ago.

A Yeah. I think I drove the Taurus.

Q Mmnh-mmnh. And Nino drove the --

A You know what? Nino had to drive the -- the -- the car, because it was parked in the upper level. And I don't remember parking it there. So, he had to drive it.

Q Okay. So, you -- you remember --

A I don't remember.

Q You don't remember driving the car?

A I would have remembered parking it right -- I remember where it's parked now, because when the guy came back, we had some discussion and we searched the car, and all that.

And I remember it was parked upper level on the right-hand side, right, uh -- right as you pull up, uh, into the upper level, on the right-hand side. That's where the car was parked.

Q Rafael, I was never a artist, okay. Please, this is

my rough sketch again. And what I'm doing is -- here's Benton Way. And this is northbound, the Villa Gardens. This is Temple Street. And here's the upper driveway parking lot.

And then, these break lines, this is where the -- these concrete pillars hold up the -- that first level. And then, these are where the gas pumps are.

But, roughly, here's the up driveway as you pull into Rampart station. You see where I am? And these are the back doors. This is Temple Street.

A Mmnh-mmnh.

Q Here's Benton. Here's the little driveway into the gas pumps. Do you remember, more or less, where you, uh -- here's your upper driveway. Here's your lower driveway into the, uh, underground or the -- the street level.

A I remember his car. This is the upper driveway?

Q Right.

A Okay. And this is pulling into the police station, right?

Q Right. Where do you think the taxi was put?

A His car -- now, is this where the -- let's say right here would be where the door to the Rampart station is.

Q Exactly.

A Okay. I remember this car being parked somewhere right about here.

Q Would you mind putting, uh, this car --

A What do you want me to write? Just car.

Q Uh, the taxi. Just write "Taxi". And that's where you, more or less, parked it?

A Mmnh-mmnh. Yes.

Q And then, where did you -- where did you put your police car, if you can remember? Or maybe you don't even remember.

A Yeah, I -- I would have come in with -- if I had some bodies, I would parked as close to the door as possible. There's some parking spaces here and here.

Q Right.

A And I would have parked somewhere around here.

Q Near the door?

A Near the door, uh, to get to the -- the entrance of the station, yeah.

Q Now, to the best of your recollection, what happened next after you get to the station? The taxi is there. And, Rafael, if you don't mind, just put the -- today's date and your -- your initials.

MR. MCKESSON: He did.

DET. CASTILLO: Oh, he did? Great.

THE WITNESS: I did. I put my initials and today's date.

DET. CASTILLO: Great.

THE WITNESS: And I wrote "Taxi" with the pencil.

DET. CASTILLO: Super. That's -- that's my schematic of, uh, -- of Rampart station.

Q Uh, what happened next?

A We brought him into the station. I know we, uh, -- I know we were questioning, uh, Victor Perez. We wanted him to give us information on people that he used to buy drugs, things like that. I know we were -- we were gonna run, uh, the other people. I'm just -- there's really -- uh, I'm trying to think if there was anything that really stands out.

Q Okay.

A But I just --

Q Do you remember who you ran?

A And my partner or I, I'm sure ran all of them, at one point or another.

Q I couldn't find that third person. And I don't know why. And that's what I'm gonna ask you. Uh, I've got the printouts here. And if we can go into that. Uh, here's one printout with you. And you are running Leslie.

A Okay.

Q And, uh -- and you can read that Julian calendar date. it's June, uh, 5th, at 02 -- let's see. It's highlighted here. And, so, you're running Leslie. And here is the printout for Nino Durden. And, at 2:35 on the Julian calendar date of 156, which is June, uh -- Victor Perez is being run. But I couldn't find the third person being run that night.

Do you remember why, or -- 'cause I -- I thought, normally, you would run all three.

A Oh, yeah. We would definitely run all three, unless we actually felt that the guy was lying to us, you know, uh, or

--

Q Or wasting your time?

A Yeah, I'm wasting. If he goes, uh -- you ask him what's his name. And he goes, uh, Jose Lopez.

Q Yeah.

A A little later, Jose Martinez.

Q Yeah.

A I thought you said Jose Lopez? Jose Martinez Lopez. You know, that type of thing. And you know you're wasting your time. And, you know, so it's not even worth turning the -- the F.I. in. I mean, it's just worthless. So, we may have not even -- we just said forget it.

Q So, that may be an explanation because I -- I couldn't find it.

MR. MCKESSON: You guys have to slow down.

DET. CASTILLO: I'm sorry.

THE WITNESS: I'm sorry. Yeah, that's -- that's very possible. That could be an explanation that we just felt that the information he had given us was absolutely bogus. And we didn't even bother. But I'm not a hundred percent sure that that's actually what happened.

DET. CASTILLO: Okay.

Q BY MR. MCKESSON: You don't have any recollection of whether you ran the third individual or not?

A That's correct.

Q And, again, I -- I can understand. I mean, that --

that happens when you're -- you know, you're just wasting your time with this guy.

A Uh, we would have had no reason not to unless, you know, like I said, that would have, uh, our feeling that he was just lying to us about his name. And he had no I.D. So, it - - it was going to be a waste of time to even try running him.

DET. CASTILLO: Sure.

THE WITNESS: It would have a common name. And we would have come up with a thousand different, uh, possible hits, and stuff like that.

Q BY DET. CASTILLO: Sure. What happened next?

A Uh, and then, we eventually booked him.

Q Okay. Here's --

A Booked the narcotics.

Q Okay. What I'm trying to get though, uh, Rafael, uhm, when you searched him in the field and when you searched him at Temple station, did he have any narcotics on him?

A When we got him at the scene, there was no narcotics, that I could remember.

Q 'Cause you said you were there a short time. You do a search on him.

A Right.

Q Okay. Uhm, there was no narcotics found.

A I believe, and I'm really trying to -- sometimes I need a little bit to spark my -- my memory. I believe that -- I believe some narcotics was found. And I believe it was found

somewhere either in the trunk -- because, see, I believe Durden recovered it.

Q Do you remember where he recovered it from?

A I want to say we recovered some narcotics. But I really can't remember where it was recovered from. I want to say the trunk. But I'm not a hundred percent sure.

Q Okay. Let me ask you right out. Did anybody plant narcotics on him? Because that's what said on the statement here.

A Mmnh-mmnh. It had to be planted on him, because he, obviously, didn't have it on him.

Q He didn't have it on him. But you find it --

MR. MCKESSON: Let me just clarify, Detective.

DET. CASTILLO: Sure.

MR. MCKESSON: And I don't think you've been here for all the, uh -- uh, the briefings.

DET. CASTILLO: No.

MR. MCKESSON: But when you say "planted it on him" you just mean book it to him? You don't mean, necessarily, put it in his pocket and place it on him?

DET. CASTILLO: Well, that's what I want to -- that's what I want to clear up.

Q You find the narcotics maybe in the trunk, or in the interior of the car, and, now, you put it in his pocket, or you put it in a tissue or something. Is that -- is that the game plan, or was that the idea?

MR. MCKESSON: And let me -- let me just say this. And I'm not trying to coach him. 'Cause he's said this before. What he's said is that customarily by planting them, they don't put the drugs on them. They'll just take these drugs and say, "This is where we found it."

So, it's planted on him in the sense that the report says we got these drugs off this person. But they may have had -- but they may have had the drugs already someplace else. And they just book it and say where it is.

Q BY DET. CASTILLO: Well, on this report, we say that, uh, you know, he drops the tissue. We know that to be false. And that's -- that's erroneous on the report. So, maybe there's narcotics -- I mean, uh, the -- we don't know exactly where the narcotics was. But it wasn't on Victor; right?

A What the report said about him dropping a tissue, that's completely false.

Q That's false. Okay.

A That -- that is -- and I understand your question, too. I really do. But I'm having a little -- I mean, I'm having a little problem remembering.

Q Oh, that's fine.

A I remember some narcotics being recovered. I really do.

Q In the -- in the -- in the car?

A In the vehicle.

Q This old 1990 Chevy taxi cab.

A Yellow, yeah.

Q Okay.

A Where exactly, I don't remember. Because I'm pretty positive that Durden recovered it.

Q Okay.

A Did we use that narcotics to put it on him is your question?

Q Yeah. That's my question.

A I know your question isn't whether we planted it. You know that the drugs weren't recovered on him.

Q Okay.

A You're asking whether we recovered that narcotics and put it on him.

Q That's correct.

A And I really don't remember.

Q Okay.

A I don't know if we found -- I don't know if we had already, you know, said, okay, we got this narcotics, and then, later on we found it. You know, uh --

Q Yeah. And -- and let me clear this up. You didn't take any narcotics and plant it him?

A I don't remember having anything to do with narcotics. Q You just remember Durden finding the narcotics somewhere in the car. And that's fine. Did Victor have any money on him?

A Yes, he did.

Q Okay. And going back to the detention, at the very initial detention, did you see the money on him then?

A I saw Durden take the money out of -- out of his pockets.

Q Which pocket.

A Both pockets, I think. Uhm, I remember him going through his pockets, uh --

Q Okay.

A -- uh, standing next to the car and -- and Durden having money -- and, you know, a wad of money.

Q A wad of money in his hand?

A Right.

Q Okay. Uhm, did he -- did he make a remark about this? Did Durden make a remark about this?

A No, he just hung on to it.

Q You just saw it?

A Right. Oh, I'm assuming he's taking all the guy's property out. We're still at -- actually, this is still --

Q At the scene?

A -- at the scene.

Q Okay.

A Right. He's taking him out and he's searching, uh, Victor Perez. And he's taking money, and then, whatever else out of his pockets. He's going through his pockets.

Q So, there's a wad of money?

A Right.

Q And you -- you made a fist.

A He had, uh, -- I'm holding a fist out. Or a -- not a fist, but a -- I'm holding out as though I'm holding a wad of something. And, at that point, it was a wad of money that I remember him holding, along with some other -- other things that he had in his pockets. But, yeah, I do remember him having some money, yes.

