

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

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C.S.R. No. 10647

99-039

LYNWOOD, CALIFORNIA, TUESDAY, DECEMBER 14, 1999; 5:25 P.M.

MR. WICH: Today is December 14th, 1999.

MR. ROSENTHAL: It's 5:25 in the evening. We're about to conduct the continuing interview of Rafael Perez.

Present today are Mr. Perez; his attorney, Mr. Kevin McKesson; Detective Tom Wich; uh, Sgt. Lou Segura; uh, Deputy

District Attorney Mark Ashen; and --

MR. WICH: Patricia Ferguson.

MR. ROSENTHAL: -- Patricia Ferguson, Detective. And myself, Richard Rosenthal.

Before we start, uh, Mr. Perez, if you'll raise your right hand. "Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

THE WITNESS: I do.

MR. ROSENTHAL: Thank you. Sgt. Segura, you've -- we've decided you're going to begin.

RAFAEL ANTONIO PEREZ,

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

EXAMINATION BY MR. SEGURA:

Q Okay. Ray, uh, we wanted to talk to you, again, a little bit more, uh, information. We've tried to get a little bit more. Uh, not as much as I'd like. But we're getting more information on the, uh, Tenorio case. Joseph Tenorio. Joseph -- and his brother is, uh, Ralph, uh, Santiago.

MR. ROSENTHAL: And Joseph Tenorio was the one where you watched the videotape of the 14-year old kid who alleged that he'd been beaten by you and Hewitt.

THE WITNESS: Okay.

MR. ROSENTHAL: And at that interview, when we showed you the tape, you said you needed more information before you could talk about it.

MR. SEGURA: This is a picture of Joseph Tenorio.

MR. MCKESSON: That's the 14-year old?

MR. SEGURA: Correct.

MR. MCKESSON: 14 at the time?

MR. SEGURA: 14 at the time.

THE WITNESS: This would have been picture at the time of the incident?

MR. SEGURA: Correct. '96 or '96.

THE WITNESS: This is August of '97, this picture.

MR. SEGURA: Yeah. A little bit of background, Ray. Uhm, it appears he and his brother were both, uh -- were both 18th Streeters. Uh, they seem -- his problems -- Joseph's problems seem to occur around Lake and 11th Street. He says that he was, uh, -- actually, his mother says, that he was very close with, uh, Javier Ovando and, uh, -- and the girlfriend, uh, Monique. The mother -- you may have run across the mother. And they have had problems with, uh -- with the mother. And her name is Marie Tenorio, Mary Santiago -- a number of aliases. Marie Butler, Marie Wheatley.

She's calling me complaining, uh, all the time. She said that she called both I.A. and Rampart itself, uh, to complain.

THE WITNESS: To complain about?

MR. SEGURA: To complain about, uhm, the other son Ralph being, uh, arrested, uh, unjustly, illegally. That was by Wilshire. It wasn't by, uh, Rampart C.R.A.S.H. officers. But

she mentions a number of Rampart C.R.A.S.H. officers. She mentions you. She mentions Brian Hewitt. Uh, and, uh, Vinton. I'm not sure, uh, what, uh, -- what Vinton's, uh, name is.

THE WITNESS: I know him.

MR. SEGURA: In any case, I met with this, uh -- uh, Joey Tenorio. And what he is saying is that in approximately '96, uh, '97, in the area of 11th Street and, uh, -- and Lake, he says it's a three-story, uh, apartment building.

THE WITNESS: Which corner?

MR. SEGURA: Uhm, I'm not sure which, uh, -- which corner. He says that he's in the balcony, uh, one day. Let me give you the story. And the whole story, I think, would cause somebody to remember this -- uh, this incident. He's in -- on -- on the balcony, second story of, uh -- of this apartment building. The next thing he knows, three, uh, Rampart C.R.A.S.H. officers show up. Uh, Brian Hewitt, yourself, and he's not sure who the other, uh, officer is. Uhm, -- uh, he's detained. He's handcuffed. Uh, Hewitt starts asking him about a gun. He wants a gun. Uh, this kid says he doesn't know, uh, -- uh, where he can get a gun, uh, at the time.

Uh, the kid says that he's handcuffed to a railing of the, uh -- of the apartment building there, as the officers are going by -- all three he says. Both you, Hewitt, and this third officer, who he doesn't identify. He doesn't know who the third officer is. Is kicking him as, uh -- as the officers are -- you guys are going by.

He says that, uh, Brian Hewitt draws a circle on a wall -- hallway of the second floor of this apartment building. He tells, uh, Tenorio, "You don't give me a gun, and your head's gonna go through the target. We're gonna play target practice, uh, with, uh -- with your head."

Uh, the kid still is saying, "I don't know where I can get you a gun right now. I don't know about a gun." The kid says that Hewitt and you picked him up, uhm, by one arm each, and started putting his head through, uh -- through the wall.

He says his head goes through the, uh -- the plaster. Uh, it goes through the wall about -- about five times. Uhm, -- uh, Hewitt starts asking him again, uh, "Tell me about a gun. Tell me about a gun." Uh, he doesn't, uh, give any information again. And the wall, boom. His head goes through the wall a couple of -- a couple more times.

MR. MCKESSON: When you say "through the wall" you mean striking the wall or actually --

Q BY MR. SEGURA: Striking. Striking the wall. To what degree, Ray, where he says the plaster breaks. He says he has, uhm, wood splinters in his hair from, uh, -- from the 2x4's, you know, there, uh -- there -- there in the wall.

Uhm, and then, I don't think he's, uh, -- he's arrested -- uh, he's arrest at the time. I'm not sure now how the, uh -- how the incident ends after that. But that's the excessive force that this, uh, kid is -- is talking about.

Do you remember an incident such as that?

A I pride myself on remembering a lot of things.

Q Mmnh-mmnh.

A But I don't remember any of this.

Q Mmnh-mmnh.

A But, I will say this. This -- the -- this whole story isn't unlike Brian Hewitt.

Q Uh-huh.

A It sounds like something Brian Hewitt would do.

Q Uh-huh. It's unlike --

A This incident --

Q -- or like Brian Hewitt?

A This is like -- this is un- -- it's not unlike him. It's -- it's something like -- something he would do. I mean, this -- this would be something that doesn't surprise me to hear it.

Q Mmnh-mmnh.

A Uhm, it may have been that this happened. I mean, this whole thing about running in the building, someone being on the balcony, it seems like it's happened. But saying that I picked him up and I -- I'm sorry, I have no reason to -- to hold back now.

Q Mmnh-mmnh.

A But, to come in -- and the circle thing, I don't remember that at -- at all. The taking him and driving him through a -- a wall, I don't remember that at all. Uh, and I

don't --

MR. MCKESSON: Can I ask you a question? Did he get any medical treatment?

MR. SEGURA: No. He says he did not get medical treatment afterwards.

THE WITNESS: At any time?

MR. SEGURA: He says that, uh, they didn't have insurance. He didn't get any medical treatment that night, at that time.

MR. MCKESSON: He doesn't go to County hospital?

MR. SEGURA: This is -- uh, I haven't -- uh, don't have any information about medical -- medical treatment.

MR. ROSENTHAL: You know, in -- in the past, uh, during these interviews, you have said that pretty much beating people wasn't really your ball of wax, so to speak.

THE WITNESS: Yes, sir.

MR. ROSENTHAL: Uhm, that was for Hewitt and Cohan and --

THE WITNESS: Lujan and some of the others.

MR. ROSENTHAL: Lujan and others.

THE WITNESS: Yes.

Q BY MR. ROSENTHAL: Uhm, this actually segues into one of the questions I have. Can you remember any specific time when you participated in an unlawful use of force that would have resulted in what we would normally call great bodily injury to an arrestee?

MR. MCKESSON: You mean other than Ovando?

MR. ROSENTHAL: Yes, other than Ovando.

MR. MCKESSON: He talked about a case where he punched somebody.

THE WITNESS: I talked about one time where the guy got beat-down pretty bad. But the only thing I did, I kicked him trying to spread his legs open.

MR. ROSENTHAL: Right.

THE WITNESS: And then, they were hitting him with flashlights and kicking him. That was --

Q BY MR. ROSENTHAL: But, the way you described that is that you really didn't do the excessive force?

A No.

Q It was the other officers. Uhm, Mr. McKesson, I'm not sure I recall --

MR. MCKESSON: He talked about a case where he punched the guy.

THE WITNESS: Yeah, I think that was the one in La Mirada. The one who, uh -- the, uh, -- the guy who rammed his car back and forth. And we broke the window. And I punched the guy. You remember that one?

MR. ROSENTHAL: Okay. But, again, that would be --

THE WITNESS: Everybody was there. We were trying to him distracted to stop ramming the car, so we could pull him out.

Q BY MR. ROSENTHAL: Right. So, that's not excessive force?

A Your question, again, was?

Q Was -- was there any incident that you can recall,

that you personally inflicted what we normally call great bodily injury, or you really injured somebody while using excessive force?

A Very rarely did I use force. I mean, that's still -- I can't -- give me a -- give me thirty seconds or twenty seconds.

Q All right.

A Let me really think.

MR. MCKESSON: And, again, other than Ovando, right?

MR. ROSENTHAL: Right. Obviously, Ovando was excessive force.

THE WITNESS: I can't think of any.

Q BY MR. ROSENTHAL: Okay. Did you, while you were a police officer, --

A Mmnh-mmnh.

Q -- it's my recollection, my understanding, you never shot and killed anyone --

A No, sir.

Q -- during the course of duty?

A No, sir.

Q And, at any time, while you're employed with the L.A. Police Department, did you ever shoot anyone?

A I've been involved in a couple. But I've never shot and killed.

Q So, you've shot and hit. On how many occasions have you shot and hit somebody? One, obviously, is Ovando.

A That's the only one.

Q That's the only one?

A Yeah.

Q So, you shot on other occasions we know of, but never really hit?

A No, I've -- like the first one I had been 12 days on the job. Uh, it was a murder suspect wanted. I see him. And I told my partner, "I think that's the guy." And he pulled right next to him. And as I'm getting out of the car, he pulled out a gun.

So, being 12 days on the job, I chase after him. He goes over a fence. I go over the fence. He goes over the next fence. As he's going over the next fence, he shoots himself in the leg. I think he's shooting at me. But he actually shot himself in the leg trying to get over the fence.

And, finally, I'm after him. I'm staying behind him. He comes out a driveway. And there's officers waiting on the other side. The officers engage him. And the rounds go over my head. And I'm kind of in the background. But, I -- I never shot him. No.

Uh, there's only been one that I actually, uh, fired, and that's the Ovando. I mean, that I actually hit anything. And that was Ovando.

Q Okay. And off-duty you never fired your weapon?

A No.

Q I'm sorry.

MR. MCKESSON: When you say never fired, you mean never fired a weapon at somebody?

MR. ROSENTHAL: Right. Yeah. I -- obviously, target practice is a different thing.

MR. SEGURA: Two cases on -- on Tenorio. But, uh, this kid Joey -- Joey Tenorio. But, Ray, I think, uh, from, uh, the memory that you seem to have shown, I think, uhm, you'd remember an M.O. like that with, you know, a circle being drawn on the wall. And then, the kid's head being rammed, uh -- rammed into a wall.

THE WITNESS: I would definitely remember that, I mean.

Q BY MR. SEGURA: Okay. And you don't -- you don't remember, uh, being there in any incident such as that?

A The only thing I can think of, he may have seen my face when we got there. 'Cause what we would do is we'd meet up. You know, there's some guys up on the balcony and some in the back. Get into the building. But once I was there, I might have decided, well, I'm gonna go look around the grassy area downstairs while they're doing whatever upstairs.

Q Mmnh-mmnh.

A I can't speak for what happened while I was downstairs. But, that whole scenario, I don't remember it at all.

Q Okay.

MR. MCKESSON: Sgt. Segura, does he have any photographs of where the wall was?

MR. SEGURA: No. No, I don't have, uh, any -- any photographs yet. And -- and, you know, Mr. McKesson, I haven't gotten everything. I just wanted to see if Ray could corroborate his, uh -- through his, uh, -- through this kid. And we're still -- we're still, uh, investigating as -- as we go along.

One other distinctive M.O. that this kid gives, is he says he's, uh, in the same area. He's on, uh -- he's on, uh, 12th Street. Uh, he's out there with his mother. So, like I say, uh, you probably remember, uh -- remember the mother. And she's all tattooed down. Uh, she, uh -- she is from, uh, Guam, she says.

But, uh, she looks Caucasian. Uhm, and she talks a lot. She's always talking. I mean, it's irritating. To the point of almost -- almost being, uh, irritating.

THE WITNESS: Does the mother say that she -- that she knows me?

MR. SEGURA: Yeah.

THE WITNESS: Has met me?

MR. SEGURA: Well, she -- she, you know, has dealt with -- and she throws out your name. She throws out Hewitt's name, Cohan's name -- all kinds of -- all kinds of names.

THE WITNESS: I want to clear a misconception, because I've heard it so many times in the press and that. I very rarely go around to 12th and Lake. That's not my area.

MR. SEGURA: Okay.

THE WITNESS: I hang out in La Mirada and Temple Street neighborhoods.

MR. SEGURA: Mmnh-mmnh.

THE WITNESS: If somebody needed something down there, I went down there.

MR. SEGURA: Mmnh-mmnh.

THE WITNESS: But very rarely did I go down there. I don't really know anybody down there. I don't know these people down there. I really don't.

MR. SEGURA: In this other incident -- let me give you this other M.O., again. Because it's kind of a distinctive, uh, M.O. Uh, she says that her son is out, uh, on the street. And, uh -- and the mother's even present and, uh, -- and sees this.

And she says that, uh, the kid is stopped. Uh, the kid is, uh -- the kid is questioned. Actually, Hewitt starts to, uh, -- uh, verbally taunt the kid and -- and harass the kid. And, according to, uh, the kid, he and the mother -- they're both saying it -- that, uhm, -- uh, he starts telling you that, uh, "Have you heard that gang members don't cry?"

And, uh, you guys talk -- start talking about whether gang members cry or not. And that he said, "Well, I'll bet you a dollar, uh, that, uh, -- that, uh -- uhm, I can make the gang member cry."

And you say, "No, you know, I'll take that bet." And you end up -- and there is a bet. And over a dollar, basically,

what Hewitt does is he starts to apply pressure and pinch his upper shoulder. Uh, he starts, uh, jabbing his thumb under his, uh, -- uh, under his chin, to the point where the kid, you know, can't take it any more and, uh, -- and starts to cry.

MR. ROSENTHAL: Is this Joseph Tenorio or the other one?

MR. SEGURA: This is Joseph Tenorio. Joseph Tenorio again. Again.

MR. MCKESSON: It's a separate incident?

Q BY MR. SEGURA: This is another incident. He says it's, uh, a little after the incident where the head it put, uh, -- is put through the wall. I think, again, the M.O. is distinctive enough where you might remember an event where Hewitt's talking about I'll bet you a dollar that, you know, I can make this kid cry. You know, the line, uh, that you gangsters -- uh, gangsters don't cry.

Do you remember anything like that?

A Now, that sounds familiar. But I don't have any recollect- -- I don't remember him -- who the kid is. I don't remember him. But, uh --

Q That doesn't sound familiar?

A That sounds familiar.

Q Mmnh-mmnh.

A And that sounds like something I saw or remember. I don't have a real clear memory of it. But I remember something about making somebody cry. And I bet you I can make him -- you know, make some -- you know, make him cry, or something like

that.

Q Mmnh-mmnh.

Q BY MR. ROSENTHAL: Do you recall whether it was with Hewitt?