Q Okay. Because -- then, what happened? So, the money was -- you saw the money, initially, at the scene?

A Yes.

Q Okay. Uh, the -- Victor's property is secured I take it?

A Right.

Q He's taken to the station.

A Right.

Q What happens to the money?

A Durden held on to it.

Q How do you know this?

A Because it was never, uh, booked.

Q It was never booked.

A And, uh, I had a conversation with him later. He came back to the station, uh, saying he was gonna help us out and cooperate and everything else. And he said, "But, can I get my money back?"

Q Okay. Well, we'll get to that.

A Okay.

Q So, you take it to the station. Uh, you -- you run these people, uh, for their information. You're gonna book them. Now, the wad of -- only \$28, as you can see on the arrest report, was booked to him.

A I'm sorry. On this report it says none.

Q Oh, I'm sorry. I'm sorry. I'm sorry. I have it here. I have a printout here. Divisional record. And you can see, when he bails out, right here at the lower right-hand corner, 2-8. Under, uh, --

A Okay.

Q -- second -- under the cash booked.

A Right. It says "\$28."

Q Now, did you book him?

A Durden.

Q Durden booked him.

A Mmnh-mmnh.

Q So, Durden books him, and \$28 is, now, in his person. And you can see in handwriting, "Cal I.D.." Social security card, and everything else is printed out.

A Watch.

Q Watch, the whole thing.

A Mmnh-mmnh. Yes.

Q Do you -- when you first saw that he had more than \$28 on him?

A Oh, he had well over. Much more than \$28 dollars, yes.

Q Okay.

MR. MCKESSON: Just a note, Detective.

DET. CASTILLO: Yes, sir.

MR. MCKESSON: I think that the report indicates that Durden is the booking officer.

DET. CASTILLO: Okay. Great.

THE WITNESS: He is. All this information is entered by Durden himself. He does the actual dabisng.

Q BY DET. CASTILLO: So, Durden dabised him at the station, or at, uh, PAB, or --

A At, uh, Rampart station.

Q At Rampart station on Temple Street. Okay.

A Yeah.

Q And, so, Durden does all that. And he puts him at \$28, and all this other good stuff?

A Yes, he puts all that information in.

Q Okay. While you're at the station, what happens next? Or what can you recall next?

A I'm assuming that I, uh, -- when we realized that the other people had no warrants or anything like that, uh, they were released. And, uh, I believe -- I believe I began to write the reports.

Q Did you go anywhere on this incident with Victor Perez?

A Can I see the report again?

Q Sure. I'm sorry.

MR. MCKESSON: Detective, I'm a little confused. When you say "go anywhere" what do you mean?

DET. CASTILLO: Let me -- let me ask him, then, we'll -- Victor Perez, take this picture. Uh, he lives at 1204 North Rose Street in Compton.

THE WITNESS: I would need to see that address, or that location.

Q BY DET. CASTILLO: Okay. You know what?

A He has two locations. Did he live at a place like on Heliotrope or something like that? And, also, in -- in Compton. We went there.

Q You went to Compton?

A Wait a minute.

Q Okay. Let me describe his house. And, I'm sorry, Mr. McKesson, I don't -- I didn't -- I never took a picture of his house, because nobody lived there. I mean, there was another family there. But, this is, uh, Rose Street right off the 710. It's at a -- like a cul-de-sac. Or it's a dead end. And you have to come around. It's a one-way street. And it's almost right up near the freeway -- the 710 freeway.

And when you get off on, uh -- I want to say, uh --

A Was the -- was the door right out onto the street? The door to the location?

Q Rafael, when my partner and I went there, there was nobody home. And there was two houses. One in the front. And one in the back. And the neighbors remember the yellow taxi

cab and these Mexicans living there.

A I think we went there.

Q You think you went there?

A I'm -- I'm -- like I said, I would help if you showed me a photo of the place.

Q I know.

A Uh, I would say absolutely. But I'm about 90 percent -- 95 percent sure we went.

Q I need a photo of, uh --

SGT. COOK: Photo of what?

DET. CASTILLO: Of Compton. I need -- I need North Rose. I need a photo.

SGT. COOK: Need a photo of 1204 North Rose?

DET. CASTILLO: Yeah. 'Cause, you know, I never -- I -- I went down there. And I looked at the place.

MR. MCKESSON: Detective, I think he said they had two homes in Compton.

THE WITNESS: No. They had one in Compton. And he had a home also on Heliotrope. Did he have a --

DET. CASTILLO: Not that I know of, Rafael. Not that I know of.

THE WITNESS: For some reason, I also remember, uh, an address on Heliotrope. And I don't know why. I don't know if he had a driver's license, or something that had Heliotrope.

Uhm, but I'm -- I'm -- a quiet area. It was a quiet area.

Q BY DET. CASTILLO: Quiet side street. Uh, you have to work your way around it. Uh --

A We went there.

Q What happened there, Rafael?

A We went inside. We have keys, though. We had his keys.

Q Okay.

A And we went there. Uhm, as far as I know, we looked around, searched around, didn't find no narcotics. And, as far as I know, we didn't find anything else. No money or anything like that.

Q You searched around for narcotics?

A We searched for everything. Money, narcotics, anything.

Q Did you find anything? Anything at all?

A Not that I can remember.

Q He's alleging that some jewelry and some money was missing. Was anybody there?

A Uhn-uhn. There was nobody -- there was nobody there.

Q At the -- completely --

A At the Compton address, there was nobody there. Nobody. It was empty.

Q Rafael, how did you decide to do this? How did you guys decide to, uh -- just taking it from his address?

A Right.

Q So, you decided to go back and just roll back into

his house?

A Right. But that's what I'm saying. I also remember a Heliotrope address. He must -- he has to have something with Heliotrope address.

Q Okay.

A Because I remember we went to both. And we tried to go to both places. Uh, we did go here. Uh, if I remember correctly, there was nobody home. If I remember correctly -- you know, again, uhm, when we would search, you know, Durden would search this bedroom. And I would search over here.

Q Okay.

A And, sometimes, Durden had this tendency of finding things and not telling me about it. If he found some cash, "No, I didn't find anything." Uhm, but, uhm, we left there and I remember we didn't recover anything that I can remember. Nothing.

Q So, nothing -- nothing but there's a possibility --

A I didn't -- I didn't recover anything. That's not to say that Durden didn't recover and just didn't tell me about

it. Q That's possible?

A Oh, sure.

Q Okay.

A I -- I -- like I said, I caught him a couple of times doing that. And it kind of upset me.

Q Sure.

A You know, it's possible.

Q And, so, you think you also went to a Heliotrope address?

A Yeah.

Q Because --

A Yeah, he had something, uh, in his possession with a Heliotrope address. And I don't know if it was his driver's license that had the Heliotrope address, or -- or a pink slip or something, uh, that had a Heliotrope address.

Q Let me cover this. According to the arrest report, you guys make this arrest at one o'clock. And, more or less, the statements from Victor and Leslie are about that. He's booked at 0249 on the arrest report. Does that account for that one hour and 49 -- 49 minutes that you guys were -- that you ran down to Compton and maybe to Heliotrope? Is that the delay in

-- and searched the car? Because you've -- I've got an hour and 49 minutes I have to account for.

A Mmnh-mmnh.

Q Does that make sense? Is that what you guys were doing? Or did you do it after he was booked?

A Nope. I think we would have done it before. Because if we would have booked him, and then gone, we would have feared that he would have called somebody and said, hey, go by the house. I got this and that. And, uh, go get it out of there.

As soon as you get booked in, and they let you use the phone, uh, he would have done that.

Q Okay.

A And that's -- I'm thinking that right now. So, I definitely would have thought it then.

Q Okay.

A I believe we would have went before we had ever booked him. This, uh, 249, that's, uh, computer-generated?

Q Mmnh-mmnh. Oh, yeah.

A See, he still might have been in custody. In other words, we put the -- we put in the time of arrest.

Q Sure.

A This thing is generated when you --

Q Actually hit the computer.

A -- hit the computer.

Q The computer will do it for you.

A Right. But he may still be sitting at Rampart station. In other words, we still have him sitting in a tank. Uh, we did the printout.

Q Mmnh-mmnh.

A You know, it prints out everything.

Q Sure.

A He has a face sheet now. But he's still sitting on ice. And we just take off. Take off to Compton.

Q In the -- in the booking recommendation, he is being booked at PAB, time of search 0415.

A 0415?

Q Yes. And, now, we're three hours and fifteen minutes

after that initial one o'clock stop.

A Right.

Q So, now, he's being searched at Jail Division by Durden. And, see, that's information there. So, it is possible?

A Is what possible?

Q That you booked him and then ran down to the Rose address on Compton? Or before? If you remember.

A I would find it weird or lacking on our part, uh, if we booked him first and then went down there.

Q Okay. You don't remember ever doing that?

A I would think we would have put him on ice, and then gone down there.

Q And then booked him at PAB?

A What was our end of watch time that day?

Q At, uh -- I'll tell you right now. Your end of watch was 0500 hours. So, after the 4:15 booking, at Parker Center, PAB, you probably came right back to the station and finished up everything else. That's only 45 minutes.

A And we went, we were on duty. I mean, we were, obviously, on duty because we used the Taurus to go down. I -

-

(Sneeze heard.)

THE WITNESS: Bless you. I believe, we --

MR. MCKESSON: Thank you.

THE WITNESS: -- that we dabised him. Did everything we

had to do. And then, went down there.

Q BY DET. CASTILLO: Okay. And then, booked him.

A I'm not a hundred percent sure. I'm really trying to think. But I'm -- I'm not a hundred percent sure.

Q Okay. Uh, now, you've gone to, uh, Compton. You were there for how long?

DET. CASTILLO: Okay. It is, uh, Side B. It is 1530 hours. We're continuing our interview with, uh, -- with, uh, Rafael Perez. And we're at the point of where we're still in Compton.

Q And, uh, I'm asking for maybe a time line on how long he was at Compton.

A It wasn't very long.

Q It wasn't very long for the search?

A We go in there, search, and --

Q What did the house look like? Do you remember?

A Vaguely. It was pretty much in order, though. It was, you know, clean. It wasn't the usual Rampart thing.

Q Yeah.

A It was clean. I don't know why, but I want to say hardwood floors somewhere.

Q It had a hardwood floor?

A I want to say something had hardwood floors. But I'm not a hundred percent sure on that.

Q I would have to show you a picture of the house.

A Yeah. And -- and the area.

Q Okay.

A You know, if you showed me the house --

Q Yeah.

A -- if you showed me a picture of the house, I can tell you --

Q I'm sorry. I don't --

A -- without uncertainty.

Q I just -- yeah, you're right. And I -- it never dawned on me to do that. Uh, you are now coming back to Rampart station. What happens next?

A I'm not sure.

Q Okay. You book him. You go EOW. End of watch. EOW.

A We just did our -- our standard. Whatever, uh, we needed to finish up.

Q Well, what happened to Leslie?

A She was on the bench. She was prob- -- she was probably released. I'm sure Durden released her. We had to release her.

Q Okay. Do you remember you ever telling her, "You owe me one?" Do you remember her complaining that she wanted to go to the bathroom. And -- and, uh, she had to pee. And, uh, I mean, she's "Where are these assholes? They're -- they're hiding them." So, she makes a ruckus or something. She's kind of complaining. She needed to go to the bathroom. Did she ever

-- do you remember that?

A Nope.

Q Uh, you release -- okay, to the best of your recollection, you release her?

A I would assume, uh, -- I was writing the reports. So, Durden would have probably released her.

Q Released her?

A Yeah.

Q Okay. Do you remember releasing Roberto? Did you question these people?

A Durden must have released him, because I don't remember releasing him out the door. I don't remember that.

Q Okay.

A You were going to ask me. Your next question was, did I, uh, question them?

Q Did you question them?

A I may have asked some -- some questions. I remember talking to her. I remember she had a story. You know, sometimes times arrestees have these stories.

Q Sure.

A And I remember her. She had a story. And I forgot what it was. But she was telling me something. But I really don't remember what her story was, though.

Q Okay. Within a day or two of this, do you remember Sgt. Pat Barron -- what happened to the taxi cab? I'm sorry. Back to that night. What happened to the taxi cab?

A What happened to it?

Q Yeah. What did you do with the taxi cab?

A We left it parked there.

Q Okay. Within a day or two, do you remember Sgt. Pat Barron questioning you about the taxi cab? You're in the taxi cab and you're moving it?

A You know, I -- I might -- I might remember something like that. The car was parked where it wasn't supposed to, or something. Or it was parked where the supervisors park or something like that.

Q The taxi cab?

A Yeah.

Q And --

A I don't remember exactly what that was. No, I don't remember. I'm really --

Q Do you remember moving it, or --

A Nope, I remember the car being released to him.

Q To him? To Victor Perez?

A To Victor Perez, right from where it was parked. Or right where I remember last seeing it parked, in the upper level indicated on that chart. And that's the same time when he was asking me about his money.

Q Did any -- did anybody ask you about that taxi cab? Any supervisors ask you about that taxi cab? Or -- I mean, sometimes, I know taxi cabs are taken to the station so that you can do a better search, or you're not sure you're gonna impound the darn thing.

A I don't remember. I don't remember the supervisor talking about that car. I remember something about the car. But what I most remember about the car, is that he came back -

- Q Victor came back?

A Victor came back. And, uhm, we gave him the keys back to the car. And he, uh, -- uhm, we talked about, you know, he was gonna somehow help us. And we were gonna help him. And then, him asking, okay, everything's fine. You know, I'm gonna help you guys, and you guys are helping me. Can I get my money back?

Q Yeah.

A And I go, "What do you mean your money back?" I stand corrected. He asked Durden first. Uh, "Can I get my money back?" He asked Durden. And Durden came and told me, "Hey, he wants to talk to you about some money."

Q So, when he bails out, and he comes back, you guys are working on the 6th?

A Yes.

Q And he's at Rampart station during P.M. hours. And, now, he's asking for who? You and --

A He talked to Durden first.

Q Okay.

A And Durden came to me, "Hey, uh, Perez is here. And he wants to talk to you about some money and the car, and stuff like that." So, when I went out there to talk to him, he tells me, "Hey, you know, I asked your partner for the, you know, my

money back. And he won't give it back to me."

And I just looked at him, like "What money?" You know, and -- 'cause I didn't want to make any -- any waves. And he goes, "You know, the money he took from me when I was arrested?" "Well, I'll talk to him." But, I, you know, I left it at that. Uh, also, the keys were given back to him, uh, for the car.

Q Now, somebody gave him some money back -- a portion of that money back.

A Was it Durden?

Q You didn't do it?

A I don't remember giving him any money.

Q Victor Perez reports that about 100 to 120 dollars was given back to him.

A That had to be Durden. I didn't do it.

Q Did you see Durden give him back the money?

A No. Like I said, they had a discussion first. Durden came and found me, and said, "Hey, uh, --

Q Well, let's clear it up. Victor -- Victor can speak English; can't he?

A Yes, he can.

Q He can. He can -- I mean, I know he speaks enough English. But, he's, basically, Spanish-speaking. But he can speak English. So, he -- he was asking Durden for his money back?

A Yeah. And Durden came and found me.

Q And then, what happens then?

A He tells me that Perez was talking about some money. Uhm, he goes, "I ain't got none of his money." Or something like that.

So, I go out there and talk to him. And, uh, again, like I said, he's asking for his money. And, uh, -- and I think we confirmed some things that we're gonna do. And, again, he was asking for his money.

Q Okay. Then, you give him back his car?

A Yes.

Q The keys are in the car -- were in the car? Or who got the keys?

A I think I had the keys.

Q You had kept the keys with -- so --

A Mmnh-mmnh. Yes.

Q -- how did you know he was gonna come back for it?

MR. MCKESSON: What's the question? I'm sorry?

Q BY DET. CASTILLO: I mean, how did you know he was gonna come back for the -- well, you know, he's got to come back for the keys. But, uh --

A He's gonna come back for the car.

Q You guys were just gonna leave the car back there? Or --

A Well, we had -- we had talked to him about trying to help us out, you know, to help himself out.

Q Okay.

A Uh, and we suspected that he was gonna come back and say, okay, I'm gonna help you guys out. Uh, that type of thing.

Q Did he ever help you?

A Yeah, he did. He helped us in something. I would have to see some reports.

Q Let's try to pin that down. Do you remember him helping?

A I would have to see the C.R.A.S.H. recap book of any arrests subsequent to his arrest.

Q [**** CI #14 information redacted ****]?

A [**** CI #14 information redacted ****] . And, in fact, that's how come we helped him. We went to court and pretended that we couldn't find his narcotics. And we got his case dismissed.

Q And we'll go into that in a second here. On June 26th, you guys are in court.

MR. MCKESSON: When was that?

Q BY DET. CASTILLO: On June 26, '97. I'm sorry. You, uh -- you and Durden get subpoenaed to Division 32. And I've got subpoena logs for the 26th and the 27th. And that's when you guys -- now, you've got a -- you've got a couple of cases, uh, -- you've got a couple of cases for that one day. You've got one in 32. And you've got one in 33.

MR. MCKESSON: Detective, who was the D.A. on that case?

DET. CASTILLO: Uh, they eventually, in Division 32, on the Victor Perez case, they first meet a District Attorney Kraig

St. Pierre on the 26th. And on the 27th, they meet a District Attorney Janice Johnson.

Q Do you remember those subpoenas?

A Uh, I remember going to court on those.

Q Okay. Who signed for those subpoenas?

A Nino Durden signed for his. And I signed for mine.

Q And how about on the Victor Perez case?

A That's the one I'm talking about. Victor Perez.

Q That's Nino's handwriting?

A Huh? It looks like -- well, the one for 32 is -- that looks more like Nino Durden. That's mine there.

Q Let me see that. I'm sorry.

A That was definitely mine right there. That's my initial. That's my initial. Now, both of these look kind of suspect. That's not --

Q Could that be -- could it have been the subpoena control officer that -- on that? Or a supervisor?

A I don't know. This the C.R.A.S.H., uh, book?

Q Well, it's a subpoena control record for the 26th and the 27th.

A Right. But we had -- oh, wait a minute. Oh, no, actually, this is, uhm, -- this is not subpoena control. This would be our own at FES.

Q At FES?

A Yeah. At FES we would have own log of our subpoenas. That's why these are just all narcotics officers.

Q Okay.

A So, -- but, now, looking at this a little bit closer, -- I mean, that's -- that's my initials. That's definitely my initials. That's supposed to be my initials. But, I'm not sure. See, like if you look here, on the one for Division 32, Nino Durden's initials.

Q Yeah.

A That looks like Nino Durden's initials.

Q Okay.

A The one right there, or the one on Division 48, --

Q Yeah.

A -- that does not look like that.

Q Okay.

A You see what I'm saying?

Q And then, --

A Then, that does not look like either one of these. So, what happens sometimes is we'll receive the subpoena.

MR. MCKESSON: Let me say this. The court reporter can't -- she doesn't know what you're talking about when you say "that doesn't look that."

THE WITNESS: The -- the initials for, uhm, the case of Berula, Maria, in Department 32, is initialed by Nino Durden and by myself, uh, with my initials.

Now, there's another subpoena for Ramirez, J., in Division 48, that is initialed by me. And then, there's, uh, Durden's subpoena. And it doesn't look like his initials. The

"N.D." And then, further up on the Victor Perez case, in Department 32, there's a -- a subpoena for Durden and for Perez. And neither one of those initials look like ours.

Q BY DET. CASTILLO: Okay. Do you remember going to court on this -- on this case?

A Yes.

Q Okay. What happened in court?