A I -- that's my memory that it was Hewitt. But I -- I don't have -- I don't have a clear picture of the -- the incident. I -- I -- when you just told it to me, yeah, I -- I -- I remember something like that about -- something about "I can make you cry." And I remember Hewitt.

But it doesn't stand out. It doesn't -- the picture doesn't stand out. He doesn't stand out. But --

MR. SEGURA: Okay. Then, what I think what we need to do is we need to get more details even from this kid. And, uh, you know, and I mean, we haven't gone out to the scene with him -- uh, with him yet. And maybe if I can get the information, uhm, at the scene, where it occurred, and narrow it down when it happened.

You know, they were very general. It was a preliminary meeting with, uh -- with, uh, the Tenorios. But, you know, I wanted to get some confirmation, some idea from, uh -- from you to see how much time, uh, we invest into this thing.

THE WITNESS: Yeah. The -- the one, uh, -- the second one. The one where "I can make you cry", he starts, uh, applying some pressure, by the way, that's one of Hewitt's things. He knows some pressure, uh, points where he can do things to you and it causes a lot of pain.

MR. SEGURA: Mmnh-mmnh.

THE WITNESS: But, but did this happen out in the street?

MR. SEGURA: Out in the street, yes.

THE WITNESS: At -- right at 12th and Lake?

MR. SEGURA: Uh, all they told me was at 12th Street. They didn't give -- give me the cross street on this. And they're saying all of this was around -- around 12th and, uh, Lake.

THE WITNESS: And what was the time period that this happened?

Q BY MR. SEGURA: Uh, I don't -- they didn't even give me -- narrow it down about the time period. '96, '97. That's all that they've given me, at this time.

What about the mother, Ray, do you remember a mother being there --

A Do you have a picture of the mother?

Q -- making -- making a disturbance? I didn't get a picture of -- of the mother. I don't know if -- I don't think there's a booking picture. I don't know where -- I'll have to try to get a picture of the mother.

A Is she on parole or anything like that?

Q I don't know. I don't know.

A Is she the same woman that, uh, came on television when this came out?

Q Right. It must be. It must be. I didn't see it. But, uh, I'm sure it is.

A If you give me a photo of her, I'd have a better idea.

Q Okay. All right.

Q BY MS. FERGUSON: Excuse me. Ray, you said that you -- did you see that thing on television when the woman came out talking?

A Well, I -- I remember him pointing at his head. And Hewitt and Perez. And I remember somebody sitting next to him. Like there was like a -- they were on the table or something.

Q Okay.

A Maybe an attorney and somebody else. But, whoever, if it was his mother, it didn't -- it didn't jump at me. So -

-

Q You didn't recognize -- you did not recognize --

A I didn't recognize her.

Q Okay.

A So, I don't know if it was his mother or just another attorney, or whoever it was. I -- uh, I don't know who it was. But if I can get a picture later, maybe I might recognize her.

MR. SEGURA: Okay.

MR. ROSENTHAL: Okay.

MR. SEGURA: All right. That's all that I've got on Tenorio.

Q BY MR. WICH: Then, I've got a couple of questions from the guys at the office. They gave me a list here. And, uh, going back to Durden -- Officer Durden.

Apparently, he was -- apparently, you told these other detectives that he was filing off serial numbers from

handguns, inside the station.

What they wanted to know was where in the station would this have been? Was this in the Detectives station? At -- I mean, where specifically, if you know?

A Well, specifically, when he would do it, was Rampart Detectives. You walk in through the back door. You know, where we park?

Q Right.

A And you walk in. Instead of making a right to go to the C.R.A.S.H. office, you make a left. You go past like two interview rooms. You go through another threshold, another door. You go in and make another little -- a quick little right. A quick left. And then, another left.

And on your right-hand side, there will be a door. And that's a locker room. In that locker room, there's a little bench -- right there. And there's a plug-in.

We have one of those engraving, uhm -- like a handcuff or steel engravers.

Q Right.

A You take that and use it to -- but it makes a lot of noise. That's why he would go all the way back there, 'cause it makes a -- a real loud (Buzzing sound made.) --

Q Right.

A -- type thing. And that's where he would do it.

Q And what locker room is that, when you say "locker room"?

A Detectives.

Q In the Detective locker room?

A Well, eventually, we got lockers there, too. But it was mostly, you know, the detectives that worked there.

Q Okay. So, basically, you go in and make a right. And go past interview rooms, right, and then, --

A All the way around.

Q -- kind of work your way back to the locker room?

A Yeah.

Q Now, was that engraver -- was that back in the locker room?

A No, that was in our office.

Q In your --

A Go ahead. I'm sorry. Uhm, there -- it was in our supervisor's drawer in the C.R.A.S.H. office.

Q Okay. So, he would go get that. Then, go back there.

A Right.

Q Is that carpet back there, do you know in that room? Or is that --

A In Detectives?

Q I mean, where the locker room is.

A No. It's, uh, -- it's linoleum.

Q A hard floor?

A Yeah, uh, I think it's a hard smooth surface.

Q Would he do this in the trash can? Or would he, uh, do this just on the ground? Did you see him do this?

A I seen him do it several times, yes.

Q And the shavings, they were just dropped on the floor?

A Yeah.

Q Okay. Now, when he went into the locker, where exactly in the locker room? Is there --

A As soon as you walk in.

Q As soon as you walk in.

A There's a -- there's a bench right there.

Q BY MR. MCKESSON: There was a bench there, at this time -- at that time?

A Yeah, I don't know if the bench is still there.

MR. WICH: And I haven't been in there. So, I don't know.

THE WITNESS: There's some -- like a wooden -- small wooden bench right there. Uh, I'm assuming the plug-in was real close to it. But right in front of the showers, as soon as you walk in.

MR. WICH: Okay.

THE WITNESS: Yeah, and when you shave or when you do this, it doesn't leave real big chunks. It leaves like fine splinters, you know. I don't know what to describe it like. It almost looks like, uhm, you know, --

Q BY MR. WICH: Like magnets, metal flakes?

A -- like those metal flakes. That's exactly what it looks like. They're just basically like making flakes out of it. You're just sawing the metal.

Q How many times did he do this there? And when I saw

"times" I'm saying about different guns. How many different guns?

A How many times did I see him? Or how many times?

Q How many times did you see him, first of all?

A I remember going back there and seeing him do it about two or three times. But I know he's done it many more times. Because, I know he's done it many more times.

Q And "many more times" would mean? Uh, what kind of range would that be?

A Because they -- well, I know that he's done it other times when it wasn't even our guns. You know, he was like helping somebody else out. But, -- but, I would say he's probably -- probably done it ten, twelve times, probably, at least.

Q Okay. Did you something?

MR. ROSENTHAL: No, you -- you covered the questions.

MR. WICH: Okay.

Q And the other one that I wanted to question you about, this goes back to March 21st, 1998. And our report number is 98-02-12526.

MR. MCKESSON: This another case?

MR. WICH: Yes, sir.

MR. ROSENTHAL: What's the name of the arrestee?

MR. WICH: And this is the, uh - the officers are Buchanon and Ruggiero. It's R-u-g-g-i-e-r-o.

MR. ROSENTHAL: This is the Walter Rivas arrest?

MR. WICH: And the arrest of Walter Rivas. It's R-i-v-a-s. And Carlos Guevera.

MS. FERGUSON: Yeah, Guevera.

MR. WICH: Guevara. G-u-e-v-e-r-a. And it was a possession for rock cocaine. And, apparently, Buchanon was told by the District Attorney that we need another officer to testify in court regarding the arrest of Rivas and the other suspect.

Uhm, apparently, he approached Graham about doing this. Officer Graham is G-r-a-h-a-m.

MR. ROSENTHAL: Now, we've discussed this before.

Q BY MR. WICH: And this is where, I guess, Graham made a statement to him, "You know, you guys do all your shady stuff. I'm not with that. You guys handle it. I'm not going down there to testify on this."

Uhm, and then, it says also, "Perez heard Graham state to these guys, 'You guys put your dope on people. But don't add me to these type of reports.'"

The question that the detectives had on that was, was this in a roll call room that this argument took place? Or in some kind of room?

A This is at C.R.A.S.H. Detectives.

Q Okay.

A The conversation started in the C.R.A.S.H. Detectives area, where the Homicide is. Do you know where the C.R.A.S.H. Detectives is?

Q Yeah, I've been there once.

A You know when you first walk in, in the C.R.A.S.H. office, as soon as you make that right, the first door. So, if you were exiting that door, and you look out in front of you, that's Homicide.

Q Right.

A In fact, if you walk in front of you and to the right, there's a fax machine. Right by that fax machine is where the conversation first started. Right by that fax machine. That's where Graham started getting pissed off.

But it, eventually, the conversation, uh, continued all the way back into the C.R.A.S.H. office where we were gonna have roll call.

Q Okay. Now, the question that they had was, what other officers were there that heard this, besides you?

A I was asked this before.

Q And I -- and they gave me a list now, here for you. And they gave me a bunch of months here.

Q BY MR. ROSENTHAL: What were you going to say? You said they asked you --

A Oh, I was going to say, uh, I was asked before that same question --

Q Right.

A -- who was there. And the answer that I had was, I'm sure everybody that was -- you know, roll call was about to start. Everybody that worked that day, I'm sure was there.

Uhm, would I have -- you showed me a list right now -- would I have an independent recollection of each and every one of them? Probably not.

Q BY MR. WICH: Okay.

A Some may stand out, because I know I, you know, walked in with my partner. We're both looking at each other like, Graham's upset. You know, certain things I'll remember. Uh, I remember Ruggiero and Buchanon.

Q Okay.

A And I remember Graham. I remember, you know, some of the officers. But every one of them, I don't -- I can't say that I remember every one of them.

Q BY MR. ROSENTHAL: Well, what -- do you recall who your partner was that evening?

A I think if I'm not mistaken, I think it was, uh, an Officer Arujo.

Q A-r-u-j-o?

A Yeah. Something like that.

Q Female or male?

A Uh, a male. A-r-u-j-o. Something like that, yeah.

Q Do we have the DFAR's? Oh, we don't know the specific date.

MR. WICH: No. I - we don't know the specific date.

MR. ROSENTHAL: That's right.

THE WITNESS: And this happened probably sometime in the middle of, uh, -- or sometime in '98. Towards the middle or

early middle of '98.

MR. WICH: Okay.

Q BY MR. ROSENTHAL: So, you think that it sounds like Arujo may have been your partner, and may have been there?

A Yeah. But I don't remember exactly. I think it was. I'm not sure.

Q BY MR. WICH: What I --

A I'm not a hundred percent on that.

Q What I have here is a copy of the C.R.A.S.H. officers that were working for like -- I think it's a whole D.P. right there. Was that April through May?

A Mmnh-mmnh.

Q And then, the next page would be May through June.

A Okay.

Q And if you look down that list of officers, if anything looks familiar to you --

A This doesn't -- this isn't a deployment?

Q No.

A This is just officers that are in the unit?

Q This is the officers for the -- yeah, for the month that are there. And I didn't look on there. Is that other officer -- that Arujo -- is he on that list?

A Yeah, Arujo is here.

Q Oh, okay.

A Uh, Graham's here. But, for -- for a while there, I was working with Arujo. Yeah, I think I was working with Arujo.

Uhm, this time, I think I was working with Arujo.

Eventually, I switched over and started working with Graham.

Q Okay.

A If I remember correctly, around this time, I think it was Arujo. 'Cause I remember -- I mean, some weird things stand out. I remember when the conversation takes place, I remember Arujo picking his eyebrow. I know that's kind of weird.

But I remember we were sitting there and just kind of chit-chatting. And Arujo was picking his -- his, uh, -- he has thick eyebrows. And I remember him picking his eyebrows. And I remember his face. And I remember him doing that. And I remember the conversation taking place.

Q All right.

A And just little stupid weird things like that that I -- that I remember.

Q But he definitely heard this conversation?

A Oh, yeah.

Q Okay.

A I'm -- I'm pretty sure that, you know, -- and I've said this before. Jeff Graham is a very big guy. He's about --

Q Right. Yeah.

A -- 6-4.

Q I've seen him.

A 250, 260.

Q Yeah.

A And he's a big red-headed guy. And, you know, when he gets upset, you know he's upset.

Q Yeah.

A And he was real pissed-off about them wanting to, you know, go testify on this thing. But don't -- you know, I'm not sure -- he's not involved. I mean, he may be in the loop and he knows about what goes on, but he's not the type that goes and puts cases on somebody. He doesn't -- you guys do whatever you want, over there.

Q Right.

A But don't put me in the middle of it. Don't, uh, involve me in it.

Q So, to the best of your recollection, this would have happened by the, uh, fax machine outside --

A It started by the fax machine.

Q And then, it came into the C.R.A.S.H. office. And the majority of the C.R.A.S.H. officers that would be working that day, were inside the office?

A Yeah.

Q Okay.

A Here.

Q And that's it on that one then.

MS. FERGUSON: Okay.

MR. WICH: And if we want to go to --

MS. FERGUSON: The Solis one.

MR. WICH: Yes. We'll talk about Solis.

MS. FERGUSON: Okay. Let me get that.

Q Ray, we want to talk to you about a multi-five arrest that occurred in 1995. Let me give -- the D.R. Number is 95-02-28723. Jaime Solis, et al. This was a, uh, 18th Street underground party in which, uhm, you said that, uh, guns were planted on these individuals.

The guns that were planted on these individuals, where did these guns come from?

A They came from the party.

Q Do you recall where in the party?

A Let me back up a little bit. I was not at the party.

Q Okay.

A This is a situation where I think it probably happened right before I got there.

Q Okay.

A Because it was still the topic of conversation when I got to the unit.

Q BY MR. ROSENTHAL: Are you okay talking about this without looking at the report?

A Yeah, I'm just going off of memory, just like everything else.

Q Okay. As long as we -- 'cause I know there are a number of multi-five gang parties that we talked about. I just want to make sure.

A This is the underground one, the one that happened in

'95 -- maybe the middle of '95 -- right before I got to Rampart C.R.A.S.H.?

MS. FERGUSON: I believe so.

MR. WICH: Correct.

MS. FERGUSON: Yes.

MR. ROSENTHAL: Do you have a copy of the report with you?

MS. FERGUSON: No, I do not.

MR. WICH: From what we understand, you weren't there. You heard about this.

THE WITNESS: Yeah.

MS. FERGUSON: Correct.

MR. WICH: I guess, the one that was underground and it had -- it was an underground parking structure is where this happened.

THE WITNESS: Right. This is where there was a -- I mean, a big time beating. I guess they -- they had everybody like line up against the wall. And officers just started beating them down.

Uhm, and, also, from -- from what I gather, because what happened was, -- this happened right before I got there -- when I got there, it was some of the officers that still -- that were there -- that were still there when I got there, were sort of talking about it. Plus, uhm, there was a mug party.

And I remember Officer -- Hispanic officer. I can't think of his name. He had just left Rampart C.R.A.S.H. and went to Metro.

Q BY MS. FERGUSON: Was he at the party?

A Yes.

Q Ramos? Lopez?

A No.

Q Those are the only two Hispanic names.

A Hispanic name.

MR. WICH: Well, that's okay.

THE WITNESS: I -- I said his name before when we had the -- the earlier conversation. Anyway, they were talking about it. And I knew one thing that stood out in my mind that they had recovered some type of weapon that we normally don't recover. It was some type of gun -- uh, some type of Tech or some type of weapon that we don't normally recover.

Anyway, they were talking about how they had lined these guys up and they just put the boots to these guys. How when they went in there, guns were everywhere. And they just, you know -- everybody went, you know, for something. That type of thing.

Uhm, but --

Q BY MR. WICH: But there weren't any specifics of how the guns were recovered, uhm --

A I remember them talking that they went in. You know, of course, everybody -- when the cops come in, everybody just drops everything and walks away from it.

But, obviously, once the officers get there, everybody's gonna, you know, -- you're going, you're going,

you're going and you're going. You know, that -- that was the thing.

Q Okay.

A And, also, what I specifically remember is how they -- if I remember correctly, they were talking about how they had them stand -- or, uh, stand up against the wall. And then officers just started beating them. As they were up against the wall around the parking lot, they just started commencing to beat them.

Q Now when you say "they" who is -- who is saying this story to you?

A I remember, uh, it's the Hispanic officer's name, that I'll try to remember.

Q That's fine.

A And I remember when I got to C.R.A.S.H., I remember that was still -- still like, -- I don't know if it was Lopez and Martin and some other officers that were talking about it. And I'm just getting -- you know, I had just got to C.R.A.S.H. This is like, you know, week one.

Q Right.

A And I'm hearing about it. And I'm hearing them talk about it. Valdez. Uh, is that Valdez? I think that's his -- Vellez or Valdez.

MS. FERGUSON: Uhm --

THE WITNESS: He works -- you got a list of the Rampart C.R.A.S.H. officers from back then?

MR. WICH: Uh, no.

THE WITNESS: No, not those.

Q BY MR. WICH: Veloz?

A No, not Veloz. It's Valdez. It's Valdez.

Q BY MS. FERGUSON: Valdez?

A Valdez. He's at Metro now. That's his -- that's his name. That's who I remember specifically at the mug party talking about it.

Q Mmnh-mmnh.

Q BY MR. WICH: Any female officers, do you remember, that might have been there?

A I think Officer Melissa Towne was also there. She's a sergeant now.

Q Melissa Towne?

A Yeah.

Q Okay. Uhm, that's all I have on that.

MS. FERGUSON: Yeah, same here.

MR. WICH: Okay. We're done with that portion.

MS. FERGUSON: You had all your questions done?

MR. WICH: Yeah, everything's done.

MR. ROSENTHAL: All right then. The -- the next issue is to talk a little about Shatto Place?

Q BY MR. ASHEN: Right. Right.

Ray, you've been talking about a lot of incidents. Kind of put yourself, uh, back to, uh, July the 20th, 1996.

Uh, Ray, I wanted to talk to you. I've got a number

of questions on some of the things we've talked about before. Uh, but I'm gonna cover those fairly quickly on the things that we've covered, uh, in detail. But there are some other details that we need to talk about.

Uh, with regard, uh, to the roll call that particular day, that -- the night of the shooting, do you remember what time you came on duty? Approximately, what was your shift that night?

A Probably five o'clock.

Q All right. And do you remember having a roll call, uh, when you came on, uh -- uh, that night?

A I remember talking about that there was a murder. A couple of people were killed. There was a drive-by and a couple of people were killed. And that we needed to pay attention to it.

Q Right. And, uh, who conducted that, uh, roll call? Who was, uh -- who was the sergeant-in-charge?

A Sgt. Ortiz.

Q Okay. So, it was Ortiz who would have been running the show at the roll call?

A Definitely, yes.

Q All right. And, uh, was he -- at that point, was there any discussion about a strategy of how you were going to, uh, deal with, uh, -- with possible retaliation, uh, by 18th Street against the -- the gang that, uh -- that killed their two gang members?

A The talk in the roll call was, we were aware, or we were pretty confident that they were gonna try and retaliate. There was two of them that were killed right in front of their building.

In fact, I think we had some information that a guy -- a Puerto Rican guy from M.S. gang, uh, a dark-skinned Puerto Rican guy. They called him -- we had gotten a small lead. I think, eventually, it turned out to be a real good lead. But we had a small lead on who it was that killed them.

'Cause one of the witnesses said that they heard somebody say, "Hey, uh, Bugsy, come on." And we knew that there was a Bugsy from M.S. who fit that description. So, we had some -- some details.

So, we were gonna put -- give it some attention.

Q Okay.

A So, what we had decided was to send the guys that are handling the 18th Street to go look at that area to see if they're gathering up and look like they may be going out to go do --

Q All right. So, it -- so, it was at roll call then where, uh, Ortiz established the idea that you should -- guys should do an O.P.?

A Yes.

Q All right. And then, he assigned, uh, two officers, at that point, to do that?

A Two units. Four officers.

Q Two -- okay. And did he assign, uh, specific officers to do the, uh, O.P., though? In other words, to do one observation post?

A That I don't -- I don't know.

Q Okay.

A Whether he told them do one O.P. and you're gonna do it, I don't know. I'm assuming that the two units decided -- 'cause it's the two P3's -- the two senior men in the unit.

Q Okay. Who were they?

A Montoya and, uh, Richardson. Those are the P3's --

Q Okay.

A -- of the unit. They -- they act almost as supervisors in the unit.

Q Okay.

A We answer to them. They answer to the sergeant and that type of thing. But we also answer to the sergeant.

Q All right.

A But they act as supervisors. So, I'm sure they decided I'll tell you what, I'll go up and do the O.P. You hang out. I'll let you know if I see something. If we see something, we'll gather up everybody, and then we'll work it.

Q Okay. So, if, uh -- if Richardson later turned out to be in the O.P., he would have, uh -- he would have worked with somebody else?

A He would have had his partner with him -- whoever his partner that day would be.

Q Okay. Do you remember who that was?

A (No audible response.)

Q If you don't, that's okay. I mean, we can move on.

A I want to say it was McNeil. But I'm not positive.

Q Okay.

Q BY MR. WICH: Real quick, on the O.P.'s for C.R.A.S.H., was it normal that you go up with two guys on an O.P.? Or would you go up there at times with just one guy and leave your partner downstairs somewhere else, if it's like a multi-story apartment building?

A Oh, no.

Q Always go with two guys?

A Absolutely.

Q Okay.

Q BY MR. ASHEN: Was there --

A And as -- as risky -- as many risks as we took, we definitely, -- you're gonna up with your partner on that. No way. I mean, you start to look and then if somebody walked up behind you, then that's -- well, no -- no way, uh, you're gonna go up on an O.P. by yourself. No way.

Q Was there any mention, at that time, uh, that if there was illegal activity in the -- in the form of weapons possession, uh, at that location, at 676 Shatto Place, was there any talk, at that time, as to where you would meet, uh, and try to formulate, uh, exactly what the strategy would be in order to, uh, handle that situation?

A The only thing that was said or firmed-up was that if there is some activity -- and it doesn't have to be illegal activity -- we wanted to know if they were congregating.

Q Okay.

A We didn't have to see any weapons or anything like that. If they were out there, we will meet up.

Q Okay.

A We'll get on the -- on the -- on a frequency and tell you where to meet up.

Q Okay. So, uh, at that point, you were just waiting for information from the O.P.?

A That's correct.

Q And you went about your normal duties as a C.R.A.S.H. officer in the vicinity?

A That's correct.

Q And everybody -- how many people would that have been, at that time?

A In the C.R.A.S.H. unit?

Q Yes. Uh, on that -- in that particular shift?

A Oh, probably sixteen officers.

Q Okay. You mean total in the C.R.A.S.H. unit? Or total on duty in C.R.A.S.H., at that time?

A Total on duty in C.R.A.S.H., at that time.

Q Okay. So, there's sixteen officers on the street, is that what you're saying?

A There should be a total of sixteen officers, yes.

Q Okay. Now, uh, while you were, uh -- you must have gone about your business then, correct, after the roll call. And, uh, at some point, uh, did you receive a communication to go elsewhere?

A Yes, sir.

Q And, uh who were you working with?

A I was working with a female officer. Uh, Officer Duarte.

Q And she's also known as Argomanes (phonetic).

A I think, yeah. I think her name changed.

Q All right.

A Yes.

Q And, uh, did you, uh, receive information -- who did you receive the information from?

A For some reason, but I'm not sure -- for some reason, I want to say Montoya got on the frequency and told us to meet up. But I'm not a hundred percent sure on that.

Q Okay. Uh --

A Somebody got on the frequency and told us to switch to another frequency.

Q Right.

A And we heard what the -- where the location was, and we went.

Q You told us previously that it was a location somewhere off of Wilshire, you think near the Ambassador somewhere?

A Yeah. It's not at the Ambassador.

Q Right.

A It's somewhere near it. I remember that the area was sort of -- it was like an indentation in the street. And close to some fences.

Q Okay. Is -- do you know where the, uh, Southwestern Law School is there, uh, just off of Wilshire? And it's, uh -- it's one block -- uh, one or two blocks east of Shatto Place. It's the old --

A East?

Q It's the old Bullocks building.

A Yeah.

Q Okay.

A But where we were would have been east of Shatto.

MR. MCKESSON: I. Magnum's.

MR. ASHEN: Okay. I. Magnum's?

MR. MCKESSON: Is it I. Magnum's?

MR. ASHEN: Well, it was an old -- it was the old Bullocks Wilshire is what it was.

MR. MCKESSON: Bullocks?

MR. ASHEN: And now -- and now it's -- and now --

MR. MCKESSON: That's the law library.

MR. ASHEN: Yes. Okay.

MR. ROSENTHAL: But you digress.

MR. ASHEN: Okay.

Q BY MR. ASHEN: All right. Now, uh, was it in that

vicinity at all?

A It would have been east of Shatto on Wilshire. Was it right there? I would have to see it to say, yeah, that was it. Uhm, --

Q Okay.

A -- I'm not certain.

Q Uh, you --

A But it was -- it was east of, uh, Shatto.

Q You have mentioned, uh, to us before, -- uh, you have stated to us that there were, uh, a number of officers there. There was, uh, Montoya. There was Patel. There was Hewitt. There was Stepp. There was yourself. There was Argomanes. And there was Sgt. Ortiz. Is that correct?

A Yes, sir.

Q All right. And, uh, was that -- was that the total number of officers that were at that location, that met up?

A Yes, 'cause, uh, the officers there at the O.P. stayed at the O.P.

Q Okay. And you stated before to us that the, uh -- that the object of that meeting was to, uh, develop a strategy in order to, uh -- uh, approach the building at 676 Shatto Place and, uh -- and disarm the gang members that were there; is that correct?

A I've never said those exact words.

Q Okay.

A Disarm them. I think my words were, "We developed a

tactical plan to go in there." And I think my statement was, "We knew something was gonna go down that night."

Q Okay.

A I've said that before.

Q All right. What -- what normally would you -- would you do when you went in there then? Would you detain everybody and -- and search them?

A If we were gonna just do a -- a normal thing, you know, our usual thing, we would just come in there barrelling. Just (Sound effects heard.) -- just drive in. You know, we know some are gonna run. Have -- hopefully, have one unit in the back or something.

But, that is -- that's not the way this was planned out. This was planned out more intricately.

Q Right.

A With more detail.

Q And you stated -- you stated what that was before.

A This was more -- more covered. It was sort like -- it was sort of like you have a bunch of mice right here. And then, you're gonna come after them. And you have to give them -- you got to give them an exit to escape.

Well, we didn't give them any exit to escape.

Q Right.

A We knew that -- that they had to come to us.

Q And that's why you put the four officers on the four floors and -- and, uh, then, approached from the front. Okay.

A That's why I was picked --

Q Right.

A -- to get the cab. Because I was working with a weak link.

Q All right. I -- we've -- you've previously stated that, uh -- uh, that you were instructed to get a cab by Sgt. Ortiz; is that correct?

A Yeah.

Q All right. Now, did you go and get the cab and then come back to that location before you were deployed to, uh, the area of Shatto Place?

A Once I was instructed to go get the cab, my partner and I went and got the cab. We drove to the station. Put the male, who was the owner of the cab, in an interview room. We locked him in there. And we came back, uh, and met at that same place.

Everyone else had already left to go deploy. But Sgt. Ortiz was waiting for us there. 'Cause he had -- 'cause he originally gonna go with us. And then, we decided what if any of them runs north. So, we decided Sgt. Ortiz by yourself, wait until I'm halfway there. And then, come south, uh -- from, uh, Wilshire.

Q So, you were gonna take the cab over. And you were gonna lay south of the location. He was gonna take his hybrid vehicle and lay north of the location. And then, wait for a signal, at that point; correct?

A Yes, sir.

QQ Okay.

Q BY MR. WICH: One question. You went back to the station and dropped the cabbie off. Did you leave your police car back at the station?

A Yes, sir.

Q Okay. That's my question.

Q BY MR. ASHEN: And that was the, uh -- that was the Taurus?

A Yes, sir.

Q Okay. Do you remember where exactly -- when you went to the south of the location, where exactly did you park? Did you park on 7th? Or was it somewhere else?

A I came from the east, going west on 7th, if you can picture that.

Q Okay. So, you were parked on 7th?

A I was never really parked. Once we -- once I came back with the cab and met him at Wilshire, the Sergeant, and we decided, no, you're not gonna come with us. You know, they're gonna come from the north. I went around. I must have continued east. Came south on some particular street to 7th. And then, started coming west on 7th. 'Cause I told him, okay, uh, I'm ready. Everybody's ready? Everybody's ready.

And then, I told him, "Okay. I'm gonna be going northbound now."

Q Okay.

A And then, I told him, "Okay. Sarg -- Sarg, go ahead and come in."

Q Okay.

A And I was almost right to where the gang members were when he started coming in.

Q When you stopped and you said you told the sergeant that you were ready, where exactly were you? I want to know the exact location.

A I told him I was ready when I was on 7th, just east of, uh, -- of, uh, Shatto.

Q Okay.

A Coming west.

Q Okay. And then, uh, did somebody give a signal to move in?

MR. ROSENTHAL: Slow down for a second.

MR. MCKESSON: Did you have a question?

MR. ROSENTHAL: Go ahead.

Q BY MR. WICH: Were you driving?

A Uh, Duarte was driving -- the cab?

Q The cab, yes.

A Duarte was driving the cab. And I was the right front passenger.

Q Okay. So, that's why you were on the radio?

A Yes. And, uhm, there was no, uh -- your question. To get back to your question. Uhm, you said that somebody gave the word that they were ready. I gave the word that I'm in

position. I'm ready to move in. Everybody else said, "Okay, yeah. We're ready. We're ready."

Uh, when I told them, "Okay. I'm going north." Well, uh, I think the word we used was, uhm, not we're hot, or -- but there's words you say, okay, we're -- we're in motion. We're operating.

MR. ASHEN: Oh, yeah.

THE WITNESS: Uh, once I started going north. He knew that once I said, "Okay, I'm going north" that's his cue to start coming south.

Q BY MR. ASHEN: Okay. All right. So, -- so, Sgt. Ortiz, okay, so, he didn't give you a specific signal? You just told him you were coming? And, uh, that was his cue to, basically, come in after you then?

A Right.

Q Okay.

A We didn't want him coming south scaring them away before I was almost there.

Q Right.

A I wanted to be pretty close by the time he started coming south.

Q Okay. And, uh, -- and as you were going -- between the time that, uh, you started rolling up Shatto, and that time that you stopped in front, you didn't hear any radio correspondence or communications from any other officers identifying a specific gang member with a gun in front of 676

Shatto Place; is that correct?

A At no time. I would have definitely responded a lot differently, if --

Q All right.

A -- if that would have been the case.

Q All right.

A And I don't think I'd expose myself to just coming right out towards them. I mean, that -- I mean, that's something that would have definitely stood out, if I, you know, heard, okay, uh, this guy's pulling a gun out. You know, we would have held back.