A Uhm, for?

MR. MCKESSON: When you say "this case" you mean the Victor Perez case?

Q BY DET. CASTILLO: Yeah, Victor Perez case, I'm sorry.

A I remember the case came to court. And something happened. And it was trailed to another date.

Q Okay. Let me -- let me stop you right there. Here's a, uh, D.A. file note on 6/26/97. The, uh, information is Durden can do it all.

A Mmnh-mmnh.

Q And go ahead and read it.

A It says on 6/26/97, "Durden can do it all. Will be here on 6/27 with the dope, ready to roll."

Q And there's initials "KSP."

A Uh, "P".

Q KSP. Uh, that's District Attorney Kraig St. Pierre.

A Okay.

Q Can you tell me a little bit about that?

A I think --

MR. MCKESSON: I don't understand.

Q BY DET. CASTILLO: Well, let me -- can you tell me how this, uh, entry got, uh, put into there?

A I'm not exactly sure the reason. But, I know when we showed up that day, it didn't go that day. I don't know what it was exactly.

MR. MCKESSON: The only question is I don't know how he would know that D.A. wrote that in there.

Q BY DET. CASTILLO: Do you remember you or Durden telling the District Attorney, "Durden can do it all. Will be here on 6/27 with the dope, ready to roll?"

A I remember something vaguely to that effect. I don't remember him writing it on that piece of paper. I remember -- I don't know what it was. I don't know if he wanted to -- since Durden recovered it, for Durden to testify --

Q Mmnh-mmnh.

A -- or something like that.

Q Yeah.

A I told him, "You know what, Durden might not have been there that day" or something. I went to court. And he said, "Well, Durden recovered it. So, I want Durden to."

Q To the best of your recollection, do you remember Durden and you going to court, or was it just you?

A Durden -- Durden was definitely there on the day we got it dismissed.

Q On the day you got it dismissed?

A Right.

Q How about the day before? Who was there?

A Something -- it had to be either that Durden wasn't there or -- or for some reason, the case got trailed another day.

Q Did you show up?

A I don't remember -- I was there. I was there.

Q Did you remember seeing Victor there in court?

A I remember seeing Victor in court. I don't remember if it was that day or the next day. We talked to him in court.

Q What was the conversation when you say "We talked to him"?

A Well, you know --

Q We or I talked to him? Did you talk --

A We.

Q You and Durden?

A Right. We had -- we had told him that, uhm, not to worry. That we're gonna get the case dismissed. Just to be cool about it. Don't worry about it. Something like that. We told him we were gonna get the case dismissed.

Q Could that -- could that -- well, when you say "we", you and Durden are standing there --

A Mmnh-mmnh.

Q -- talking to him?

A Yes.

Q Was he mad? Was Victor Perez mad? Did he threaten

he was gonna make a complaint against you? Did Victor Perez say?

A Uh, I don't remember that. He said he was going to make a complaint against us?

Q Or he's gonna tell what happened in court?

A No. I don't remember that. Not to me he didn't say that.

Q Okay. Could he have said that to Durden, and you not know it?

A I remember him -- he was by himself. He was sitting, uh, on that wall. I mean, I could see it like it was yesterday.

Q Okay.

A I remember him sitting there, you know, with his hands crossed like this. Just sitting there quietly waiting for his court, uh, turn. And, uh, -- uh, you know, I was in and out of the courtroom, going, like I said, you know, going to other divisions, or whatever --

Q Yeah.

A -- I was doing.

Q You're in there. Okay.

A Uhm, --

Q Do you remember Officer Coronado being there? Armando Coronado being there?

A I mean, I've been to court so many times when we're all there. I mean, --

Q Do you remember Victor making a hand gesture with his

finger, like this, saying I'm gonna tell what happened?

A No.

Q You don't remember that?

A No.

Q Okay. That's -- that's fine.

A He may have done it.

Q He may have done it, but you don't recall?

A I may not have no idea what he was doing.

Q You're right. It would be silly to ask.

A You know.

Q You're right. It would be silly. The next day, according to the -- the District Attorney Johnson, right here on the comments, "Officer came in and said, 'Spent two hours trying to find the dope. And, apparently, the dope is missing.' Janice Johnson."

Do you know if that's the 27th, that's the second date?

A Okay.

Q Who told her that?

A We told her that.

Q We? Durden and yourself?

A Right. We, uh -- we came to court that day. And I vaguely remember this person, the D.A. And I remember she said something like, "UTP. Or Unable to Proceed." Or --

Q Uh, yeah. Okay.

A Some kind of code she said it was.

Q Okay.

A We told it to her. And she told it to another D.A. -- I don't know if she was even maybe a law clerk, or something.

Q Mmnh-mmnh.

A But we told -- we both -- me and Durden -- were like, "We can't find the dope. We've been looking all over the place for it, and they can't find it." We knew that when we did that, they'll go, "Case Dismissed." Let's move on. You know, uhm, but, I remember we did tell the D.A. that.

Q And Durden's standing next to you?

A Yeah. We were there. We were both there.

Q And let me back up. And I don't want to -- but do you think he would -- you were there by yourself on the 26th, the day before? And Durden wasn't there. That's possible why the remark was made, "Durden can do it all?"

A Yeah.

Q Which would only make sense, since he recovered it.

A Yeah.

Q And then, on the 27th, you both are there.

A Yeah.

Q You're sure?

A Yeah.

Q Okay. Because on the 26th, you turn in, uh, some overtime for, uh -- for court.

A Mmnh-mmnh.

Q But Nino didn't.

A On the 26th?

Q On the 26th.

A Okay.

Q And on the 27th, nobody turns in any overtime. Do you know why?

A Happens all the time.

Q But you were -- you were on a training day. On a shooting day.

A On the 27th?

Q On the 27th.

A That's probably why. It was part of -- part of workday.

Q Part of your workday?

A So, we wouldn't have to turn in overtime slips.

Q What did -- sometime after this dismissal of the court case, on the 27th, District Attorney Mike Krauss talks to Dino -- Nino Durden.

A Nino Durden.

Q Nino Durden. I'm losing my mind now.

MR. MCKESSON: Is it Kraut or Krauss?

Q BY DET. CASTILLO: K-r-a-u-t. Mike Kraut talked to Nino Durden about this.

A Okay.

Q What did Nino tell you about it? 'Cause Mike Kraut discovers that the dope is there. And he starts an investigation.

A Okay.

Q So --

A What did Nino Durden tell me?

Q Yeah.

A He -- he -- he, uh, -- my information is that the District -- uh, District Attorney Kraut talked to Nino Durden about this. Do you remember -- do you remember anything about that?

A I mean, I've heard things in the press.

Q Sure.

A Uhm, do I -- do I remember Durden coming up to me and saying Kraut wants to know -- no.

Q He never said anything?

A I don't remember any of that. I don't remember Durden coming to me and saying, hey, Kraut wants to know where the dope is. I don't ever remember that. And there's a little history that -- you know, with Kraut. A whole -

Q I'm -- I'm all ears.

A Uh, Kraut was involved in another case that he had dismissed. Uh, so, we -- we had sort of no love lost between us. Because he had a position where he thought, you know, he's in charge and we will do everything he says. And we told him, "No. You're the D.A. We'll assist you if you need some assistance in going to the scene and stuff like that. But don't tell me to shave my beard off and to wear what type of suit I'm gonna wear. Because, uh, you know, this case or whatever."

And, so, we sort of went at it a little back and forth. And, you know, uh, he told me and Richardson, uh, something. And we said, well, quit being, you know, -- something like, you know, quit being a hard ass. Quit trying to, you know, push us around like we're, you know, uh, students in the game, you know, and you're -- you know, you're showing us what to do, you know.

So, there was some animosity between Kraut and myself, uh, long before this came around.

Q And you don't remember, or to the best of your recollection, you did not -- Nino Durden did not talk to you about Michael Kraut in this Victor Perez case?

A Never.

Q John, you're an old smart guy. Should I just go ahead and read these and make a short memo?

SGT. COOK: Yeah. I mean, you're starting to get down to that point now, right?

DET. CASTILLO: Yeah.

Q Uh, let me just go through these allegations on the personnel complaint against Nino Durden. And you can answer yes or no. And what I'll do is just go over real quick. I'm sorry. But --

MR. MCKESSON: That's okay. I've got all day.

Q BY DET. CASTILLO: Allegation No. 1, Complaint Victor Perez -- I'm reading from the, uh, -- my adjudicator's file charges here. "Allegation No. 1, uh, Complainant, uh, Victor

Perez alleges that on June 5th, 1997, Officer Durden falsely arrested him for Possession of Rock Cocaine."

A (No audible response.)

Q Uh, you're shaking your head, yes?

A That's true.

Q That's true. "Allegation No. 2, Complainant Victor Perez alleges that on June 5th, 1997, Officer Rafael -- Rafael Perez falsely arrested him for Possession of Rock Cocaine."

A That's true.

Q That's true. "Allegation No. 3, Complainant Victor Perez alleges that on June 5th, 1997, Officer Durden planted rock on his person that resulted in his arrest."

A That's true.

Q "Allegation No. 4, Complainant Victor Perez alleges that June 5th -- that on June 5th, 1997, Officer Rafael Perez planted rock cocaine on his person that resulted in his arrest."

A That's true.

Q That's true. "Allegation No. 5, the Department alleges that on June 5th, 1997, Officer Durden submitted a -- an arrest report containing information that he knew, or should have known, contained false information."

A That's true.

Q "Allegation No. 6, the Department alleges that on June 5th, 1997, Officer Rafael Perez submitted an arrest report containing information that he knew, or should have known, contained false information."

A That's true.

Q "Allegation No. 7, Complainant Leslie Burliner (phonetic) alleges that on June 5th, 1997, Officer Durden improperly detained her." Did you have reasons to de- -- did you or Durden have reasons to detain her for that long of a period, in the overall scheme of things?

A Probably not. You know, once we -- we could have released her long before that, yeah.