Q Did you see --

A Me and Sgt. Ortiz wouldn't have just walked right to the front of the building, you know, uh -- you know, knowing that somebody may be armed. We would have been taking a position of cover. Who's got the gun? Where? Which -- which way did he go? That type of thing.

Q Okay.

A I mean, --

MR. ROSENTHAL: Off the record.

(Off the record to change tape.)

(Back on the record.)

MR. ROSENTHAL: It's 6:12. We're back on the record.

Q BY MR. ASHEN: Uh, and, as you pulled up in front of 676 Shatto Place, you didn't see a gang member with a gun?

A No.

Q All right. Did you see a gang member with a gun after you got out of the car?

A No.

Q How many people were in front of the building when you first got out of the car?

A I remember seeing three males at the -- one was -- if you're looking at the door, the front of the door, one was standing out -- just out of the door and to the left of the door.

One was standing at the front of the door. If you're looking at the door, at the archway of the door, on the left-hand side of the archway of the door.

And one was standing on the right-hand side of the door outside. Not in. But right there on the outside. Those are the three males that I saw when we were parking and getting right out. I mean, they're right in front of me.

Q Was the door open or closed?

A The door was open.

Q That's what I thought you said during the pol- -- during the poly.

A Exactly. The door and -- those big old doors or whatever. But those doors, they ran right into them. And so did we. So, I don't know if they had them propped open or what happened that day. But those doors were open.

Q BY MS. FERGUSON: Do you recall if there was anybody standing by the door, but inside that lobby area?

A If there was I didn't see them. I didn't, you know -- like I said, those were the three I saw right there. I see them clearly.

Q BY MR. ASHEN: As you get out of the cab, uh, you hear something; correct?

A Mmnh-mmnh.

Q And what do you hear?

A I hear like the male voices. For some reason, I can hear my partner behind me shouting at someone. Like she was either telling them something, or giving commands. But I don't know who it is. I don't know if it's someone behind us or something. But I'm -- I'm concentrating my -- my -- my sights on the three males that in front of me at the doorway.

Uhm, and we go that way. And Sgt. Ortiz starts coming from his car. And before I -- right when I get out, I see the males starting to run. They actually were looking north at Sgt. Ortiz in his vehicle. And they start the running.

I'm right there. And I'm going towards them. And then, I see Sgt. Ortiz on the sidewalk also walking right -- running towards me. Right when we were right close to the front door, boom, we hear shots fired. Or we hear a shotgun blast. That's the first thing we hear.

Q Okay. How many people did you see actually run inside of that building?

A Three people.

Q Besides -- three people actually run inside?

MR. MCKESSON: You mean civilians?

MR. ASHEN: Civilians.

THE WITNESS: The three people that I saw in front?

MR. ASHEN: Yes.

THE WITNESS: They ran inside.

Q BY MR. ASHEN: They ran inside?

A Yes, sir.

Q Okay. All right. You ran inside then, correct?

A Yes, sir.

Q Did you go in first or did, uh, Ortiz go in first?

A I went in first, and Sgt. Ortiz was behind me. I'm pretty sure that Officer Duarte stayed out.

Q When you went in, did you see Montoya?

A Yes.

Q Where was he?

A He was at the -- there's some stairs. And there's like a landing to the stairs. Then, you've got to go up. He was standing at the -- can I stand up?

Q (No audible response.)

A He was standing at the stair -- uh, at the landing. At the first floor landing pointing with a shotgun up.

Q And how many -- how many seconds after the -- the -- the shotgun blast did you actually see Montoya standing there? In other words, if you can remember?

A I would say probably -- it seemed like a long time. But it was probably maybe twenty seconds. Probably no more

than twenty seconds.

Q Okay.

A Uh, 'cause I remember when we went in, we were a little worried, 'cause we didn't know, okay, you know, was something going down right here in the -- in the lobby area? Or -- but we said we're going in. And I said, "I'm going in." So, like, we went in.

Q So, you went --

A But we didn't know what was happening inside.

Q So, you waited for a little while before you went in?

A Yeah, we hesitated a little bit.

Q Okay.

A I'm not sure if it was twenty seconds. I mean, it -- after we heard the shot, uh, -- yeah, between ten and twenty seconds, it was by -- by the time we went in.

Q All right. Did you go up the stairs ahead of Montoya? Or did he go ahead of you?

A I went ahead of Montoya.

Q Okay. So, you were the first one up to the -- up the stairs then?

A Yes, sir.

Q First officer up the stairs?

A Yes.

Q When you reached the top of the stairs then, what did you see?

A Well, before I went up the stairs, I remember, for

some reason, somebody to my left. Uh, you were at the scene, uh, the -- the building?

Q Yes.

A Remember how the stairs went to the right and then up?

Q Yes.

A You know, the first stairs you take? Right there to the left. I don't know if there were civilians. I'm, you know -- like I said, maybe it was another officer. But I don't remember. But I remember a civilian or something like that to the left. And I remember Montoya still had his shotgun pointed up. I'm thinking, something's up here.

Q And where was he standing? Was he standing on the stairway, or is he standing to the side of the stairway?

A The first -- the landing. You know, how you take, I think two stairs maybe?

Q Right.

A And there's a landing there. I keep calling it a landing. I don't know if that's what it is.

MR. WICH: That's fine.

THE WITNESS: A landing. And then, you go up more stairs --

MR. ASHEN: Okay.

THE WITNESS: -- to the end a little bit. He's standing at that platform, at that landing, with the shotgun still pointed up.

Q BY MR. ASHEN: So, he's standing at the -- at the place right where that, uh -- right where that stairway takes a left-hand turn to go up?

A Correct. Yes.

Q That's the landing?

A You know, how you go in the building?

Q Yes.

A You take a couple of stairs to the right, and then, you make a left.

Q Right.

A At that flat part, --

Q Okay. Got you.

A -- that's the landing.

Q Yes. You passed him up. You go up to the top -- top of the stairs?

A Right. We knew something was up. He was still -- he was still like covering something up there. And so, he was up there. Uh, I believe, Sgt. Ortiz, uh, was behind me.

Q Wait a second. You say "he was up there", who was up there?

A We don't know. That's what I'm saying. I feel like we -- I knew that there was somebody up there or something was going on up there, because he still had his shotgun pointed upward.

Q All right.

A In other words, up the stairs, he still had it

pointing.

Q So, you pass Montoya up then?

A Mmnh-mmnh.

Q So, you pass Montoya up and go up the stairway?

A Yes, sir.

Q Do you have your gun drawn?

A Yes.

Q What happens then?

A I get up there. And there's a male sitting on the floor. The two officers -- or the officers behind me are -- they -- they handle that. They take him. I don't pay him any mind. You know, once I see him, they -- they got control of him, I go up another -- well, I hear some more shots being fired.

By the way, I kind of missed this. But as this is going on, more shots are ringing out in the building, as this is happening. I continue once they've had him.

Q Okay. Just slow down a little bit.

MR. MCKESSON: I want to put something on the record. That Officer Perez is testifying from memory. He's not been shown any transcripts to prior testimony, and no reports or anything.

Q BY MR. ASHEN: Okay. You're gonna say that prior to that there was shooting going on. At what point did you notice the shooting -- other shooting in the building besides the one that you heard in the first floor?

A When we're going upstairs, there's shots being fired.

There's, uh, one shot after another. Da, da da. Da, da, da. When the officers that are behind me, you know, go get a hold of this person that's sitting here, I continue upstairs.

'Cause, uh, I don't know what's going on. I don't know what's happening. I know there's shots being fired. I go up another floor and start running, uh, through the hallway on the third floor, pushing a door open, and see Kulin Patel already there.

Q Let me stop you there. All right. Let me stop you there. Let's back up a little bit. Uh, you -- the staircase that you took up to the third floor, you're positive you went up to the third floor? And you've thought about this, correct?

A I'm positive. I remember when I did the walk-through, I remember imagining in my mind, 'cause I walked the victim down. And the way -- when I put it in my mind, to try to remember walking him down, it wouldn't have been just one flight. You know, go across the hallway and then, just straight down to the ground. I went up one flight. And then, another flight. And then, down.

Q Okay.

A So, I'm pretty positive that it was the third -- third floor.

Q Okay. And the stairway that you took is the stairway on the west end of that building? The end closest to the street?

A Yes, sir.

Q Okay. All right. Now, uh, when you got up to the third floor, okay, you've gone up the stairway, you're -- you're on the third floor, now, and you're about ready to head eastbound in this hallway, do you see Hewitt and Stepp?

A No.

Q You don't see Hewitt and Stepp anywhere on the third floor?

A On the third floor?

Q Yes, at that point?

A At that point?

Q At that point.

A No, not at all.

Q So, you -- you didn't run past them or anything; correct?

A No.

Q Okay.

A No.

Q You start towards the end of the -- when you look down -- down the hallway, after getting to the third floor, do you see Patel, at that time?

A When I open the door, I see Patel all the way at the end of the hall.

Q So, you had to open the fire door first before you noticed him?

A Yes, sir.

Q Okay. Was he running, at that time?

A No.

Q Was he stationary?

A He was stationary on the left side of the door.

Q And was he addressing anybody, at that point? Meaning was he talking to anybody?

A He didn't appear to be. He didn't -- he had -- his back is to me. And it doesn't appear that he's talking to anybody.

Q Okay. Was he standing up, or kneeling down, or laying down?

A He was standing up. Patel?

Q Yes.

A Standing up.

Q Did he appear to be focused on anybody, at that point?

A It appeared that he was -- and this is my perception -- it appeared as though he was waiting for somebody to appear in front of him, from where he was standing.

In other words, his -- his attention was focused -- in other words, if I was the suspect and I came up behind him, I'd have shot him in the back.

Q Okay.

A Because he wasn't paying me any mind.

Q All right.

A So, if he was -- it appeared that he was waiting for something to appear in front of him. In front of him.

Q Okay. Let me back up just a little bit. As you were

-- as -- as you got to the third floor, before you go through the fire door, do you hear any yelling in the building trying to locate a suspect in the building -- another suspect? Do you hear any yelling trying to direct your attention somewhere?

MR. MCKESSON: I don't understand the question.

Q BY MR. ASHEN: Okay. When you get up to the third floor -- I'm gonna back up now. We're gonna back up to the other end of the hallway. The west end of the hallway, after you climb the stairs. You're on the third floor now, before you go through the fire door.

A Right.

Q Okay. Do you hear any yelling in the building trying to direct your attention, or the officers attention, in the building, to a particular suspect?

MR. MCKESSON: Are you talking about from officers?

MR. ASHEN: From officers, yes.

THE WITNESS: When you hear -- when you say did I hear any noises, are you -- are you asking me did I hear any radio broadcasts? Or just screaming -- officers screaming?

Q BY MR. ASHEN: No. Did you -- did you hear any officers yelling to try to -- to warn you, or to warn Patel, or to warn any other officers on the -- on the floors below them, that there is a suspect -- an armed suspect in the building?

A No.

Q And no radio communications?

A No. I don't remember any of that.

Q Okay. After you go through the fire door, and you see Patel, and he appears to be focused in an easterly direction; correct?

A Yes.

Q All right. Do you hear anybody coming down the stairways, the thump of feet coming down the stairway, on the east stairwell?

A No.

Q What is the next thing that you noticed after you noticed Patel focused in that direction, then?

A I hear a gunshot and someone just beyond him falling backwards.

Q Okay. Was that something --

A And --

Q Okay. Go ahead.

A I know you're asking me did I see this -- how this person appeared. I don't know if that person came down the stairs or up the stairs. I know that, as I'm running towards Kulin, I, now, see someone down here. And here I can see that he's -- he's in a position almost like a shooting stance position, on the left side of the door. And I hear a shot.

And I start running a lot faster now. And when I get there, -- well, before I get there, I can see the guy falling backwards. You know, he's back -- laying back. And I remember I get there and I'm looking at the guy. And I see Kulin, he's still like this. And I tell him, "Decock. Pull your gun.

Decock. Decock."

Q Okay. You want him to holster up so you can -- you can detain this guy? You can handcuff him?

A Right.

Q All right. When you go to handcuff him, and he's gasping for air -- you testi- -- you've -- you've talked about that before.

A Right.

Q Correct? And you notice that -- that he appears to be shot in what you describe as in the "ten ring", which is right in the center of the chest. It's right in the diaphragm area. Correct?

A Yes, sir.

Q Okay. Did it register, in your mind, at that time, you know, you as an officer looking at that, that that could be a fatal wound?

A That looked like a --

Q I mean, any officer that would see that would think that that would be a fatal wound?

A That was a fatal wound.

Q And you're trained that way, correct? You know that?

A Absolutely. That's what you're trained to -- uh, we call it shoot to stop. But we know that that's -- if you shoot there, that's a fatal wound. That's -- that's a shot that's gonna -- that's a fatal shot.

Q Okay. And you've also indicated, uh, previously,

that, uh, you saw no gun in the area of this individual?

A There was no gun around that individual.

Q And for -- for -- just for clarity's sake, we've talked about that individual's name is Saldana. Is that your understanding that his name is? Saldana?

A Yes, sir.

Q Okay. Did you handcuff him before Hewitt and Stepp came down the stairway? Or did you handcuff him after they came down the stairway, the first time?

A After.

Q Okay. So, when they come down the stairway, the first time -- I take it from the 4th floor; is that correct?

A Yes.

Q Okay. Uh, you haven't handcuffed this guy yet. And it was -- was that right after the shooting?

A Right after the shooting.

Q How many seconds approximately? Within how many seconds?

A Seconds.

Q Within five? Within ten?

A I would say three to five seconds.

Q Okay.

A And I think that's when -- I think it was Stepp sort of in a giggling way, "Fuck, Kulin got him." Something like that.

Q Okay.

A Something to that effect, and they ran back up. And they came back -- right back down.

Q All right. To your memory, uhm, you -- you indicated that -- that "Fuck, Kulin got him." Okay. That's -- that's what they said?

A That's what, uh, Stepp said.

Q Okay. There have been other places in your statements that said that -- that "fuck" or "shit" "We got him." I mean, is it -- did they say, "Kulin" or did they say "we got him"?

A No, not we. If I said "we", that was a mistake.

Q Okay.

A They specifically said his name.

Q Okay.

A "Kulin got him."

Q Okay. And which one said that? Which -- Hewitt or Stepp?

A Stepp.

Q Stepp said that?

A Yes, sir.

Q Okay. What do they do then?

A Stepp and --

Q Hewitt.

A -- Hewitt? They ran right back upstairs. I mean, they never even made it all the way down. When they came down, they saw the guy laying there. And they see me and, uh, Kulin standing over him.

Q Mmnh-mmnh.

A They -- Stepp said what he said. And then, they ran right back upstairs -- both of them.

Q Okay. Then, you have -- have stated before that they came back within, uh, a few seconds.

A Yes.

Q And, uh, that, uh, Hewitt -- that Stepp, uh, had a gun by the trigger guard.

A No.

Q No? Okay.

A He had it by the -- where the magazine well would be.

Q Okay.

A The butt of the weapon.

Q Right.

A He was carrying by his -- with his fingertips.

Q Okay.

A With his -- you know, almost with his nails. Holding it.

Q But, I thought --

A Not by the trigger guard. But by the -- the butt of the weapon.

Q Just for the record, he's, uh -- it's kind of like pinchers, like between the thumb and the index finger.

A Yes, sir.

Q Okay. Uh, and, uh, when you -- when you saw him with that gun then, what did you see him do with that gun?

A He came -- before he even made it to the bottom steps, as he's coming downstairs, when he gets to like the very last step, he places that gun down. And Hewitt's to his left. I'm right there. Patel's right there. He places that gun on the first step right -- well, as you're standing and looking at the stairs, it would be the left-hand side of the stairs, on the very first step.

Q Okay. And in that you've -- you've mentioned that that area is approximately a six-foot by six-foot square. And it was -- it was you, it was Stepp, and it was Hewitt. And, uh -- and the -- and Saldana; correct?

A And Patel.

Q In that six-foot square? And Patel?

A Patel, yes.

Q All right. And nobody said anything or made any comment, at that point; is that correct?

A That's correct.

Q Okay. Uh, when did -- when did Sgt. Ortiz come up and look at what was happening there? Now, let me ask you this. Did he ever come up and -- and see what happened to Saldana?

A Oh, yeah.

Q Were the same people there, at that point?

A Yes.

Q Okay.

A You're talking about the same officers?

Q Yes.

A And Saldana, yes. We were all still there.

Q Now, when he came -- and you were standing there.

A Yes.

Q Okay. And when he came up, he must have asked somebody standing there, "What the hell happened?"

A Yes.

Q Okay. What did anybody say to him?

A That's when the little group meeting started getting together.

Q Okay. But let's -- let's just, at that point, okay, he's standing there. And -- and all of you are standing there. And did somebody explain -- start to explain to him, at that point?

A I think your question is what happened here? That's not the way it works.

Q Okay.

A That's not the way, uh -- uh, and probably any shooting would occur, or would happen, you know, a supervisor showing up, "What the hell happened here?" No. You got to control the situation first.

Q Mmnh-mmnh.

A You've got to sort of isolate it. Control it. Whatever you need. Okay. Is that all we need? The basics. You know, the -- okay, is there an officer hurt? Is there an officer down? Have all officers been accounted for? Is there anybody outstanding? Things like that.

Then, you meet up. Okay. "What happened?" You know, if there was something wrong, tell me so we can fix it. What happened, you know, let's -- that's -- this is -- in fact, there was a -- and I don't know if I still had it in my locker or not -- it's a -- a thing that Sgt. Ortiz wrote out "Protocol -- uh, C.R.A.S.H. Protocol."

I'm pretty sure I still had it in my locker. I don't know if they seized it or not. But we had --

MR. MCKESSON: I think the L.A. Times has it.

MR. ASHEN: What's that?

MR. MCKESSON: Nothing.

Q BY MR. ASHEN: Okay.

A There was the frequency that we use. The frequen- -
- the -- the call signs that we use when there's an officer-
involved shooting and we don't want anybody else to know. All
of the -- our protocols are in that -- that "Rampart C.R.A.S.H.
Protocol", uh, that Sgt. Ortiz made up. I mean, but those are
things are that we do no matter if it -- if something goes down,
we know what we're gonna do.

We don't call for additional help. If the Patrol
Lieutenant or Sergeant show up at the scene, you create
interference. They don't come into the scene. Sorry, sir.

Q Okay.

A And the first thing that happened was not, what
happened here, it was, okay, everyone okay? Okay. He's
handcuffed. Okay. Give me everybody that's involved. Give me

everybody that's involved here. And they sort of went to the side and went down the hallway and began talking about it.

I stayed there with the, uh, injured man.

Q Were you -- were you ordered to stay there?

A See, I don't remember being ordered. But I know I'm -- I was there with him. I don't know if it because I was the first one there, so, I sort of stayed with him the whole time. I don't remember anybody ordering me to stay with him.

Q Okay.

A No.

Q When, at what point, did Sgt. Ortiz, in relation to when this group first formed up, at what point did Ortiz tell you to get rid of the cab?

A Right as the body -- or the body? The -- the male was being taken out, uh, from where he was shot, where I escorted him, he had relayed that to me. And I relayed it to, uh, Duarte, to get it done now. While I was still -- while we were doing whatever we were doing, bring this guy down and get that cab out of there and bring the Taurus back.

Q You re- -- relayed it how?

A Verbally. I told Duarte.

Q So -- so, you had to be out in the street in order to do that?

A Not necessarily, no.

Q Okay.

A In fact, I know I was not in the street saying, go

back out in the street. I stayed in the building the whole time.

Q Okay.

A So, Duarte must have come in the building. And I relayed it to her. And I'm not even sure, she might have taken somebody with her. I'm not sure. But I know she was given the task, "Go get that cab and bring it -- bring it -- take it out of here. And bring the Taurus and park it right there."

Q Okay. So, that must have been after -- after they had huddled up and decided, uh, -- huddled up and -- and talked for a while?

A Yes.

Q I'm talking about the people involved in the shooting.

A Yes.

QQ Okay.

Q BY MS. FERGUSON: Is this after you had brought Saldana down? Is this who you're talking about bringing somebody down from the third floor?

A Yes.

Q Do you ever leave the guy that was shot on the third floor alone?

A Me? No.

Q You're with him the whole time?

A The whole time.

Q And then, you walked him downstairs?

A I walk across the hallway and then down two flights of stairs.

Q BY MR. ASHEN: And where was the -- where the was meeting between, uh, those who were involved in the shooting?

A In the hallway there.

Q All right. And could you tell -- tell us, for the record, who was at that meeting? Who was standing there and talking?

A Uh, Richardson, who was the O.P. -- the officer that was, supposedly, across the street, uh, monitoring the O.P., was there; Montoya; uh, Patel; Stepp; Hewitt; uhm, Sgt. Ortiz; and I believe that's it. Unless there's some names I'm missing, that's it.

Q Did Ortiz tell you to relay to Duarte, or Argomanes, or did he just tell you to do it, and you delegated it to her?

A Yes.

Q Did you tell her also to get the Taurus and bring it back?

A That's what I was told to do. So, I -- I told her to do it.

Q Okay.

A We wanted it back in the same position that the cab would have been.

Q So, that was -- uh, so, that instruction was given to you to -- to get rid of the cab simultaneously with taking Saldana downstairs?

A Yes.

Q Okay.

A As I was bringing him down, several people followed behind me, bringing him down.

Q Okay. And how long do you estimate that meeting took, uh, on the third floor?

A A few minutes.

Q Okay. And where exactly on the third floor did you see them, uh, talking -- the people involved in the shooting?

A If you know the east staircase where the -- the gentleman was shot?

Q Yes.

A If you went back in the hallway a little bit east maybe ten, fifteen feet, away into the hallway.

Q BY MR. WICH: East or west?

A I'm sorry. West.

Q BY MR. ASHEN: Okay. And you heard nothing about, uh, what was said in the meeting? You heard no -- no conversation at all?

A None.

Q Did you see any -- did you -- did you see any shell casings on the floor? In other words, was it pointed out, or was it -- was there somebody saying, be careful, don't move that shell casing?

A To be honest, no. And there should have been one right next to, uh, Kulin. And there was -- we were walking

back and forth, and I don't remember anybody marking it off or cuffing it, or doing anything. I don't remember seeing a shell at all.

Q Okay. Did you ever see them attempt to move the shooting scene at all?

A No.

Q Okay. Do any -- do -- you, looking at it from, uh -- from a tactical standpoint, see any reason why, uh, they would want to move the shooting scene to another floor?

A No.

Q Do you know why --

A Not really, other than they wanted to, -- you know, maybe there was only one officer on one floor, and two officers on one floor, and they -- they wanted -- tactically they wanted to make it look a little bit better, or something like that. But I don't see why they -- why move it to another floor? I don't see why.

Q When you say "tactically to make it look better" can you explain that so that we know what you're talking about?

A One of the things that's looked at, uh, really closely by the officer-involved shooting team is tactics. And tactics alone can make a officer-involved shooting out of policy, or I think it could.

Uhm, so, we always talk about tactics. Okay. How did it go down? I mean, who was here? Uh, you know, which officer? Or where were you guys positioned? What kind of

coverage did you take? That type of thing.

And, so, we always discuss the tactics that -- that led to the shooting, or what tactics was used while we were in the shooting.

So, if you ask me that question, I'm thinking -- and, obviously, there must have been only one officer in that floor, because the only officer I saw there Kulin Patel. If they wanted to move it a floor up or a floor down, I don't know. I -- I don't know why. I was never involved in that conversation. So, I don't know what the rationale was, or what the reasoning is, other than maybe it won't look right if it's just one officer on the floor. I don't know. I mean --

Q So, you don't -- you don't know why a shell casing would be found on the second floor in approximately the, uh, same position where you think it would be -- would have been found on the third floor?

A No. No.

Q Was that -- was that a major topic that Sgt. Ortiz liked to talk about were the tactics on how to make a shooting look, you know, tactically correct?

A That's one of the -- probably one of the biggest things. Anytime -- and it's not just officer-involved shootings, or just involved officer-involved shootings, it's use of force. It's, uh, any tactical operation. Always discuss it. And always debrief it right there real quickly. No one else is involved.

And we don't even do searches with other patrol officers. In other words, if C.R.A.S.H. has a building and somebody ran in there, and there's ten patrol officers and ten C.R.A.S.H. officers, we're gonna wait for the other C.R.A.S.H. officers to show up before we go in. We're not going to use any of the patrol guys. Because if something goes down, you don't want them involved.

We know who we have in C.R.A.S.H. And we know that we can trust them. If anything happens, and we cover it up, we know these guys that are with us, they're solid. We don't have to worry about it. You know, they're -- they're gonna be able to, you know, go along with the program, you know, whatever happens.

Q But that was a concern of Sgt. Ortiz is to whatever happened to make it look good?

A Absolutely. You know, it's -- it's plain and simple. Uh, we're gonna make this look good by the time everybody shows up.

Q Okay.

A That's the bottom line. If -- if something happened, if you were in a bad position, you're gonna be in a good position by the time shooting team gets there. Whatever it is -- the guy didn't have a gun, we'll get a gun there. We'll do whatever we have to to make it look like a justified shooting.

Q Was anybody sent downstairs to, uh -- to run a diversion, uh -- uh, downstairs, at all, to keep people out of

the building?

A I believe so.

Q Who was sent downstairs to do that?

A Let me change that. Was somebody sent downstairs? I'm not gonna say somebody was sent downstairs. When I -- when we went downstairs -- when I went downstairs with the male that was shot, and I brought him downstairs, there was already somebody at the front door. And he knew that I knew that he was a diversion. He was to keep everybody else out.

Q Who was that?

A And I think it was McNeil. But I can't say he was sent down. I think he was already down there and was told, "Take this position."

Q But, in the normal course of things, with --

MR. ROSENTHAL: Slow down.

Q BY MR. ASHEN: I'm sorry? In the normal course of things, would Sgt. Ortiz, if a gun was planted, would Sgt. Ortiz have been told about that? Would you tell him something like that?

A That I planted on gun on somebody?

Q Yeah. I mean, would --

A I can tell him that.

Q Okay. So, that is something that, uh, -- that the members of the unit would tell him, and that he would give -- they would give him that information; correct?

A It depends.

MR. ROSENTHAL: Let me stop you for a second. Because on Ovando, you said you didn't -- you guys didn't tell him.

THE WITNESS: That's what I was about to say. It depends.

MR. ASHEN: Okay.

THE WITNESS: If it's not necessary, you don't tell him.

MR. ASHEN: Okay.

THE WITNESS: If it's a situation where I beat this guy pretty bad, and he's going for narcotics, or he's going for a gun, and you just put that. You know, he's going for a gun. "Okay. Everything cool? You got everything?" "Yeah." Okay.

Q BY MR. ASHEN: And he's --

A And -- and, you know, he's -- he's cool with that. I mean, it's fine with him.

Q In this situation, would you think the officers would have told him about the planting of the gun? Just forget about Ovando. In this situation?

MR. MCKESSON: You're asking him to speculate?

MR. ASHEN: I'm asking him to speculate just as a matter of, uh, -- of how that unit operates.

THE WITNESS: If you ask me to speculate, and I've been on a lot of scenes with Sgt. Ortiz, and, you know, things getting done, and people going to jail no matter what the cost, he's going.

Uhm, if you ask me to speculate, yes, he knew, only because there was too much secrecy going on. Even I didn't know -- for example, the shooting occurred and days later, I

never knew that he was shot in the back and received a fatal wound in the back. And that's something that we would talk about it.

But it was -- everything was kept really hush-hush about this shooting. Uh, everything about the whole shooting, you could tell it was suspicious. I mean, to me, because I was there. I mean, maybe not to the average person.

But, to me, he was beyond -- it was a little beyond just, you know, -- I mean, I knew what happened. I knew that the gun was planted. But did he know? I think he knew. I think he knew other things, too. Because it -- there was just a lot suspicion into the whole thing.

Q BY MR. ROSENTHAL: The -- the next day, usually you say -- or you said that under normal circumstances, the next day at roll call, you guys would discuss the tactics and what happened the day before. Did that happen with Shatto Place?

A No. And like I said, you know, definitely, we would have talked about, yeah, he also sustained a gunshot wound to the back. That's something that we -- we should know. Because we would talk about, okay, what happened? He was running from you. And, you know, all those things we talk about it.

And, I mean, all of them. Every -- I mean, we discuss a simple little foot pursuit. We're definitely gonna discuss this. And this whole scene, the whole -- you could see it. You know, it's almost like seeing it in somebody's face. When you're confident about something, yeah, you know, we did --

yeah, okay, -- you're pretty confident.

But when you're a little bit worried about, okay, is everything in the right place, you can see it in everybody's face. Everybody was a little concerned. A little bit more concerned than normal. 'Cause planting a gun on someone is not that big of a deal. Getting in an officer-involved shooting, and now, having to move things around, is a little bit more -- a little bit more worrisome.

Q BY MR. WICH: Two questions. You didn't know he was shot in the back. Did you know -- you didn't know that he was shot in the back? You didn't know that he was shot in the back. And you debriefed later. Did you talk -- did they ever talk about a shooting starting on the 4th floor?

A (No audible response.)

Q Okay. So, that was talked about?

A Yes, I definitely knew that they were chasing a guy. And they were shooting at him the whole time.

Q Oh, okay.

A Uh, that's why, when I came down some stairs and there was a -- a -- a banister, I knew there was a round. There should have been a round. 'Cause I remember when we -- we walked through before everybody shows up. And I remember there was a round in one of the banisters. And this is --

Q Okay.

A -- when they were chasing him and firing. And I know there was some -- there was -- I remember certain rounds

striking several places. Uhm, so, yeah, I did know that.

Q Okay. Go ahead. I just have one more for now. Okay. I'm sorry. And then, the other one, the gun was brought down and placed on the stair next to the body.

A Yes.

Q If they're going through all that, why is the body moved then down to the lobby? Did they give you a reason for that?

A Nope. See, all of that, if the body was moved, or - - no, the body was moved.

Q Right.

A If this -- the scene was moved, it was something that was thought up by Sgt. Ortiz after the -- after the fact --

Q Okay.

A -- after they met up, and this is not good. And for some -- I don't know the reason.

Q BY MR. ROSENTHAL: Well, the guy was alive. You had to bring him to the R.A.; didn't you?

MR. ASHEN: Right.

THE WITNESS: Not on something like that. You let the R.A. come to him.

MR. ROSENTHAL: Okay.

THE WITNESS: This guy received one right here.

MR. ASHEN: Exactly.

THE WITNESS: And he's laid back. I mean, I -- you let the R.A. come to him. Because me standing him up, lifting him

up, I just compressed his heart and made some more blood splatter. And the bullet could have went through his spine, and now, I moved him, picked him up, made him walk. And now he's crippled even if he survives.

There's certain reasons why you leave him where he's at and let the R.A. come and deal with him. I don't want to be responsible for moving him. That's a whole 'nother lawsuit.

MR. ASHEN: Right.