Q Okay. So, that's true?

A That's true.

Q "Allegation No. 8, Complainant Leslie Burliner alleges that on June 5th, 1997, Officer Rafael Perez improperly detained her."

A Uh, I have -- I have a question for improperly detained her. Uh, you're asking me duration of the detention?

Q Sure. The whole duration.

A Or the initial detention? If it's the duration of the --

Q They show detention on here.

A I can agree with the duration of the detention. The initial detention I think was fair.

Q Okay.

A I think we were conducting an investigation. It may have went -- the actual investigation went another route. But our initial detention was for a narcotics investigation.

Q Okay. But in regards to duration of the detention -

-

A I agree.

Q Okay. "Allegation No. 9, Complainant Victor Perez alleges that on June 5th, Officer Durden took his money and failed to return it."

A I agree. That's true.

Q "Allegation No. 10, Complainant Victor Perez alleges that on June 5th, 1997, Officer Rafael Perez took his money and failed to return it."

A I disagree.

Q You didn't -- you didn't do it?

A I -- you know, I have no reason to -- I mean --

Q That's fine.

A -- I've confessed to enough stuff. But, uh, I -- I never had any possession of that money. And never kept a single dollar of any of that money. Durden recovered that money and hung on to that money. He -- however much money was there that he kept, he kept it.

Q Okay. "Allegation No. 11, the Department alleges that on June 5th, 1997, Officer Durden failed to book contraband as required, uh, mainly -- did you find any marijuana cigarettes in the -- in the taxi cab?"

A Marijuana?

Q Yeah. Marijuana cigarettes?

A No. Durden probably found it. I don't remember even -- I don't remember about no cigarettes.

Q You don't know anything about any marijuana cigarettes? You don't remember?

A No, I'm sorry.

Q "Allegation No. 13, uh, Complainant Victor Perez alleges that on June 5th, 1997, Officer Durden removed property from the -- from the Victor Perez' residence and failed to return it." He said that you both took money. Or between --

MR. MCKESSON: Could you repeat that allegation, please?

Q BY DET. CASTILLO: "Allegation No. 13, Complainant Victor Perez alleges that on June 5th, 1997, Officer Durden removed property from Victor Perez' residence and failed to return it." He's alleging that you guys took something. You went there and you --

A We went there. We searched the place. I did not leave with anything that he had. In other words, I don't remember recovering any money or jewelry. Like you said earlier, I think it was, uh, or any jewelry. Now, like I said, you know, Durden was, uh, searching one room and I'm searching another.

So, I don't know what Durden might have found and not and told me about. It's all -- you know, it's very much possible that that could have happened. But I did not see him recovering anything. And I definitely did not recover any money or jewelry.

Q That will cover Allegation 13 and 14. "Allegation No. 15, the Department alleges that on June 27th, 1997, Officer

Durden provided false information to District Attorney Johnson, an officer of the Court in Division 32, that resulted in the dismissal of a felony case against Victor Perez."

A That's true.

Q And "Allegation No. 16, the Department alleges that on June 27th, 1997, Officer Rafael Perez provided false information to District Attorney Johnson, an officer of the Court in Division 32, that resulted in the dismissal of a felony case against Victor Perez."

A That's true. Yeah.

MR. MCKESSON: Excuse me, gentlemen. Can I go off the record for a second?

MR. CASTILLO: Yes. Let's take a break and everything else. We're going off the record at 1600 hours.

(Off the record at 4:00 p.m.)

(Back on the record at 4:20.)

MR. CASTILLO: Okay. We're continuing our interview with Rafael Perez. Everyone is present. Mr. McKesson, John Cook, Sara, myself. It is now 1620 hours. We took a few minutes here. And I'm going to continue with the second tape, no number. But I'll get one to you as soon as possible. And I'm going to talk to you about [** CI #5 description redacted **].

Q Rafael, let me just start out. Tell me about [CI#5]. How long have you known [CI#5]?

A I couldn't tell you exactly when I met [CI#5], but I

met [CI#5] in the area of Temple and Alvarado many years ago. Not many years ago, but several years ago. [CI#5] was a homeless person who I made contact with one day. And [CI#5] goes-- [CI#5] tells me, "Meet me around the corner over by the empty parking lot back there." I meet [CI#5]. And [CI#5] starts -- we start talking.

And [CI#5] starts providing me some information. And we build and, uh, informant/officer relationship through -- through the years.

Q Okay. Would it be safe to say that you've known [CI#5] all of 1997?

A Certainly.

Q And some of '96? I'm just trying to get a time.

A Yes.

Q Time frame in here.

A Yes.

Q And [CI#5] was an informant for you?

A Yes.

Q And with that, uh, [CI#5] provided you with information on, that led up to arrests and things like that?

A Yes.

Q How many cases did [CI#5] do for you, roughly? Just a guess.

A If I had to guess, I would say somewhere in the vicinity of maybe twenty cases.

Q Okay. Twenty cases. Was [CI#5] ever a documented

informant?

A No.

Q Okay. Can you explain that? Why?

A We used [CI#5] as a street informant. We never used CI#5 as, you know, a signed-up informant. A lot of things we did with [CI#5] we had [CI#5] as a percipient witness. Uh, we used [CI#5] as a percipient witness. So, it was -- it would be impossible to sign [CI#5] up and keep [CI#5], uh --

Q Keep [CI#5] safe.

A -- keep [CI#5] safe. Right.

Q Yeah. Well, when you say "percipient witness" of these twenty cases, would [CI#5] go in there, participate in the act -- buy and everything else -- and then, [CI#5]'d come back and give you the dope and -- did you -- would you report [CI#5] in your arrest report as a percipient witness, or a C.R.I., or a C.I., or whatever?

A I would only refer to [CI#5] as a confidential informant, a Rampart citizen who wished to remain anonymous. And with that, I can simply categorize [CI#5] as a confidential informant. Not a confidential reliable informant, but a confidential informant.

Q Okay. Did [CI#5] ever try to document [CI#5] as an informant? I mean, do the whole case package on [CI#5] and everything else?

A No.

Q Why not?

A [CI#5] was an active drug user. And it would be impossible to try to get [CI#5] off the narcotics. [CI#5] was a heavy drug user. And [CI#5] was not gonna stop.

Q And [CI#5] was never gonna stop?

A No.

Q You're right. And I agree with you on that. Did you, uh -- was [CI#5] an informant for Durden?

A For both of us.

Q For both of us. Did you ever pay [CI#5] -- uh, [CI#5] with money?

A We paid [CI#5] in several different ways, and that's including money.

Q Okay. How would you pay [CI#5]? I mean, if this was personal money from your funds?

A (No audible response.)

Q And you're shaking your head yes?

A Yes, it would be personal money. Twenty, thirty, forty dollars. We'd give it to [CI#5] right out of our pockets. Out of our pockets.

Q Okay. Did you ever pay with -- [CI#5] with narcotics?

A Many times, yes.

Q Of those twenty cases, how many times did you pay [CI#5] with money?

A With money? I'd be guessing, but it seems like every time we talked to [CI#5], or [CI#5] had something to tell us, we'd -- you know, [CI#5] -- [CI#5] would required some food,

cigarettes, and something else. So, we would, a lot of times, we'd give [CI#5] enough money to buy [CI#5] some lunch, some food, and some cigarettes, and something to drink.

But at least, on cases that [CI#5] actually got us something, I'll say about half, we actually gave [CI#5], uh, some U.S. currency.

Q Sure. How much?

A It was no big -- you know, 20, \$25, here and there.

Q Sure.

A Nothing -- nothing big.

Q Did [CI#5] ever introduce you to a person named [** CI #19 description redacted **]?

A Yes, [CI#19] is a, uh, heavy, heavy heroin user who lives over by [** CI #19 information redacted **].

Q Okay. And did you arrest [CI #19] on the information provided by [CI#5]?

A We did not arrest [CI#19]. We went over there. We got -- we caught [CI#19] doing something, buying drugs or something. But we gave [CI#19] a break. And we started using [CI#19] as an informant. [CI#19] gave us a bunch of cases as well.

Q So, [CI#19] was an informant for you?

A Yes. You'll notice in the -- on the recap book, there's a lot of arrests made right at [CI#19 info redacted] where [CI#19] lived at. All of those were cases that [CI#19] gave us. In other words, [*****
***** CI #19 info redacted *****

]. Those were cases that [CI#19] gave us.

Q Was [CI#19] ever signed up as a informant?

A No.

Q Why?

A Again, [CI#19]'s a very heavy, heavy heroin user. Would never give up the drug. So, it would be impossible to sign [CI#19] up and keep [CI#19] clean.

Q To keep [CI#19] clean. In violation of -- but you still had to do police business, that type of thing?

A Right.

Q Okay. Did ever -- did -- we were taken to three places. And, uh -- by [CI#5]. And did [CI#5] ever provide you any information that you made an arrest on a guy named Cholo Richard and Angela, in the area, or the apartment building of 637 North Dillon Street. It is, uh, two-story abandoned apartment building. You know, --

A It is no longer -- it may be abandoned now. I know exactly where it is. And, yes, we arrested him. Uh, his name is Cholo Richards.

Q Yeah.

A And, uh, Richard Campos, I believe, is his name. And his wife Angela Campos. We have looked at that report. I have reviewed the report. Uh, you guys brought it down on a prior occasion. But, yeah, Richard Campos was arrested. And that information did come from [CI#5], yes.

Q What happened in that arrest report? Or do you know

what, I don't have those arrest reports with me. And, at a later time, I'm going to have to talk to you maybe a little bit about this. About --

Q BY SGT. COOK: That's one report you set aside?

A I don't think we set it aside.

Q Okay.

Q BY DET. CASTILLO: Is there anything about that arrest report you want to tell me, that was -- that I should know about? Or -- I mean, this was just information provided by [CI#5]? Everything went down all right? Was it --

A Yeah. I mean, his -- his is fairly simple. I mean, there was nothing. We caught him with narcotics. We go in the house, and he has a Dorito bag --

Q Mmnh-mmnh.

A -- with much more dope inside the Dorito bag. I know [***** CI # 18 information redacted *****].

Q Okay.

A [*****
***** CI #18 information redacted

*** *****].

Q Supposedly, guns and jewelry were taken from them on Richard Campos?

A No.

Q Or [CI#5]?

A But there was a bunch of guns taken. Uh, booked. I mean, righteously booked. But no jewelry or nothing like that.

Q Okay. No jewelry was taken?

A No.

Q A suspect named Pops, a male Mexican, 50 years of age, wearing a cowboy hat, at a recycling location on Temple Street and Westmoreland. Uh, 3521 West Temple Street. Can you tell me anything about that arrest report?

A We pulled up to the alley. He was dealing right in the alley. It's a recycling thing.

Q A recycling center.

A He collects. Yeah.

Q Now, does he work there? Or does he just --

A I'm sorry. I think he is the owner of the business

-- Q Oh, he was?

A -- or something like that.

Q He was the owner?

A Yeah. I think, yeah. That's what I was told, if I remember correctly, he's the actual guy who receives all the -- you know, all the transients come to him with all these recycling. And he -- he collects all the recycling. Uhm, and I'm assuming he sells it to another aluminum company or something.

I'm not a hundred percent sure on that. But, yes, I

remember we arrested him. It was a righteous arrest. In fact, I think we did a follow-up to his house and recovered a gun.

Q Okay. Do you remember his name, Pops, or --

A Uh, I'll have to read -- I've seen a report. We've had the report here. I couldn't tell you his exact name right now.

Q Okay.

A But we did arrest him.

Q Okay. And that's all you remember about that?

A Yeah. That was -- yeah.

Q Pretty straight up. A suspect named Jorge, and his girlfriend at the Lafayette Hotel.

A That is the one we did not arrest?

Q Okay.

A Their names again?

Q Well, all I have is -- I'm sorry. Here. Let me -- [CI#5] provides information on a guy named Jorge and his girlfriend at the Lafayette Hotel. He was the manager.

A Okay. This is a separate one. Did we --

Q Arrest him?

A We arrested him?

Q Did you arrest him?

A I don't know. There's two at the Lafayette. One we did arrest. And one we didn't.

Q Okay.

A And both of them were given to us by [CI#5].

Q Okay. Okay. Let's go into the one that you didn't arrest.

A The one we didn't arrest, [*****
***** CI #5 info redacted *****].

Q [** CI #5 info redacted **]?

A [***** CI #5 info redacted *****
*****]. We, then, go upstairs and detain her. Uh, they say they want to work with us. Uh, eventually, we end up finding a large sum of money. We released them, because they're going to come back and help us. They never come back. So, we kept the money.

Q How much money?

A Well over a thousand.

Q Do you remember if this is at the Lafayette Hotel?

A Is this the hotel? Again, I'm having a little problem with the street names. If you showed me a picture of the building, I'd be able to tell you definitely. I can tell -- I can take you to it right now if I had to. It's a dead-end, or at the -- a T-intersection.

Q Near the station?

A Yeah, near the station. Uhm, it's either Beverly or 3rd. And I think it goes into Lafayette. And it's a T-intersection. It's a building. Right next to the building, on the right-hand side, there's a little driveway that goes up to like a parking lot --

Q Mmnh-mmnh.

A -- on the right side. It's a brick building, with a, you know, just a straight flat face. And there's a front entrance.

Q Do you remember the time period on this, Rafael? I know I'm picking your brain here.

A Sometime when, uh -- while we were working FES. Uh, it had to be between June and December of 1997.

Q June and December of 1997?

A Yes.

Q And how much -- how much --

A Yeah, that's what I'm assuming.

Q Approximately how much money was taken?

A From -- there was -- there was a large sum. If I had to make a really educated guess, probably -- probably close to \$3000. And the one thing I remember about this guy, is he had a fake eye. He had a glass eye or something like that. And I believe his girlfriend was Puerto Rican or Cuban, or something. One of those two. She had one of those accents.

Q And his name was Jorge -- or do you remember him being Jorge? Now, this is the information that [CI#5] --

A Okay. Right. I don't remember their names. If you showed me their pictures, I'll tell you that's him. But I don't remember his name.

Let's see. There was another one where -- now, see, no. We did not arrest those. The one I'm talking about right now, we did not arrest them.

Q What happened with the \$3000?

A We kept it.

Q When you say "we" --

A Me and Durden.

Q Anybody else? Just you two guys?

A Just me and Durden are the only ones involved in it,
[**** CI #5 information redacted ****].

But, uhm, she -- the wife and the husband were supposed to get back with us to assist us on a future narcotics -- what happened was, we were going to order narcotics, and they were going to deliver it. We were going to take down the people who, uh, were gonna deliver it to them. And we were gonna let them go.

Q Okay.

A They just -- we told them, "Okay. We'll meet tomorrow. And we'll do this. Right?" "Okay. Yeah." Of course, when we come back tomorrow, (Sound effect heard.) They're gone. They're -- they've disappeared.

Q Were they tenants there?

A Yes.

Q They were just tenants. They weren't the managers or they weren't --

A They weren't the managers.

Q Okay.

Q The managers knew something was going on. The manager had to buzz you in. I'm remembering now. The manager, I

believe, knew that they -- those people were dealing narcotics. That's one of the reasons why we couldn't just go in there. Because when you come up to the front door, you have to talk to the manager. And they go, "Who are you? And who do you want? And what do you want?" That type of thing.

Q Sure.

A And -- in fact, I remember, now, the female manager, she's a halfway decent-looking lady. I remember talking to her and going, how can you -- you know, you know what's going on up there.

Q Mmnh-mmnh.

A You know, and I told her, and if I find out that something like this happens again, you're gonna get arrested too. Because you're involved in this in a direct -- in an indirect way.

Uh, she would -- she'll remember this. Because I really gave her a scare. Uh, she -- the manager, she lives downstairs straight. And if you look in the building, straight back, her door is the one right in front of you.

Uhm, after we had detained, -- we were going to detain and arrest the people upstairs.

Q Mmnh-mmnh.

A I went and talked to her about it. Because [CI#5] had told me that the managers know -- know what's going on. They were the ones that led people up to go buy narcotics.

Q Can you describe her to me, the manager? She was the

girlfriend, or the wife, or --

A She had to be the wife of --

Q The manager?

A Yeah, of the manager. And I think she's a manager, too. Because he wasn't even there. She was managing the building. But, uhm, from what [CI#5] told me, was me and Durden wouldn't be able to go in.

Q Mmnh-mmnh.

A Because if we tried going in, she's going to ask, you know, "Who are you? What do you want?" And, then, by the time we went upstairs, she's gonna call and say, "Hey, the cops are here" or something like that.

Q Okay.

A [***** CI #5 information redacted *****
*****] .

Q And, so, about \$3000 was taken?

A Yes.

Q And I'm going to have to see whether I can track these people down.

A [CI#5], if those people are still around, and if they're still dealing somewhere -- and I suspect that they are -- [CI#5] would know where they are, who they are, or where you could find them.

Q Boy, oh, boy. [CI#5] gave us -- [CI#5] gave us some information on the cab drivers. Uh, [CI#5]--[CI#5] refers to a case where there's a white cab with no markings. Possible

that the cab driver was an independent. [CI#5] got to keep the \$20. And you and Durden arrested the cab driver and his wife. But -- A Temple and Virgil, I believe that's the arrest location. [CI#5] didn't say?

Q No, [CI#5] didn't know. [CI#5] was --

A I think it's Temple and Virgil. I've seen the report. We did arrest him. Uhm, [CI#5] got to keep the money. And, I believe, [CI#5] also got to keep some rock.

Q Did you refer to that -- you've seen the report -- the arrest report?

A I've seen the arrest report.

Q BY SGT. COOK: No misconduct on it?

A Other than [CI#5] keeping the rock.

Q [CI#5] got to keep the rock?

A Mmnh-mmnh.

Q You arrested it straight up? I mean, he had some dope, money?

A Right.

Q BY DET. CASTILLO: A second cab case involved a yellow cab. And just let me read it to you. "[CI#5] recalled that the cab driver had gone into business for himself. [CI#5] thought that it was an American Service Cab Company. The cab driver used to work for L.A.C.A. And then, went off on his own. He was a male Mexican, short, fat, about 250 pounds, and 35 years of age.

The cab driver kept a magnetic box underneath the

dashboard. And Rafael Perez gave [CI#5] a hundred dollar bill [***** CI #5 information redacted *****

* *****]. This suspect was not the person [CI#5] normally dealt with, but the suspect's brother." Does that make sense?

A Yeah, we pulled this report to the side. I remember this is the one -- this is the one where it ended up leading us to Waterloo. Obviously, [CI#5] doesn't know the follow-up location. Uhm, did [CI#5] mention anybody about a Mustang being involved?

Q A Mustang? Okay.

A Yeah. I know which one this is.

Q [CI#5] questioned Rafael and Durden, because they must have confiscated a nice Mustang that the cab driver's brother drove. Also, [CI#5] knew that the suspect cab driver had a lot of jewelry. You told --

MR. MCKESSON: Before you -- can I just have the record reflect that the facts, unless the detective says otherwise, it's assumed that he's reading from a document, that my client is not saying. Just so it's clear for the record.

DET. CASTILLO: Yes, sir. I'm sorry.

Q We're continuing this. [CI#5] knew that the suspect cab driver had a lot of jewelry. Uh, the officer said that the Mustang had to be worth over \$5000 before they could confiscate the Mustang.

During this incident, [*****
***** CI #5 information redacted *****
*****].

A [** CI #5 info redacted **].

Q [***** CI #5 info redacted *****
*****] -- or --

A [***** CI #5 info redacted *****
*****].

Q Okay. Do you remember this case, Rafael?