THE WITNESS: But the whole thing about moving the scene, if the scene was moved, would have been something that they would have thought of after the meeting, and which is -- would have been why they wanted the body moved out of there. So, they could do whatever they wanted to do.

You know, uhm, again, I don't know why the scene was moved. But if it would have been moved, it was something that was discussed at the little meeting. And for whatever reason, you know. And it would have been something Sgt. Ortiz would have thought of.

Q BY MR. WICH: Because, you, as an officer would know. You show up. There's a guy that's shot. The gun's right there. You got yourself a perfect scene. Why change anything?

A Exactly.

Q And that's why I was kind of curious why the gun had been brought down a floor. Probably to make it look better for Patel's shooting, obviously. But then, the body's moved after that. It's been bothering me in my mind, why. And I guess

they never told you why that that was done.

A No.

MR. MCKESSON: Let me ask a question. In the crime films, don't they show the gun and the body there at the same time?

MR. WICH: No. Because the body's moved. The crime scene -- they didn't get in there until way after the fact.

MS. FERGUSON: And the body was -- was transported to the hospital where he was pronounced.

THE WITNESS: Yeah, he -- he was gasping for air when he was down there. I mean, he's -- you know how hear that gurgling, uh, breathing.

MR. WICH; Right.

THE WITNESS: Trying to get your last breath in. That's when I got him up and get him downstairs, you know, so, that we meet the R.A. in front of the lobby, you know, instead of the R.A. coming up here.

So, you know, he walked on his own. But we know he was gasping for his last breath.

MR. WICH: Right.

Q BY MR. ASHEN: There wasn't anything thrown over him to -- to shield the wound from any of the, uh, officers, like Sgt. Ortiz, or any of the other senior officers there; correct?

A No. In fact, when I lifted him up, I had him by the collar of his shirt. I held him up and then, I walked downstairs. There was nothing in front of him. I was the only one holding him, so --

Q Do you want to finish up?

Q BY MS. FERGUSON: One more question. One question. Or a couple of questions to do with the third floor.

A Mmnh-mmnh.

Q We received information that there was a, uh, gangster who was arrested on the 4th floor that had a mini-Uzi on him.

A I'm glad you brought that up because that was brought up at the scene. Or somebody brought down to the -- to the floor, yes. I think it was one of the last questions somebody asked me at the scene. And I said, "I don't remember." Somebody was, uh, -- uh, brought where he was shot. Some -- another male Hispanic was -- a male Hispanic, but he had kind of a brown complexion to him. He was brought down. And he was standing there, uh, for a short minute, uh, where the defendant was shot at -- I mean, the -- the victim.

Q BY MS. FERGUSON: Do you recall what that -- that gangster's name was?

A Oh, no.

Q Have you ever seen him before?

Q BY MR. MCKESSON: To your knowledge?

A I may have. But, you know, if you showed me a picture of him, he had short, uh, kind of hair. It -- it looked like it had been shaved. But it was growing back. And it was short to his face. Kind of brown-skinned. Kind of a young-looking guy. Maybe 18 years old. That's what I remember of him.

Q His name is Saul Montufar.

A That doesn't strike any memory.

Q Okay. Do you know how long he was on the third floor before he was moved?

Q BY MR. WICH: That is when he was brought down next to Saldana. How long was he next to Saldana?

A They didn't -- they didn't bring him down when I was bringing Saldana down. When I took, uh, Saldana out of there, somebody was watching him. Somebody was doing something with him.

Q BY MS. FERGUSON: How long, if you know, were the two of them -- Montufar and Saldana -- together on the third floor?

MR. ROSENTHAL: I'm not sure I heard Mr. Perez say that they were together on the third floor. I'm not sure. I think I'm misunderstanding something.

THE WITNESS: They were. What I had -- that -- one of the things I had forgotten, and I'm glad you brought it up. Because I was gonna bring it up that he didn't -- was he ever -- the defendant that was detained earlier with the machine gun or something, or --

MS. FERGUSON: Mini-Uzi.

THE WITNESS: The mini-Uzi who was detained up on the 4th floor and brought down. And thinking, you know, on my own, I remember that he was. The question now is how long, uh, were they together on the same floor -- on the third floor? And if they were, at any time? They were.

And if I had to take a guess, it was just a matter of a few minutes. Uh, maybe three minutes. I don't know how he was detained upstairs though. That's the only thing I don't know. Because all the officers were down here. And I don't know if they chained him to -- or handcuffed him to a railing, or how they detained him.

But we knew that he -- they had somebody in custody. Had one in custody. I just don't know how they detained him.

Q BY MR. ASHEN: Saldana was still there on the third floor, though; correct?

A When they brought him down?

Q Yes.

A Yes.

Q Okay.

Q BY MS. FERGUSON: Do you recall who brought him down to the third floor? The guy with the mini-Uzi?

A No.

Q Do you recall if you moved Saldana before the guy with the mini-Uzi was moved?

A No.

Q The --

MR. MCKESSON: When you say the guy moved -- moved from where?

MS. FERGUSON: From the third floor.

MR. MCKESSON: From the third floor out the building?

MS. FERGUSON: Out the building.

THE WITNESS: No. Uh, Saldana was still there when he appeared. I don't remember him coming down. I remember him being there.

MS. FERGUSON: Okay.

THE WITNESS: How's that?

MS. FERGUSON: Okay.

THE WITNESS: I remember him being there. I don't remember him coming down.

Q BY MS. FERGUSON: Do you remember him leaving -- the guy with the mini-Uzi?

A No. That's why I say I must have left before he did, 'cause I remember getting the body out of there. I'm -- I'm sure, eventually, he was moved. But I don't remember him being moved. Or -- or if they took a different stair, you know, right there, the stairs right there, or -- or what. I know I went across the hallway. I didn't go right down the stairs. I went across the hallway and then down.

Q BY MR. ASHEN: I have a few more questions. Uh, I want to get back to the huddle. How long was the huddle all together?

A All together? Mmnh, you're talking about -- see, there was a huddle. When -- when everything first occurred, the huddled up. We took the body -- I took the body down with some other officers following. And then, we came back up. And they were huddling again.

Q Okay. Before the body was taken down, how long was

the huddle?

A I'll say about five minutes.

Q Okay. And after the huddle, that's when you're given instructions to take him down?

A Yes.

Q Okay. When was the call made to the paramedics then?

A At some point, uh, --

Q Was it before or after the huddle -- the first huddle?

A No, I think it's -- I think it's made before the huddle. I think the R.A.'s requested. It was probably requested through the guys downstairs before they got upstairs to where the other body is. But I think the R.A. was already called before the huddle was made, or the huddle was formed.

Q Okay. And do you know who made the call? Who called in?

A No, I don't, sir.

Q Okay. Did you ever see Sgt. Hoopes at the scene anywhere? He's a sergeant, correct?

A Yeah. I believe he was at the scene. I want to say yes, I do remember him at the scene. But he was at the scene at the -- the Lake one. I don't have a clear memory as to whether Sgt. Hoopes was there or not.

Q Okay. Uh, after the shooting, you assisted Officer Arzate in writing a report on this matter; correct?

A I think on one of the witnesses that was there, one of the civilians or something.

Q Right. Now, one of the -- did you interview one of the wounded civilians?

A Yeah, I think somebody had gotten shot in the shoulder.

Q Yes.

A A male -- male Hispanic. And we had him in one of the interview rooms.

Q Okay.

A And, in fact, he was showing me where the -- the pellet or something had gone in through his shoulder or something.

Q And you have stated previously that -- that this person, when he was interviewed, in -- in Arzate's presence, you were talking to him in Spanish; correct?

A Yes.

Q Does Ar- -- does Arzate speak Spanish?

A He speaks Spanish, too. But I speak a little bit better Spanish than he does.

Q Okay. So, you were talking to this -- to this man asking him questions; correct?

A Yes.

Q Now, did this man tell you whether or not he saw the young man that Montoya shot with a gun in his hand right before Montoya shot him?

A If I remember correctly, I remember him saying that he saw the guy running by him, but that he was not carrying a

gun.

Q Okay. And did you tell Arzate that? Or did you keep that information from Arzate?

A I'm not sure. I'm really not sure. Did I tell Arzate that he said that somebody had a gun, or didn't have a gun?

Q You had to relay the information to Arzate. When this man told you that the -- that this guy did not have a gun, --

A Right.

Q -- did you tell that to Arzate, so he could put that in the report?

A I may have not have necessarily -- may have not relayed every little -- you got to remember Arzate's asking the questions.

Q Okay.

A And if he asks a particular question and the guy answered and Arzate understands it, --

Q Mmnh-mmnh.

A -- then, he doesn't need to ask me. Or I may -- I may ask a question on some of them, but when he answers, Arzate knows the answer. Or he understands what he said. So, he may write it on his own. So, I don't remember whether, -- uh, whether I told Arzate that he said that guy did not have a gun. I remember, uh, hearing about -- or him saying that the guy didn't have a gun. He ran past him or something like that.

Q Mmnh-mmnh.

A But did I tell Arzate that he said that the guy said -- or he didn't have a gun? I don't remember that.

Q Yeah, 'cause that would be pretty important to the shooting; would it not -- that information?

A Oh, absolutely. I know he was pretty adamant that, "I didn't see anybody with a gun."

Q Okay. So, if the guy would have told you that, you have told Arzate that, if Arzate didn't understand?

A You mean, back then?

Q Yeah. In other words, would -- would you have -- if the guy had told that to you, would you have told Arzate?

A I may have. Not necessarily, positively.

Q Is there any reason why you wouldn't have told Arzate that, hypothetically?

A That he said that he didn't see somebody with a gun?

Q Yeah.

A Because it looks bad for Montoya.

Q Okay. Well, that's what I'm talking about. I mean, is there any information -- is there any reason why you would want to keep that information from Arzate if he didn't -- Arzate didn't understand what the man was saying?

A I think if -- and let me back up a little bit about how interviews go.

Q All right.

A Because I know everybody thinks that interview just you just somebody down and then you're talking to them and you

tape everything. That's -- what usually happens in these interviews is you talk to the guy first. You -- tell me -- tell me everything that happened. Tell me everything you saw. And then, you sort of conform. You sure you didn't see that? That type of thing happens.

But I remember talking to him. I remember him saying the whole time that, no, he didn't see no gun. And all -- and all that. So, I'm not sure if I told Arzate this guy said he didn't see a gun. I don't remember intentionally keeping it from him. In other words, this guy said he didn't see a gun, I told -- I went and told several of the supervisors, or the supervisor. And -- and he said something about not seeing a gun. 'Cause I mean, we've done that, sure. You know, this guy said -- this witness said that he saw this. We write something else.

A prime example would be like the Shatto or the -- the Scorpion. The guy that got beat up and -- and there was a witness there. And the witness -- we told the witness, basically, what to say. He signed it. And we told him to disappear. Not to come back around Rampart. That's something --

Q BY MR. ROSENTHAL: That's Gabriel Aguirre?

A The Aguirre case, yes. On this one, do I specifically remember not -- or avoiding telling, uh, Arzate that this guy said -- not really. I thought it was well-known. I thought it was a fact that he didn't -- that his statement was he didn't

see a gun.

Q BY MR. ASHEN: Okay.

A That he didn't see him carrying a gun.

Q Did you read Arzate's report?

A I've never seen the report. I've never even seen what he wrote.

Q Okay.

Q BY MS. FERGUSON: A couple of questions. When -- when you interviewed this witness to get -- tell me your story, before the official interview, this is the civilian that was -- was grazed with a -- with a pellet? Was Arzate present during that interview?

(Off the record to change tape.)

(Back on the record.)

MS. FERGUSON: We're back on tape. It's 7:00 p.m.

Q The last question that we had asked you before the tape ended was if, uhm, when you were interviewing the witness, I would imagine it was at Rampart Station, the witness that had been shot in the shoulder with a pellet?

A Right.

Q If -- on the pre-interview, where you get his story, what he really saw --

A Right.

Q -- do you recall if Arzate was present during that pre-interview?

A I think he was present. But I think there was also

somebody else present. There were several people sort of like coming and going. We sort of sat him down and, you know, you okay, comfortable, all that good stuff.

But, for some reason, I know I was in and out a couple of times. Uh, and there was other people coming and going, including Arzate coming and going. But, during the -- the first questioning, you know, yeah, I think he was in on and off until we decided that this is going to be the statement and let's go from here.

Q Is Arzate's Spanish good enough that if this witness would have said in Spanish, "No, I did not see a gun" he would have understood that without you having to translate to him that he didn't have a gun?

A I'm not sure. I'm not sure how -- he understands Spanish. I'm not too sure how efficient he is. It depends on, you know, what the question is. Well, let's say the question is, uh, "Did you see the guy that ran by you, and was he carrying a gun?"

(Spanish spoken.)

Q Mmnh-mmnh.

A (Spanish spoken.) And that's pretty simple. No, no gun. I don't know exactly how he answered the question. I've never seen the actual statement. Arzate's holding this interview. He's doing the interviewing. I'm there assisting him, uh, with some of the Spanish that he may not understand. So, I want you to understand that.

Q Okay.

A 'Cause I never -- I wrote nothing as far as the interview itself. So, I never read it. So, some of the things that he wrote, he's writing them on his own. I mean, I'm just helping him, you know, what did -- what does that mean, you know. So, I'm not sure if he -- you know, the way the -- the person said it he understood it clearly.

(Spanish spoken.)

I'm saying it in Spanish. But he didn't -- you know, he didn't --

Q He didn't have a gun, or he didn't see a gun --

A Right.

Q -- was the direct translation.

Q BY MR. WICH: Was Arzate in the loop?

A Arzate was one of those he worked C.R.A.S.H. Detectives. He knew what was going on. He wasn't involved in any of it. He wasn't involved in any of our arrests. He works Detectives. He was aware of some of the stuff that goes on. He knows. He interviews all the people that we arrest.

He hears all the stories. I mean, everything. I didn't have nothing. He hears all the aftermath, you know, the next day when he goes, uh, to 510 these people. He knows things are going on. But he's not involved with it directly.

Q BY MR. ASHEN: To digress and move to another area, you said that there was sixteen officers, uh, C.R.A.S.H. officers on duty that night?

A Roughly.

Q Well, approximately. Yeah, I mean, in the normal course of things, that's the -- that's the number of officers; correct?

A Yes, sir.

Q All right. And, uh, do you -- were -- inside the building, were there any more officers inside the building, other than the officers that you've mentioned? We're talking about Montoya, Patel, Hewitt, Stepp, yourself, Richardson, Ortiz, --

A Duarte.

Q Duarte? Okay. And McNeil at the front door.

A McNeil.

Q Is there any more officers inside that may -- that may have been helping out in one way or another, uh, to door-knock or anything else like that?

Q BY MR. WICH: And what might help that out is when Montufar came down the stairs, the officers that were on the third floor at the round-up, did one of them go up and get him? Or did other officers bring him down when all of a sudden he just appeared there?

A You know, if you told me that you had a log for that day of everybody that worked -- for example, if you told me Liddy was there -- or Liddy worked that day, I could tell you absolutely Liddy was not there, you know.

If you gave me a log and showed me who was working

that day, it may jar a memory. At this point, those are the only officers I remember.

Q Okay.

Q BY MR. ASHEN: Okay. I just have one last area I want to touch on. Uh, in your first transcript, in Volume 1, of the first transcript -- I know you haven't had the benefit of reading it, but we have. Uh, and, uh, certainly, uh, all we want to do is clarify, you know, what you said in that transcript.

Uh, in there -- in that transcript -- you were talking about Hewitt and Stepp and what they may have said to you afterwards.