A Yes, I do. Both these people were arrested. Both these reports were put to the side. And we need to talk about misconduct that was conducted there.

Q We can't talk about that; can we, right now?

SGT. COOK: Not without -- not without Rosenthal.

DET. CASTILLO: Okay. This report we'll -- we'll set to the side.

Q BY SGT. COOK: We haven't talked about it yet, have we?

A No. This is one we pulled out in the past. We're gonna talk about it Friday probably.

Q BY DET. CASTILLO: This incident occurred, and there was possible misconduct. And it has to be --

A There was misconduct.

Q There was misconduct.

A Not possible. There was misconduct. Those reports were pulled to the side for us to discuss at a future date with

Mr. -- District Attorney Rosenthal.

Q Okay. That's fine. That's all I remember. Later on that night, yourself, Durden, and two other officers went over to [CI#5 info]. [CI#5] described -- I'm sorry. Perez gave [CI#5] \$40 and left the apartment. There was other two officers. One [CI#5] described as Bart -- Bart Simpson. And another officer, [CI#5] described --

A Buchanan. Slim White -- uh, White male?

Q Bart. Male White, blue eyes, six foot, 220-240, in his early thirties. He wore a crew cut style.

A Officer Brehm.

Q Huh? Okay. And then, the partner was a real shy guy, male Hawaiian, maybe Filipino. Those two guys showed up.

A Male Filipino?

Q Hawaiian, or Hispanic.

A Probably Hispanic. We don't have any Filipinos over there.

Q How about Bart -- who is Bart Simpson? Two -- you all went over and drank some beer with [CI#5].

A You know, I remember that. We didn't -- we didn't drink beer with [CI#5]. We stopped by and gave [CI#5] a beer. We didn't drink any beer with [CI#5].

Q Yeah, I can see that better.

A Yeah, we didn't drink any beer with [CI#5]. Have you seen the picture of who [CI#5] is?

MR. MCKESSON: Let me see.

THE WITNESS: We definitely didn't drink beer with [CI#5]. We stopped by. 'Cause what happened was, I think we were drinking up at the benches or something. And we had extra beer after. And why don't I drop it off to, uh, to the informant, because we knew [** CI#5 info redacted **].

Q BY DET. CASTILLO: And let [CI#5] tie one on.

A Yeah. And I think we might have discussed something. I had to give [CI#5] money anyway for -- to tide [CI#5] over for the weekend, you know.

Q Mmnh-mmnh.

A Because [CI#5] had just -- you know, I put [** CI#5 info **]. And I think it was gonna be the weekend. And I just wanted to give [CI#5] some money, and some spending money. And I -- we ended up giving [CI#5] the beer, too.

That's true, though. That did happen.

Q Mmnh-mmnh. And who were the other officers?

MR. MCKESSON: Is this something Rosenthal doesn't know about?

DET. CASTILLO: No, he's seen [CI#5]'s statement. But, again, [CI#5]'s very vague, as you know. And -- and, so --

MR. MCKESSON: Oh, let me, Detective, for the record, I don't care.

DET. CASTILLO: Okay.

MR. MCKESSON: I mean, no, what I'm saying, I'm not trying to say -- I'm not being flip or anything.

DET. CASTILLO: No.

MR. MCKESSON: But I don't know if you want to go into this, if this is new, without Rosenthal being here.

DET. CASTILLO: You're right.

MR. MCKESSON: If it's new. I mean, I don't care.

SGT. COOK: Is this more admin or --

DET. CASTILLO: This is more admin. as to the other two officers.

SGT. COOK: They're not drinking on duty and in uniform.

THE WITNESS: This was not on duty. This was off-duty. The drinking part, we were already off duty.

SGT. COOK: Okay. In any case, it will be more admin. than criminal.

MR. MCKESSON: Yeah. Okay. I was just --

THE WITNESS: It was me and Durden. I want to say that it was Officer Brehm. I think it was three officers that went. I think it was Brehm -- Brehm, Cohan, and, uh, Tovar, I think.

Q BY DET. CASTILLO: Tovar?

A Tovar looks like he could be Filipino.

Q Oh, yeah. Yeah.

A You know --

Q Oh, I know Tovar, yeah.

A I think it was Tovar and Brehm. But there was another one. I think Cohan was there, too. And Tovar.

Q Was Durden with you?

A Yeah, Durden was with us.

Q Because [CI#5] described --

A Yeah, Durden -- I should have said that Durden was definitely there. I'm trying to think of the others. I think it was three, not just two. I think there was three more. Besides me and Durden, there was three other officers, or three other people.

Q Okay.

A You know, if you probably just showed [CI#5] a photo, [CI#5]'d probably be able to pick out right away. I don't know if you showed [CI#5] photos or not. But, uhm, if you did show [CI#5] -- it was guys from Rampart C.R.A.S.H. So, [CI#5] definitely would have picked them out.

Q At that time, [CI#5] recalled that you had a black truck, Bronco-type that was parked in the parking lot. And next to you was a dark green truck belonging to Durden.

A [CI#5] got it backwards. The black truck is Durden's. And the green truck was mine.

Q Okay. Yeah. Well, I can see that. [CI#5], uhm --

A Yeah. [CI#5]'s got a good memory. I'm surprised [CI#5] remembered that.

Q Well, you're right. [CI#5] describes an incident when [CI#5] assisted you and Durden doing an undercover transaction. And [CI#5] was waiting to be paid. [CI#5] reported that one evening [CI#5] was staying under the freeway. And a black-and-white pulls up northbound on Alvarado. So, that Durden is against the sidewalk on the passenger side. Durden warned the other two people standing with [CI#5] to leave

the area, thus leaving [CI#5] alone.

Durden pretends he's telling [CI#5] to leave the area. And then, in a low voice, Durden gives [CI#5] a small metallic locked box in [CI#5]'s hand. When [CI#5] opened it, or when Durden opened it and ask [CI#5] had [CI#5] have seen this much dope before. [CI#5] looked at it and placed it [** CI#5 info redacted]. [CI#5] took the rock cocaine and smoked and sold some of it. Do you remember that incident?

A Mmnh-mmnh.

Q Did that happen?

A Yes.

Q Tell me about it, please?

MR. MCKESSON: Do you guys want to go into this?

Q BY SGT. COOK: Is this a case that you've come across?

A I'm sorry?

Q Is that a case that you've come across?

DET. CASTILLO: I don't think this is --

THE WITNESS: This is not a case. This was just a --

Q BY DET. CASTILLO: Yeah, this was just an incident where, uh, Nino Durden gives [CI#5] a -- a box of dope or a little thing of dope?

A It's a little container. And it had a bunch of dope in it. In fact, did it just have rock? 'Cause I thought it had a little bit of weed in there, too? Did [CI#5] mention there was some little weed in there?

Q [CI#5] said some rock.

A Okay. There was a bunch of rocks in there. Yeah, and, uh, we ended up giving it to [CI#5]. This was no case, no arrest, or anything like that. This is just an incident that happened. So, there's no report to pull to the side.

SGT. COOK: Okay. Just go ahead.

Q BY DET. CASTILLO: Uh, [CI#5]'s -- uh, why -- why did that happen? Why -- what was the -- what led up to this?

A I don't know what led up to it. It was -- I don't know where we recovered the box or how we got a hold of that box with the narcotics in it. But we just decided let's give it to [CI#5]. I don't know.

In fact, I think we might have just been driving by there and saw [CI#5]. And Durden says, "Pull over here. Pull over here." And gave it to [CI#5]. I don't think it was something like, oh, today we're going to recover some narcotics and give it to [CI#5]. It was nothing like that. I thought it was one of things we're driving and we see [CI#5].

Q Well, what's gonna be asked, though, Rafael, how did you guys get into the narcotics? How did -- how did they get -- how did you possess this little box of narcotics?

A Oh, I mean, on many arrests, we recover, you know, narcotics from different places. And a lot of times we just kept it. Uhm, on many, many arrests.

I mean, sometimes, at the very last minute, after you've done your property report, you may recover one other little container full of narcotics. And you don't want to add

it to the property report. Or you may have just stopped somebody who had all this narcotics, but you don't feel like booking them today. But you hold on to the narcotics, instead of booking the narcotics.

Q So, that's a possible way of --

A Oh, sure. Somehow, uh -- and I can't remember exactly how -- we came across. And I remember this incident very clearly. I remember us pulling over and telling [CI#5] that -- you know, Durden told them, "Get out of here. Hey, you, get out of here, too. Come here. What's your name?" And [CI#5] came over and he handed it to [CI#5]. And he said something about this narcotics. And he -- and, [CI#5], uh -- [CI#5] kept it.

As a matter of fact, I remember we -- remember talking to [CI#5] like a week later. And we asked CI#5, "What did you do with the extra rocks?" And CI#5 goes, "I smoked it all already." Q Smoked it all away?

A [CI#5] had already smoked it all. We thought that it's -- it's impossible. [CI#5] did.

Q So, that -- so, that thing did happen?

A Absolutely.

Q Do you have a time period you're in the black-and-white, according to [CI#5]?

A You know, when exactly, I'll be guessing. I'd be guessing at the month and day. I wouldn't even -- but I know that happened.

Q It did happen?

A Yes.

Q Okay. Uh, we're getting close. [CI#5] recalled another incident involving Rafael Perez at the -- at the Community Police Station, uh, 2710 West Temple, at the lower level, near the gym maybe. Uh, [CI#5] was taken to an office with two desks. [CI#5] remembered Rafael Perez and Durden saying that they were not supposed to bring people down there. [CI#5] was waiting around. Asked for \$5.00.

[CI#5] was told that [CI#5]'d have to wait after roll call. While waiting around, Rafael Perez told [CI#5] to turn [CI#5]'s back so that [CI#5] could not see what they were going to do. [CI#5] complied. [CI#5] heard several drawers being opened and closing. [CI#5] had the opinion that the officers did not want [CI#5] to see what was being done, or what drawer was being opened. [CI#5] was told to turn back around.

Rafael Perez told [CI#5], "Wait a minute. You dropped a Kleenex." [CI#5] looked down at it and CI#5 says, "No, that's not mine." Rafael Perez says, "No. You dropped a Kleenex." [CI#5] admits [CI#5] was slow in [CI#5]'s thinking. CI#5 picked it up. [CI#5] realized that the officers wanted to -- wanted [CI#5] to pick up the Kleenex. When [CI#5] did, [CI#5] opened it. And [CI#5] discovered three or four dimes of rock cocaine.

A [CI#5]'s slow in [CI#5]'s thinking as to how many dimes were in there, too. There were more dimes than that.

Q And, again --

A That occurred.

Q That did occur.

A This is the incident that you talked to Detective Cox. Or, I'm sorry, Sgt. Cook. Do you remember me talking to you -- talking to you about how we gave [CI#5] some narcotics?

SGT. COOK: (No audible response.)

THE WITNESS: That narcotics was originally in a Hide-a-key under -- remember me telling you that we had taken [CI#5] downstairs to the office?

SGT. COOK: Mmnh-mmnh.

THE WITNESS: It was in a Hide-a-key down here. That's why we had told [CI#5] to turn around. Durden had put it down here. And was he looking for it. And he had found the Hide-a-key. And, I guess he took the narcotics out, and put it in a tissue or something, and put it next to [CI#5]. And we told [CI#5] to turn around. And Durden said, "You must have dropped that tissue."

I think -- in fact, I think Durden was the first one who told [CI#5] that. "Yeah, I think you dropped that tissue. Yeah."

Q So who -- did Durden say --

A Durden actually put it down there.

Q Oh, Durden put it down? And, again --

A Right.

Q -- just -- it was just dope that you had found?

A I think we had actually found it in that Hide-a-key. And Durden had put the Hide-a-key in the drawer under the --

you know, the -- the sliding thing under the drawer in that office. And we just happened to have -- [CI#5] -- what [CI#5] would do a that a lot, would show up at the office and go, "Hey, I want to work."

Q "I need some money."

A "I need some money, uh --

Q Sure.

A -- I need \$5 right away. And I can go looking around for you guys." But [CI#5] did a lot -- a lot of times we didn't even want [CI#5] to show up. But [CI#5] would show up. So, we'd say, "We're having roll call right now. Wait 'til we get done with roll call. And then, we'll talk to you." And that's usually -- that -- that happened a lot. But, uh, I do remember that incident. And we did have [CI#5] downstairs. We did give [CI#5] some narcotics again that day, yes.

Q In another incident, you and Durden put [CI#5] in a black-and-white and went to the parking lot area of the Temple Street Community Station. Uhm, [CI#5] waited in the police vehicle while you or Durden -- [CI#5]'s not sure -- went out and you got something and put it in the trunk. You left the parking lot area, all three of you, and you went over to a side street.

While on the side street, Rafael Perez and Durden, opened up a black plastic bag that was wrapped. It had a terrific odor. They showed Durden a brick 6 inches by 6 inches by 3 inches. Rafael -- and Rafael Perez and Durden asked [CI#5]

if [CI#5] knew what the brick was. To [CI#5], it looked real -- it looked like dirty dope. It was foul, thick, and hard to break off. [CI#5] had never seen a quantity that size before. [CI#5] didn't know what it was. And they asked -- that you guys asked [CI#5] to test it.

A And [CI#5] actually tried to cook it.

Q [CI#5] tried to cook it?

A Yeah, that was actually a -- probably about a pound of very good, from what I understand, uh, Meth. We thought it was cocaine. What happened was, we recovered it from a location, along with a -- a rifle, and some other stuff that we recovered, I believe, in Northeast Division. And we had this narcotics. We didn't know exactly what, because it doesn't look like cocaine. It was Meth. But it was uncut Meth yet. It was not processed.

So, we had -- when [CI#5] says we went to the police station and we went to a trunk, we had actually went to Durden's truck. We had parked a few vehicles away from it. He went to his truck and got it out of his trunk, the back portion. The back portion. The back portion of his truck, and brought this bag out.

And, uh, in fact, I think we gave [CI#5] a piece of it- Q Right.

A -- and told [CI#5] to find out what is this. And [CI#5] was going to --

MR. MCKESSON: A chemist.

THE WITNESS: [CI#5] was going -- in fact, while [CI#5] was in the car, [CI#5] said [CI#5] tasted it. [CI#5] goes, "It tasted horrible." I mean, it was --it was--[CI#5] goes, "That's not cocaine." CI#5 even said, "That's not cocaine." Because it had a real--I mean, CI#5 took a piece of it and put it in CI#5's mouth. [CI#5] goes, "That ain't cocaine."

But still took it and tried to cook it up, [CI#5] said, at, uh -- where [CI#5] was staying at. And, uh, [CI#5] says, "That's not cocaine."

Q BY DET. CASTILLO: Do you remember what you guys did with this brick?

A Threw it away. Eventually, we threw it away. Durden had it in his truck for a long time. But we eventually threw it away.

Q Meth? That's a lot of money.

A Believe me when I tell you, at that time, if I had known somehow I could get rid of a pound of meth -- and I'm talking about meth that's not cut, which is probably more than a kilo of cocaine.

Q Absolutely.

A I would have sold it. You know, in the process that I was going through, believe me, I would have sold it. Believe me when I tell you, I threw it in the trash. I had no connection. I had no idea how to get rid of this. It was -- you know, Meth is not something, in Rampart, it's not something that anybody that I knew that would -- this was pure grade.

This was pure Meth. That was not even cut yet. In fact, we also found the cut with it. There was a big ball of this -- that glit- -- glittery thing, that crystallized thing that you mix it with the thing. And that one pound of Meth turns into about three pounds.

Q Sure.

A And then, you sell it. I mean, that much is \$25.

Q Sure.

A But we -- I had no -- I had no idea who I would sell it to or where I would look to -- it wasn't that kind of thing.

Q Is this related to a report that you did at Northeast? Did you make an arrest?

A I don't remember. I know that we recovered a rifle and we recovered that narcotics. And I'm not a hundred percent sure. I think that we arrested somebody and we did a follow-up to his house. I would really have to look in the reports to try and figure it out.

But I think we arrested somebody, did a follow-up in Northeast Division. There was a lady there who was his wife. And we recovered a Ruger Mini 14.

Q Okay.

A And we recovered this Mini 14. Miniature. Mini 14, uh, and also this huge bag of Meth. And this round ball of the cut. There's a name for it. And I can't think of it right now. There's a name for the cut.

And I'm being very honest. I don't have a whole lot

of experience with Meth. Uhm, so, I wasn't -- I thought it was dirty dope. That's what I thought it was, too.

It just looked like dope that's been orangey, or turned -- orange streaks on it, or something.

Q Yeah.

A Uh, but it turned out that after looking into certain things, it was Meth. It was uncut Meth.

Q Yeah.

A But that -- let me see where that was disposed. That was disposed of in a, uh, gutter. I threw that away myself months later, though. Durden had it in his trunk for a month. And he goes, "What am I gonna do with that stuff? It's sitting in my truck. It's starting to stink." And I took it. And I said, "I'll get rid of it." And I kept it in my trunk for a short while. And, then, I eventually, threw it in the gutter when I remembered it.

Q So, you -- but, now, you do think -- I missed it maybe -- you do think you did make an arrest with a Mini 14 and you --

A No, the Mini -- the Mini 14 was not booked. I kept the Mini 14 for awhile. And, eventually, got rid of it -- threw it away, as well. But what I'm saying, was we arrested somebody and did a follow-up to his house and recovered this additional stuff, uh, but never booked it.

Q BY SGT. COOK: You say you may have come across it in another report?

A I may have. I just never connected that to it.

Q Northeast caper?

A Yeah, the -- the follow-up that we did. No, 'cause the arrest might have been in Rampart. The follow-up.

Q Was in Northeast?

A Was in Northeast. Huntington.

Q BY DET. CASTILLO: I just penciled out some stuff here. But if I was to come up with allegations on this [CI#5] case, that, number one, Rafael Perez and Nino Durden failed to document [CI#5] as an informant, would that right or wrong?

A That would absolutely true.

Q And, at some point, with [CI#5], Rafael Perez and Nino Durden possessed narcotics and on several occasions to give to [CI#5]?

A That would be absolutely true.

MR. MCKESSON: Can I say something, Detective?

DET. CASTILLO: Sure.

MR. MCKESSON: Obviously, the first one -- uh, the second one is problematic. But, I know, at the trial, didn't Detective McGee testify that there was a policy at Rampart where they could use citizen informants without signing them up officially. That that was done quite often.

DET. CASTILLO: Sure. Sure. And it happens. It happened in West Bureau when I was working there. It would be another allegation, uh, taking of money from arrestees or citizens and failing to return that money.

MR. MCKESSON: Well, where was that?

DET. CASTILLO: Well, they took the \$3000.

MR. MCKESSON: Oh, okay. You're talking about another case.

Q BY DET. CASTILLO: I'm sorry. But if I was to come up with these allegations that you -- and I just penciled in out real rough here, when I was going over my notes, the taking of money. And Officer Rafael Perez and Nino Durden took money and failed to return it.

A That would be true.

Q With cases related to [CI#5]?

A Yes, that would be true.

SGT. COOK: I've got a lot of questions. And I'm just going to wait until you're done.

DET. CASTILLO: Okay. At this point, I'm done with my interview. I wanted to keep it -- uh, Mr. McKesson, Rafael warned me that some of these cases might go to these arrest reports, so he didn't want to go into them. And that, with that, I want to say, yeah, you know, you're right. We'll back off. So, I just wanted to go over some of the stuff that I could.

MR. MCKESSON: You finished then?

DET. CASTILLO: I'm done, sir.

MR. MCKESSON: You're leaving?

DET. CASTILLO: Yes, sir. I'm off the record. We're off at 1700.

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