A Mmnh-mmnh.

Q And what you say is, is that "Later they said the guy had dropped the gun already when they were running after him, shooting at him, going down the stairs." Okay. From that -- when I looked at that in there, it -- it -- at least the inference was, was that -- was that they had a conversation with you sometime after the shooting, either right after the shooting, or sometime, uh, later on, maybe perhaps at the benches or, uh, at the Academy; correct?

Uh, any time like that that they may have, uh, stated something like that to you?

A I think what I had said was the way we were talking, and the way things were being said, and I said it appeared to me that what happened was -- 'cause I think one of the questions

was, did I think that someone had the gun, or was the gun planted on them, or something like. I think that's what the - - that's what -- that's what the question was.

And I remember saying that, based on some of the little conversation and the little gestures that were made, at different times -- at the benches, Short Stop afterwards -- it appeared to me that he actually had a gun but dropped it along when they first started chasing him or something.

Q That's what we're trying to get at, is that, you know, these things aren't just hunches on your part. It seems like there's got to be a little fragment of information here or there from -- from one of more of these guys that would lead you to believe that that's what they were referring to.

Certainly, you could infer that from the circumstances. Uh, but, I'm asking you what they said, if anything, and who said it?

A There was, at no time, any specific statement made to me like the guy upstairs dropped the gun and then we went back and got it. That -- that didn't happen.

Q Okay.

A What I'm saying is, after the shooting, going to the Short Stop to drink beers and congratulate everybody, going up to the benches and drinking some more, the way things -- the way stories are told, yeah, this is what happened, right, you know, we're chasing the guy.

And, in other words, I can tell you, you know, I was

with my wife and I saw this woman. Uhm, you know, you're just -- you're expressions or your -- your -- the way you tell a story, there's an inference in the story, the way it's told.

And it's kind of hard to explain it. But, you don't have to tell me -- a C.R.A.S.H. officer -- I'm not going to tell another C.R.A.S.H. officer, "Yeah, you know, the -- the guy dropped the gun and -- and we planted it on him" or something like that. You know. I know you planted it on him. You know, that's not necessary. I mean, I know.

It's like telling me, you know, I put dope on this guy, you know, he had an attitude. If I get to a scene and the guy's got a major attitude, and, uh, they're taking him and he -- well, what are you taking him for? "11350." Okay. I know. You know, all you have to do is look at me and I know.

So, it was more like a -- an inference, as far as this situation goes, as far as the gun, uh, whether he was carrying it and dropped it and then they came back and brought it there, or that there was no gun, it was just planted on him. I think that's -- it was something like that the question.

And my statement was, based on everything that was said and inferences made, I believe that that person actually had a gun. Q Okay.

A I believe that person dropped the gun a long time ago, right when they probably saw the first officers, uh, Stepp and, uh, -- and Hewitt. They dropped the gun. Hewitt and Stepp continued chasing them, shooting away at them. Down the hallway

they kept shooting at them, and running at them.

They kept shooting. And, you know, right down to wherever it originally, uh, ended up getting shot at. And then, they went back and either picked up the gun or whatever they did. And they went and got that gun and brought it down.

That's what I believe happened that he actually had that gun at one point or another. I don't think he, uh, carried that gun, you know, the whole time when he was being chased and all, I don't think he had the gun.

Q I've got to go through -- I've got to go into one more area that you had brought up. And that's the walk-through afterwards, led by Ortiz. All right.

A Yeah.

Q Okay. Who -- who walked through with Ortiz?

A The same officers that were in the -- that were in the meeting, including myself, although I wasn't in the original meeting. We were just wanting to get a -- a visual, a good look at where did it all start. You know, would you run, that type of thing.

Uh, so, I remember -- I remember Hewitt showing Sgt. Ortiz, you know, where some of the rounds should have been hitting, you know. "I remember running and shooting through here" that type of thing. But that's why I remember the rounds. I remember where -- where the rounds were striking, because I remember him showing Sgt. Ortiz.

Uh, who -- everybody that was there, I really --

everybody that was in the original meeting, but I mean, I had no definite, you know, -- I could see their faces. I remember Hewitt. And I remember Hewitt talking to Ortiz. And I remember other officers being there.

So, I have to assume that it was all the other officers that work C.R.A.S.H. And we were there. And it was done before everybody else was coming in.

Q When you saw Hewitt talking, was he making any statements regarding the shot -- that shot at the guy because he was -- the guy was pointing a gun at me here. And here I shot at him. Anything like that?

A He never said this guy pointed a gun at him. He was just saying where he was shooting from, or where he shot, where he was running and shooting. And something that -- that stands out in my mind, was that Stepp stated he just was trying to fire so quickly that he probably just boom, and actually hit a door jam. And it didn't -- the round didn't even go down the hallway.

Stepp sort of just fired rounds real fast. But that stands out, because I remember saying it.

Q Okay. Was Montoya and -- and Patel, did they explain their situation, too?

A No.

Q Okay.

A I think that must have been handled already there. I think what happened was we wanted to cover the other scene, or

the other -- where the shooting occurred -- Hewitt's and, uh, Stepp's. That's why they ended up going upstairs and looking at that area or how it all happened.

Q But you don't remember most of the conversation, just -- just the part that you had just mentioned?

A I remember Hewitt talking. And then, I remember Stepp saying they were sort of replaying it. Uh, you know, where they fired from and where the bullets should have hit.

I remember Stepp saying that he just kind of launched a round down range and it hit the door jam he thinks, because he remembers splinters, or something like that.

Uh, but, you know, specifics, no.

Q Okay. And there was no such walk-through with -- with Montoya and Patel?

A No. I mean, they were there.

Q Mmnh-mmnh.

A But did we go and walk through --

Q Their shooting.

A -- theirs? I don't remember.

Q Uh, Montoya's shooting, I should say.

A I don't remember.

Q Okay. What about Patel? Did you walk through Patel's shooting?

A No.

Q Okay. That's all. I promise.

Q BY MR. WICH: I've got just three.

MS. FERGUSON: 37 questions. No, I'm kidding.

(Laughing heard.)

Q BY MR. WICH: One was when the taxicab -- you told your partner Duarte to move it. Who guarded that area after so she would get that car back in? Because everybody in the world is coming down to this crime scene. Is there any way of telling somebody not to stop there? You know, because you had to move the taxicab out and move the Taurus car back.

A Right. How that car was moved out and moved in, I don't have no idea. Because I never left the building. I stayed in the building the whole time.

Q Okay. When you guys had left to get the taxicab, do you know how many guys actually went into the apartment building before you came back with the taxicab? How many officers that went in on the different floors?

MR. MCKESSON: Are you asking him to speculate?

MR. WICH: Yes.

THE WITNESS: Because --

Q BY MR. WICH: Excuse me. We talked about sixteen officers in the unit that night.

A Not all of them responded to this.

Q No, I understand that. But I know you guys have your snoopied-up location. And you left. But could more officers have showed up and gone into that building without you knowing about that?

A No, I got to know. I need to know. That's something

that I have to know.

Q Okay. So, as far as --

A If you get into a confrontation, all the officers are here and see some rounds coming down range, I better know that that's an officer shooting and I'm not going to shoot him. That would be a major catastrophe.

Q Okay. So, as far as you know, it was these four officers that went in the back?

A Yeah.

Q And my other question was, uhm, after the O.I.S., and you guys do the walk-through, is it just the C.R.A.S.H. guys that shut down the inside of the apartment building to keep everybody in the apartments?

When O.I.S. shows up do they ask you guys to go and get F.I.'s from witnesses for the shooting? Or do you guys, on your own, give, uh, F.I.'s to the O.I.S. Team, saying, "These are our witnesses. Nobody else saw anything?"

A No, we -- we -- we started getting the F.I.'s --

Q Prior to --

A -- long before the shooting team --

Q Right.

A -- gets there. We figure out witnesses. Not to say that it happened on this occasion, but if there is not a very good -- if it's not a very good witness, in our favor, "Okay, ma'am, thank you. Good-bye." That type of thing.

So, and if it was something good in our favor, "Okay.

We need you to stay right here." But I don't remember that happening here, uh, in this incident.

Q What I'm saying, there is some apartments over here that had a lot of people in there.

A Mmnh-mmnh.

Q That we know were forced to stay in their apartment, basically. But they were -- that was never really revealed to the investigating officers of the shooting. And, so, I'm trying to find out was that done on purpose by you guys to just keep people locked up. Was that done by Sgt. Ortiz? Or is this just your general protocol to go out and get good witnesses and everybody else get rid of?

A We're definitely getting -- we're gonna get the good witnesses. And everybody else that's not good, "Okay. You can leave now."

Q And our last question, because we're gonna go look for something on the property report, you said the protocol sheet. Where do you think that was? Was it in your locker at the Detective Bureau? Or over at the patrol, uh, station? Or would that have been at your house maybe?

A No, it would have been -- it was probably in one of my posse box. Like a posse box. You know, the metal posse boxes.

Q Okay.

A If not in my posse box, in my war bag. And I don't know if my war bag was still in the police car and they searched the police car.

Q I don't know.

A There may have been a war bag left in the unit that I drive every day.

Q Right.

A It may still be there. Who knows?

Q Okay.

A But, anyway, I had a -- a binder there. And this was about a -- maybe a ten-sheet, uh, called "C.R.A.S.H. Protocol"

Q Ten sheets?

A About ten sheets worth of things that we do. Uhm, how do you disarm -- and how do you -- you know, there's certain grounds that you dishonor -- you dishonor the unit. Uhm, talk bad about the unit, uh, giving information about the unit -- that's absolute grounds to get thrown out of the unit.

You know, it talks about -- a little bit about everything. How we handle scenes, how, uh, when we go snoopy-up, uh, -- snoopy-up south. We know that that's at the Pep Boys down on Washington and, uh, -- and Hoover. And you better know that. Don't be getting on the air going, "Well, where -- where is that location at?"

Q Is this given to all the guys that come in to C.R.A.S.H.?

A Eventually, yes.

Q Okay. And who gave you this? The sergeant, or is this the P3's job?

A The sergeant printed up and made up most of it. Uh,

the P3's, uh, usually would give it to the guys that came in.

Q And when I say "sergeant" I say Sgt. Ortiz is the one I'm referring to.

A Yes, Sgt. Ortiz actually created this protocol.

Q BY MR. ROSENTHAL: So, you don't know whether it was seized or not in the search warrants?

A No.

Q Okay. But it could have been in your war bag or in this -- what do you call it?

MR. MCKESSON: Posse box.

THE WITNESS: In my war bag in a binder. I mean, I would look everywhere. But it was either in a binder. It's papers. So, it might have been in my posse box. Inside the posse box. You open it. And you can stack papers in there.

Q BY MR. WICH: And where would the posse box be?

A In my locker. In my locker, uh, at the station.

Q Okay.

A But, I mean, I would check everything that I had in there. All -- I mean, I'm sure they cleaned it out by now. But it was -- I mean, you may even go ask the C.R.A.S.H. guys, and see if they still have -- you know, "Do you have a C.R.A.S.H. Protocol? Uh, I doubt it. I don't know. But it's a well-known thing. It's well-known within the C.R.A.S.H. guys.

Q Right. And is this just a -- is it handwritten? Or is it typing?

A It's typed up.

Q It's typed. Just so I know what I'm looking for if I look on a property report. Okay.

A White paper, typed out.

Q Okay.

A Printed out like a computer.

Q Is there a title to it? It just says "C.R.A.S.H. Protocol"?

A "C.R.A.S.H. Protocol".

Q Okay.

A Yeah.

Q BY MR. ASHEN: Ray, is there anything else that, uh, you've thought of, uh, between the last time -- now and the last time that you saw us that you want to tell us about? Anything that you think we should know?

A That was the one -- the main thing. Uh, because it working in my mind. Uh, but, other than that, no.

MR. ROSENTHAL: Okay. Why don't we go off the record for a moment?

MS. FERGUSON: It is 19 after 7:00 p.m.

(Off the record at 7:19 p.m.)

(Back on the record at 7:19 p.m.)

MR. ROSENTHAL: It's 7:19.

Q Uhm, just a couple general questions. One on Ovando. Back when we first met, at one point in time, you mentioned a plaque that you received. And you said that it was for the Ovando shooting.

A Yes, sir.

Q And I think you said, uh, a black ribbon was for a death. And a red one was for --

A A black spade playing card -- spade -- was for a kill. And then, a hearts -- uh, the two of hearts -- uh, two standing for Rampart. Red means a hit but no -- not -- no kill. Uh, and then, above the card -- through the card, you put how many rounds you fired, you know, the casings.

But Sgt. Hoopes makes those up. And they put how many casings based on how many rounds you fired.

Q So, you would have gotten one? And Durden would have gotten one?

A Yes, sir.

Q Where is that now? Any idea?

A My plaque?

Q Yeah.

A In my house, I'm assuming.

Q Okay. So, -- and I know you -- your wife has moved from the Damask Avenue house.

A Yes.

Q So, she possibly would have packed it up and brought it with her? Would she have it, at that point?

A She should.

Q Okay.

A It's probably in a box along with some sports memorabilia and stuff that I had probably -- stuff like that.

Because all of that was in the same room. I had it up on a wall. So, I'm assuming she put all of that in one box.

Q What I'm gonna ask, then, if Mr. McKesson or -- or you can either call your wife or contact her and ask her if she can find it. And then, if it can be given over to Mr. McKesson to give it to over to one of the detectives -- Detective Tyndall -- or one of the detectives working the Ovando case.

Did you get -- was there any kind of ceremony when you got that?

A Yeah. There was a big ceremony.

Q Why don't you tell us a little bit about it?

A There's a -- and in something like this it's almost mandatory. Uh, there's a big -- a big plaque ceremony. It's called a plaque ceremony. You know, I told you there was a mug ceremony, leaving the unit ceremony type thing.

But, any way, uh, Sgt. Hoopes makes them. Most the prior C.R.A.S.H. supervisors are there. Uh, most of the C.R.A.S.H., prior C.R.A.S.H. officers that might have left and went to Metro or wherever, they usually show up. It's just a ceremony. You drink beer and have a little steak fry. And you sit there and they explain, uh, you know, a little bit about what happened.

Uh, something that stands out in my mind was Sgt. Ortiz -- uh, Officer Durden, uh, went out on a limb. He made this statement.

Q Mmnh-mmnh.

A Because each officer gives a little speech. You know, Durden told Sgt. Ortiz, "I just want you to know, Sgt. Ortiz, that you saved our lives that night. You, uhm, -- you know, your tactics and your training, and everything you've taught us, you know, you saved our life."

You know, Durden likes to talk a lot. He's really, you know -- he'll go out on a limb. Anyway, I remember him saying that, that, you know, because everything that Sgt. Ortiz taught us, he saved our life that night. We used great tactics and because of him.

Anyway, uhm, once we say our little speech, uh, you know, everybody passes the mug around and they say, you know, uh, "Great job." Uh, whatever, you know, all the good little things. And that's, basically, it.

Usually you go back to the Short Stop and put some money in the tab or whatever. And everybody keeps drinking.

Q Okay. Do you remember where that happened, or how long after the Ovando shooting that would have happened?

A Probably no more than -- no more than a month.

Q But would there have been a similar, uh, party for the Shatto Place shooting with similar plaques given out?

A Oh, yeah. Definitely.

Q So, there would have been a plaque for Patel?

A Mmh-mmnh.

Q What about for Hewitt and Stepp?

A I never even knew Hewitt was a hit. That's why I say

there was a lot of mystery to this whole -- you know, that Shatto one. Because that's something that Hewitt, knowing how I know Hewitt, would have been bragging about. He would have been bragging about it. And this was kept so hush-hush.

And, obviously, the Coroner's report that the -- everybody knows that the guy was shot in the back. Because I'm sure they -- they examined him. But within the unit that was kept.

Q So, then, actually, we would have -- and I apologize. I didn't think I was going to be asking about Shatto Place. But we should have a plaque spade for Patel, and then, a red heart for Hewitt?

A Yeah, but I sure don't remember Hewitt getting one. I remember Patel getting his. But I don't remember Hewitt getting his.

Q How about Montoya?

A I don't remember his either. I remember Patel because it was a kill. And I remember all of us, you know, hurrah, hurrah, type of thing. I don't know if theirs was done separately or -- I don't know why I don't remember theirs. I definitely remember Kulin Patel's. Because I remember seeing, you know, the -- the two of spades, the -- the whole thing. I don't remember Hewitt's. And I don't remember Montoya's.

Q Okay. On to another topic. Uh, there were at least some allegations made by a defendant who claimed he was framed, uh, in the L.A. Times, as we're getting used to.

And this particular defendant claimed that prior to the buy, uh, which was made by you --

A The buy?

Q Or a buy of cocaine.

A Okay.

Q Where he, basically, says that it was a --

MR. MCKESSON: Can we go off the record? My wife just paged me.

MR. ROSENTHAL: Oh, sure. We'll go off the record for a moment.

(Off the record at 7:30 p.m.)

(Back on the record at 7:33 p.m.)

MS. FERGUSON: All right. We're back on the record. It is, uh, 7:33 p.m.

MR. ROSENTHAL: All right. We covered the Ovando -- oh, that's right. We're going into, uh, some allegations. And I think this defendant's name was Hunter. And he alleged a, uh, -- that you made an illegal buy of narcotics. It was in '92. And we know, from talking to you before, that you've stated that you've not engaged in any illegal conduct before you joined C.R.A.S.H.

One of the statements he made, though -- or one of the accusations, is he's claiming that you were a drug user who purchased cocaine from him on numerous occasions, etcetera. Uhm, have you ever used cocaine?

A I've never used any type of cocaine -- rock cocaine,

powder cocaine. I've never used drugs ever.

Q And that includes, obviously, while in L.A.P.D., no use of any drugs?

A None.

Q And that would include the drugs you stole? So, all the drugs you stole were for purposes of sales?

A I never used any of it.

Q Okay. Uhm, one of the other things that we've seen in the papers a little bit more recently, and I just want to ask you some general questions about is the connections between David Mack and Death Row Records, and such. And I don't recall -- we may have asked the question before. But we're just cover this fairly quick. Uh, did you ever do any security work for Death Row Records?

A Never.

Q Uh, no contact with anyone at Death Row?

A No.

MR. MCKESSON: That you know of.

THE WITNESS: That I know of. Okay. Let me -- let me say this. Back in 1992, late 1992, I worked off-duty at the Lakewood Red Onion. At the Lakewood Red Onion, there was a Muslim guy. I believe his name was Malik, or something like that.

Q BY MR. ASHEN: Do you know how it would be spelled?

A No. M-a-l- --

Q M-a-l-i-k. Malik.

A He was a real short, but real stocky buffed-out guy. And he was a Muslim. And I remember him telling us that there is there rapper who, uhm, is gonna hire him to travel with him, since this rapper is up and coming. And he's gonna be a pretty good rapper.

It turns out that that rapper is Snoop Doggy Dog. Snoop Doggy Dog is, I guess, involved somehow with -- with, uh, Death Row; isn't he?

MR. MCKESSON: He's on the label.

THE WITNESS: He's on the label with Death Row. Malik is the same person who was charged with Snoop Doggy Dog's murder.

MR. MCKESSON: No, Snoop Doggy Dog is not dead.

THE WITNESS: No, Snoop Doggy Dog is charged with attempted murder. Snoop Doggy Dog was charged with attempted murder, and the guy died, though; right?

MR. MCKESSON: Yeah, he died.

THE WITNESS: It was a murder in West L.A. at some park or something.

MR. MCKESSON: That's right.

THE WITNESS: They chased the guy down. He was shot. They beat him up and shot him. That Malik is the same Malik that I was working off-duty with. And I have no personal -- other than he was there at the same time I was there, I had nothing to do with him. That is about the closest that I can think of that there might be a little connection there.

But this was before -- I'm sure before Death Row was

really Death Row. This is when Snoop Doggy Dog was just up and coming. And they were just getting started.

Uhm, did I know Officer --

MR. MCKESSON: Gaines.

THE WITNESS: Gaines? I know that's --

MR. ROSENTHAL: And we asked you that before.

THE WITNESS: I don't -- I have never even met Officer -- I've heard about Officer Gaines getting killed off-duty or something like that. I've never met Officer Gaines. I've never worked off-duty for any rapper, per se, you know, directly, or anything like that.

Q BY MR. ROSENTHAL: Do you have information or reason to believe that David Mack was working for Death Row Records or doing security for them?

A I've never heard of him working for any, uh, record label or Death Row Records, or anything.

Q Uh, any knowledge, other than what you've read in the papers, about the murder of Biggie Small?

A No knowledge.

Q Uhm, with respect to the arrests that you made while you at C.R.A.S.H. -- and this may be a little hard for you to deal. But what I'd like you to do is think about it. And try and think of the arrests that you've made while you were at Rampart C.R.A.S.H.

A Of the arrests of?

Q Of the arrests. All -- all of the arrests.

A Okay.

Q Uh, what percentage would you say were perfectly good arrests, where the person was legitimately guilty of the crime they committed, versus the percentage of cases where you planted a gun or narcotics, uh, on the person?

MR. MCKESSON: I just have problems with that question.

MR. ROSENTHAL: I figured you would. And I don't care.

MR. MCKESSON: No, I see two or three different answers. I see one where the guy is guilty where probable cause is fabricated. And there is problems with that arrest, which -- which, in your hypothetical, assumes that's a good arrest.

Q BY MR. ROSENTHAL: Right. Well, let's -- we can cover it all in essence. If you can break it down in that way, that's fine. But let's try and say -- let's make it a little more clear.

Let's try and say what percentage of the cases were perfectly good in that there were not violations of probable cause, there was no planting of dope, no planting of guns, or no beating of the suspect, uhm, versus ones where there was problems?

And I know, of course, it's gonna -- you can't give a real, you know, specific percentage. But if you can just do the best you can.

A And you're talking about just mine, right?

Q Yeah, the ones that you were involved in.

A That I was involved in. I would say 50 percent of

them were right on. Just some knucklehead drops some dope in front of you. You see the guy running and he drops a gun. Just obvious stuff -- 50 percent.

Uh, 10 percent, uhm, the informant told you, "This guy has a gun. He's up there." And, of course, you fabricate why you're there. And then, the guy has a gun. So, you sort of have to fabricate, uh, that a radio call came in. Or you heard loud music. Or you heard a shot -- uh, a round being fired. You may fabricate something to get you there, or put you there, or something for probable cause.

Q So, the false observations, but the person was legitimately guilty of the crime that they were charged with?

A Right.

Q And 40 percent is flat out, uh, "You're going to jail. Uh, you're a gangster. You're a danger. You're too much out here. I told you to get out of the street. And you're going to jail."

Q It's that many?

A Yeah. I said 40 percent.

Q Now, of those we've identified, I think, -- and some of these include, uh, instances involving other officers.

A Mmnh-mmnh.

Q But we've identified about 52 cases involving about 80 defendants, from the interviews that we've conducted, uh, where you've, basically, said there were problems with the cases -- either false observations or false probable cause or planting

of narcotics or guns.

Uh, those cases -- and I'm just going to guess here. Let's assume of those 56 -- 52 cases, maybe 40 of them were yours. So, it sounds like what you're saying is that there were -- about how many arrests would you have made while you were at C.R.A.S.H.? Certainly a lot more than 40.

A Right. Uhm, and also, F.E.S. Uh, I started thinking about F.E.S. None of the arrests I really made at F.E.S. were, you know, uh --

Q False?

A Either I bought dope or someone had dope. I mean, most of them were pretty honest. I mean, the theft of money just happened to be -- coincide with that. But it was actual real clues, go to the house. They have drugs there. And they go to jail.

Q Although, some of those had problems with the probable cause?

A Right. That's why I say about 10 percent is to get me there, I have to use some probable cause. If you're telling me that 50 of those cases -- or 40 of them -- were cases directly to my -- there's got to be more than 40.

Q Of the ones -- we've talked about a lot of cases.

A Right.

Q Actually, I -- I have to take it back. Of the 40, those do not include the ones where you stole money --

A Oh, okay.

Q -- or narcotics. These are -- these are cases where the person is potentially, one, innocent, or two, probably cause was manufactured. So, it was an illegal search.

Uhm, let's take a guess. And I don't have the information with me now. But maybe there are another 20 cases where there were -- you've identified there were thefts of money or narcotics. Uh, adding up to about 60 or 70 total.

So, I guess, the next thing we can ask is just if you can give an estimate as to how many arrests you think you were involved in while you were at Rampart C.R.A.S.H.?

A Total? My total two and-a-half years there, I would say on a good month, -- and we go by month, not by D.P.'s at C.R.A.S.H. Uhm, I would say I would make maybe ten arrests, uh, a month. And let's say I worked, uh, ten months out of the year. Because, usually, I took two months out of the year vacation. I would take a vacation one. And I would take one two weeks out of the field. Another two weeks here. Another two weeks here.

So, I'm guesstimating I worked about ten months. So, you're looking at a hundred a year. Two hundred, uh, for two years. And about 250 for two and-a-half years. And that's if -- you know, that's -- ten arrests, I'm saying, you know, sometimes it might have seven. One month there were 13. I'm just putting it there.

Uh, so, that's about 250, did I say?

Q Okay. Yeah.

A About 250.

Q So, your guess is -- is --

A So, maybe my --

Q -- is about a hundred -- 40 percent of those would be about a hundred and ten or so.

A I would say somewhere around there. You know, I know you've -- you've only found -- you know, like I said, 40, 50, or 60.

Q Right.

A But, I would say, if I had to take a guess, if you asked me, you know, 40 percent was, uh, complete, uh, fabrication. Just planting or fabrication of evidence.

Q Actually, that would make that -- 40 percent of 250 is about 100. So, uhm -- so, it sounds like, even though you have had a chance to review all of the reports that you prepared, uh, while you were in C.R.A.S.H., uh, it sounds like, uh, some of what you have reviewed may have involved bad arrests that you just did not recognize from reading the report?

A Right. From either memory -- uh, I know that Sgt. Cook and Sgt. Mark Thompson said that they found another 30 reports regarding me and Durden. I definitely need to look at those. Any time me and Durden made arrests, I would want to look at those. I mean, there may be ten right out of those 30 that -- 30 additional, that were not logged. Especially, if they were not logged, they probably weren't logged for a reason.

So, I would definitely want to see those arrests.

Q Well, what we're going to do is have you -- we're going to be doing polygraph on Thursday -- the last polygraph. And then, on Friday, some detectives will come by with those for you to review. And then, we'll do a final, uh, pre-sentencing interview on Monday, where we'll go over the ones that you've picked out.

All right. Uh, any follow-up questions?

MR. WICH: My partner just reminded me. Just real quick. And I'll give you a D.R. number. It's 96-11-00781. This is the one where you guys -- uhm, it was a kidnapping. And then, an attempt rape.

MR. ROSENTHAL: Is that Granillo?

MR. WICH: Uh, yes. Granillo is the suspect.

MS. FERGUSON: You were working with McNeil.

Q BY MR. WICH: It was a super arrest. You guys made a great obs. And, apparently, Hewitt brags about tuning this guy up.

A Yeah.

Q We have a booking photo of the guy showing his eye thrashed.

A I think there's a rug burn, too.

Q It looks like a rug burn. Now, does Hewitt claim that he did a rug burn on the guy? What's -- what's his claim on that one? Because we have to look at that case.

A When the -- when the guys were taken down -- I took them down. And I requested a back-up. And everybody shows up.

And then, we go across the street where they were headed. And we find out that this the guy's apartment. They were getting ready to take this girl into the apartment.

And I have all the suspects there in custody. Uh, Hewitt shows up with his partner. They take the bodies. Uh, they take one of the bodies. Another guy takes another body. They take several of the bodies. And they take them to Rampart, uh, Station.

When I get back there, after trying to control the scene, impounding the car, trying to handle everything, take photos of the whatever I can, I get back. And the guy now looks like that.

Q Okay.

A And, so, I go, "Okay. Who -- you know, what happened?" And Hewitt began to tell me, "Don't worry about it. I tuned him up for you."

Q That's what he said?

A Yeah.

Q BY MS. FERGUSON: Do you remember when you stopped the car there were five guys and the female. She was in the back. I mean, yeah, four guys.

A There were five people.

Q Correct. Four guys and the female.

A Yes.

Q Did any of those four guys have any injuries on them, that you remember?

A I know that Granillo was supposed to have a little injury to his head. Supposedly, when he was running away from the house, he hit himself somewhere. That's when we decided that is the perfect, you know, -- the perfect alibi, or perfect, uh -- uh, cover-up for the injury.

So, I kind of elaborated more on that. And I called her and kind of reminded her, "Oh, really? So, he hit himself pretty hard, huh?" You know, because I needed to cover this in -- in the report now. So, that's why it was in the report. To me, it was no big deal. I mean, I didn't have to write that. But I did after he got that injury.

MR. WICH: Okay.

THE WITNESS: But, other than that, there was no injuries to any- -- anybody else.

MR. ROSENTHAL: Okay. It's 7:46. No further questions. We're off the record.

(Off the record at 7:46 p.m.)

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VOLUME 12 - OFFICER INDEX
December 14, 1999 Transcript

NAME	PAGE (S)
Officer Frank Arujo	1619-1621
Officer Bo Arzate	1675-1681
Officer Mike Buchanon	1617, 1619
Officer Ethan Cohan	1603, 1608
Officer Raquel Duarte (Argomanes)	1632, 1634, 1638, 1642, 1658, 1660, 1682, 1688
Officer Nino Durden	1613, 1694-1695, 1705
Officer Gaines	1700
Officer Jeffrey Graham	1617-1621
Officer Brian Hewitt	1599-1604, 1608-1612, 3246, 1647, 1652-1655, 1660, 1682-1683, 1685-1687, 1696- 1697, 1706-1707
Sgt. George Hoopes	1675, 1694-1695
Officer Brian Liddy	1682
Officer Anthony Lopez	1625

Officer Daniel Lujan	1603
Officer David Mack	1698, 1700
Officer Samuel Martin	1626
Officer Scott McNeil	1630, 1664, 1682, 1706
Officer Michael Montoya 1645, 1687-	1629, 1632, 1634, 1642- 1660, 1676-1677, 1682, 1688, 1697
Sgt. Edwardo Ortiz 1641- 1657-1658, 1668-1670, 1692,	1627, 1634-1636, 1639, 1642, 1645, 1655, 1660, 1663-1664, 1682, 1685-1686, 1690, 1695-1696
Officer Kulin Patel	1634, 1646, 1648, 1650- 1651, 1653-1655, 1660-1662, 1682, 1687-1688, 1696-1697
Officer Mark Richardson	1629, 1660, 1682
Officer Roger Ruggiero	1617, 1619
Officer Doyle Stepp 1660, 1696	1634, 1647, 1652-1555, 1682-1683, 1685-1686,
Officer Melissa Towne	1626
Officer Robert Valdez	1626
Officer Omar Veloz	1626
Officer Dave Vinton	1600